

Case Officer: Andrew Thompson

Applicant: Wates Developments

Proposal: Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Ward: Fringford And Heyfords

Councillors: Cllr. Patrick Clarke, Cllr. Nigel Simpson and Cllr. Barry Wood

Reason for Referral: Major development

Expiry Date: 20 July 2023

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is approximately 14.9 hectares in size and is comprised of two field parcels, which are currently used for agricultural purposes. The site is accessed via an opening at the northern boundary off Green Lane and is bounded by unnamed roads both to the west and east.
- 1.2. The site is irregularly shaped and is predominantly flat with a small, narrow ditch running from north to south separating the two fields down the centre of the site. The site's boundaries are defined by trees and hedgerows to the east and south, and to the north along Green Lane.
- 1.3. Along the section of northern boundary with the existing community centre and playing pitches off Geminius Road, there is a wooden rail and post fence with parking spaces immediately behind. There is no vegetation. There is a storage building associated with the pitches at the north-eastern corner. Planting at the western boundary is more sporadic to the south-west.
- 1.4. Ground levels within the site range between 74.4m and 71.3m AOD, falling with a gentle slope from the north to the south.
- 1.5. To the east / north of the site lies a recent residential development, on Vespasian Way, alongside Chesterton Community Centre and a playing field and football pitches.
- 1.6. To the east of the sports pitches, beyond an unnamed road, lies the Chesterton Conservation Area. Several Grade II and II* Listed Buildings are located within a around the centre of the village including Chesterton Lodge located approximately 250m from the site. Chesterton Lodge is occupied by Bruern Abbey School which is an independent school.
- 1.7. To the north of the site, beyond Green Lane, lies an agricultural field and areas of existing residential development. To the west, on the other side of the unnamed road, lies the Bicester Sports Association. This land benefits from planning permission (Ref:

19/00934/F), for the extension of facilities including a variety of new pitches and a clubhouse with event space.

- 1.8. Bicester Golf Club is located northwest of the site (north of Green Lane). This site benefits from planning permission (Ref: 19/02550/F) for the development of a new water park resort, entitled 'Great Wolf Lodge'. Facilities at the Great Wolf site will include a 498-bedroom hotel, indoor water park and adventure park, conference facilities, restaurants and cafes, and a newly designed golf course.
- 1.9. The application site benefits from an existing pedestrian connection along Green Lane which begins at the north eastern corner of the site (near Vespasian Way). From this point, the site has access to a range of amenities within Chesterton such as a Primary School, public house, church, village hall, community centre, church, village green and allotments. This is in addition to the Bruern Abbey Preparatory School.
- 1.10. The site connects to a footpath/cycle route leading to Bicester. The closest railway stations are Bicester Village and Bicester North, both located approximately 4.8km away. Bicester Park and Ride is located circa 1.8km to the east of the site (which represents a 5-minute cycle ride).
- 1.11. In addition, the site is situated approximately 1km from the new 'Siemens Healthineers' facility which is to be built at Little Chesterton.

2. CONSTRAINTS

- 2.1. The application site is within the open countryside with agricultural land designated as Class 3a (or Best and Most Versatile Land).
- 2.2. The site immediately adjoins, but lies outside of, the adopted settlement boundary for Chesterton, and is therefore located within the 'countryside'. Local Plan Policy Villages 1 'Village Categorisation' identifies Chesterton as a Category A Service Village.
- 2.3. There are no on-site Public Rights of Way (PROWs), but three footpaths (refs. 161-5-10; 161-4-10 and 161-3-10) abut the site's boundary, at its western and eastern edges respectively.
- 2.4. There are no trees which are subject to Tree Preservation Orders (TPOs). Hedgerows would be protected under Hedgerow Regulations.
- 2.5. With respect to ecology, the site is not subject to any statutory or local biodiversity-related designations however there are known species and habitats in the vicinity of the site in relation to great crested newts, badgers, swifts, brown hairstreak butterfly. There are at least two ponds located on-site and two are within the vicinity.
- 2.6. In terms of heritage, the site is adjacent to the Chesterton Conservation Area. The nearest Listed Building is the Grade II Listed building, Chesterton Lodge and (part of the Bruern Abbey School to the east), is located 250m east of the site, along with several other Grade II and II* Listed buildings located within 1km of the site.
- 2.7. The site is in Flood Zone 1 however surface water flood maps indicate that there is a low to high risk of surface water flooding in the low-lying southern areas of both fields. As such there may be a risk of ground water flooding in the lower lying areas of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application is in outline considering the matter of access. The principal parameters of the outline planning permission are set out by the application as:

