

Case Officer: Wayne Campbell

Applicant: Nicholas King Homes

Proposal: Outline application for the erection of up to 10no houses, with all matters reserved except access

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Bishop, Cllr Hingley and Cllr Nell

Reason for Referral: 10 or more dwellings

Expiry Date: 21 April 2022

Committee Date: 3 November 2022

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an area of paddock located to the north of the existing residential development of Henge Close and to the immediate west of St Mary's Farmhouse. The site is roughly rectangular in shape and 0.76ha in area of greenfield land, accessed by means of a gate from the St Mary's Farmhouse.
- 1.2. The site is surrounded to the north, south and east by existing residential development while land to the west has planning permission for use as sports / recreation and community use along with pavilion and associated car parking.
- 1.3. In terms of boundary treatment, the site is enclosed on the north and western boundaries by a mix of post and rail fencing, semi-mature trees and hedgerow. On the southern boundary the site is marked by a mix of landscaping and fencing used to demarcate the rear gardens of dwellings in Henge Close while to the east the boundary is marked by a post and rail fence through which is an access point to serve the remainder of the paddock area.

2. CONSTRAINTS

- 2.1. The application site is located outside the built limits of Adderbury village and is outside but adjacent to the Adderbury Conservation Area, which lies to the east of the site. The curtilage of the grade II listed building of St Mary's Farmhouse also lies to the east of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This outline application is for the erection of up to 10 market sale houses on the land west of St Mary's Farmhouse and north of Henge Close. The application seeks outline permission with all matters reserved other than access. The site would be accessed by means of extension of the existing roadway and footpaths from Henge Close to the south, through an area currently used as open space.

- 3.2. *Timescales for Delivery*: The applicant/agent has not advised, in the event that planning permission is granted, when development would commence although, as this is an outline application, in the event that permission is granted the detailed matters of the development would need to be approved as part of a reserved matters application(s)

4. RELEVANT PLANNING HISTORY

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

14/00250/F

Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use.

Permitted

17/00813/F

Erection of 5 No private market sale dwellings on land previously allocated for possible community use.

Permitted

18/00691/F

Erection of a three-bedroom house, with 2no. parking spaces.

Permitted

20/03687/F

Erection of a three-bedroom house, with 2no. parking spaces.

Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

21/00855/PREAPP

This pre-app although relating to the site under consideration sought advice on the development of the site for 21 dwellings. The Council's advice was that the established settlement pattern of Adderbury is that of linear development, with the more modern developments at the edge of the village being contrary to this, with cul-de-sacs created in these recent housing developments. The proposals subject of this pre-application enquiry would create backland development to the rear of Henge Close, which would be accessed from the internal road through the site. This form of development would fail to relate well to the existing built form of the village and would result in the loss of a greenfield site. It is considered that a development of this scale in this location would also cause harm to the setting of St Marys House, as historically the property would have had a connection to the open countryside to the west which has been affected by the approval of Henge Close but this development would completely remove that. The character of the Adderbury Conservation Area would also be harmed for this reason.

The Council's response continued by stating that scheme as submitted would cause harm to the amenities of existing occupiers within Henge Close. The separation distances between plots 15-18 of the proposed scheme would be 13m to the existing dwellings to the south. The separation distance between plots 17/18 and 20 and 21 would be below that expected as well. Overall, in our view, the current proposal would result in a cramped form of over-development that would adversely affect the

character and appearance of the area and the setting of the village and its Conservation Area.

The pre-app response stated that if 21 homes were applied for, it is expected that 7 of these would be affordable and the tenure proportions should be split 70/30 between rented units and shared Ownership units (5 x rented and 2 x shared ownership). In addition, it is likely that affordable housing contributions would be sought for primary and secondary education, a local area of play, local green space, cemeteries, community halls, medical facilities and highways (as set out above). To conclude, it is considered that the principle of development is not acceptable in housing strategy terms, and the proposed development would cause harm to the character and appearance of the area, the setting and significance of heritage assets and the amenities of existing and future occupier. A future planning application on this basis would not be supported.

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 (amend as appropriate). The final date for comments was **22 February 2022**

6.2. A total of 46 objections were received on this application with no comments and no submissions of support. The comments raised by third parties are summarised as follows:

- Principle - Development contrary to National, Local Plan and Adderbury Neighbourhood Plan Policy.
- Plot of land to be used as access is currently used as a green space provided for the benefit of the residents of Henge Close.
- Between 2015-2021, 198 housing completions in the parish of Adderbury, with outline permission for 40 more new homes approved at appeal on the site north of Berry Hill Rd. These developments have already changed the character of the village, which has traditionally been rural in nature with a limited number of more modern houses.
- Not acceptable in housing strategy terms and current supply needs
- Support the view of Cherwell District Council planning officers in the pre-app response.
- Visual impact – Landscape Officer expressed concern in the pre-app about creation of an urban boundary due to the introduction of boundary fences and the loss of the hedgerow.
- Development ignores 'Residential Settlement Boundary' for Adderbury as set out in 'The Adderbury Neighbourhood Plan' and therefore contravenes Policy AD1.
- Will result in a back land development and an intrusion into the countryside detracting from rural character and quality of area same reason for refusal on application 16/02313/OUT.
- This is not an in-fill but an extension of the village boundary.
- Heritage - Impact on conservation area of West Adderbury and historic listed houses in the village.

