

Case Officer: Lewis Knox

Applicant: Bloor Homes (Western)

Proposal: Outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved

Ward: Cropredy, Sibfords & Wroxton, Banbury Ruscote

Councillors: Cllr Chapman, Cllr Reynolds, Cllr Webb, Cllr Cherry, Cllr Watkins, and Cllr Woodcock

Reason for Referral: Major development and significant departure from adopted development plan

Expiry Date: 12 December 2022

Committee Date: 9 February 2023

**SUMMARY OF RECOMMENDATION: THAT POWERS BE DELEGATED TO GRANT
OUTLINE PERMISSION SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises agricultural fields located along the western edge of Banbury. The site is bound to the east by the Bretch Hill residential estate, to the north by the Banbury Rise residential development (Local Plan allocation Banbury 3) with Grade II listed Withycombe Farm to the west. The site benefits from established hedgerows surrounding most of the perimeter of the site, with other mature trees in and around the site. It is located within a plateau on the land before the valley ascends further to the west.

2. CONSTRAINTS

- The application site is within the setting of the Grade II Listed Withycombe Farmhouse
- Several Public Right of Ways surround and dissect the site
- Protected and notable species in the area: Bats, Badgers & Great Crested Newts
- Potentially contaminated land
- Within 2km of a Site of Special Scientific Interest (Not close)
- NERC Act S41 Habitats
- Site of Archaeological Interest

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks outline planning permission for up to 250 dwellings with associated public open space, landscaping and supporting infrastructure. All matters are reserved except for access. A fuller description comprises:

- The delivery of up to 250 dwellings in total of a range of sizes, types and tenures;
- Provision of 30% affordable housing – mix in line with SHMA requirements;
- Access to be gained through the existing Banbury Rise Development to the north, which leads from Edinburgh Way;
- Secondary cycle and pedestrian routes through to Dover Avenue and Balmoral Avenue;
- Landscape Buffers to west and south of the site protecting rural landscape and Grade II Listed Withycombe Farmhouse.

3.2. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing by Q4 2023 with the first houses being occupied by Q1 2024.

4. RELEVANT PLANNING HISTORY

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

Application: 13/00444/OUT

OUTLINE – construction of up to 400 residential dwellings including 60 sheltered housing, extra care accommodation, 500sqm of small scale employment and training premises, open space and other infrastructure. Approved.

Permitted 09 March 2016

Application: 16/00576/REM

Reserved Matters application in respect of planning permission reference 13/00444/OUT for the erection of 110 dwellings, associated infrastructure and landscaping - Land at Bretch Hill, Banbury. Approved.

Permitted 25 August 2016

Application: 17/00189/F

Full application for the erection of 319 dwellings, including affordable housing, areas of open space, new vehicular junction onto Bretch Hill and Edinburgh Way and associated infrastructure. Approved along with subsequent variations, NMAs, DISCs and M106 applications.

Permitted 10 November 2017

Application: 20/01643/OUT

Erection of up to 49 dwellings, associated open space and other infrastructure, with all matters reserved except access – Refused but allowed at appeal. (South East of the application site)

Appeal Allowed 01 June 2021

Application: 21/03644/OUT

Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems and access from Balmoral Avenue. Recommended for approval, awaiting imminent completion of S106. (South East of the application site)

Permitted 27 June 2022

5. PRE-APPLICATION DISCUSSIONS

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

22/00710/PREAPP

- 5.2. Although not allocated for development in the adopted Development Plan, it was determined that the LPA would be able to support the proposal at the current time given the Authority's housing land supply position (3.5-years) which triggers engagement of NPPF paragraph 11 d) and a presumption in favour of sustainable development. However, should this position change to one where the Authority can provide a sufficient 5-year housing land supply, then we would be unable to support the application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 August 2022**.

- 6.2. 32 representations have been received: 24 objecting, 2 supporting and 6 comments. The comments raised by third parties are summarised below as follows:

- Concerns raised regarding highway capacity and associated safety issues
- Parking issues
- Urban Sprawl
- Lack of infrastructure and facilities
- Renewable energy systems should be included
- Loss of green fields
- Impact on wildlife

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **Object** on highway grounds that the existing routes surrounding the site are inadequate to serve this housing development. Proposal should include at least 30% affordable housing provision.

- 7.3. DRAYTON PARISH COUNCIL: **Object** as it is not in accordance with the Local Plan and on a greenfield site, Withycombe Farmhouse will be overwhelmed, local infrastructure will be unable to cope.

CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to conditions for a Construction Traffic Management Plan, a Residential Travel Plan and Residential Travel Information Pack
- 7.5. OCC LOCAL LEAD FLOOD AUTHORITY: **No Objections**
- 7.6. OCC ARCHAEOLOGY: **No Objections** subject to conditions
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to contributions.
- 7.8. OCC EDUCATION: No objections subject to contributions
- 7.9. CDC LANDSCAPING: **No objections** subject to conditions and contribution towards an appropriate scheme for off-site provision of a MUGA.
- 7.10. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions.
- 7.11. CDC RECREATION AND LEISURE: **No objections** subject to contributions.
- 7.12. CDC ECOLOGY: **No objections** subject to conditions
- 7.13. CDC CONSERVATION: **No objections** in principle. Accept there would be some 'less than substantial' harm to nearby Grade II Listed Withycombe Farm but its setting and the level of harm caused could be suitably mitigated through design.
- 7.14. CDC BUILDING CONTROL: **No comments** to make at this stage.
- 7.15. THAMES VALLEY POLICE: **No objections** subject to contributions.
- 7.16. THAMES WATER: **No objections** subject to conditions.
- 7.17. BBOWT: **No Objections** subject to conditions
- 7.18. STAGECOACH: **Supports** the application

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 several 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 Wellbeing
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD 15 – The Character of the Built and Historic Environment
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- TR7 – Development attracting traffic on minor roads

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Residential Design Guide – July 2018
- Developer Contributions SPD – February 2018
- Banbury Vision and Masterplan – December 2016

9. APPRAISAL

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

- Principle of development
- Impact on the character of the area

- Heritage impact
- Site Layout and Design Principles
- Ecology impact
- Highway Safety and Vehicular Access
- Flood Risk and Drainage
- Infrastructure provision and Section 106 contributions

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. 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 decision 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. At the time of writing, Cherwell District has a published housing land supply of 3.5 years for the period 2022-2027 (commencing 1 April 2022). However, the recently published agenda papers for the Council's Executive meeting on 6th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply and the tilted balance at NPPF Paragraph 11(d) would not be engaged.
- 9.6. Notwithstanding the Council's housing land supply position, the proposed development does not form part of an allocated site but would represent a natural southern expansion of the Banbury 3 allocation of 400 homes from where it would gain access, would adjoin the west edge of the existing Bretch Hill development and lie immediately north of previously approved western extensions to Bretch Hill for another 98 dwellings. Continued development on allocated sites and non-allocated sites on the edges of Banbury and Bicester will be important to ensure the ongoing delivery of housing to maintain the housing land supply position.

- 9.7. 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”*.
- 9.8. 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”*.
- 9.9. Cherwell Local Plan’s spatial strategy is to focus most growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester with limited growth identified in the rural areas but with land allocated at former RAF Upper Heyford. Policy BSC1 identifies the district wide housing distribution with Banbury identified to accommodate just over 7,300 new homes during the Plan period. Policy ESD1 also identifies that this spatial strategy (in distributing growth to the most sustainable locations as defined by the Plan) is a key part of the measures that will be taken to mitigate the impact of development within the District on climate change. There are 19 strategic allocation sites at Banbury, most for mixed use, residential led development, some for wholly commercial development and some relating to the town centre.
- 9.10. 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

- 9.11. The Development Plan in Cherwell relevant to this proposal comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP 1996) and the 2015 adopted Cherwell Local Plan (CLP 2015). The policies important for determining this application are referenced above.
- 9.12. Policy PSD1 of the CLP 2031 Part 1 accords with the NPPFs requirements for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.
- 9.13. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury as sustainable locations within the District. Policy ESD1 identifies that distributing growth to the most sustainable locations as defined in the Local Plan is

part of the measures that will be taken to mitigate the impact of development within the District on climate change.

Assessment

- 9.14. The site is not an allocated housing site within the CLP 2015 however, it is well related to such allocations and other consents. As referenced at paragraph 9.5 above, the recently published agenda papers for the Council's Executive on the 6th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply. Nevertheless, the District's spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester, which this proposal would be. It would represent a natural continuum.
- 9.15. The starting point for considering this proposal is the presumption in favour of sustainable development and consideration must be had to the impacts arising from development. The application site is situated on the western edge of Banbury, a major town within the District and its most sustainable settlement. Policy BSC1 seeks to focus new residential development at Bicester and Banbury on strategic site allocations. This is due to the sustainable nature of these towns. This site lies to immediately the south of the Banbury 3 allocation on the western edge of Banbury, adjacent to the existing residential area of Bretch Hill. Banbury 3 was allocated for around 400 homes, and many of the houses have been completed or are under construction. Another site that was allowed on appeal is located just to the southeast of the site, on the plateau of Bretch Hill.
- 9.16. The application site is situated within a sustainable location, on the edge of Banbury. The following section provides an assessment of the development on the Grade II Listed Withycombe Farmhouse. Although it is noted that whilst there may be some limited 'less than substantial' harm arising to the setting of the Listed Building, given the housing land supply position of the Authority and that residential development would be a substantial benefit, the harm arising to the setting of the Listed Building would be outweighed by the benefits of providing new residential properties.

Conclusion

- 9.17. Overall, whilst consideration of the matters detailed in the sections below is required to reach an overall conclusion on the overall acceptability of the development, the broad principle of this scale of growth on the edge of Banbury at this location is considered to be acceptable and represents sustainable development.
- 9.18. The meeting of the Executive takes place on the 6th February 2023, confirmation of the decision on the housing land supply figure or should there be confirmation of the decision on the housing land supply figure as a result of the decisions made at that meeting, will be contained in the written update to planning committee.