- Up to 147 homes;
- Net zero carbon development;
- 35% affordable housing (including First Homes);
- Homes limited to two storeys in height;
- Development density of approximately 30 dwellings per hectare (net);
- A new priority junction on Green Lane;
- Parking provision in accordance with relevant standards;
- Additional points of pedestrian access to Green Lane and Little Chesterton Lane;
- Green infrastructure and biodiversity enhancements, achieving a positive biodiversity net gain;
- Public open space with recreational walking paths and trim trails
- Provision of Local Areas of Play (LAPs), a Locally Equipped Area for Play (LEAP) and a Neighbourhood Equipped Area for Plan (NEAP);
- A recreational playing field area which, could include formal sports pitches with associated parking, within the eastern parcel of the site;
- Sustainable Drainage systems including swales throughout the site, as a part of the green infrastructure;
- A permeable layout with a clearly defined street pattern, separating the public and private realms; and,
- Retaining existing trees along the boundary of the site and integrating existing landscaping features.

3.2. Detailed planning permission is sought for all new accesses into the site, notably the main vehicular and pedestrian / cycle access. This will be via Green Lane (a 5.5m wide residential road, with 2m wide footway on the eastern side of the carriageway), making use of an existing road and proposed footway as part of the Great Wolf resort proposals.

3.3. The application is supported by the following plans:

- 353-ACG-XX-00-DR-A-1000 Rev 3 – Site Location Plan
- 353-ACG-XX-00-DR-A-1050 Rev 2 - Illustrative Masterplan
- 2930-LA-02 Rev P3 - Illustrative Landscape Masterplan
- C86354-JNP-92-XX-DR-C-2003 Rev P03 - Drainage Strategy Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2004 Rev P01 - Drainage Strategy Sheet 2 of 2
- C86354-JNP-92-XX-DR-C-2005 Rev P01 – Exceedance Flow Plan Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2006 Rev P01 - Exceedance Flow Plan Sheet 2 of 2
- C86354-JNP-92-XX-DR-C-2007 Rev P01 - Pipe Catchment Plan Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2008 Rev P01 - Pipe Catchment Plan Sheet 2 of 2

- 3.4. The proposed access shown on plan ITB14377-GA-007 Rev B (Part of the Submitted Transport Assessment) shows a proposed access of 5.5m in width with an adjacent 2m wide footpath onto Green Lane. This is likely to require some removal of planting on the northern boundary. In addition, it is noted that as part of the Great Wolf development a new footpath/cycleway on Green Lane frontage of 3m in width is to be delivered. The application proposes to provide cycle and pedestrian links onto Green Lane and this enhancement. Further internal accesses and links would need to be secured through the Reserved Matters consideration, if approved.
- 3.5. The application is also supported by the following suite of documents:
- Planning Statement (including Affordable Housing Assessment) prepared by Boyer
 - Design and Access Statement prepared by ACG Architects
 - Heritage Statement prepared by Orion Heritage
 - Arboriculture Impact Assessment prepared by SJA Trees
 - LVIA and Landscape Strategy (including Open Space Assessment) prepared by Allen Pyke
 - Economic Benefits Summary Infographic prepared by Turley
 - Archaeological Evaluation prepared by Cotswold Archaeology
 - Utilities Assessment prepared by JNP Group
 - Flood Risk Assessment and Drainage prepared by JNP Group
 - Phase II Geo-environmental Report prepared by JNP Group
 - Biodiversity Survey and Report prepared by BSG Ecology
 - Biodiversity Net Gain Calculation and Strategy prepared by BSG Ecology
 - Transport Assessment (Part 1-4) prepared by I-Transport
 - Travel Plan prepared by I-Transport
 - Agricultural Land Quality Assessment prepared by Reading Agricultural Consultants
 - Energy and Sustainability Assessment prepared by Energist (updated during the course of the application)
 - Statement of Community Involvement prepared by SP Broadway
- 3.6. Further information has been provided through the course of the application consideration in relation to responses to consultation responses and a Technical Highways Note. An addendum to the Landscape and Visual Assessment has also been received.

