

**Case Officer:** James Kirkham

**Applicant:** Richborough Estates

**Proposal:** Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road)

**Ward:** Launton and Otmoor

**Councillors:** Councillor Simon Holland, Councillor David Hughes

**Reason for Referral:** Major development

**Expiry Date:** 29 April 2022

**Committee Date:** 7 April 2022

---

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO CONDITIONS, AND SECTION 106 PLANNING OBLIGATIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises approximately 5.8 hectares located on the northern edge of the village of Launton. The northern and western parts of the site comprise green fields. The southern part of the site includes several modern buildings being use for commercial purposes and areas used for open storage and a large yard area currently utilised for car parking and the parking of buses. Approximately a third of the overall site comprises established woodland which is located to the east of the site, adjacent to Station Road, and to the centre of the site.
- 1.2. The site lies adjacent to a further series of outbuildings to the south of the site, formerly associated with Grange Farm. These outbuildings now form the Grange Mews Business Centre accommodating several business uses. Grange Farm House is a Grade II listed building in residential use and some of the business centre buildings are curtilage listed.
- 1.3. The railway exists approximately 140 metres to the north and west of the site which is being upgrades to accommodate East West Rail (EWR). The site is bounded by open countryside to the north, east and west.

**2. CONSTRAINTS**

- 2.1. The application site is located in an area of potentially contaminated land and the south west part of the site, which currently accommodates development, is located in an area of archaeological potential.
- 2.2. A public right of way (route code: 272/12/10) lies outside but runs parallel with the north western boundary of the site. As part of the EWR project the footpaths in the area will be subject to change. This includes a new public footpath being provided through the application site on a north west, south east axis linking to a new footbridge over the railway. Part of the current public right of way which runs along the north western boundary of the site will also be extinguished as part of these. Whilst these

routes are not yet implemented, they have been approved under the consent for the EWR scheme.

- 2.3. Grange Farmhouse is a Grade II listed building and is located to the south east of the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The current application is made in outline with all matters reserved except the principle means of access into the site from Station Road by a single priority junction. This would also include footpaths back to the village along Station Road to link to the existing footpath network.
- 3.2. When the application was originally submitted it was for up to 68 dwellings; however, during the course of the application this has been reduced to now be for up to 65 dwellings as the indicative density of some of the developable areas has been reduced. It is also proposed to have up to 8 live-work units on the site.
- 3.3. Several illustrative plans have been submitted to demonstrate how the site could accommodate the scale of development proposed. This includes a Framework Masterplan, Land Use and Access Plan, Building Heights and Density Plan, a Green Infrastructure Parameter Plan and an illustrative masterplan. However, these are illustrative plans only and do not form part of the determination of this application. The layout shown is not the final layout and a further Reserved Matters application would need to be submitted, at which time such details would be assessed.
- 3.4. The illustrative plans show how the existing woodland planting and ditch through the site could largely be retained and how new development at a density of 25 to 30 dwellings per hectare could be provided. They show developable areas to the south of the access into the site from Station Road and further development to the western and northern part of the site. They also show provision of green space with new woodland planting belts to the north east and north western boundary of the site. They indicate 1.5 storey development to near to Station Road and 2 storey on the wider site. This has been reduced from 2.5 storey when the application was originally submitted.
- 3.5. *Timescales for Delivery:* The agent has advised that, in the event that planning permission is granted, they anticipate development commencing in autumn 2023 with the first houses being occupied by 2024.

### **4. RELEVANT PLANNING HISTORY**

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

Application: 17/00803/OUT

Outline application for residential development up to a maximum of 70 dwellings, provision of open space, landscaping, access, infrastructure & demolition of outbuildings

Refusal July 2017

- 4.2. The above application was refused for the following reasons:

1. *Having regard to the District's strong housing supply and delivery position the proposals would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable extension of the village that would harm the character and rural setting of the village to the detriment of the built, natural and historic environment. The proposal is therefore*

contrary to policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

2. *The application site is located some distance from the centre of the village, this would create a new community isolated from the existing village and services and would place heavy reliance on unsustainable car use to reach even local services within the village such as the school and shop. This lack of connectivity within the existing settlement would result in an isolated form of unsustainable development which would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.*
3. *The proposed development fails to demonstrate that any of the applicable criteria as set out in policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 have been met and as such would result in the unacceptable loss of employment land. No other planning objectives would outweigh the value of retaining the site in employment use and as such the development would be contrary to policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.*
4. *The application and accompanying Illustrative Masterplan(s)/indicative layout submitted fail to adequately take adequate account of the policy requirements for general green open space and outdoor sports provision. As such, the Local Planning Authority is unable to determine whether the quantum of residential development proposed could be satisfactorily accommodated on site in accordance with basic policy requirements whilst also safeguarding areas identified within the application for landscape, ecological and biodiversity enhancements. The proposal therefore fails to accord with the requirements of policies BSC10, BSC11, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.*
5. *The Design and Access Statement and Illustrative Masterplan(s)/indicative layout submitted as part of application fails to provide sufficient acceptable detail in respect of design principles set as a basis for the future detailed consideration of the development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on site in a manner that would respect its context and respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.*
6. *The site is located within an off-gas area where policies ESD4 and ESD5 apply. The application fails to provide the required feasibility studies for the consideration of Decentralised Energy Systems and on-site Renewable Energy provision. The proposal therefore fails to accord with the requirements of policies ESD4 and ESD5 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.*
7. *In the absence of the completion of a satisfactory Planning Obligation, it cannot be demonstrated that the necessary infrastructure directly required both on and off site as a result of the development can be provided in the interests of safeguarding public infrastructure, delivering mixed and balanced communities through the provision of affordable housing and securing on site future maintenance arrangements. The development is therefore contrary to policy*

*INF1, BSC3, BSC4, BSC9, BSC11, BSC12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework*

- 4.3. There is also a considerable amount of planning history relating to the existing buildings at Grange Farm business mews which form part of the current application site. Many of these uses do not appear to benefit from formal planning consent to be used for commercial purposes. This includes:

02/00115/F – Change of use of building B6 to four industrial starter units – Refused (this is the larger building close to Station Road which forms part of the current application site)

03/00120/F – Change of Use of Building B6 to 3 light industrial starter units with central heating unit for development - Refused

05/00217/F - Change of Use of Building B6 - To offices, warehouse and workshop storage including mezzanine floor (as amended by revised plans received 13.04.05) – Refused (this is a building close to Station Road which forms part of the current application site)

- 4.4. Also of relevance is the new Mulberry Homes development on Blackthorn Road in Launton for up to 72 dwellings (planning reference 17/01173/OUT). This was allowed at appeal following a Public Inquiry. At the time the Council was able to demonstrate a 5 year housing land supply.

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place with regard to this proposal. The last pre-application discussions were undertaken in 2017 with the earlier application on the site.

## **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 **11 March 2022**.

- 6.2. A total of 369 letters of objection have been received and 1 letter of support. Of the 69 individual letters received, 43 raise traffic congestion, 37 raise drainage and flood risk, 20 raise highway safety, 11 raise parking provision, 9 raise nature conservation, 8 raise environmental pollution, 4 raise previous planning decisions, and landscape impact and trees impacts are raised by single correspondents. The other letters of objection raise similar issues, along with comments about the number of houses and the level of local service provision.

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

- The village has already received its fair share of housing from other consented development in the village in the current Plan Period and under Policy Village 2.
- There is no need for further housing in the village and the proposal would lead to a disproportionate level of growth in the village.
- Overdevelopment of Launton. Cumulative impacts with the Blackthorn Road development need to be considered.
- Launton is at risk of becoming a suburb of Bicester.

- Contrary to planning policy
- The development of the site was refused in 2017 for 7 reasons all of which are still relevant, and the application should be refused again.
- Loss of open countryside which contributes to the village's rural character. Loss of greenfield site and extension of village boundary.
- Rural character already adversely affected by unsympathetic development at Yew Tree Farm. The proposal will exacerbate this.
- 2.5 storey development on the site is not in keeping with village.
- Adverse visual impact on open countryside and users of the rights of way network
- Adverse impact on setting of Listed Buildings.
- Disproportionate extension to the village will destroy the village structure and pattern of development
- Adverse ecological impact and impact on protected species including bats, barn owls, Great Crested Newts and other wildlife.
- Loss of trees and habitat
- Adverse impact on pollution, air quality, light pollution and noise.
- Adverse impact on neighbouring land uses including welfare of animals.
- Loss of employment uses. Impact on existing agricultural and equestrian businesses in the area from more traffic and proximity of development.
- Additional traffic will lead to further congestion and highway safety issues. The roads are already at capacity and dangerous.
- Significant adverse traffic impact on Station Road which already suffers significant traffic and highway safety issues particularly at the cross roads with Bicester Road.
- The highway works don't appear achievable.
- Traffic calming is needed.
- The conditions of the local roads are awful and this will make them worse.
- Primary School already at capacity
- Inadequate sewer capacity and pumping station serving the village and the proposal will make this worse with more flooding and pollution.
- Concerns over drainage and flooding including the capacity of Cutters Brook and the development exacerbating existing flooding that occurs in the village.
- Increased strain on infrastructure including electricity system, school, shops, broadband etc
- Inadequate car parking within the proposed development
- Heavy reliance on private car use despite local bus service which has been reduced.
- Better, more appropriate sites should be considered close to the village core
- Poor connectivity to the rest of the village with poor quality footpaths and poorly related to the village services
- Not a sustainable location, promoting car use, due to walking distances to services and facilities. The bus service is not adequate for frequent use by residents.