- Amenity - Henge Close is private road, owned and maintained by the residents who have access rights over the site therefore notice should have been served on owners of the land and access. This may not be a planning issue, but the planning committee must consider whether this site for 10 houses could eventually be 'landlocked' and therefore not viable.
- Unacceptable level of noise and disturbance during proposed building period
- Proposed houses would overlook and cause a loss of privacy to adjacent properties due to insufficient separation distances.
- Ecology - Loss of greenfield site will remove valuable habitats for wildlife including small mammals, birds (including hedgerow species, game and raptors).
- Highway safety concerns - detrimental to the safety, privacy and amenity of existing residents of Henge Close and those who use the playing facilities in the adjacent green space and traffic congestion
- Movement of heavy construction vehicles with no place to turn or manoeuvre would pose a serious danger to young children playing and walking on this narrow private road. HSE Guidance would suggest application is called in by Secretary of State for determination due to danger to school children.
- Other - HSE Guideline states application should be called-in for Secretary of State to determine if proposal represents a hazard to public and children.
- Excess run off from a further development will cause more excess water risking the over run of the Parish councils land drain which has historically (2013) flooded, causing huge damage to our property and land.
- Suggestion that site was left in order to retain access to the development site is incorrect.
- Although there is a bus stop nearby the services are limited and there are no links to Banbury or Kings Sutton rail stations.
- No evidence on how the development would contribute to reducing carbon emissions, levelling up or on how it would satisfy the three pillars of any sustainable development.

6.3. **West Adderbury Residents Association:**

- Adderbury Neighbourhood Plan (Policy AD1) site falls outside the agreed Settlement boundary, therefore development of the site should not be supported.
- Proposed access to the site was designated as a green space under the conditions of the original Henge Close development.
- Location of proposed access at the end of a small cul-de-sac is completely unsuitable as the sole access for a new housing development.
- Milton Road through West Adderbury is acknowledged by OCC to have serious traffic issues.
- Additional traffic associated with new houses would be detrimental to the safety, privacy and amenity of existing residents.
- Development would place additional strain on an already dangerous stretch of road.
- Adverse impact on listed buildings and Conservation Area.

- Development directly adjacent to the community playing fields off the Milton Road, will inevitably interfere with the use of the proposed community facilities and potentially lead to additional costs for the community.
- Between 2015 – 2021 198 housing completions in the parish of Adderbury, with outline permission for 40 more new homes approved at appeal on the site north of Berry Hill Rd. Developments change the fundamental character of the village, in particular of West Adderbury.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. ADDERBURY PARISH COUNCIL: **Objects** on the following grounds:

- Contrary to the Adderbury Neighbourhood Plan Policy AD1 and is outside the residential settlement boundary as stated in that policy.
- Inefficient and ineffective use of land because building ten properties means the density of housing is not in keeping with Henge Close. Nor does it make efficient and best use of the land as required under the NPPF;
- Limited community benefit and no provision for affordable homes.
- Ten properties cannot be described as 'infill', and may be seen as 'back land' development;
- Increase traffic onto an already very busy Milton Road and the Henge Close junction was not designed for so many vehicle movements;
- Increased traffic movements within Henge Close;
- Loss of another greenfield site in the village and it is unsuitable development for the Conservation Area;
- Concerns about the green area along the boundary of the sports field.
- Sports field site must be secured to ensure there is no unauthorised access
- Clear gap in the design of the site, which in due course, will lead to another development to the north;
- If minded to approve, the Parish Council requests that the permission includes; some affordable housing; community benefit, particularly towards the Milton Road Sports and Community Project to which it is adjacent and will be used by any new residents and also towards the new project for 20mph speed restrictions in Adderbury. The Parish Council's community benefits list has already been submitted to the Local Planning Authority; discussions between the Parish Council and the landscape officers and developer to ensure that the green buffer on the west boundary is created as a robust and secure landscape feature and maintained for a wildlife corridor; and - reassurance of secure boundaries for the Milton Road Sports Field.
- Other issues raised not related to the proposals – No reference to the Adderbury Neighbourhood Plan in the pre-app advice