4. RELEVANT PLANNING HISTORY

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

Application Site

22/01135/SO - A formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA) was submitted under reference A formal opinion was not provided by the Local Planning Authority within the requisite timescale as set out in the Regulations. It is noted that the applicant, to the knowledge of the Local Planning Authority did not submit a formal Screening Direction to the Secretary of State. Officers carried out a screening exercise once the application submission was made.

Other Residential Development in Chesterton within the plan period (i.e. since 2011)

12/00305/OUT - Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping. Refused. Appeal Ref - APP/C3105/A/12/2183183 – Allowed.

13/01525/REM - Reserved Matters to Outline application 12/00305/OUT - Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping – Approved.

14/01737/OUT and 16/00219/REM - erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and all other ancillary and enabling works. Approved

15/00454/OUT - outline planning permission for up to 51 dwellings with vehicular access from The Hale, together with public open space, and surface water retention pond and associated infrastructure. All matters other than the main site access reserved. Refused. Appeal Reference - APP/C3105/W/15/3130576 - Dismissed.

Bicester Sports Association Development

19/00934/F Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works. Approved.

Great Wolf Site

19/02550/F - Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping – Refused – Appeal Ref: APP/C3105/W/20/3259189 – Allowed.

Siemens

22/01144/F - Full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including: formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse. Approved.

- 4.2. It is noted that since the beginning of the plan period there has been a total of 45 dwellings approved within Chesterton under Policy Villages 2. It is noted that as the development at Vespasian Way under reference 12/00305/OUT) had been completed alongside the sports pitches and community building was not included in the Policy Villages 2 calculation as it was approved prior to the adoption of the plan.
- 4.3. The Inspector into 15/00454/OUT, highlighted the consideration into the settlement at Chesterton and whilst from 2016 and noting the changes in policy, in particular at national level the assessment on Policy, the appeal decision is noted and raises some salient comments.
- 4.4. At Paragraph 14 the Inspector noted that “The position at the time of the Hearing (15 December 2015) was that 571 dwellings out of the 750 were anticipated to come forward over the next 5 years, leaving 179 to be provided over the whole of the remainder of the plan period. There is no phasing requirement in Policy Villages 2, but the strategy in the 2015 LP is for the provision of sustainable development over the whole of the plan period and the whole of the district. If disproportionate numbers

of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy.”

4.5. At paragraphs 17 and 18 the Inspector noted that:

“17. If the 750 dwellings required by Villages 2 were to be distributed across the Category A villages pro rata on the basis of population, only 15 dwellings would be required in Chesterton. But in fact, Chesterton is already committed to provide 45 dwellings, which have been approved in principle subject to a section 106 undertaking being completed. These will be on land immediately to the north of the appeal site, now known as The Paddocks. If the appeal proposal were permitted as well, then 12% of the 750 district wide total would be provided in one relatively small village. This would be disproportionate.

18. The development at The Paddocks is in addition to 44 dwellings approved on appeal on land off Green Lane in 2013, which do not count towards the 750. That development is in the course of construction. Together with the developments already permitted, if the appeal proposal were to be allowed there would be a significant increase in the population of the village over a short timescale.”