- Concerns over realignment of public rights of way.
- Technical information is misleading including the transport assessment which was undertaken when the road was closed.
- The amount of affordable housing proposed is too low and the prices will be too high for local people. Local people should be given priority to affordable housing.
- No need for further affordable housing given the other developments in the village.
- Noise and disturbance during construction from traffic.
- Land may be contaminated.
- No public benefits, only private benefits.

## 7. RESPONSE TO CONSULTATION

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

### PARISH COUNCIL

- 7.2. LAUNTON PARISH COUNCIL: **Objects.** Outside the village confines and too far and poorly connected from centre of the village resulting it is being contrary to the 10 minute walkable neighbourhood concept. Walking distances to facilities are too far and would lead to heavy reliance on private car to use facilities such as shop and school and make public transport unattractive. A series of walking distances are provided in these comments. Bus route no longer connects directly to Oxford.
- 7.3. Station Road is narrow with parked cars. It has been closed due to EWR but vehicle volumes will rise when reopening and no consideration appears to be given the traffic attempting to emerge for the side roads. The suggested alterations to the crossroads are impractical and in other schemes little has been achieved. The additional traffic using the junction will lead to an increased risk of accidents. OCC Highways do not appear to take into account the 65 new homes at Blackthorn Road (*Officer comment: OCC have confirmed this has been considered within the Transport Assessment and that the works to the crossroads appear achievable*).
- 7.4. The school is oversubscribed and cannot be extended or accommodate children from the development. The surface water and foul water provision is not sufficient for the needs of the village as a whole. There have been instances over sewage flooding in the village in the past 5 years.
- 7.5. Within the timeframe of the current Local Plan (2011-2031), the village has already had three significant developments at:
- Woodland Close (11 dwellings – 2013)
  - Yew Tree Farm (40 dwellings – 2017)
  - Mulberry / "Launton Mews" (65 dwellings – 2018, currently being constructed)
- 7.6. This would give an increase of 116 houses – 22% over the 2011 level of approximately 520 dwellings. 68 more from this development would be a further 13%, giving an overall increase of 35% in 11 years. This is clearly an unsustainable rate of growth for a village community, to say nothing of the fact that none of this recent development has made any significant improvements to the village's increasingly inadequate infrastructure. The village has provided far more than its share of the 750 rural homes allocated under PV2.

- 7.7. Significant loss of wildlife habitat and loss of amenity in the area where many people walk.
- 7.8. The very minor claimed benefits are clearly outweighed by the major adverse impacts of this large development. As already stated, it is in an unsuitable and unsustainable location right on the very edge of the village which will increase private vehicle use and do so on a road that already has significant traffic problems. The proposal is contrary to Policy Village 2 and ESD15 of the CLP 2015; adding to traffic problems in the area
- 7.9. If the Council were minded to approve the development, the Parish Council would require:
- £200,000 for the re-development of the Parish Hall;
  - a sum for sports provision within the village;
  - mitigation and amelioration of the effects of the additional traffic at the Station Road crossroads to Bicester Road including the possibility of a 'shared space design';
  - funding for additional traffic management including vehicle activated signage;
  - funding for the Parish street furniture replacement programme;
  - funding for adequate sewage / foul drainage provision;
  - funding to improve the village paths and public rights of way to make them easily traversable all year round.
- 7.10. AMBROSDEN PARISH COUNCIL: Has **significant concerns** on the impact of road closures on the A41, which is already extremely busy and has a significant corridor of developments from warehouse developments to Rodney roundabout, and traffic from planned/approved developments in Ambrosden and also in adjoining villages

#### CONSULTEES

- 7.11. CDC LANDSCAPE OFFICER: Further to receipt of additional information **no objections**. Originally raised concerns regarding views from PROW to the north west boundary and requested a woodland belt which has now been shown on the plans. Generally agrees with the findings of the LVIA and agrees with overall conclusions that the development will not result in unacceptable harm on landscape and visual receptors. The proposal includes a combined LAP and LEAP which is located to the centre of the site which is considered to be acceptable. Detailed landscaping plans will be required. Future arrangements or commuted sums for open space and retained woodland will need to be provided.
- 7.12. OCC HIGHWAYS: **No objection** subject to conditions, S106 contributions and an obligation to enter into a S278 agreement
- 7.13. The application is very similar to the previous application at the site, 17/00803/OUT which OCC Transport Development Control did not object to. There is no justifiable reason to recommend an objection to this latest iteration. The only significant change from a transport perspective is that the S5 bus route no longer serves the village. Route 17 offers a similar level of service (to Aylesbury rather than Oxford) but the stops are slightly further from the site. Whilst the 17 is in operation, it is considered that the site is sustainable in transport terms, so a financial contribution is required to help maintain the service.
- 7.14. *Traffic impact* - The Transport Assessment (TA) is essentially the same as that previously submitted and found acceptable. The TA has been updated to incorporate

additional traffic generated by the Mulberry Homes development and a general increase to background traffic in accordance with standard practice.

- 7.15. The junction analysis outputs shows that the junction as a whole operates well within capacity with this and other committed development traffic included. It is likely that the flows will return to the 2015 survey pattern when the EWR works are complete and Station Road reopens.
- 7.16. Works to improve the layout of the Station Road junction are proposed and can be delivered as part of the S278 agreement package. Some hatching in the northern corner has already been marked but is not as extensive as that shown on the proposed plans, which will allow the Station Road stop line to be moved further into the junction with an improvement to north-westward visibility.
- 7.17. *Access arrangements* - The new access is accepted in principle and the required visibility splays are achievable. The proposals include relocating the speed limit and village entry feature and new/improved footpath provision back to the village.
- 7.18. *Sustainable transport connectivity* - The County Council's Local Transport Plan contains provisions for the collection of financial contributions for the improvement of public transport services and infrastructure in the vicinity of appropriate development. A contribution of £1,051 per dwelling for the provision of public transport services in Launton is required. The S5 to Bicester and Oxford has been withdrawn and now the village is served by route 17 which is financially supported by the County Council using developer contributions which only have a limited number of years to run. Therefore, these contributions are essential to maintain any form of usable public transport service to the village. In recognition of the significant walking distance from the site, which is longer than ideal but within 10 minutes for the majority of likely residents, it is proposed that a further financial contribution of £6,397 is made to secure improvement to the nearest bus stops at The Bull Inn.
- 7.19. *Public rights of way* - A public footpath 272/12 which turns into 272/10 runs to the west of the site. The applicant has committed to making a connection to this route. During daylight hours and periods of better weather, this would ensure that an attractive route to destinations such as the school, community hall and post office is available to new residents. A S106 contribution of £15,000 is requested to allow the Countryside Access Team to plan and deliver improvements with third party landowners under the Rights of Way Management Plan. The contribution would be spent on improvements to the public rights of way. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating and drainage.
- 7.20. *Parking* – Parking should be aligned with the optimum standards and cycle parking provision should be made. All residents should have EV charging facilities with 25% unallocated visitor spaces.
- 7.21. *Travel plan* – The Travel plan need some changes before it can be approved and this can be controlled through condition.
- 7.22. LEAD LOCAL FLOOD AUTHORITY: Originally objected requesting further information. Further to the receipt of additional information raise **no objection** to the scheme subject to a detailed surface water drainage scheme being conditioned.
- 7.23. CDC DRAINAGE: Further to the receipt of additional information raise **no objection**.