Impact on the character of the area

Legislative and policy context

- 9.19. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.

9.20. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.21. Policy ESD15 of the adopted CLP Part 1 reflects such guidance and states that “new development proposals should:

- Contribute positively to an area’s character and identity by creating or reinforcing distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views; and
- Respect the traditional pattern, routes, spaces, blocks, enclosures and (inter alia) create clearly defined active public frontages.”

9.22. Policy ESD13 of the CLP Part 1 states that: “Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside;
- Cause undue harm to important natural landscape features and topography;
- Be inconsistent with local character;
- Harm the setting of settlements, buildings, structures, or other landmark features;
- Harm the historic value of the landscape.”

9.23. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

9.24. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development. In addition, policies ESD1-5 of the adopted CLP 2015 seek to mitigate and adapt to climate change.

Assessment

- 9.25. The application site is located on the western edge of Banbury adjacent to Bretch Hill and to the south of the Banbury 3 residential development site. The site forms part of a parcel of land which was assessed in the Housing and Economic Land Availability Assessment (HELAA), February 2018. In relation to site HELAA027 the document states: *'Greenfield site outside the built-up limits. The West of Bretch Hill strategic allocation (Banbury 3) of the adopted Local Plan Part 1 lies to the north of the site which allocates land for 400 dwellings. This has already received planning permission. The site is considered to be unsuitable for development given the impact of development upon the character and setting of the Grade 2 listed Withycombe Farm, and the high landscape value and visual sensitivity of the site. With regard to assisting Oxford with its unmet housing need, Banbury lies outside Areas of Search A and B.'*
- 9.26. The application has been submitted with a Landscape and Visual Appraisal that considers the visual impact of the proposal on the wider rural landscape in detail. It reaches a conclusion that the site is considered relatively well contained in visual terms. It acknowledges that due to its siting on a plateau with mature woodland blocks and plantations on the upper slopes of the valley just west of the site, a degree of enclosure along the edge of the plateau is created and divides views out west from the western edge of the site, reinforcing the distinct change in character between the plateau and the valley to the west. Further to this, it is considered that development would sit within the context of the immediate and wider developed context of the settlement of Banbury with Bretch Hill to the east and the Banbury 3 development to the north. Overall, the report considers the site's immediate and localised environment has capacity in visual terms to integrate a sensitive, high quality residential proposal.
- 9.27. Due to the size and location of the proposed site, Officers agree with the assessment set out in the Landscape and Visual Appraisal. Although there would be some wider views and therefore some visual harm, the proposal would sit within the context of existing developments surrounding the site. Furthermore, any limited harm must be assessed against the considerable weight afforded to the 'tilted balance' set out in paragraph 11 d) of the NPPF. In this instance, the limited harm would not 'significantly and demonstrably outweigh the benefits' of the proposal in terms of the presumption in favour of residential development afforded to sustainable locations.
- 9.28. The indicative site layout plans provided with this submission indicate how the proposed homes could be accommodated whilst maintaining substantive landscape buffers to the north and the south of Withycombe Farm, which would not only protect its heritage setting but also provide a buffer to the open countryside to the east of the site. This would serve to reduce the appearance of any harmful sprawl, allowing the site to relate to the existing neighbouring development within Banbury rather than with the countryside outside of the built limits of the town.
- 9.29. The noted impact on the setting of the Grade II Listed Withycombe Farm is explored further in the following section.

Conclusion

- 9.30. Officers generally agree with the conclusions of the comprehensive Landscape and Visual Appraisal provided in this submission. It is concluded that the proposed scheme would provide a high quality landscape setting, which would be in keeping with local character and the immediate locality and would minimise landscape impacts from the built form of the development by ensuring that any built development was positioned within the eastern portion of the application plot away from the visually sensitive western and southern edges of the plateau.

Heritage Impact

Legislative and policy context

- 9.31. The site affects the setting of the Grade II Listed Withycombe Farmhouse to the west of the site.
- 9.32. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development within or affecting the setting of a conservation areas that: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.33. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall 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.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.34. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.15. Officers consider that the proposal is likely to have a less than substantial impact upon the wider setting of Grade II Listed Withycombe Farmhouse but little if any impact on the setting of nearby Wroxton Abbey registered park and garden.
- 9.16. The development would sit to the south of the recent Banbury 3 development on the edge of the town and would occupy part of the open space between the current edge of the town and Withycombe Farmhouse, which is a grade II Listed Building. Due to the location of the site, it is inevitable that development would alter the setting of the listed building.
- 9.17. The farmhouse and its associated buildings currently sit in a mostly agricultural setting and a residential development here would change this, particularly on the eastern side. It is accepted that due to the development that has already taken place and that which has consent surrounding the site, that the setting of the listed building has already been compromised to some extent. However, it is still considered that the proposal would result in some additional harm to the listed building through development within its setting, albeit at the lower end of the scale of impact and the NPPF requires that this harm is afforded great weight against any benefit(s).
- 9.18. Because of the location and the development taking place to the north of the site the proposal is not considered to have the same level of impact on the setting of the registered park, Wroxton Abbey or Wroxton's Conservation area. The intervening development renders no inter-visibility between the sites. Therefore, the development is not considered to result in any harm to the significance of those heritage assets.
- 9.19. Whilst there remain some concerns over the setting of Withycombe Farmhouse, it is considered that the extent of harm could be mitigated through the layout of development and maintaining a wide landscape buffer and screening between the built form of the residential development and the listed building adjacent.