4.6. The Inspector also noted that “Chesterton has a limited range of facilities within the village itself. These include a primary school and nursery, a public house, a village hall and playing fields, and a bus service (25/25A). There are very limited employment opportunities, and most or all of those who live in the village would have to travel to work, to do their shopping and to access most public services.”

4.7. The Inspector continued at Paragraph 20:

“Although the edge of the Bicester urban area is reasonably close to the village, roads are not pedestrian or cycle friendly due to their width and the traffic using them, there are no footways, and consequently cycling or walking to any part of Bicester, including the newly opened park and ride facility just off the A41, is unlikely to be a realistic option for most people.”

4.8. The Section 106 (S106) Agreement for the approved development at Great Wolf site, requires the provision of improved public transport (in the form of a subsidy for a bus route) between Chesterton and Bicester.

5. PRE-APPLICATION DISCUSSIONS

5.1. The Council received a request for pre-application advice on 21 October 2021, with the relevant payment being processed in November 2021. Subsequently, on 06 January 2022, the appointed Case Officer met with the applicant and consultants to walk the site and to discuss the proposals. The applicant’s view of the detail discussed is set out in the applicant’s supporting documentation. There has been no written response to the pre-application request.

5.2. The applicant states that during the meeting, the Case Officer identified the housing land supply shortfall within Cherwell the apparent lack of site constraints. The Case Officer advised that an appropriate and well-designed proposal for a residential scheme, would be considered in the context of the presumption in favour of sustainable development and may therefore attract a recommendation for approval, subject to technical assessment.

- 5.3. The Case Officer advised that there was some debate (at CDC) regarding the appropriate scale of development at Category A Villages, particularly those within the vicinity of Bicester and Banbury.
- 5.4. With respect to the proposed design, the Case Officer advised that the scheme would need to maximise opportunities to promote pedestrian and cycle connectivity through the site and within the wider settlement. This should include adding to committed improvements associated with the Bicester Sports Association and Great Wolf developments, in order to facilitate wider connectivity.
- 5.5. The Case Officer also identified surface water drainage as a key consideration, noting that CDC's expectations would be that this was addressed as part of a holistic green infrastructure strategy. It was explained that this would provide landscape and biodiversity benefits, which would soften the edges of this proposal for an 'edge of settlement development'.
- 5.6. The applicant states they were advised that existing planning policies did not require development to be net zero carbon, it was indicated that CDC had declared a climate emergency and would therefore give substantial weight to the benefits of proposals that can achieve this level of sustainability.
- 5.7. Whilst the discussions are noted and not disputed, no formal written advice was prepared prior to the submission of the application.

Local Plan Review

- 5.8. The applicant highlights that the proposals have also been submitted as part of the Local Plan Review Call for Sites. In August 2022 the Planning Policy Team at CDC requested information on the site (specifically relating to ecology) as part of their preparation for the Draft Local Plan. A subsequent on-site meeting was arranged with a Planning Policy Officer on 13 September 2022. The Officer advised that the site was to be included within a potential larger allocation. On 9 November 2022 the applicant received a 'site proforma' for a proposed allocation at Chesterton (500 dwellings). The proposed allocation includes the application site and land extending southwards to the A41. Whilst the applicant continues to work with the Council on the Local Plan Review, the proposed allocation will be subject to public consultation, following approval through the appropriate mechanisms.

Community Engagement

- 5.9. Prior to submitting this application, a range of community engagement activities has been undertaken by the applicant team. Several meetings (between March and September 2022) have taken place with Chesterton Parish Council, as well as Chesterton Football Club, in order to help understand the needs of the local community.
- 5.10. To engage the wider community, the consultation included creating a project website and hosting a traditional public exhibition. To raise awareness, leaflets were distributed (by post) to residents in the area. The leaflets directed people to the time and date of the public exhibition, along with the details of the website. Contact details were also included for people to ask questions before the exhibition took place.
- 5.11. The public exhibition was held on Tuesday 12 April between 15:00 and 19:30 at the Chesterton Community Centre, which is located adjacent to part of the northern boundary of the site. The online exhibition www.wateschesterton.com was live from midday on 12 April – 29 April 2022.