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions.
- 7.5. OCC ARCHAEOLOGY: **No objections** subject to conditions
- 7.6. THAMES WATER: **No objections**
- 7.7. CDC ARBORICULTURAL OFFICER: **No objections** subject to conditions
- 7.8. CDC LANDSCAPE OFFICER: **Comments** Landscape and Visual Appraisal does not contain any viewpoints from the PRoW to the north of the site so is unacceptable. Please ask for a full set of viewpoints to be submitted for appraisal
- 7.9. CDC STRATEGIC HOUSING OFFICER: **Comments** – the proposal is for 10 dwellings and as there is therefore no policy requirement for affordable housing. Policy BSC3 requires affordable housing to be provided on developments of 11 dwellings or more. The proposal is not being brought forward as a rural exceptions site; it is solely for open market housing. In view of these factors, Strategic Housing do not have any comments to make.
- 7.10. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.11. CDC RECREATION and LEISURE: **No objections** subject to S106 contributions.
- 7.12. CDC ECOLOGY: **No objections** subject to conditions
- 7.13. CRIME PREVENTION DESIGN ADVISOR: **No objections** subject to inclusion of design changes
- 7.14. CONSERVATION OFFICER: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density

- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure · VILLAGES 1 – Village Categorisation · VILLAGES 2 – Distributing Growth
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 – Transportation funding
- C8 – Sporadic development in the countryside
- C14 – Countryside management projects
- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Adderbury Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- AD1 Adderbury Settlement Boundary
- AD2 Green Infrastructure
- AD3 Local Green Spaces
- AD4 Local Open Spaces

- AD6 Managing Design in the Conservation Area and its Setting Church Quarter
- AD17 Buildings and structures of local importance
- AD18 New Community Facilities
- AD19 Community Assets & Local Services

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highway impact
- Residential amenity
- Heritage impact
- Ecology impact
- Sustainable Construction
- S106

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how this should be applied.
- 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. Paragraph 10 of the NPPF states that "*so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)*". Paragraph 11 defines the presumption in favour of sustainable development for decisions making as "*c) approving development proposals that accord with up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

- 9.5. Paragraph 12 advises that *“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”.*
- 9.6. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*
- 9.7. 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. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period)”.* Paragraph 75 continues by stating that *“a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process”.*

Development Plan

- 9.8. 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.
- 9.9. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework.* The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.*
- 9.10. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 9.11. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

- (i) it is essential for agriculture or other existing undertakings, or*
- (ii) the proposal meets the criteria set out in policy H6; and*
- (iii) the proposal would not conflict with other policies in this plan.*

Under the current CLP 2015 Saved Policy H1 was replaced by Policy BSC1 while Saved Policy H6 was replaced with Policy Villages 3 (Rural Exception Site).

- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.13. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.5 year supply for the current period 2022-2027, a shortfall equal to 2,255 houses for the period 2022-2027. The current application is for a development of 10 dwellings which would make a contribution towards the provision of dwellings within the District.
- 9.14. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *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.* In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was not reviewed in the HELAA but neither was the existing site to the immediate south now known as Henge Close.
- 9.15. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the District and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas. These villages have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Adderbury is a Category A village.
- 9.16. 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 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

- 9.17. This application seeks planning permission for the development of a paddock for a scheme of up to 10 dwellings. The site is an undeveloped paddock that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Adderbury village. The site is bounded by existing residential properties to the south, east and mature landscaping to the north. The site is bounded to the west by open countryside, which has planning permission for sport/recreation and community use under application 18/00220/F along with a pavilion and associated car park under application reference 19/02796/F.
- 9.18. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and is located outside the village boundary for the Adderbury Neighbourhood Plan. However, Adderbury 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. In addition, under paragraph 14 of the NPPF, as it was adopted more than two years ago, the policies within the Adderbury Neighbourhood Plan relating to the supply of housing are to be considered out of date.
- 9.19. The Local Plan does not allocate specific, non-strategic sites. Instead, Policy Villages 2 sets a total of 750 dwellings for the rural area and provides criteria against which individual proposals are required to be assessed as set out above. The requirement of Policy Villages 2 to provide 750 homes at Category A villages is monitored in the 2021 AMR. Table 39 of the AMR shows that, at 31st March 2021, 749 dwellings had either been completed or were under construction on sites with planning permission. Para. 5.159 records that between 1 April 2014 and 31 March 2021 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings.
- 9.20. That the total of 750 will by now have been met is a material consideration when assessing further applications for 'major' developments 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 and, in successive appeal decisions relating to the development proposals in the Cherwell district, Planning Inspectors have held that the total of 750 is not a ceiling and that merely exceeding that total would not result in harm. 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 the Council's policies for housing, including Policy Villages 2, out-of-date, and instead means that a presumption in favour of sustainable development must be applied.
- 9.21. The first question to ask is whether the site is a sustainable location for additional development of this scale. The site is on the edge of Adderbury, one of the larger villages in the Cherwell district, which has a range of facilities enabling residents to meet their day to day needs. There is a footpath along the Milton Road into the village and bus stops within walking distance and a regular bus service is available from Adderbury.