- 7.24. THAMES WATER: **No objection.** The existing foul water sewerage network has capacity to accommodate the development. The existing water network infrastructure has an inability to accommodate the needs of the development proposal. Therefore, requests a condition requiring no part of the development to be occupied until an agreed solution is undertaken.
- 7.25. CDC CONSERVATION: **No objection.** The proposal will lead to less than substantial harm to the setting of the listed building. The settlement pattern of the area has been significantly eroded with modern development. The proposed development is located to the north west end of Launton along the same side of the road as the existing modern development. The area lay outside of the historic settlement of Launton. Part of the area is now utilised as a small scale industrial estate. Grange Farmhouse, of 1638 date is a grade II listed building and its associated farmyard structures (now in separate use) are in close proximity to the proposed development land. The buildings are considered to be curtilage listed. It is noted that the development involves demolition of a number of later barns and farmyard structures, but that the historic buildings are to remain.
- 7.26. There will be some impact on the setting of Grange Farmhouse and associated buildings through the development of the site, but the setting of the site has already been compromised by the development of Grange Mews Business Centre. Given the existing pattern of development in this area of Launton there is no objection in principle, but it is considered that additional work could be undertaken to mitigate the impact on the setting of the listed building.
- 7.27. OCC ARCHEOLOGY: **No objection** subject to conditions requiring a staged program of investigation. Given the archaeological interest of the general environs of the proposed site it is possible that previously unidentified archaeological deposits and features could survive within the application area.
- 7.28. CDC ECOLOGY: **No objections.** Appropriate levels of ecological information to assess the impacts of the proposals have been provided. With the additional off-site land proposed as compensatory habitat a net gain is achieved on site. The proposals for safeguarding areas of highest ecological value and protected species are acceptable. There are bats likely to be present within one of the buildings to be demolished and the mitigation measures for the most likely scenario has been put forward and are acceptable. Emergence surveys will be required with final mitigation proposed at reserved matters stage. The need for a bat licence should be conditioned. A range of bat species were found to be using the woodland edges in particular including rare and light sensitive species. In order to ensure that their foraging and commuting is not disturbed and to maintain their conservation status a lighting scheme for both the construction phase and ongoing will need to be conditioned.
- 7.29. Great crested newts are also likely to be using the site for terrestrial habitat as they have been confirmed in a pond to the south east of the site. To mitigate this impact the applicant proposes to either use the District Licence (DL) scheme which would be required to be demonstrated at reserved matters stage or a fuller mitigation scheme will need to be submitted when layouts are finalised. The Councils Ecologist has stated that the need for a licence for Great Crested Newts should be conditioned which can then be fulfilled by either the DL scheme or the traditional route through Natural England.
- 7.30. Pole mounted barn owl boxes are acceptable although it would be preferable to have some provision within a larger building to the edge of the site if this is an option as this increases the chance of usage and retains the provision indefinitely (and is easier to maintain). Bat boxes integrated within the new dwellings are proposed as part of mitigation and enhancement for bats. A minimum of the equivalent of one bat or bird

provision per dwelling (albeit these may be best clustered) to be integrated into the fabric of new buildings. Bricks for red list species such as swifts may be beneficial here for example. These measures should be provided within an ecological management plan and biodiversity enhancement scheme.

- 7.31. Further to receipt of additional information the biodiversity Impact assessment demonstrates that with the use of the off site land to the North West a good level of net gain for biodiversity is achievable. The extent of amenity use of the woodland should be considered at reserved matters and ideally some areas should not be accessible.
- 7.32. In relation to the badger sett, given the constraints of the site, no objection is made to the closure of this site. This will require a badger sett closure licence and mitigation scheme from Natural England. A copy of this should be conditioned and additional survey work is likely to be required.
- 7.33. CDC STRATEGIC HOUSING: **No objection** subject to securing 35% affordable housing. Comments provide details on the tenure, size and standard of the units which would be secured through the S106 and consideration of the reserved matters application.
- 7.34. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions for further ground investigation, remediation, and provision of EV charging points. Agrees with the findings of the Noise Assessment, land investigation report and air quality assessment.
- 7.35. OCC EDUCATION: **No objection** subject to financial contributions towards primary, secondary (including land contribution) and SEN school provision in Launton and surrounding area.
- 7.36. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity. The existing facilities are not fit for purpose and over capacity.
- 7.37. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.38. CDC RECREATION AND LEISURE: **No objections** subject to financial contributions towards offsite indoor and outdoor sports, community halls and public art.
- 7.39. CDC PLANNING POLICY: **No comments**
- 7.40. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects**. The reasons for refusal of the site in 2017 remain valid. The site is remote from services and facilities in Launton and Bicester and will be car reliant and will impact on carbon emissions. The proposal will be unacceptable when considered alongside other consented development and EWR. It will impact on Launton's infrastructure including drainage and add to road congestion. More detail is required regarding the live work units. Concerns regarding biodiversity net gain and off-site provision being used for this and future management

arrangements. Concerns over impact on ecology on the site and the adjacent Ray Conservation Target Area.

- 7.41. NETWORK RAIL: **Comment.** When East West Rail is undertaken many footpaths will be closed. Noise and vibration from the railway must be taken into account. The proposal should ensure that surface water is drained away from the railway.
- 7.42. EAST WEST RAIL ALLIANCE: Originally **objected** as the plans did not consider the revised routes of the public rights of way granted by the EWR consent which would run through the site once implemented (*Officer note: the plans have been amended to show how these routes could be accommodated. EWR Alliance and been consulted and comments are awaited*).
- 7.43. MOD SAFEGUARDING: **No objection.** The site occupies the birdstrike safeguarding zone surrounding RAF Weston on the Green. To detracts large or flocking birds flat roofs should be avoided and the attenuation features should be designed with dense vegetation around the periphery and no islands to deter feral geese.
- 7.44. CRIME PREVENTION DESIGN ADVISOR: The DAS should have a section on safety and security. Concerns over the lack of details of the live-work units including access control, parking and neighbour disputes with conflicting uses. Offers further general advice for consideration are reserved matters.

## 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 ('CLP 2015') was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 development
- SLE1 – Employment Land
- SLE4 – Improved Transport and Connections
- 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
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- 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
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

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

- C8 – Sporadic development in the open countryside
- H18 – New dwellings in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental Pollution

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Residential Design Guide SPD
- Cherwell Developer Contributions SPD
- Cherwell First Homes Interim Policy Guidance Note

### **9. APPRAISAL**

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

- Principle of Development
- Loss of Employment Land
- Landscape/Visual Impact/Local Character
- Design and illustrative layout
- Housing Mix/Affordable Housing
- Impact on Heritage Assets
- Transport
- Trees/landscape/open space
- Neighbour amenity
- Noise, Contamination and Air Quality
- Ecological Implications
- Flood Risk and Drainage
- Sustainability and Energy Efficiency
- Effect on Infrastructure/Planning Obligations

#### Principle of Development

##### *Policy Context*

9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (NPPG).

9.3. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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

#### *Development Plan*

- 9.9. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.10. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible,*

*and to secure development that improves the economic, social and environmental conditions in the area'.*

- 9.11. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.*
- 9.12. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.13. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.*
- 9.14. Cherwell's five-year housing land supply position was reviewed in the 2021 Annual Monitoring Report (AMR). Despite a strong record of delivery since 2015, the AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. An additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period increasing to 2,255 in the period 2022-2027 to achieve a five-year supply as required by the NPPF. This is a significantly different position to that which informed Refusal Reason 1 in the previous application.
- 9.15. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.16. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site features as site HELAA179 and was not considered to be suitable or achievable for housing and states:
- A part greenfield, part brownfield site outside the built-up limits. Launton is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. Part of the site lies within an Archaeological Constraint Priority Area. A public footpath runs alongside the north western boundary of the site and the Ray Conservation Target Area lies adjacent to the south eastern boundary. The site is considered to be unsuitable for development as development on the site would harm the character and setting of the village in particular when entering into the village from the north. It would also harm the setting of the heritage assets to the south of the site. (2018 HELAA, Appendix 4)*
- 9.17. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP para C.255). Launton is a Category A village and is considered among the most sustainable villages in planning terms.

- 9.18. Policy Villages 2 of the CLP 2015 states, '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, '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'.
- 9.19. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. 'Whether the land has been previously developed land or is of less environmental value';
  - ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';
  - iii. 'Whether development would contribute in enhancing the built environment';
  - iv. 'Whether best and most versatile agricultural land could be avoided';
  - v. 'Whether significant adverse landscape and visual impacts could be avoided';
  - vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';
  - vii. 'Whether the site is well located to services and facilities';
  - viii. 'Whether necessary infrastructure could be provided';
  - ix. 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';
  - x. 'Whether land the subject of an application for planning permission could be delivered within the next five years';
  - xi. 'Whether development would have an adverse impact on flood risk'.

#### *Assessment*

- 9.20. Launton is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages. By population size (2011 Census) Launton is the 10<sup>th</sup> largest Category A settlement with a population of 1204 (2011 census). It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2018 appeal for a development of 72 houses.
- 9.21. The Local Plan does not allocate non-strategic sites. Instead, Policy Villages 2 provides the above criteria against which individual proposals are required to be assessed. The requirement of Policy Villages 2 to provide 750 homes at category A villages is monitored in the 2021 AMR. This outlines that, as of 31<sup>st</sup> March 2021, 749 dwellings had either been completed or were on sites under construction with planning permission. It goes on to record that since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings, i.e. there are sites at Category A villages with permissions for a further 313 dwellings beyond the 749 completed or under construction.