- 5.12. In total 72 residents attended the public exhibition with 15 of them completing a feedback form on the day. 69 users visited the online exhibition and 7 of these completed a feedback form online.
- 5.13. In response to discussions with the Parish Council, Chesterton Football Club, and community engagement activities, the applicant highlights that the following changes have been made to the proposals:
- The entirety of the eastern field is to be provided as public open space and is envisaged as an extension to the existing playing field to the north. The intention is to provide the village with a substantial park that meet identified needs;
 - The new parkland will include recreational playing fields, alongside play-space and informal areas. These will be provided alongside an additional car parking area to cater for busy match-days;
 - Additional landscaping and biodiversity enhancements are now to be provided at the northern boundary of the site to the rear of Vespasian Way, providing defensive planting and deterring people from walking along the rear of gardens; and,
 - The proposed street layout has been altered, bringing the primary street to the western boundary of the site, thereby moving it away from the existing Vespasian Way development.
- 5.14. The applicant notes that the Parish Council undertook a consultation over the summer of 2022, in order to understand what residents' priorities are in relation to recreation and sports pitches. The Parish Council has subsequently fed back and identified a requirement for a grass football pitch, alongside tennis courts which can also be used for netball / basketball.
- 5.15. It is noted that the applicant has also submitted a Statement of Community Involvement setting out the response from public exhibitions. Whilst many comments have been captured regarding positive elements of the scheme (i.e. sports provision) it is noted that the written responses included in Appendix to the Statement included comments that in principle some residents were against further housing development which has not been captured by the applicant.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of two site notices 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 **13 May 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A total of 97 objections have been received and 1 supporting comment to the application on the proposals. The comments raised by third parties are summarised as follows:
- Number of developments in the village including housing and leisure developments. The village character has been subsumed by large housing estates. Merging of Chesterton and Little Chesterton are also concerns.
 - No more development/enough development has been approved in the village
 - Previous appeal refusal in 2015 for housing on land opposite

- Development is too big for the village
- Concern with regard to the merging of the village with Bicester and impacts of Great Wolf and Bicester Sports Association along with Kingsmere development.
- The Council has reported a 5.4year supply – no need to approve this in this village
- More traffic will be unsustainable to roads in terms of the infrastructure and the safety and speed of cars
- Environmental impact of noise and air pollution and construction noise and disturbance
- Impact on wildlife – species reported by residents include a small group of deer that appear in this field. There is an abundance of other wildlife, an otter, a red kite nest, orchids, buzzards, barn owl, and a kingfisher.
- Lack of facilities in the village including shops, doctors, safe pavements, school facilities and a regular bus service.
- School has been extended and cannot be extended further.
- Sewage a problem in the village
- Paths are very dark for walking with no cycle paths it is not a good idea and not sustainable.
- Impact on the amenity of the Vespasian Way/Flavian Close development with no landscaping on the boundary.
- Loss of farmland used for growing food.
- Is there a need for sports pitches given the Bicester Sports Association Development – not identified in the Local Plan evidence base.

The supporting comment raises the following comments:

- We don't build enough housing and this is a big driver of the cost of living crisis and puts a drag on the economy.
- Would much prefer to see more dense development near public transport, but given the dire state of things, this is better than nothing.
- Given the seriousness of the housing crisis, proposals such as this should have to meet a high threshold before they are thrown out.

6.3. University College (agent Bidwells) – who own the land which forms the other part of the Draft Local Plan allocation have also written in objection stating the applicant has not approached University College in developing their proposals for the site, despite the proposed allocation of the wider site. Whilst the allocation has not been confirmed, we see any cross-boundary discussion as essential to achieving a high quality and sustainable development in case the allocation progresses. Such matters were uppermost in the Council's mind when it drafted the principles that would underpin the wider site allocation. It is clear from reading these principles, the Council was reasonably expecting some level of coordination across the allocation as the following extracted objectives demonstrate.