9.20. As the application seeks outline consent for development with only access to be agreed, the final layout of any development on the site would be the subject of a reserved matters application. The illustrative plans provided with the application demonstrate how the proposed scale of development could be accommodated and accessed whilst maintaining a large area of open land between proposed houses and Withycombe Farm, with larger open spaces to the north and south. Such design and layout objectives are welcomed and would help to mitigate the heritage impacts of the scheme. The main built form of the development could largely be kept to the eastern side of the application plot and would further reduce potential impacts.

Conclusion

9.21. Overall, it is considered that there would be less than substantial harm caused to the Grade II Listed Withycombe Farmhouse and its setting. There are public benefits arising from the proposal due to the provision of much needed additional residential homes within the district, including affordable homes. It is also considered that the harm caused to the setting of the heritage asset could be appropriately mitigated through well thought out design, landscaping, buffering and screening at reserved matters stage. Although great weight must be afforded to the resultant less than substantial harm to heritage assets, the scale of harmful impact would not demonstrably and significantly outweigh the balance of presumptive benefit of providing open market and affordable housing on the edge of the District's most sustainable settlement.

Site layout and design principles

Policy Context

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

9.23. Policy BSC10 of the CLP Part 1 2031 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

9.24. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to existing residential areas, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.

9.25. The development would result in a density of approximately 35dph on average which would comply with Policy BSC2 which seeks a density of at least 30dph to make effective and efficient use of land and would appear to be a similar density to surrounding development.

9.26. The indicative landscaping, with a green buffer along the eastern edge allowing for a transition to the rural landscape is considered acceptable in principle.

9.27. The design principle for the layout, form and design of residential properties would need to follow the principles set out by the Banbury 3 site which is to the north which

should give a coherent flow between the sites and help integrate the new site into the existing surroundings. Given this it is considered that a design code should be conditioned for the development to ensure a continuation of the character which has emerged in the development to the north

- 9.28. That said, whilst every application needs to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition attached to any such permission.

Conclusion

- 9.29. It is concluded that the submitted indicative layout demonstrates general acceptability and demonstrates that 250 dwellings could be satisfactorily accommodated on this site whilst allowing for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. The development has limited visual harm being sited adjacent to built form, well contained by existing hedgerows, and a green buffer along the eastern edge allowing for a transition to the rural landscape.
- 9.30. As such, the proposal is deemed in accordance with Policy ESD15.

Ecology Impact

Legislative context

- 9.35. 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.
- 9.36. 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 and Wild Birds Directives.
- 9.37. 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 would 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.
- 9.38. 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.

9.39. 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

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

9.41. Paragraph 175 states inter alia 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; and 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.

9.42. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.43. Policy ESD10 of the CLP Part 1 2031 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.

9.44. Plan policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.45. 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.

9.46. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although it remains extant. The PPG states that 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.

Assessment

9.47. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

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

9.48. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains several mature trees and hedgerows and therefore has the potential to be suitable habitat for bats and breeding birds, as well as badgers and some concerns over great crested newts have also been expressed by the Council's ecologist and newt officer.

9.49. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, they must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.50. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/very likely that Natural England would not grant a licence then the Council should refuse planning permission; or if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.

9.51. The ecological assessment submitted is considered by the Council's Ecologist to be generally acceptable. However, it is noted that there is no assessment of impact on farmland birds and this needs to be considered. Along with adjacent developments, significant areas of farmland bird habitat (and similarly brown hare) are being affected and it should be considered how this could be mitigated for and a scheme put forward. This could be appropriately overcome through the submission of a further mitigation scheme being submitted as a requirement of an appropriately worded condition.

9.52. No breeding habitats used by Great Crested Newts are to be affected by the proposed scheme and most of the site looks unsuitable as terrestrial habitat. Nevertheless, it is considered by CDC's Ecologist and the Newt Officer that some additional information is required via condition. A justification for scoping them out of the assessment (or any other priority amphibians which could use hedgerows and margins) and an outline of how Great Crested Newts would be dealt with if found on site and that additional avoidance measures should be included can be controlled via a CEMP condition.