- 9.22. As to whether the proposal would result in loss of best and most versatile agricultural, the Council's own mapping system suggests that the site is an area of Agricultural Land Classification which is a mix of grade 1 (best) land and grade 5 land (of least value). Although the application is not supported by any soil assessment to confirm the actual land classification it is noted that neither the site or the adjoining site to the west is no longer under agricultural use. Therefore, and given the size of the site, the loss of the very small area of grade 1 is not considered sufficient to warrant a refusal.
- 9.23. Although this application is in outline form, and therefore only seeks approval of the principle of a residential development on the site, an indicative layout has been provided in support of the application. This layout shows an estate of 10 dwellings to be in the region of 13 dwellings per hectare. The applicant has not stated a proposed mix of units nor whether any the dwellings would be provided as affordable housing. However, it should be recognised that under Policy BSC 3 of the CLP 2015 affordable housing provision would only be required in the event that the development proposed is equal to 11 dwelling or more, whereas the proposal is for 10 dwellings.
- 9.24. Matters such as visual amenity, heritage, highway safety, ecology and flood risk are considered in later sections of this report.

Conclusion

- 9.25. In the absence of a sufficient supply of land for housing, the Council's development plans for housing are to be considered 'out of date'. The presumption in favour of sustainable development applies. The proposal's effects, on visual amenity, heritage, highway safety, ecology and flood risk, etc. are considered in subsequent sections of this report. However, the site is in a geographically sustainable location, with footpaths close by, a range of amenities within the village and regular public transport available from the village, meaning future occupiers of the proposed development would have a realistic choice of travel in order to meet their day to day needs.

Design, and impact on the character of the area

- 9.26. 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. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.27. Policy BSC2 of the CLP 2015 states amongst other things that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.
- 9.28. The gross density of the scheme is in the region of 13 dwellings per hectare (dph). It is not clear what the density is for the existing Henge Close development. However, the applicant has advised that the lower density shown on the indicative layout has been provided to be more appropriate to the setting on the edge of the village. Furthermore, the applicant has also highlighted that the number of proposed dwellings would provide more space for each plot, in order to design houses that would overcome the potential impact of the development on the existing dwellings in Henge Close. The reduction in density would also allow for more landscaping to provide screening between the proposed and the existing dwellings. In this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the boundaries of the site, it is considered that the proposed density would be acceptable.

- 9.29. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.30. Notwithstanding the point that the application only seeks to establish the principle of the development, the indicative details provided in the Design & Access Statement suggest that in terms of appearance the new dwellings would follow the same design and use of materials as used elsewhere on Henge Close. As such the new development would therefore appear as a natural extension to the Henge Close development. While this detail is not for consideration at this stage the application submission does give an indication of the type of development which is likely to be developed and would be subject to reserved matters application.
- 9.31. Access to the site would be provided with a single point off Henge Close which is the main access road serving the rest of the development. The main point of access would be through an area currently used as an area of amenity space, but which has an unimplemented planning permission for a single dwelling (applications reference 18/00691/F and 20/03687/F).
- 9.32. As such the proposed access would not result in the loss of an area of amenity space but would result in the development of the site for the single dwelling not being implemented.
- 9.33. The proposed access into the site would be a single spine road formed as an extension to the existing Henge Close and once within the site would lead round the site in a form of cul-de-sac with no routes thorough into the adjoining parcels of land to the north, east or west. The dwellings are shown arranged around the site with positions largely determined by the position of the spine road which runs east to west through the site.
- 9.34. The indicative layout does not, however, provide any areas of play and under Policy BSC11 of the 2015 CLP the threshold for a LAP is 10 dwellings. Notwithstanding, the application is in outline seeking the principle of development and the final layout is not for consideration at this stage. For this reason, officers would recommend that any permission granted be subject to a condition requiring the provision of a LAP in accordance with the Policy BSC11.
- 9.35. The current indicative layout presented would result in an unacceptable form of development. However, as noted above the application is made in outline and other than access all other matters are reserved with the layout, scale and appearance of the development to be considered at a later stage. Given the relatively low density of the scheme and the roughly regular shape of the site it is considered that a revised layout could be negotiated at reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme.
- 9.36. It is noted that objectors have raised concerns that the development would represent a backland development with no access to the public highway and development across third party land. The term backland generally means development behind existing development and which does not have a clear public view. The proposed development would be accessed through an area of amenity land / building plot to allow the development to the north of the existing dwellings in Henge Close.
- 9.37. However, to the extent that the proposal would result in backland development this is not in itself a reason to refuse planning permission. Although often seen as a negative, the development of a potential site which is essentially 'landlocked' would generally require development to be designed in a sensitive and appropriate fashion which can

and is often an appropriate form of development from both a planning and landscape point of view. In this instance the access to the site would be via an existing highway which serves the rest of the estate and although it is accepted that at the point of access the highway forms part of a small cul-de-sac the access would be to an acceptable standard. The development of the site would allow for an additional 10 dwellings in Adderbury and would make a contribution towards the provision of dwellings in the District.