University College highlight that the key coordination objectives can be found under Urban Design Approach and Access and Transport within the draft allocation:

- Development of the site should have regard to Chesterton village settlement pattern and Little Chesterton.

- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities, with a legible hierarchy of routes, with new footpaths and cycleways provided on site that link to existing networks beyond the site.
- Public open space to form a well connected network of green areas suitable for formal and informal recreation.
- A well designed approach at the periphery taking account of its rural setting and Chesterton village.
- Good accessibility to public transport services should be provided for, including if necessary, the provision of bus routes through the site with buses stopping on the site.

On reviewing the plans prepared by the applicant, University College suggest it is not possible to determine how these principles have been addressed and how they might evolve in response to the Draft Plan proceeding. We understand the Draft Plan has yet to be issued for consultation, but it is not without some status. Indeed, the status of the Plan is likely to accrue weight during the life of this application and there is a risk that many of the sound principles identified above will have to be removed on the basis of opportunities missed.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CHESTERTON PARISH COUNCIL: Strongly objects. In a detailed response outlining concerns relating to the scale of development, lack of public transport, transport impacts and the availability of walking and cycling alternative, water and sewage issues, landscape and heritage issues. In its conclusion the Parish states that

"The proposed development is not an allocated development in the local plan and cannot be considered as yet in the emerging Local Plan. The proposed development does not appear to meet any existing needs in the village. Nor is it required to meet any shortfall in Cherwell's housing land supply. Chesterton Parish Council believes that the proposed housing development will cause considerable harm to the village, outweighing any possible benefits, and should therefore be refused."

- 7.3. WESTON ON THE GREEN PARISH COUNCIL: Chesterton has expanded significantly with two developments on the western side abutting Green Lane and the Bicester Golf and Health Spa Hotel. The Water Park development on half of the Bicester golf course area is now underway. The principal concern is that further development is proposed before the infrastructure is in place to cope with more population expansion and that not enough value is given to the preservation and retention of biodiversity corridors to protect the rural environment. Traffic issues in the area, where the rural villages are already plagued by heavy industrial traffic and high numbers of commuting vehicles on small rural roads, will only increase as very few effective public transport options have been established in rural areas.

- 7.4. MIDDLETON STONEY PARISH COUNCIL: has concerns at another development of green fields running counter to our biodiversity objectives Support Highways concerns that M40 junction 9 is already overloaded Therefore concerned that traffic coming from North to development will seek to divert down B4030 through Middleton Stoney where the traffic light junction with B4030 is already over capacity. Particular concerns regarding HGVs during the construction phase.

CONSULTEES

- 7.5. OCC HIGHWAYS: No objection subject to the following S106 Contributions (totalling £209,664), an obligation to enter into a S278 agreement and planning conditions and informatives.
- 7.6. NATIONAL HIGHWAYS: No objection
- 7.7. CDC LAND DRAINAGE: No comments at this outline stage. It is accepted that the site is at very low risk of flooding from any source, except a small area near the southern boundary which is locally indicated to be a medium risk of surface water flooding. This can be mitigated by appropriate infrastructure. The applicant has followed pre-application advice and proposed a surface water management strategy that is broadly in accordance with the LLFA Local Guidance. Subject also to comments from the LLFA.
- 7.8. CDC BUILDING CONTROL: A Building Regulations application will be required. Please note that the proposed dwellings will need to meet the additional requirements of Part M: 'Access to and use of buildings', Part R: 'Infrastructure for electronic communications' and Part S: 'Infrastructure for charging electric vehicles'.
- 7.9. HISTORIC ENGLAND: No comment - suggest that you seek the views of your specialist conservation and archaeological advisers.
- 7.10. SPORT ENGLAND: offers its support for this this application, as it is considered to meet Objective Provide. Sport England recommends, based on their assessment, that if the Council is minded to approve the application, planning conditions relating to the final design, layout, ground conditions and drainage of sports pitches are imposed.
- 7.11. ENVIRONMENTAL PROTECTION: No objection