- 9.53. The proposals as they stand have the potential to give an acceptable level of biodiversity net gain on site. BBOWT and the Council's Ecologist note that none of the habitats proposed to be created yet contain management and establishment information making the metric an estimate at this point. However, further details will be required through a reserved matters application, when full details would be provided.
- 9.54. A Biodiversity Net Gain metric spreadsheet has been provided at Appendix 6 of the applicant's Ecological Assessment (EA) to illustrate the potential net gain resulting from this application. This is an increase in habitat units from 27.51 units to 38.89 units (which equates to a 41.37% increase) and an increase in hedgerow units from 12.31 units to 18.49 units (which equates to a 50.23% increase). These figures would be well in excess of the 10% net gain required through Policy ESD10 of the CLP 2031.
- 9.55. Both CDC Ecology Officers and BBOWT are satisfied that the projected 20% biodiversity net gain within the application site and as such there would not be any need for any off site provision.
- 9.56. Whilst the metrics provided show that there is sufficient capacity within the development site to achieve the biodiversity net gain as required, it is considered that further details will be required through a reserved matters application which would give detail on how the habitats will be created and managed so that they are achievable within the 5 year timescale as indicated and that they will be appropriately maintained thereafter.
- 9.57. It should be noted that there are aspects of the proposed habitats to be created where they would struggle to reach the habitat conditions claimed within the timescales stated - particularly where it can be expected that there would be significant recreational pressure from residents in this development and beyond. There is usually conflict between achievement of a good or moderate condition habitat and areas doubling for both amenity and biodiversity. These would need to be fully accounted for within a management plan and areas specifically for biodiversity should be designed into the detailed landscaping. Ideally, we would have some of this information up front to show how the large areas of grassland proposed would be able to be managed to these conditions and whether there are any areas which ought to be closed from public access or deemed to be specifically reserved for nature. This would help to assess whether the net gain levels proposed were achievable.
- 9.58. However, this is only an outline application and your Planning Officers are satisfied, on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species potentially found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been appropriately met and discharged.
- 9.59. Officers are also satisfied that the Ecological Assessment as provided does demonstrate that a biodiversity net gain in excess of 10% potentially exceeding 20% can be achieved through the development but further details of how this will be achieved should be required via an appropriately worded condition.

Highway Safety and Vehicular Access

Policy Context

- 9.60. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport.

However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 9.61. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.62. Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”; whilst Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”
- 9.63. Policy TR7 states that: ‘Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.’

Assessment

- 9.64. The development proposes a main vehicular access to the site through the Banbury Rise development to the north, which itself gains access from Edinburgh Way to the east of that site. Secondary pedestrian, cycle and emergency accesses are also proposed from Dover Avenue and Balmoral Avenue to ensure further sustainable access to the site from the established residential areas to the east of the development.
- 9.65. The site is accessed through the consented Banbury Rise development (planning application ref: 13/00444/OUT) via two primary vehicular accesses; Bailey Road to the immediate north from the site and George Parish Road being the northern most access. George Parish Road in turn leads onto Bretch Hill while Bailey Road joins the highway at Edinburgh Way. Although the Highway Authority (HA) has technically approved for construction, the Banbury Rise internal roads including Bailey Road and George Parish Road, these may not yet be adopted highway.
- 9.66. Concerns were initially raised by the HA regarding the adequacy of those means of vehicular access, and questioned whether a road that was initially approved and constructed to serve 137 properties would be sufficient to serve the needs of an additional 250 dwellings to the south; i.e., 387 properties in total.
- 9.67. It was suggested that additional traffic calming along the roads leading into the development would be required to ensure safe passage for vehicles and to ensure that refuse and emergency vehicles were not impeded by on street parking which is evident within the existing Banbury Rise development. Clarification on the methodology that was originally used in the Transport Assessment when calculating vehicle flow numbers also needed clarifying.
- 9.68. The applicants subsequently provided Technical Notes TN1 and TN3 to clarify the methodology on the basis of the information provided in these notes, Oxfordshire

County Council Highways found the modelling acceptable in terms of committed trips and as such removed their initial holding objection to this element.

- 9.69. The original modelling carried out in the TA excluded the potential use of George Parish Road as an access. For robustness, it was considered that both the George Parish Road and Bailey Road should be modelled as access points with varying levels of development trips loaded onto them. As such, TN3 has undertaken this task in accordance with flows from a recent survey together with a 90/10 split between the two access points for robustness.
- 9.70. The outputs from the junction capacity model gave the confidence that should the eventuality arise that one access became unusable; the other access had been means-tested to bear the majority of the entire development traffic. It was therefore considered that the existing vehicular access points had sufficient resilience to safely accommodate the additional development trips. Given this modelling and assessment the LHA raised no objections to this means of access to the development site.
- 9.71. The Local Highway Authority (LHA) advises that the proposed vehicular access is acceptable based on the information submitted. In terms of traffic impact, the overall conclusions of the Transport Statement are accepted. The LHA is content with the methodology used to generate the final trip generation figures and the junction is considered to have suitable capacity.
- 9.72. The NPPF (Para.111) states 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*'.
- 9.73. The LHA raises no objection to the application on the basis of highway safety.
- 9.74. The LHA has requested financial contributions towards enhancement of public transport services, public transport infrastructure, travel plan monitoring and public rights of way. The details of the requested contributions are set out in full in a later section of this report.
- 9.75. *Construction Access* - The applicant has stated their intention to use a dedicated construction access immediately to the west of the site. This is the existing arrangement for construction vehicles accessing the Banbury Rise development. This arrangement is welcomed and should reduce disruption to the local highway network caused by construction vehicles. Further details would need to be availed in the CTMP, as required via condition.
- 9.76. *Sustainable Transport Connectivity* - With vehicular access proposed through Banbury Rise and onto Bretch Hill and Edinburgh Way to the east it is essential that the cumulative effect of the two developments (Banbury Rise and this development) on the local road network and on pedestrian and cycle movements is not overlooked. Improved pedestrian and cycle access will be vital to improving the accessibility of the site as a whole.
- 9.77. Traffic from the site would distribute eastwards onto/ along Bretch Hill towards key corridors and junctions such as the Stratford Road/ Warwick Road junction, the Woodgreen Avenue/ The Fairway/ Orchard Way junction or the Woodgreen Avenue/ Broughton Road/ Queensway junction. These junctions are currently shown to be over capacity by the end of the plan period. The Banbury Area Transport Strategy in Oxfordshire's Local Transport Plan outlines proposed improvements to these parts of the town's network under Policy BAN 1. Whilst the severe impact here cannot be solely attributed to this development, a strategic contribution is nevertheless required to mitigate the cumulative impact of planned growth.