Heritage

- 9.38. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states: 'in granting planning permission for development which affects a listed building or its setting,' a Local Planning Authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.39. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 195 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.40. Paragraph 199 of the NPPF directs that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.41. Under paragraph 197 of the NPPF in determining applications, Local Planning Authorities should take account of:
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness.*
- 9.42. The application shares a common boundary with the Adderbury Conservation Area and the curtilage of St. Mary's House a grade II listed building. The application is supported by a detailed Heritage Statement which considers the potential impact the development could have on these heritage assets and others in Adderbury. A separate archaeology assessment of the site has also been provided by the applicant following a number of trial trenches being dug on the site.
- 9.43. The heritage assessment highlights that as a Grade II listed building, St. Mary's House is of national importance. Its significance derives primarily from the remaining physical evidence of the 18th and early 19th century structure and from the quality of the formal east elevation and its contribution to the wider architectural setting of Horn Hill Road. Internally and externally the building retains elements of the historic building design and offers evidence of historic building techniques. The Adderbury Conservation Area

was designated in 1975, with a detailed appraisal being prepared and adopted in 2012.

- 9.44. The heritage assessment notes that as the proposed development is in the vicinity of Grade II listed St. Mary's House and just outside the boundary of Adderbury Conservation Area, the development could potentially impact upon the setting of these heritage assets. It also highlights that St. Mary's House and the Conservation Area are both assessed as having a medium level of significance. While it is possible that there may have been a historic association between the proposal site and St. Mary's House (the former farm) and by extension the Conservation Area, such that the proposal might impact on their historical special interest, no data was found to confirm this.
- 9.45. In terms of impact of the development the heritage assessment concludes that the proposed development and the siting of its built element does not form a part of the views of the assets, despite the intuitive connection perceived based on map review. The primary view of St. Mary's House was and remains from the east; from the west it was historically and remains screened by trees on the north, west and south boundaries of the former farmyard. The altered rear elevation of the house is not visible from outside these boundaries or from the proposal site. The view into the Conservation Area from the west is not identified as an important view and the planned erection of a 6m high ball-stop fence along the west boundary of the proposal site will obscure views from this direction. The proposed development constitutes a negligible magnitude of change to the heritage assets. Following the heritage assessment methodology, the significance of a change of a negligible magnitude to a heritage asset of medium value would constitute a neutral/slight impact, which could be either adverse or beneficial.
- 9.46. Overall, the Heritage Statement concludes that the proposed development would have a neutral impact on the setting of the heritage assets. In assessing this impact and with no comments being received from the Conservation Officer it is considered that the development would not result in any significant harm to St Mary's House through change to its setting and also will not result in harm to the character or appearance of the Conservation Area.

Residential amenity

- 9.47. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.48. The existing properties which would be most impacted upon by the proposed development would be the properties to the south and the curtilage of the grade II listed property known as St. Marys House. The application is, however, in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.49. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Highway Implications

9.50. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 111 highlights that development should only be prevented or refused on highways grounds if *there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

9.51. This application seeks to provide a new access off the existing Henge Close across an area which has planning permission for a single dwelling (applications reference 18/00691/F and 20/03687/F) but is currently used as an area of amenity space. The new access would be provided as an extension to the existing Henge Close estate road leading into the southern edge of the application site. Henge Close is accessed via Milton Road to the south, with the access in the form of a bellmouth arrangement. Pedestrians and cyclists would be able to access the site via the Henge Close/Milton Road junction or alternatively via the pedestrian link which connects Henge Close directly with Horn Hill Road. The existing 2m wide footways located adjacent to the eastern and western side of Henge Close would be extended into the site with the western footway terminating just north of the site boundary. In terms of car and cycle parking provision the applicant has confirmed that this would be determined at the reserved matters stage; however, it is also confirmed that the parking provision would be provided in accordance with Cherwell District Council's Design Guide Supplementary Planning Document.

9.52. Concern has been raised by a number of objectors that the access is across private land and would result in the loss of an area of amenity space as per the original approved layout. In terms of the issue of private land this has been covered earlier in this report and relates to a land ownership issue and not a planning matter. Turning to the loss of the amenity space it is accepted that the point of access is currently used as a green area with small ornamental trees and a low hedgerow along the edge of the site together with a low post and rail fence. However, as noted above this report this area of amenity space has planning permission for the development of a single dwelling. The loss of this area of amenity space is therefore already agreed and the provision of a new access road through this part of the site would therefore actually result in the permission for the single dwelling not being implemented

9.53. In considering the access arrangement the local highway authority advises that subject to conditions being attached to any permission, and planning obligations as set out later in this report, there is no highway objections to raise.