Noise: A Construction Environment Management Plan (CEMP), should be conditioned

Contaminated Land: The Geo-environmental reports submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed

Air Quality: No comments

Odour: No comments

Light: Full details of the lighting scheme should be submitted prior to commencement of development.

- 7.12. STAGECOACH: Objects to the proposals - On balance, we consider it self-evident that should this development be consented, and irrespective of what passenger transport is provided by the nearby planned resort, the vast majority of residents will use cars to pursue their daily activities. This will only add to serious traffic congestion in the immediate vicinity, and in particular on the A41 and A34, towards Oxford and

crossing the M40 at junction 9. This is the route used by the trunk X5 and S5 services between Bicester and Oxford. This already seriously compromises the efficiency, attractiveness and viability of the established public transport corridor on which many thousands of weekly bus journeys take place. The cumulative impact of this and other car dependent development – wherever located in the wider locality – can be expected to materially aggravate these conditions, given the degree of saturation of key links and junctions on this route.

We do not consider that consenting the proposals reflects a decision that actively manages patterns of development to support national policy goals set out in NPPF chapter 9, nor local policy set out in the adopted Local Plan, nor the County's Local Transport and Connectivity Plan.

Given these circumstances, we consider that consenting these proposals is premature pending the proper consideration of the wider allocation that the Council has been evaluating, through the Local Plan process. While we can see that there may be case supporting a larger development, including the scope to secure better access to frequent bus services operating on the A41, and much better cycle connectivity towards Bicester, we still have fundamental concerns about the sustainability of this location.

- 7.13. RECREATION AND LEISURE: Seek contributions in accordance with the Council's SPD as follows:

Community Facility - £168,081.04 – towards Chesterton Village Hall

Outdoor Sport - £296,503.41 – towards changing facilities (in addition to facilities provided as part of the development)

Indoor Sport - £122,737.18 – towards swimming facilities in Bicester

Community Development Worker – £16,995.89 – to support new residents moving into the area.

Community Fund - £6,615 – towards initiatives to support local groups.

- 7.14. OCC WASTE MANAGEMENT: Seek contributions of £13,812 towards enhancement of Household Waste and Recycling Centre.

- 7.15. ENVIRONMENT AGENCY: No comment

- 7.16. ECOLOGY: The applicant has submitted an ecological appraisal which is sufficient in scope and depth at this stage. Should permission be granted a full CEMP would be required to protect retained habitats and species on site during construction. A walkover/update survey should be conditioned to be carried out prior to any works commencing on site. In general there are few protected species issues on site which cannot be overcome through mitigation. The exception is farmland birds. Skylark and Yellow wagtails (both red list species) were found to be nesting on site and under current proposals there is no specific mitigation for these red list species. Compensation for these species should be considered. A biodiversity impact assessment has been submitted which shows a good level of gain in both hedgerows and habitat units could be achievable under the illustrative layout. This relies on the creation of areas of neutral grassland and scrub reaching a moderate condition within five years which is an ambitious target given the baseline habitat and its achievability will be dependent on careful management both of the habitat and of access to it. A full LEMP would need to be conditioned which shows how the various proposed habitats are to be managed, funded and give details of monitoring and review periods

to ensure biodiversity net gain is achieved for the lifetime of the development. Any LEMP should include details of integrated bat and bird provisions as well as any proposed on trees, measures for hedgehogs, reptiles and invertebrates. A full lighting strategy would need to be conditioned to ensure that dark corridors remain on site for nocturnal wildlife.