- 9.78. There are formative plans for works to Bretch Hill to improve traffic calming and bus service reliability. The removal of the chicanes would enhance the effectiveness of the existing bus service and improve its ability to serve the proposed development.
- 9.79. The emerging Banbury LCWIP (Local Cycling & Walking Infrastructure Plan) has identified Footpath 120/24 to the north of the site as a potential route linking the villages to the west of Banbury to the town. It will also be key for cycle facilities along Broughton Road itself to be improved to encourage more sustainable means of transport for residents of villages to the southwest and from this development.
- 9.80. Footpath 120/24 is also a key pedestrian route to Bretch Hill, where the nearest bus stops are located. As the footpath could provide a good option for east-west connectivity and provide easy access to the bus stops on Bretch Hill, it is imperative that it be improved. The proposals demonstrate a footpath linking the development and Footpath 120/24 together, so improvements to it would be a common-sense approach to providing an effective east-west connection to the wider Banbury area.
- 9.81. OCC have requested a contribution for upgraded pedestrian and cycleways in line with the emerging Banbury LCWIP. A key route has been identified which will pass along the site and a contribution would be used towards the construction of this route. Any new pedestrian and cycleways would be built to LTN 1/20 standards. The contributions would be calculated based on amounts secured from similar sites for comparable schemes.
- 9.82. *Public transport* - The County will require a public transport contribution at its standard rate indexed from 2020. This would contribute to the enhancement of the B5 bus service. This contribution rate has been updated since but is otherwise commensurate with that contribution. The TA has correctly identified that the nearest bus stop is about 210m away. Service provision at the nearest stop requires improvement and the contribution would go towards enhancing route B5 which serves these stops.
- 9.83. The contribution would also potentially extend the B5 service (or similar) to employment areas in the east of Banbury. The contribution is in keeping with OCC's aims to make bus travel a more attractive and relevant choice for Banbury residents. The contribution would allow the applicant to rely on bus travel mode share within their Travel Plan and Transport Assessment assumptions.
- 9.84. *Site Layout* - As this is an 'Outline' application the internal layout of this site would therefore be finalised at a detailed design stage. The layout plans shall be required to demonstrate the ability of refuse vehicles and cars to manoeuvre within the site and back onto the highway in a forward gear particularly utilising turning heads.
- 9.85. It is expected that future details on any 'Reserved Matters' or 'Full' application would show a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway.
- 9.86. *Rights of Way* - OCC will request a contribution for improvement works to the PRow network surrounding the site. Namely, public footpaths 120/810, 191/8/10, 19/8/20, 191/9/10, 120/24/10, 315/1/20, 191/11/10, 315/2/10, 315/2/20, and bridleways 191/4/10 and 191/12/10. This contribution is required to allow the Countryside Access Team to plan and deliver improvements with third party landowners prior to the occupation of the development under the aims of the Rights of Way Management Plan.
- 9.87. The contribution would be spent on improvements to the above routes which border the site on all sides. The routes are within the likely "impact area" of roughly 3 km from the site and connect the development to neighbouring settlements and the

surrounding countryside. The improvements would mostly take the form of improved surfacing, and new or replacement structures such as gates, bridges, seating, sub-surfacing, and drainage. This is necessary as usage of these routes would significantly increase should a full application be approved.

Conclusion

- 9.88. In light of the LHA's advice, and subject to conditions and S106 contributions, it is concluded that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network, and therefore complies with Local Plan Policies ESD15 and SLE4 in this regard and Government guidance within the NPPF.