- 9.22. The achievement of the requisite 750 homes is a material consideration in considering developments of more than 10 dwellings at the Category A villages. However, in the context of policy BSC1 and the need to meet overall district housing requirements by 2031, it does not mean that there is a moratorium on future development in the rural areas. It has been accepted at a number of appeals relating to the application of PV2 that, while unconstrained growth in the rural areas could undermine the overall housing strategy, the 750 figure is not a ceiling or a cap.
- 9.23. Furthermore, at the present time there is a need to consider the district's 5 year land supply position. The lack of a 5 year supply renders Policy Villages 2 'out-of-date'. As such this policy is given lesser weight in the consideration of planning applications. In the absence of a 5 year land supply and in the context of the NPPF objective to significantly boost the supply of homes there is clearly a current housing need to be met.
- 9.24. In one of the more recent appeals relating to PV2 at Ambrosden (18/02056/OUT refers) the Inspector commented that PV2 does not contain any temporal dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters fall to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the Category A villages with fewer amenities on the grounds of locational sustainability it falls that those Category A villages with a greater number of key services would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages.
- 9.25. In determining whether the application site is acceptable there is a need to apply the site criteria within Policy Villages 2. The assessment in the 2018 HELAA is also material, albeit of limited weight (given the purpose of this document). The earlier decisions on the site and the planning appeals within the district including the appeal at Blackthorn Road in Launton (17/01173/OUT) in 2018 are also material considerations.

#### *Policy Villages 2 Criteria*

- 9.26. The applicable criteria of PV2 are provided at paragraph 9.19 above. In regard to criterion (i) the south western part of the site includes a number of buildings and storage areas. Whilst these do not appear to have benefited from any formal planning approvals they appear to have been operating in commercial use for a number of years (2014 aerial photography shows the outside storage of vehicles) and it is arguable that these areas constitute previously developed land. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value.
- 9.27. In regard to criterion (iv) the applicant states that the Agricultural Land Classification does not constitute Best and Most Versatile (BMV) Agricultural Land and this is supported by the Natural England maps which appear to show it to be poor quality. Whilst the application is not supported by a detailed soil assessment to confirm the actual land classification, on the balance of the evidence available it would not appear to be BMV agricultural land
- 9.28. Criterion (vii) requires an assessment to be made as to whether the site is well located to services and facilities and this was a concern in the earlier application on the site and Launton Parish Council has also raised this matter. The site is located at the far northern edge of Launton. The village contains several key facilities including two pubs, farm shop, a convenience store with post office, primary school, sports and social club, community hall, play area, church and a number of small business



enterprises. The village is also served by a bus service between Aylesbury and Bicester (Route 17). This has a service approximately every hour to hour and a half between 7am and 7pm (in both directions) (excluding Sunday when there is no service) and stops on Bicester Road. Furthermore, Launton is also within relatively close proximity of a wider range of services and facilities and job opportunities in Bicester and, whilst these are unlikely to be accessed on foot from the site due to the length and nature of the routes, opportunities for cycling exist (it is located on the National Cycle Network Route 51) and the proximity to Bicester is a material consideration which weighs in favour of the proposal.

- 9.29. In the 2019 appeal for 72 new houses on Blackthorn Road in Launton the Planning Inspector noted that: *...it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village (paragraph 21 of appeal at Blackthorn Road).* Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in PV2.
- 9.30. Turning to the specifics of this site, and as captured in Refusal Reason 2 of the 2017 application, the site is not ideally located in relation to the services and facilities within the village outlined above, most of which are located on Bicester Road to the south of the site some walking distance from the site. From the main access to the site onto Station Road and walking along the footpaths of the roads, the development would be approximately 700m from the crossroads between Station Road, Blackthorn Road and Bicester Road where the farm shop and pub is situated. It would be slightly in excess of 800 metres (10 minute walk) from the shop and bus service which exist further along Station Road. The school is approximately 1.2km (15 min walk) from the access of the site. Clearly residents of the proposed development would have to walk further than these distances as they would also need to walk through the site to get to Station Road. Some proposed residents may choose to use the public right of way network, to which the application is proposed to be conditioned to be linked, which may shorten a number of journeys from within the site. However, this is not likely to be suitable at all times of the year due to it being partly through fields and unlit albeit OCC have requested contributions to make these rights of way more attractive options (as outlined elsewhere).
- 9.31. It is accepted that some of these distances are longer than may be attractive to some residents and could lead to car use in some instances. However, this needs to be considered within the context of being located in a rural village. Launton has a relatively wide range of services, facilities and more regular public transport than many other Category A villages in the district, and that footpath access exists between the site and village amenities presents a more favourable situation than in some other Category A villages. Therefore, future residents would have better access and opportunities than many village residents in the district. Furthermore, as outlined above, the proximity of Launton to Bicester also weighs in favour of the development and there are opportunities for cycling to Bicester. Whilst the distance to these services and facilities is not ideal and weighs somewhat against the development proposal, in the context of the Council not being able to demonstrate a 5 year land supply this is not considered to be a reason to constitute refusal of the application in its own right.

- 9.32. Concerns have been raised that the scale of growth is also not appropriate to Launton when considered alongside the other developments which have been granted permission in the plan period. The AMR 2021 outlines that during the plan period 3 other major developments have been granted in the village including 11 dwellings at Chestnut Close (13/00186/F), 40 dwellings at Yew Tree Farm (11/01907/F granted in 2013) and 72 dwellings at Blackthorn Road (17/01173/OUT), although the 750 figure is to be composed of developments approved between 1<sup>st</sup> April 2014 and 2031, i.e. only the Blackthorn Road scheme forms part of the 750.
- 9.33. Whilst the third party concerns are noted in this regard, given Launton's general sustainability it is considered that the scale of development proposed (alongside the existing authorised development) would not result in harm to the overall rural housing strategy outlined in the Development Plan and as noted above Planning Inspectors have noted there is no spatial distribution of housing required under PV2. Other matters relevant to the consideration of scale of the development include the impact of the development on local infrastructure and the impact on the character and appearance of the area and these are considered elsewhere in this report
- 9.34. Consideration of criteria (ii) wildlife and heritage, (v) landscape impacts, (vi) vehicular and pedestrian access, (viii) impact on infrastructure and (xl) flood risk of PV2 are outlined in detail elsewhere in this report.
- 9.35. The applicant has confirmed that the development of the site could be achieved within a five year period and that the land is available to develop. Officers have no reason to dispute this.

#### *Conclusion*

- 9.36. Overall, whilst consideration of the matters below is required to reach an overall conclusion of the development in respect of compliance with Policy Villages 2 and other relevant planning policies', the broad principle of this scale of growth in the village of Launton is considered to be acceptable. Whilst the proposal would lead to a further increase of the number of dwellings permitted in the rural areas under Policy Villages 2, this policy is rendered out of date given that the Council is unable to demonstrate a 5 year land supply. The village contains a range of services and facilities and whilst some of the walking distances from the site are not ideal these matters need to be considered in the rural context of the site and weighed in the planning balance and in the context of there being a clear and pressing need for housing in the district.

#### Loss of employment land

##### *Policy context*

- 9.37. Policy SLE1 of the CLP 2015 seeks to retain existing employment sites for employment use unless the applicant can demonstrate the following;
- that an employment use should not be retained, including showing that the site has been marketed and has been vacant long term
  - that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
  - that the proposal would not have an adverse effect of limiting the amount of land available for employment.
- 9.38. It states that regard will also be given to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses. Also, regard will be had to whether the applicant can demonstrate that there are

other planning objectives that would outweigh the value of retaining the site in an employment use.

- 9.39. Section 6 of the NPPF relates to creating a strong and competitive economy and states policies should, amongst other things, allow for new and flexible working practices (such as live-work accommodation).