9.54. Officers consider that the proposal would not result in any highway safety issues and that there is no highway reason to warrant a refusal of permission.

Drainage

- 9.55. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 of which states that *flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 9.56. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
 - b) have appropriate proposed minimum operational standards;*
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) where possible, provide multifunctional benefits.*
- 9.57. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.58. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.59. The current is situated wholly within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. The applicant has submitted a Flood Risk assessment and Drainage Strategy in support of the application. This assessment outlines that the development will utilise the following drainage strategy:
- Infiltration System (Soakaway crate systems, permeable pavement systems where possible).
 - Connection to a piped foul sewer network via a Section 106 (Water Industry Act 1991) with Thames Water.
- 9.60. In addition, the drainage strategy also confirms that plots 1, 2, and 3 would require cellular soakaways sized at 8m² by 0.8m deep, whilst plots 4, 5, 6 and 10 would require cellular soakaways sized at 6m² by 0.8m deep. Plots 7 and 8 would require cellular soakaways sized at 9m² x 0.8m deep.

- 9.61. In considering the details of the drainage strategy confirmation that there is no objection from the LLFA subject to conditions being attached to the permission. Thames Water has also confirmed that the network infrastructure capacity relating to both foul water and surface water drainage is not an issue and as such there is no objection to raise on this application.
- 9.62. Your officers recommend that any permission granted is subject to a condition requiring details of foul and surface drainage details to be submitted to and approved prior to the commencement of any development. Based on this and there being no objections raised to the application by the LLFA or Thames Water it is considered that subject to the necessary infrastructure being in place there are no grounds to warrant a refusal for drainage reasons in this instance.

Ecology impact

- 9.63. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.64. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.65. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests: (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment? (2) That there is no satisfactory alternative. (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.66. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.67. Paragraph 174 of the NPPF states that *planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a)*

protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.68. Paragraph 180 states, amongst other things, 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.*
- 9.69. 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.
- 9.70. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.71. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.72. The application is supported by a preliminary ecology assessment of the application site. The report highlights that an ecological survey and appraisal of the site and proposed development was undertaken on the 11th November 2021. The survey was also supported with a desk-based review of maps, satellite imagery, and information supplied by the Thames Valley Environmental Records Centre.
- 9.73. In considering the details of the assessment the Council's ecologist states that the site is within the 'red zone' for Great crested newt suitability as determined by Nature Space modelling (our district licence delivery body). This denotes areas likely to be of high value and suitability to Great Crested Newts (GCN). As such it was not considered that the assessment in terms of the investigation of potential presence of GCN had gone far enough and additional information was requested.
- 9.74. Following these comments additional information was provided by the applicant to address the concerns raised. On re-consultation on this additional information the Council's Ecologist has confirmed that although not entirely in line with what was expected it was agreed that on GCN this information was acceptable and could be covered by a condition. On the issue of working methods to be employed across the site any mitigation measures required to protect badgers, birds and reptiles could be covered in a condition requiring a Construction Environmental Management Plan.
- 9.75. The additional information submitted included a Biodiversity Net Gain assessment and a Biodiversity Impact Assessment metric. Cherwell currently seeks a 10% net gain in addition to species specific enhancements such as integrated bat and bird boxes. The metric shows a 13% net gain. The assessment includes the piece of

amenity land between No. 7 and Nos. 15-19 Henge Close, although the Council's ecology officer advises that its measured biodiversity value counts for very little in the biodiversity scheme required for the site.

- 9.76. Looking through the history of the site it appears that the access road goes through an area which was landscaping previously put in order to make the original development acceptable in terms of avoiding a net loss. While the loss of this area of landscaping has been accepted with the approval of the single dwelling on this amenity space, the proposed development needs to provide an adequate level of landscaping within the scheme to ensure that there is a net gain achieved on site. The biodiversity net gain for the site would need to cover both the site and this area of land.
- 9.77. Overall, the proposals are considered in ecology terms subject to conditions and further details being provided at the reserved matters stage.

Sustainable construction

- 9.78. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.79. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.80. Policy ESD 2 relates to Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.81. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in*

line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

- 9.82. This application seeks outline planning permission for a new development of up to 10 dwellings on the site. As such the final design of the building is not provided as this will be the subject of a reserved matters application. At that stage it is considered that the full details of the sustainability measure to be incorporated into the design will be provided and agreed. A condition is attached to this outline permission which highlights the need to ensure that the final design of the building complies with Policy ESD3 as well as the requirements of Section 14 of the NPPF.
- 9.83. Given this is an outline application, no information has been provided with regards to the final design and hence sustainability measures to be used on this site. However, it is considered that the imposition of a condition to secure the sustainability credentials of the development would comply with the aspirations of these policies.