Flood risk and drainage

- 9.89. 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.
- 9.90. Policy ESD7 of the CLP 2015 requires the use of Sustainable urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.91. The application was supported by a Flood Risk Assessment. Whilst there were initial objections from the Lead Local Flood Authority (OCC), they related to the submission of a phasing plan and an explanation of how the site would adequately consider flood risk at all stages of the development.
- 9.92. The requested information was subsequently supplied by the applicants and the Lead Local Flood Authority were satisfied by the phasing details and how potential flooding would be considered throughout development and as such the objection was removed.
- 9.93. Officers consider that the current proposals are acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

Infrastructure provision and Section 106 contributions

Policy Context

- 9.94. Policy INF1 of the CLP 2015 states that: "*Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*"
- 9.95. Policy BSC11 of the CLP 2015 states that: "*Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.*" Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.96. The Developer Contributions Supplementary Planning Document (SPD February 2018) sets out its position in respect of requiring financial and on-site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

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

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

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

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

Cherwell District Council (all contributions will be index linked)

- Community Hall Facilities - £285,827.12, Improvement of facilities at The Hill
- Outdoor Sport Provision - £504,257.50, Off site contribution for enhancement of facilities at North Oxfordshire Academy Community Use site
- Indoor Sport Provision - £208,736.70, contribution towards Banbury Indoor Tennis Centre and/or other indoor sports provision in Banbury
- Public Art/Public Realm - £56,000, contribution towards the provision of public art in the vicinity of the development
- Community Development Worker - £16,938.68, contribution towards employment of a community development worker to work to integrate residents into the community and wider area
- Community Development Fund - £11,250, contribution towards community development work which will include initiatives to support groups for residents of the development
- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long-term management provisions in accordance with the Policy BSC11 of the CLP.

Oxfordshire County Council (all contributions will be index linked)

- Public Transport Services - £262,750, this is to increase bus services serving the development site and potentially extend the service to employment areas in the east of Banbury
- Highway Works - £224,358.97, this is for the upgrading of local pedestrian and cycle ways in accordance with the emerging Banbury LCWIP
- Public Rights of Way - £60,000, This would be for access mitigation measures on the footpaths in proximity of the site, monies would fund surface improvement, signing and furniture along routes
- Travel Plan Monitoring - £1558, to enable the travel plan to be monitored for a period of five years
- Secondary Education - £1,994,220, for secondary education capacity serving the development
- Secondary Land Contribution - £199.980, for secondary school land contribution serving the development
- Special Education - £134,611, Special school education capacity serving the development
- Household Waste Recycling Centres - £23,490, Expansion and efficiency of household waste recycling centres.

Thames Valley Police (index linked)

- Policing - £44,482.20, contribution will mitigate against the additional impacts of this development because existing infrastructures do not have the capacity to meet these.

10. PLANNING BALANCE AND CONCLUSION

10.1. 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. 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.

Positive benefits - Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short to medium term due to the size and duration of the project. The proposals will create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the size of the development these provide positive weight.

Social

10.3. The proposal would provide 75 affordable homes which is a matter that carries substantial weight in favour of the proposal. Significant weight is to be afforded to the social benefits of the proposed housing.

- 10.4. The proposals would also provide significant social benefit from on site recreation and play facilities which would be at the level expected by policy, as well as open space. The provision of this would also be of community benefit to existing residents.
- 10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.6. The scheme would provide a high quality landscape setting, which would be in keeping with local character and the immediate locality and would minimise landscape impacts from the built form of the development by ensuring that any built development was positioned within the eastern portion of the application plot away from the visually sensitive western and southern edges of the plateau.
- 10.7. The sustainable location of the settlement next to the existing town and existing facilities is a material consideration which weighs in favour of the proposal.
- 10.8. The proposals commit to the provision of a sustainable construction methods and should be given positive weight.

Negative impacts

- 10.9. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.10. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 10.11. The proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.12. it is considered that there would be less than substantial harm caused to the Grade II Listed Withycombe Farmhouse and its setting but this harm can be appropriately mitigated through well thought out design, landscaping, buffering and screening.

Conclusion

- 10.13. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. Given that proposal is beyond the built up limits of Banbury and in open countryside, this conflicts with policies within the development plan. The proposal therefore needs to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.14. In this case, the proposal seeks permission for 250 houses on the edge of Banbury on a site unallocated in the adopted CLP 2015. Whilst the Council may be able to demonstrate a five year housing land supply, this is not a cap on development and the supply is 5.4, an exceedance of just 0.4 of a year. Banbury is an accessible

location for the amount of development proposed and development here would accord with the strategy of the Local Plan as a whole in seeking to direct residential development to the most sustainable settlements in the District.

- 10.15. On the basis of the scale of the proposal and the site's sustainable location and the site specific circumstances and benefits of this site the proposal is not considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan or the Framework as a whole, the proposed development is considered to represent sustainable development. In addition, the planning benefits of the proposal would not be outweighed by the limited harm identified and planning permission should therefore be granted.

11. 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):

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT AGREED/COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CONDITIONS

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

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

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

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
 - WE080-PD-039G, 3877 Sheets 1-2;
 - P20-1853_04 Rev C;
 - P20-1853_02 Rev H;
 - 10511-FPCR-XX-XX-DR-L-0001 Issue D;
 - 06104-SK-001-P0;
 - 06104-SK-002-P0;
 - 06104-SK-003-P0.

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

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

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

6. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
 - 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 the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for onsite 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 be parked, 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.

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.

7. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for written approval. Thereafter, the approved Residential Travel Plan shall be implemented and operated in accordance with the approved details.

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.