*Assessment*

- 9.40. The proposal would lead to the loss of several buildings and storage areas on the site which are currently occupied by businesses in the south eastern part of the site.
- 9.41. The earlier application on the site in 2017 for residential development was refused in part due to the loss of this employment space.
- 9.42. However, the applicant now contends that the site should not be considered as an employment site in the context of Policy SLE1 as it was not included in the Employment Land Reviews supporting the preparation of the Local Plan.
- 9.43. Whilst Officers do not accept this argument, Officers have undertaken a further review of the planning history of this part of the site and whilst the commercial operations appear to have been operating for a number of years these do not appear to have been subject to any formal planning consents. In fact, there is a history of refusals on this part of the site for employment uses, albeit these were considered under a different policy context in the early 2000s. Therefore, it is considered there is some force in the applicant's arguments that the proposal should not constitute a loss of existing employment provision.
- 9.44. Notwithstanding the above, the businesses that would be lost as a result of the development currently employ 7 full time equivalents between them according to the applicant. The current proposal has been developed to include the provision of up to 8 live-work dwellings which would provide employment for a similar level of people and is encouraged by the NPPF. The details of the live-work units would need to be controlled through a condition requiring full details of these at reserved matters stage and detailed concerns regarding the management of these and parking (such as those raised by Thames Valley Police) would be considered at the reserved matters application process.
- 9.45. Policy SLE1 also states that regard will be had to whether there are any other planning objectives that would outweigh the value of retaining the employment use. Given the above analysis, the provision of live-work units and the absence of a five year land supply it is considered that any perceived conflict with Policy SLE1 is outweighed by the benefits of new housing supply and that any refusal on the grounds of loss of the site's employment use would not be sustainable at appeal.
- 9.46. Overall Officers now conclude there would be no conflict with Policy SLE1 of the Local Plan and the development is acceptable in this regard.

## Landscape and Visual Impact

### *Policy context*

- 9.47. 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. It goes on to note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.48. Saved Policy C8 seeks to resist new sporadic development in the open countryside. 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*. Furthermore, 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*.
- 9.49. 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*. It goes on to state that 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, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.50. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *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 defined active public frontages*.
- 9.51. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the built environment.
- 9.52. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

### *Assessment*

- 9.53. A Landscape and Visual Impact Appraisal accompanies the application. The site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a flat, low-lying vale landscape, associated with small to medium pasture fields, many watercourses and hedgerow trees with small to medium

sized nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages with planting characteristic of the area and maintain the nucleated pattern of settlements.

- 9.54. The LVIA outlines that the application site consists of a number of small to medium sized fields and supports a number of land uses including pasture, plantation woodland and commercial businesses. There is vegetation to most of the field boundaries and there are some mature ash and oak trees on the boundaries some of which are veteran trees. The topography is mainly flat. The LVIA concludes the site is of localised importance and medium landscape value, which the Council's Landscape Officer agrees with.
- 9.55. The indicative scheme put forward demonstrates that the quantum of development could be achieved whilst retaining the majority of the existing landscape features of the site including the existing trees, and the majority of woodland plantations, watercourse and existing hedges. The hedgerow boundaries would be strengthened and new belts of planting would be provided to the boundaries of the site. The LVIA concludes that the level of effect on the character of the site would be moderate adverse at year 1 reducing to minor adverse at year 15. It also considers the impact on the wider local character area to be minor adverse at year 1 and negligible at year 15. The Council's Landscape Officer has considered the LVIA and concurs with its conclusion.
- 9.56. Officers consider that, whilst the proposal would lead to a substantial urbanising change to the character of the majority of the site itself (e.g. from undeveloped fields to a new housing development), the impact on the wider landscape character would be moderate and many of the landscape features of the site such as the broad topography, trees, woodland planting and hedgerows will be retained. Furthermore, strengthening of the hedgerow is proposed (and would be required by condition) and a new woodland belt is indicated to be provided to the north west boundary of the site. It is noted that the character of this part of the site is already significantly impacted upon by the railway to the north west of the site.
- 9.57. In terms of the visual impacts of the development the LVIA considers that the extent of visibility of the application site is limited to public rights of way in the immediate proximity and glimpsed views from local roads and occasional residential properties. This is due to the presence of mature boundary features, surrounding built development and the predominately flat topography of the site and area. The Council's Landscape officer has confirmed that he agrees with the judgements made in the appraisal of visual effects within the LVIA and the viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal.
- 9.58. The most significant visual impacts would occur from the public rights of way to the north west and south west of the site. However, many of these views are also experienced within the context of the existing railway line. The Council's landscape officer originally raised concerns regarding the visual effects of the development from the north western part of the site and the views experienced by users of the public rights of way on this boundary. There is currently no planting on this part of the site boundary. The applicant has amended the illustrative plans to show a new 5-7metre woodland belt along the north west and north east boundary of the site and this would help soften views of the development from the north and west. The proposal would still be visible in views from the public right of way to the north and west of the site; however, the retention of existing planting and provision of new planting would help soften this.

- 9.59. The depth of development proposed from Station Road is similar to that which already exists in Yew Tree Close and Blenheim Drive to the south west of the site and in some views these would reduce the visual intrusion of the development. However, it would be visually separated from these areas by some open land from some viewpoints and would result in some harm to the nucleated form of the village.
- 9.60. The illustrative density and building heights plans have also been amended during the course of the application to reduce the building heights to 2 storeys, rather than 2.5 storeys, in these areas - such building heights would then be more characteristic of the dwellings in Launton - and also reduce the density from 35 dwelling per hectare to 25 dwelling per hectares at the edge of the site. This would allow a gentler transition between the site and the open countryside.
- 9.61. Under the East West Rail (EWR) scheme part of the footpath to the north west boundary (which currently has no boundary hedge to the site) is to be stopped up and in part replaced with a new footpath that runs through the application site from Station Road. This has been approved as part of the relevant consents for EWR; however, the changes have not yet been implemented. Officers are aware that there are some discussions over whether this could be altered. However, for the purposes of this planning application the approved route has to be considered. The plans have been amended to accommodate this new route. The users of this route would also experience a high degree of visual harm although it is noted that some of the proposed route goes close to the existing buildings on Station Road so would already be impacted by them.
- 9.62. There would also be some visual impacts at a localised level for residential properties within proximity to the site and people travelling along Station Road. The existing former agricultural buildings near to Station Road already impact on views from the roadside albeit their agricultural form and appearance are not out of keeping at the edge of the village. The proposal would alter the appearance of this entrance to the village with a new housing development which would have a more urbanising effect. However, the views experienced would generally be only experienced for a short distance along Station Road given the existing hedgerow and tree planting which would reduce wider views.
- 9.63. In the earlier application concerns were raised regarding how the development would relate to the character and form of the village. Launton is a cruciform village with development concentrated along Bicester Road with some development extending along West End and Station Road. The historic character of Station Road is formed by predominantly a linear arrangement of development. However, this has been eroded with a number of post war development in the form of cul-de sacs including Sycamore Road, Yew Tree Close and Blenheim Drive, and now the Mulberry Homes development. These are clustered closer to the node of the village than the application site. Outside of this arrangement of built development, the village is surrounded by open countryside comprising medium open green fields.
- 9.64. The application proposes an estate development which would be somewhat detached from the existing residential development on Station Road and segregated from it by the Grange Farm Business Complex and undeveloped land. Given this separation the proposed development would be somewhat out of keeping with the established built form and character of the village. However, the form and typology of the proposal would be not dissimilar to much of the village and it is noted that the depth of the development proposed in this application is similar in depth to the existing developments at Yew Tree Close and Blenheim Drive. Given the extent of development in depth along Station Road this harm is *moderate* rather than *significant* or *substantial*.

### *Conclusion*

- 9.65. As with the development of any greenfield site the proposed development would lead to some harm to the character and appearance of the locality. However, this harm would be reduced given the existing and proposed landscape features which would help to screen the development and integrate it into the natural and built context. There would also be some localised harmful visual impacts from the users of the rights of way and to a lesser extent Station Road. There would be some harm to the nucleated character and built form of the village given the location and somewhat detached nature of the development. As such the proposal is considered to have a harmful impact on the character and rural setting of the village and would lead to some conflict with Policies ESD13 and ESD 15 of the Local Plan. This harm needs to be considered in the planning balance.

### Design and illustrative layout

#### *Policy Context*

- 9.66. 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 NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policy C28 and C30 echo this. 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. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 9.67. The Council's Design Guide SPD 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 principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

#### *Assessment*

- 9.68. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan, Framework Masterplan, Building Heights and Density Plan and Land Use and Access Plan which demonstrate one way the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles.
- 9.69. In the earlier application concerns were raised that it had not been demonstrated that the quantum of development proposed on the site could be accommodated alongside the requirement for open space and outdoor sports provision (Refusal Reason 4). There were also concerns that the Design and Access Statement did not represent an acceptable design solution and would not be consistent or sympathetic to the rural vernacular type of development which would be required within an edge of village location (Refusal Reason 5).
- 9.70. In the current application the illustrative plans demonstrate how the majority of the existing landscape features can be retained and new landscape provision made to the boundaries of the site whilst providing developable areas to accommodate up to 65 units. The developable areas are shown at 25 dwellings per hectare closer to the north and west boundaries of the site and 30 dwelling per hectare more central to the site which is considered to be suitable for this edge of settlement site.