Infrastructure / S106

- 9.84. Due to the level of development on the site the issue of S106 contributions should be taken into account. A number of contributions are sought via the adopted Developers Contributions Supplementary Planning Document February 2018, which follows the tests of the National Planning Policy Framework and is therefore relevant to this planning application.
- 9.85. Paragraph 55 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 57 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development*
- 9.86. Policy INF 1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*
- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

- 9.87. Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*
- 9.88. The Council also has an adopted Developer Contributions SPD in place which was adopted in February 2018. Under the SPD it is outlined that Although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for infrastructure which is required to mitigate the direct impact of a development. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.89. As noted above under Policy BSC3 of the CLP 2015 the threshold for the provision of affordable housing is for developments of 11 or more and as this development is for up to 10 dwellings the proposal would not need to provide any element of affordable housing. The Council's Strategic Housing Officer has also confirmed that for this reason a contribution will not be required as part of the development or any S106.
- 9.90. The response from the Council's Recreation and Leisure Officer is that there is a need for contributions towards community facilities to be included as part of any S106 agreement. In addition to this there is a need for contributions towards highway infrastructure requires to be covered by a S106 agreement. Finally, there would need to be a contribution towards the upkeep of the landscaping around the site as well as the maintenance towards the LAP to be provided as part of the development.
- 9.91. In addition, the local highway authority has requested a financial contribution towards the improvement of public transport as part of this development. There is an existing bus stop located on Horn Hill Road, approximately 220m east. Both stops are unmarked but provide a regular hourly service to Oxford (southbound) and Banbury (northbound) by Bus S4 Gold. The nearest railway stations are in Kings Sutton approximately 5km east of Adderbury, in Banbury approximately 6.4km away. The S4 service is partly financially supported by Oxfordshire County Council, particularly in the early mornings, evenings and on Sundays, using Section 106 contributions from developers on the A4260 corridor. It is important that new developments on the route of the service make similar contributions so that the service can be maintained in the future.
- 9.92. Although the application is not supported by any draft heads of terms the applicant has confirmed it is prepared to enter a planning obligation that may be lawfully demanded pursuant to Regulation 122 of the CIL Regulations 2010. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 would progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 57 of the NPPF.

Other matters

- 9.93. Objectors have stated that Henge Close is a private road and the residents are the shareholders while the area of the amenity land although permission has been granted for a dwelling on the site, the residents have a right of access to Plot 37 so even if house were built that right would remain making any new house unsaleable. The point being raised is that of land ownership and is not a planning matter in that planning permission is not determined by who the owner of the land is but whether the development is acceptable in planning terms. In the event that the applicant does not have full ownership of the site and or the areas of access it will be a matter between the two parties to agree a way forward and it is not a reason to refuse a planning application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11d of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.4. The site is an enclosed paddock unallocated in the adopted CLP 2015 and in the Neighbourhood Plan and located outside the village boundary. Adderbury is designated as a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances; this development would be for 10 dwellings and therefore falls within this category. 750 homes are to be delivered across these villages. While these policies are to be afforded reduced weight, given that the Council's housing land supply position renders them out of date, the site is in a geographically sustainable location and future occupiers of the development would have access to a range of services within the village and a realistic choice as to how they access others outside the village.
- 10.5. It is considered that the site being outside the village boundary is an area of open countryside on the western side of Adderbury. It is accepted that the loss of this paddock would have an impact on the rural character. However, with existing residential development to the immediate south and east, a significant landscape buffer to the immediate north and sports / recreational grounds to the west the

development of this small paddock would not be to the detriment of the open countryside.

- 10.6. The proposals are considered acceptable in terms of transport and could be designed to ensure acceptable in terms of neighbour amenity. It is further considered that a net gain in biodiversity across the site can be achieved. The application due to its size and nature requires the submission and agreement of a S106.
- 10.7. It is accepted that the development would make a small but valuable contribution to housing delivery and that significant weight should be attached to this benefit. There would also be some economic benefit in the support of construction jobs and spending in the area those future residents would bring about although this is only afforded minor to moderate weight.
- 10.8. Overall, it is considered that the harm in the form of the views into the site and the loss of the paddock as identified in this report would not outweigh the benefits of the additional housing in the District. Given the above assessment and in light of current guiding national and local policy set out in the report, it is considered that the proposal would amount to sustainable development and therefore the recommendation is that outline planning permission be permitted in this instance.

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):

S106

The Heads of Terms set out in Appendix 1

CONDITIONS

1. 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 (Development Management Procedure (England)) Order 2015 (as amended).

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. No development shall commence unless and until full details of the means of access between the land and the adjacent plot, including, position, layout, construction, drainage have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in full accordance with the approved details prior to first occupation 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.