8. Prior to commencement of any development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction, including deliveries;
 - j) the temporary site compound including temporary structures

- k) the location and noise levels of any temporary generators or other fixed mechanical plant.
- l) details of external lighting and proposed operation times.
- m) contact details for the site manager or other persons associated with the management of operations on the site.

Thereafter the development shall be carried out only in accordance with approved CEMP.

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

9. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

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

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

11. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

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

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

13. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

14. There shall be no occupation beyond the 49th dwelling until confirmation has been provided that either:-

all water network upgrades required to accommodate the additional demand to serve the development have been completed; or-

a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a 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 NPPF (2021).

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles including an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Discharge Rates;
- b. Discharge Volumes;
- c. SUDS (Permeable Paving, Soakaway Tanks);
- d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
- e. Infiltration in accordance with BRE365;
- f. Detailed drainage layout with pipe numbers;
- g. Network drainage calculations;
- h. Phasing;
- i. Flood Flow Routing in exceedance conditions (to include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.

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

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

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

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

and Government guidance contained within the National Planning Policy Framework.

20. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.

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

21. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To 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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of development hereby approved, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

23. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement which ensures a minimum of 20% biodiversity net gain within the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

24. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 25 and following consultation with the Local Planning Authority and other

stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Code.

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

25. The Design Code shall include,
- a. the character, mix of uses and density of each character area identified, to include the layout of blocks and the structure of public spaces
 - b. the character and treatment of the structure planting to the development areas
 - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
 - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
 - g. the materials to be used within each character area
 - h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
 - i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
 - k. lighting proposals

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the Adopted Cherwell Local Plan 2011-2031 and Government Advice within the National Planning Policy Framework.

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

Planning Obligation (based upon 250 dwellings)	Regulation 122 Assessment
---	----------------------------------

Detail	Amounts (all to be Index linked and subject to unit numbers)	Trigger points as proposed in the Draft Section 106 agreement – these trigger points are subject to change.	
Community Development Fund Contribution	£45 per dwelling £45 x 250 dwellings = £11,250	Prior to occupation of 50 th dwelling	Necessary - TBC Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Community Development Worker Contribution	£16,938.68	Prior to occupation of 50 th dwelling	Necessary - TBC Directly related – TBC

			Fairly and reasonably related in scale and kind - TBC
Community Hall Facilities Calculation	$250 \times 2.49 = 622.5$ $622.5 \times 0.185 \times \text{£}2,482 = \text{£}285,833.33$	<p>20% prior to occupation of any dwellings</p> <p>80% prior to occupation of 100th dwelling</p>	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Indoor Sports Calculation	$250 \times 2.49 = 622.5$ $622.5 \times \text{£}335.32 = \text{£}208,736.70$	<p>25% prior to occupation of any dwellings</p> <p>Further 25% prior to occupation of 100th dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer</p>

			Contributions SPD calculation based on the final mix of housing and number of occupants.
Landscape Monitoring Contribution	£15,000	Prior to implementation of any Open Space	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p>Directly related – For the use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council.</p>
Outdoor Sports Contribution	$£2,017.03 \times 250 = £504,257.50$	<p>25% prior to occupation of any dwellings</p> <p>Further 25% prior to occupation of 100th dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p>

			<p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Art Contribution	$£224 \times 250 = £56,000$	<p>50% prior to occupation of any dwellings</p> <p>50% prior to occupation of 100th dwelling</p>	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Thames Valley Police Contribution	$£2,393.92 + £5,575 + £3,060 + £5,550 + £27,953.28 = £44,532.20$	Prior to occupation of 50 th dwelling	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>

LEAP provision	Detailed to be agreed through Reserved Matters application	Prior to occupation of 75% of dwellings	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Affordable Housing	Policy compliant.	Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase.	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Highway Works Contribution	£224,358.97	Prior to occupation of 200 th dwelling	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>

Public Rights of Way Contribution	£60,000	Prior to occupation of 100 or more dwellings	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Public Transport Services Contribution	£262,750	<p>50% prior to occupation of 100 dwellings</p> <p>50% prior to occupation of 200 dwellings</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Secondary Education Contribution	£1,994,220	10% prior to implementation	Necessary - TBC

		<p>30% prior to occupation of any dwellings</p> <p>30% prior to occupation of 100th dwelling</p> <p>30% prior to occupation of 200th dwelling</p>	<p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Secondary Land Contribution	£199,980	Prior to occupation of any dwellings	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Special Education Contribution	£134,611	<p>10% prior to implementation</p> <p>30% prior to occupation of any dwellings</p>	<p>Necessary - TBC</p> <p>Directly related – TBC</p>

		30% prior to occupation of 100 th dwelling	Fairly and reasonably related in scale and kind - TBC
		30% prior to occupation of 200 th dwelling	
Travel Plan Monitoring Contribution	£1,558	Prior to occupation of any dwellings	Necessary - TBC Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Waste Recycling Contribution	£93.96 £93.96 x 250 dwellings = £23,490	50% prior to occupation of any dwellings 50% prior to occupation of 100 th dwelling	Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SP 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

CDC and OCC Monitoring fee	CDC: £TBC OCC: £TBC	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
----------------------------	------------------------	---------------------------	--