- 9.71. The plans also demonstrate how a suitable quantum of general green space can be provided on site in accordance with Policy BSC11 alongside the woodlands which would be retained and publicly accessible. In the current application the Council's Recreation and Leisure Team have requested an off-site financial contribution for outdoor sports provision (which would be secured by a legal agreement) rather than it being provided on site, so this does not need to be accommodated within the site. Furthermore, it is noted that the scale of the proposal only just meets the threshold for consideration of on-site outdoor sports provision outlined in Policy BSC11 and Table 7 of the CLP 2015.
- 9.72. The development would require the provision of a Local Area of Play (LAP) and also a Local Equipped Area of Play (LEAP) in accordance with Policy BSC11. The landscape officer has stated this could be provided as a combined facility. The illustrative plans demonstrate one way this could be achieved and the Landscape Officer raises no objection to the scheme on this basis. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas.
- 9.73. The submitted Design and Access Statement does go into some design principles for the site which look to work with the constraints of the site. Many of the principles outlined in this are considered appropriate such as the retention of existing features, setting the development away from the boundaries of the site, the creation of primary and secondary streets, the development of a central open space, development being predominately 2 storey and the provision of the live-works units at the entrance to the site in a barn like style. However, there are a number of concerns regarding the illustrative masterplan which appears to create a crescent form of development to the open space and also to the open countryside beyond. Officers have concerns this would be overly formal and out of keeping with the rural character of the site. There are also concerns over some of the more detailed elements of the DAS including the use of materials and building types, which would not be acceptable.
- 9.74. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

#### Impact on Heritage Assets

##### *Policy Context*

- 9.75. The NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* It goes on to state that when a proposal would lead to 'less than substantial harm' this should be weighed against the public benefits. Policy ESD15 of the CLP 2015 echoes this guidance expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have regard to the desirability of preserving listed buildings and their setting.

##### *Assessment*

- 9.76. The village is not a conservation area, but there are a number of listed buildings in the immediate surrounding area which lie on Station Road to the east and south east of the site. These include Grange Farmhouse, Laurels Farmhouse, Box Tree



Farmhouse and Watermoor House which are all Grade II listed buildings. There would be no direct impact on these; however, the development does have the potential to impact on their setting.

- 9.77. The application is accompanied by a Heritage Assessment which has been considered by the Councils Conservation Officer. The listed building upon which the development would have the greatest impact is Grange Farmhouse and associated curtilage listed structures which now form part of Grange Farm Business Centre. The heritage significance of these is primarily derived from its built form as an example of a 17<sup>th</sup> century farmhouse and it has group value with the outbuildings which contribute to its setting. The agricultural fields that form part of the application site are historically associated with the farmhouse and have glimpse intervisibility with the rear of the asset. The site is therefore considered to make a minor contribution to the overall setting of the listed building as part of the wider agricultural landholding.
- 9.78. The development involves demolition of a number of modern barns and farmyard structures around the listed building but the historic outbuildings would remain. There would be some harmful impact on the setting of Grange Farmhouse and associated buildings through the development of the site, but the Conservation Officer notes that the setting of the site has already been compromised by the development of Grange Mews Business Centre to some extent. The Conservation Officer raises no objection in principle to the development of the site but notes additional work could be undertaken to mitigate the impact on the setting of the listed building which could involve a more substantial buffer between the development and the rear of the listed building and greater consideration being given to the form of development in this area. The applicant has updated the parameter plan to show additional planting on this boundary and the detailed layout of the scheme would be considered at reserved matters stage.
- 9.79. Overall, the proposed development is considered to result in 'less than substantial harm' to the setting of Grange Farmhouse however this would be located at the lower end of the spectrum of harm given its limited impact. In accordance with the NPPF this harm needs to be weighed against the public benefits of the scheme in the planning balance.
- 9.80. In regard to the other listed building the submitted assessment concludes that the setting of these buildings would not be harmed by the proposals owing to their distance from the site, lack of historic relationship and intervening buildings and vegetation.
- 9.81. The Heritage Assessment also identified one non-designated heritage asset being the ridge and furrow earthworks in the northern field which is of low value and forms part of a wider non-designated heritage asset. No objections have been received regarding the loss of this from the Conservation Officer or County Archaeologist. The County Archaeologist has stated that given the general environs of the proposed site it is possible that previously unidentified archaeological deposits could survive within the application area which would be disturbed by this development. They have therefore requested a condition be imposed requiring a staged programme of archaeological investigation which is considered to be reasonable.

## Highways

### *Policy Context*

- 9.82. Policy ESD15 of the CLP 2015 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." 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 the development and which have a severe traffic impact will not be supported.” The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe

#### *Assessment*

- 9.83. The application has been accompanied by a Transport Assessment (TA) which has been assessed by the Local Highway Authority (LHA). The LHA considers this to form a robust basis on which to assess the application, which uses industry standards to forecast traffic generation, and raises no objection to the application subject to a number of conditions and a legal agreement securing a number of works.
- 9.84. Many residents have raised concerns regarding the traffic impact of the proposed development and the impact on Station Road and in particular the crossroad between Station Road and Blackthorn/Bicester Road. Residents have also raised concerns that the TA may not take into account that Station Road has been closed to through traffic due to works relating to East West Rail. However, the TA takes account of this and uses traffic flow information undertaken prior to the closures which have been updated to incorporate additional traffic generated by the new housing development on Blackthorn Road and general increases in background traffic in accordance with industry practice. The Highway Engineer is satisfied with this approach.
- 9.85. The applicant has proposed changes to the layout of the Station Road/West End/Bicester Road crossroads through which many of the vehicles generated by the development will travel to improve the visibility at this junction. This includes hatched white lining on the carriageway to allow the stop line on Station Road to be pushed further into the carriageway in addition to widening on the southern side of the junction. Part of the white line hatching has already been undertaken. The LHA advises these changes are acceptable and that they would improve visibility for all drivers emerging from Station Road. Concerns have been raised by residents that these works may not be achievable but the LHA disagrees; the exact details would be secured as part of a S278 agreement.
- 9.86. The TA has considered the impact of the traffic on the capacity of a number of junctions including the Station Road/Bicester Road crossroads and the impact on the Bicester Road railway bridge and demonstrates they would continue to operate within capacity.
- 9.87. The proposed development would be accessed from a new access onto Station Road and would include the provision of a new footpath linking the access back to the existing footpath network along Station Road. It is also proposed to move the 30mph speed limit and entrance feature further to the north of the proposed access. The LHA has raised no objection to the proposed access or visibility and considers that it is suitable and safe to serve the quantum of development proposed. These works would be secured by an obligation to enter into a S278 Agreement.
- 9.88. A public right of way runs to the west of the site and it is important that any development creates linkages to this to provide future residents with alternative links to village services and facilities along with the requested contribution of £15,000 from OCC to make improvements to public rights of way in the vicinity of the site and encourage their use by residents. These can be secured through a legal agreement.
- 9.89. It is also considered that the contribution of £1,051 per dwelling to support the bus service in the village (Route 17) is justified as this is important to the sustainability of

the site in transport terms and it is financially supported by the County Council using developer contributions. The contribution of £6,397 towards enhanced bus stop facilities in the village to make them more attractive to user is also considered to be justified.

- 9.90. A Travel Plan Statement has been submitted with the application, some additional information will be required to ensure that the Travel Plan is effective at promoting sustainable travel to and from the site. A condition is requested to secure a revised Travel Plan Statement.

#### *Conclusion*

- 9.91. Overall, the application is therefore considered to be acceptable in highway terms and would not result in unacceptable highway safety impacts or severe traffic impacts. Measures are proposed to encourage sustainable transport options and encourage walking having regard to the rural context. The proposed development is therefore considered to be in accordance with policies SLE4 as well as Government guidance within the NPPF and NPPG.

#### Flood Risk and Drainage

- 9.92. A Flood Risk Assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the NPPF, given the site extends to over 1ha in area. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems to manage surface water. This is all with the aim to manage and reduce flood risk in the District.
- 9.93. The site is located in Flood Zone 1 in relation to river flooding (the lowest risk of flooding) on the Environment Agency Flood Risk Maps where residential development is considered to be appropriate. The Environment Agency Surface Water Flood Risk Maps indicate that part of the centre of the site and to the south east have a risk of surface water flooding. Surface water hydraulic modelling was undertaken which concluded that the reason why flooding is occurring is due to undersized culverts and a blocked ditch network within the development site and development is generally situated away from these areas.
- 9.94. The Flood Risk Assessment includes an outline drainage strategy which outlines that the surface water from the proposed development would be conveyed, stored and treated in three proposed attenuation basins on the site. The proposed basin would manage flows generated for up to and including the 1 in 100 year plus 40% climate change storm event. The site investigation indicates that the ground is not suitable for soakaways. The water would therefore be stored in the attenuation basins and then be discharged into the existing ordinary watercourse which with runs through the site at a Greenfield rate thereby not increasing flood risk elsewhere.
- 9.95. Further to the receipt of additional technical information both the Council's Drainage Officer and the Lead Local Flood Authority raises no objection to the outline drainage strategy subject to conditions. The development is therefore considered to be acceptable in accordance with policy ESD 6 and ESD 7 in this regard and is considered acceptable with regards to flood risk and not increase the risk of flooding off the site.
- 9.96. In relation to foul drainage, concerns have been raised by residents that the existing infrastructure will not have sufficient capacity to accommodate the needs of the development and problems with the existing network have been highlighted. However, whilst Thames Water acknowledges that the catchment area is subject to high infiltration flows during certain groundwater condition, they have stated that the scale of the development does not materially affect the sewer network and as such

they raise no objection to the current application. In the longer term Thames Water has advised they are working on a strategy to reduce groundwater entering the sewer networks to help with these existing issues.