4. Before the development permitted is commenced a swept path analysis for all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

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

5. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in strict accordance with the details approved prior to the first occupation of the development and shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport

6. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details, which shall be provided prior to the first occupation of the development.

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

7. No building shall be occupied until the vehicular accesses, driveways, car, and cycle parking spaces, turning areas (for cars and refuse vehicles of not less than 11.6m in length), and parking courts that serve the buildings has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

8. No development shall commence unless and until a plan showing details of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW has been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interest of sustainable travel.

9. Prior to the first occupation of the development a Residential Travel Plan and Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority.

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

10. No development shall commence unless and until a construction traffic management plan has been submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The development must be carried out in full accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

11. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the

conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. If a potential risk from contamination is identified as a result of the work carried out under condition 11, 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.

13. If contamination is found by undertaking the work carried out under condition 12 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.

14. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. 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.

15. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

16. No development shall commence unless and until a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site, together with the details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved CEMP.

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

17. No development shall commence unless and until 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 the National Planning Policy Framework.

18. Following the approval of the Written Scheme of Investigation referred to in condition 17, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological 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 within two years of the completion of the archaeological fieldwork.

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.

19. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 and MADD should be 0.0);
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity; and
- Consent for any connections into third party drainage systems

Reason: To ensure that there is no flooding due to the site drainage and that the water environment is protected and in accordance with Government guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - The name and contact details of any appointed management company information.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010 and Government guidance contained within the National Planning Policy Framework.

21. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

22. No development shall commence, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, until protective fencing and warning notices have been erected on the site in accordance with the approved Construction Environmental Management Plan. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

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 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.

23. Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.

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

24. Construction Environmental Management Plan (CEMP) for Biodiversity – PC
No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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 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.

25. Notwithstanding the details of the indicative layout plan details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

26. No development shall take place until the existing tree(s) to be retained [have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

INFORMATIVE NOTES

1. Any alterations to the Public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0845 310 1111) for this action. Works required to be carried out within the public highway, shall be undertaken within the context of a legal Agreement (such as Section 278/38 Agreements) between the Applicant and Highway Authority
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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, new woodland, SUDS, landscape and ecology management plan etc) or details of long-term management provisions in accordance with the Policy BSC11 of the CLP	Provision on site. Commuted sum: £12.65 per square metre of Informal Open Space £26.60 per linear metre of Hedgerow £280.04 per Mature Tree £35.02 per square metre of New Woodland £66.05 per square metre of the area of balancing ponds comprised in the SUDS; £120.32 per linear metre of ditches, watercourses swales and similar features District Council's costs of monitoring the open space land and facilities transferred to the Management Company £15,000	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018). Directly related – For the use of future occupiers of the development. Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council.

Provision of a Local Area of Play and commuted sum for maintenance or other management provisions	Provision on site. Commuted sum £TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018) Directly related – For the use of future occupiers of the development Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – towards the sports pavilion and changing facilities off Milton Road, Adderbury	£20,170.30 Based on £2,017.03 per dwelling	Off-site Indoor Sports Facilities Contribution and the On-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities.
Off-site indoor sports facilities – Towards indoor sports improvements within the locality	£8,349.47 £335.32 x figure derived from the Occupancy Rate of each Dwelling in the Composition of the Development outlined in table in Appendix of S106	Community Hall - Prior to the First Occupation of any Dwelling on the Site	Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Community hall facilities – towards community hall facilities off Milton Road, Adderbury.	£11,442.02 £2,920 x 0.185 (0.185m2 community space per resident) the		

	resultant figure multiplied by the figure derived from Occupancy Rate of each Dwelling in the Composition of the Development outlined in table in Appendix of S106		
Contributions to bins	£106 per dwelling	50% of the Refuse Contribution to the District Council prior to Commencement Remainder prior to the first Occupation of 50%	Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD Directly related – The need for these comes from the increase in the number of dwellings Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD
Bus Service contribution, for the improvement of bus services in Adderbury	£1,051 x 10	No dwelling to be Occupied until payment to OCC	Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency. Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality. Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting

			residents of the future development.
Obligation to enter into a S278 agreement to secure Highway Works and Traffic Regulation Order (if not dealt with under S278/S38 agreement)			
Waste management – towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.	<p>£TBC</p> <p>Indexed from Index Value 327 using BCIS All-in Tender Price Index, and based on a cost per dwelling of £93.96</p>	TBC	
Biodiversity offset contribution to mitigated for impacts upon species of wildlife	TBC	TBC	
Travel Plan Monitoring fee	OCC: TBC	On completion of the S106	
CDC and OCC Monitoring fee	<p>CDC: £5,500</p> <p>OCC: £TBC</p>	On completion of the S106	The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable. OCC to advise on their monitoring costs