- 9.97. In relation to water supplies, Thames Water has identified an inability of the existing network to accommodate the needs of the development and has therefore requested for a condition to be placed on any consent to ensure this is addressed prior to the occupation of the site. This can be secured by condition.
- 9.98. Based on the fact that the statutory consultees in respect of these technical matters raise no objection to the proposal the development is considered to be acceptable in this respect.

### Ecological Implications

#### *Legislative context*

- 9.99. The Conservation of Habitats and Species Regulations 2017 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. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. 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.

#### *Policy Context*

- 9.100. 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. It goes on to state 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.

- 9.101. 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.

9.102. 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.

9.103. 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 ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

9.104. The application is supported by an Ecological Assessment which the Council's Ecologist (CE) considers to be adequate in scope to assess the impacts of the development. The site is not located in any statutory or non-statutory designated site although the Ray Conservation Target Area is located to the east of the site beyond Station Road.

9.105. The site is a mix of agricultural land, brownfield, and woodland. The habitats that would be lost to the development are generally of local ecological importance and their loss would be mitigated through new habitat creation and enhancements to retained habitats with the most ecologically important habitats being retained and enhanced.

9.106. A number of protected species have been identified on the site. This includes a badger sett within some man made bunding adjacent to the woodland. This is not considered to be a main sett and is an outlier sett. The proposed development would require the closure of this sett. The CE has raised no objection to this and a licence from Natural England would be required for this which may also include mitigation measures. Details of this could be secured by condition.

9.107. A number of trees were noted to have bat roost potential however these are to be retained. A modern timber clad building which would be removed as part of the development has potential to support roosting bats and an outline mitigation strategy has been proposed in respect of this, with which the CE is satisfied. A diverse assemblage of foraging/commuting bats have been identified as using the boundaries of the site including the rare barbastelle bat albeit these are low in number. The boundary features of the site are to be retained and enhanced which the CE considers to be appropriate along with a sensitive lighting strategy for the site which can be controlled through a condition.

9.108. Whilst there are no ponds on the site, there are ponds within the vicinity of the site. A pond 20 metres to the south east of the site has been confirmed to have Great Crested Newts present. The proposal will impact on the terrestrial habitat and an outline mitigation strategy is put forward within the submitted Ecological Assessment which the CE is generally satisfied with. However, a Licence will be required for these works. As this is an outline application the option remains open at reserved matters stage to join the District Licencing scheme to off-set the impact on newts. A number of reptiles have also been confirmed as present on the site and will require translocation, mitigation and enhancement.

- 9.109. A barn owl nesting site, located in one of the modern steel framed buildings to be removed, will also be lost and therefore replacement nesting facilities will be required. The applicant has suggested the provision of pole mounted barn owl boxes however the CE considers that 'built in provision' would be preferable. Full details of the mitigation and enhancement strategy could be secured through conditions requiring an ecological management plan and biodiversity enhancement scheme to come forward alongside any reserved matters for layout.
- 9.110. The application also includes a biodiversity impact assessment which includes a biodiversity metric and demonstrates that a net gain in biodiversity is achievable. However, this includes the use of land immediately adjoining the north west of the site but outside of the application site to provide ecological enhancement. This land is also within the applicant's control. Following comments from the CE it has been confirmed that this area will not be publicly accessible however given that it lies outside of the application site its provision and long-term management of it for biodiversity net gain would need to be controlled through a legal agreement.
- 9.111. The CE has also indicated that the extent of public access to the retained woodlands on the site would also require consideration at reserved matters stage to ensure it did not undermine the ecological value of these areas. The CE has not raised any objection in regard to the impact on the adjacent Conservation Target Area.
- 9.112. Overall, the CE has stated that the proposals for safeguarding areas of highest ecological value and mitigation/enhancement of protected species are acceptable and that it has been demonstrated that a net gain can be achieved. Therefore, subject to conditions and a legal agreement Officers consider the development to be acceptable in this respect.

#### Housing Mix/Affordable Housing

- 9.113. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.114. Policy BSC3 requires development within locations such as Launton to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is
- 25% First Homes
  - 70% Social/affordable rent
  - 5% Intermediate housing such as shared ownership.
- 9.115. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2, 3, 4 and 5 bed units.
- 9.116. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 23 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined

in the Developer Contributions SPD. This will be secured as a benefit of the scheme through S106 agreement.

#### Effect on Neighbouring Amenity

- 9.117. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings.
- 9.118. Due to the location of the site some distance from existing residential properties, it is unlikely that existing residential properties will be significantly affected as a result of the proposal. The detailed layout and design of the site would be considered at reserved matter stage at which time a careful and considered approach to design will ensure that any impact to neighbouring amenity would be minimised.
- 9.119. Concerns have been raised regarding the impact of the development on a barn which is used for keeping horses to the north of the site. The owner of this building has raised concerns over security and safety of the animals and the yard. It is not unusual for new residential development to adjoin agricultural fields and the illustrative plans show the residential development set off the boundaries. Whilst the concerns are noted it is not considered that this would warrant a reason to refuse the application.

#### Noise, Contamination and Air Quality

- 9.120. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution
- 9.121. The application is accompanied by an Air Quality Assessment which outlines that the proposal would not lead to an unacceptable impact on air quality in the area. This has been considered by the Council's Environmental Protection Officer who raises no objection to the scheme on this basis.
- 9.122. A Noise Assessment also accompanies the application and assesses the noise environment of the site and takes into account the relationship of the development with the retained commercial uses and also the future noise environment of the site when the East West Rail link becomes operational. The Council's Environmental Protection Officer has reviewed this and is satisfied that acceptable internal and external noise environments can be achieved on the site subject to detailed mitigation which can be secured by condition.
- 9.123. In relation to contaminated land the submitted Phase 1 Geo-environmental Desk Study concludes that an intrusive investigation will be required to be undertaken along with any subsequent remediation scheme. This can be secured through condition.
- 9.124. Based on the comments of the Council's Environmental Protection team, the proposal is considered to be acceptable with regards to noise, air quality and contaminated land.

#### Sustainable Construction and Energy Efficiency

- 9.125. 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 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 and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.

9.126. The site is within an off-gas area where policies ESD 4 and ESD 5 would apply. The policies require feasibility studies to be submitted for the use of decentralised energy systems and renewable energy. Feasibility assessments have been submitted which conclude that decentralised energy systems would not be feasible on the site given the likely payback period and relatively small size of the development. The proposed development is also considered to be too far from the closest district heating network to provide a viable connection. In regard to the use of renewable energy it is stated that it is proposed to use air source heat pumps on all the proposed dwellings along with a fabric first approach and solar panels will be considered. Full details of this can be controlled through condition.

9.127. 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 and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

#### Impact on Local Infrastructure

##### *Policy Context*

9.128. 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.*"

9.129. 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.

9.130. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite 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*

9.131. 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.

9.132. 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.

9.133. 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 (all contributions will be index linked)*

- 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 provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields - Based on £2017.03 per dwelling.
- Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre- Up to £54,271.54 (based on 65 dwellings)
- Community hall facilities – Up to £74,311.08 (based on 65 dwellings) – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building in the locality.
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 23 units)
- Provision of Landscape and Ecological Management Plan and long-term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.
- CDC monitoring fee

*Oxfordshire County Council*

- Public transport contribution of £1,051 per dwelling to maintain the operation of the bus service serving Launton.
- Public transport infrastructure contribution of £6,397 towards the provision of new bus shelters on Bicester Road.
- Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.
- Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.
- Obligation to enter into a S278 agreement to secure:

- New site access bellmouth junction with Station Road, as shown indicatively on drg. no. T21547 001 Rev. –
  - New 1.8m wide footway, approximately 35m in length, between the site access and Grange Mews, as shown indicatively on drg. no. T21547 001 Rev. –
  - New dropped kerb crossing with tactile paving, as shown indicatively on drg. no. T21547 001 Rev. –
  - Relocation of the speed limit terminal signs and village entry feature, as shown indicatively on drg. no. T21547 001 Rev. –
  - Modifications to the Bicester Road/Station Road/Blackthorn Road/West End junction, as shown indicatively on drg. no. T21547 003 Rev.
- Primary education contribution of £490,828. Towards expansion/alteration of Launton CE Primary School. OCC Education have stated that the current published admission number is 20 children per year, although the school uses its accommodation flexibly to accommodate fluctuating local demand for places. Pupil numbers are forecast to remain high, as the school has been repeatedly over-subscribed. The school therefore does not currently have surplus capacity to meet the needs of this proposed housing development. Due to the sustained pressure on places at this school, the county council previously carried out a feasibility assessment into expanding the school to an admission number of 30, which would be sufficient to meet the needs of the proposed development. This identified that expansion would be possible, but further work would be needed to update this assessment. Whilst the parish council's concerns regarding school capacity are noted they are not supported by the comments of the County Council.
  - £565,029 towards secondary education capacity and £56,661 towards secondary school land contribution for secondary school places in Bicester to ensure adequate secondary school provision.
  - £35,896 Special School contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
  - £6,389 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
  - Monitoring Fee

#### Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They there are requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 163 people).

#### *Conclusion*

9.134. Subject to the above the proposal is considered to be acceptable with regards to its impact on local infrastructure and would mitigate acceptably mitigate the impact arising from the development.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. Planning law requires that development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposed scale of growth at Launton is considered to be acceptable and is not

considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan.

- 10.2. However, the proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. It would also result in some harm to the pattern of development and character of the edge of the village. When viewed as a whole the proposal is therefore considered to be contrary to the Development Plan particularly Policy ESD13, Policy ESD15 and Saved Policy C28. The proximity of the site from services and facilities is not ideal, however having regard to the rural context of the site and the relatively good level of services (including public transport) in the village as a whole, this is only considered to carry limited weight against the proposal.
- 10.3. The proposal would also lead to some harm to the setting of Grange Farmhouse. This is considered to be 'less than substantial harm' in the context of the NPPF however the level of harm would very much be at the lower level of the spectrum of harm. Whilst this harm carries great weight, it is not considered to be a clear reason for refusal and when weighed against the other public benefits (as outlined below) is considered to be outweighed.
- 10.4. Turning to other material considerations the Council is not presently able to demonstrate a 5 year land supply and there is therefore a clear and pressing need for new housing to be delivered in the district. In this case paragraph 11(d)(ii) of the NPPF, also known as the tilted balance, is engaged, which favours granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.
- 10.5. The provision of up to 65 residential units on the site would align with the NPPF objective to significantly boost the supply of new housing and in the context of the Council not being able to demonstrate a 5 year land supply is given significant weight in favour of the proposal. The proposal would also provide up to 23 affordable homes which is a matter that carries substantial weight in favour of the proposal. The provision of the live-work units would support the rural economy and reduce the need to travel and attracts moderate weight in favour of the proposal. The improvements to the footpaths also carries some positive weight in favour of the proposal as these will benefit existing and proposed residents. The scheme would also lead to ecological enhancements and a net gain in biodiversity which carries some weight but not more because it is required to make the development acceptable. There would also be some economic benefits associated with the development including the jobs through construction and the likely increased spending in local services and facilities stemming from an increase population which carry some weight in favour of the proposal.
- 10.6. Overall, taken as a whole the harm arising from the development is not considered to clearly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that planning permission be granted.

## 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):

### HEADS OF TERMS

As set out in the table set out at Appendix 1.

### CONDITIONS

#### **Time Limit**

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).

#### **Compliance with Plans**

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawings numbered 45439-02, 45439-05, T21547 001 (contained in Transport Assessment), T21547 002 (contained in Transport Assessment) and T21547 003 (contained in Transport Assessment)

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.

#### **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.

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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, 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.

9. As part of any application for reserved matters relating to layout, a 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, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:
- Discharge rates based on 1:1 year greenfield run off rate
  - Discharge Volumes
  - SUDS
  - Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers.
  - Network drainage calculations
  - Phasing
  - Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
  - A detailed maintenance regime for all proposed drainage features and SuDS features.
  - A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within 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.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance within the National Planning Policy Framework.

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority and approved in writing.

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

12. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. As part of any reserved matters for layout, a Arboricultural Impact Assessment, Tree Protection Plan and an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and to accord with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework

14. a) No tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the approval of the final reserved matters.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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

16. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

17. Prior to the first occupation of any of the development, the means of access shall be constructed in accordance with the approved details shown on the Site Access plan T21547 001 and T21547 002 (contained in Transport Assessment) and shall be retained as such thereafter.

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

18. No development shall commence unless and until details of a new public right of way across the site from existing right of way 272/12 in the west as far as Station Road in the east have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to occupation of the development, the new public right of way shall be constructed and retained in accordance with the approved details and available to use by the public at all times.

Reason: To ensure safe and suitable access to the development for all people and to connect the development to the existing rights of way to encourage walking.

19. No development shall commence above slab level unless and until full specification details of the proposed new footway along Station Road, connecting the site access to the existing footway on the south east side of Station Road which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason - In the interests of highway safety, to ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework

20. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework Revised Travel Plan

21. Prior to occupation of any part of the development hereby approved, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried



on in accordance with the approved details.

Reason – To encourage occupiers to use sustainable modes of transport in line with the NPPF

22. As part of any application for reserved matters including layout, full details of the live work units including the extent and type of commercial workspace within each unit and a management plan of how they will be controlled and the division of space between residential and commercial space provided shall be submitted and approved in writing to the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved details. The premises shall be thereafter be used solely as a Live/Work units (sui generis) and for no other purpose including for residential or employment use.

Reason: To secure the live work units and ensure they are provided and operated in an acceptable manner.

23. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:
- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
  - a housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

24. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats 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.

25. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested 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.

26. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on badgers 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.

27. No development shall commence including any demolition, and any works of site clearance, unless and until 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, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter 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 metric to show how a clear net gain for biodiversity will be achieved.

28. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed 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.

29. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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.

30. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

31. 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.

32. 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.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
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 provisions in accordance with the Policy BSC11 of the CLP	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p><b>Necessary</b> – 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><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p>	To be delegated to officers	<p><b>Necessary</b> – 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><b>Directly related</b> – For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		<b>Fairly and reasonably related in scale and kind –</b> In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	£2017.03 per dwelling	To be delegated to officers	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related –</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind –</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	Up to £54,271.54 (based on 65 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.	Up to £74,311.08 (based on 65 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Contributions to bins	£106 per dwelling	To be delegated to officers	<b>Necessary –</b> The dwellings will required adequate waste receptacles for future occupants and in

			<p>accordance with the advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p> <p><b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>

<p>Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.</p>	<p>To be provided and managed long term in accordance with the LEMP</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> – 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><b>Directly related</b> – 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> <p><b>Fairly and reasonably related in scale and kind</b> – To off-set the impacts of the development and provide a net gain.</p>
<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
<p>Monitoring Fee Contribution towards the Council's (both district and County Council) costs</p>			<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p>

of monitoring compliance with the agreement or undertaking	CDC Monitoring Fee - £1000 (exc VAT)  OCC - To be confirmed	To be delegated to officers	<b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
Public transport contribution of £1,051 per dwelling to maintain the operation of the bus service serving Launton	£1,051 per dwelling	To be delegated to officers	<b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.  <b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.  <b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.
Public transport infrastructure contribution of £6,397 towards the provision of new bus shelters on Bicester Road	£6,397		
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£15,000		
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		
Obligation to enter into a S278 agreement to secure:  - New site access bellmouth junction with Station Road, as shown indicatively on drg. no. T21547 001 Rev. –	To be delivered on and off site	To be delegated to officers	<b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the



<ul style="list-style-type: none"> <li>- New 1.8m wide footway, approximately 35m in length, between the site access and Grange Mews, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- New dropped kerb crossing with tactile paving, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- Relocation of the speed limit terminal signs and village entry feature, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- Modifications to the Bicester Road/Station Road/Blackthorn Road/West End junction, as shown indicatively on drg. no. T21547 003 Rev.</li> </ul>			<p>development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Primary education contribution towards expansion/alteration of Launton CE Primary School.</p>	<p>Up to £490,828 (final amount to be based on final housing mix)</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p>
<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£565,029 towards secondary educate capacity and £56,661 towards secondary school land contribution for secondary school</p>		

	places in Bicester (final amount to be based on final housing mix)		<b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.
Special School contribution to be spent on expansion of SEN school capacity	£35,896 (final amount to be based on final housing mix)		
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	£6,389	To be delegated to officers	<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>