7.17. OCC EDUCATION: Seek contributions towards the following:

Primary School - Currently, Chesterton CE Primary School accommodates pupils from outside its catchment area, predominantly living in Bicester, and needs to do so due to an existing shortage of primary school places in SW Bicester, where St Edburg's CE Primary School has been persistently and significantly over-subscribed from within its catchment areas since 2019. To address this shortage, St Edburg's CE Primary School is being expanded onto a split site within the Kingsmere development by building accommodation equivalent to a 1 form entry primary school. This will enable it to accommodate 3 forms of entry, including an expanded Nursery, with sufficient site area to expand to 4 forms of entry should that be required by local population growth. This will provide sufficient school places in SW Bicester for the local population, removing the need for children to travel outside of the town to school such as Chesterton, This expansion is therefore necessary to free up sufficient school places in the local area to meet the expected demand generated by the proposed development, and to make the proposed development acceptable in planning terms. The expansion is therefore directly related to the proposed development. A contribution of £1,494,584 is therefore sought.

Secondary School - The scale of housing growth in Bicester requires another new secondary school, in addition to that previously opened at SW Bicester, to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is currently forecast to be required by 2028, although this is subject to the speed of housing delivery. A contribution of £1,196,532 is sought plus a contribution of £126,288 towards land costs.

SEND: Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school. A contribution of £80,767 is therefore sought.

7.18. OCC ARCHAEOLOGY: The applicant has submitted the approved archaeological desk based assessment, supported by a geophysical survey and evaluation report. These investigations have recorded areas of archaeological features which will need to be subject to a further phase of archaeological excavation.

7.19. CDC CONSERVATION - Overall the proposal is not considered to result in harm to the significance of the heritage assets through development within their setting.

7.20. LEAD LOCAL FLOOD AUTHORITY: No objection subject to conditions.

7.21. THAMES WATER: No objection - the scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and

cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

- 7.22. CDC HOUSING: This outline planning application is for the development of up to 147 homes, with all matters reserved except for means of access. The site is within the rural settlement of Chesterton, therefore at least 35% affordable housing is required in accordance with CDC Local Plan Policy BSC 3: Affordable Housing. The tenure split required by this policy is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 52 dwellings (rounded up) with 37 as rented and 15 as Low-Cost Home Ownership. National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes
- 7.23. CPRE: strongly objects to this housing development proposal. The proposed development is not an allocated development in the local plan and if approved would add to other recently unallocated developments in Chesterton and its environs. CPRE believe that the applicant has failed to address many of the concerns which were raised following the consultation meeting such as distance from services and facilities and infrastructure. Given the ongoing issues that residents are experiencing with flooding and the further impacts that this development will have on village infrastructure, CPRE would have expected an environmental impact assessment to accompany this application which hopefully would have highlighted some of these issues and the mitigations that would be put in place to address these concerns.

The development does not appear to be meeting an existing need within the village nor is it required to meet any housing supply shortfall in Cherwell as the Council has announced that it now has adequate housing land supply. Measured against the requirements for housing development in Local Plan Village Policy 2, CPRE believes that the development fails to meet this criterion. CPRE therefore contends that any benefits from this development will be more than outweighed by the harm that it will create and that this application should therefore be refused.

- 7.24. CDC LANDSCAPE: The Landscape and Visual Assessment (LVA) is comprehensive and proportionate and within the report a sufficient selection of viewpoints demonstrate the degree to which the Site and the proposals may be visible in the near, middle and longer distance views. The majority of views (VP 1-11) are contained to within 1km of the Site boundary. Beyond that the views are distant and filtered / obscured by intervening vegetation associated with the level landscape. These include: VP 12 which is within a 2km radius, VP 13 and 15 which are within a 3km radius and VP 14 which is within a 4km radius. Having walked and driven several of the PRoW and connecting roads I confirm that the selected 15 representative views have incorporated the obvious elevated views whereby the development site may be seen. It is evident that the Site is mainly visible from residents at Vespasian Way and road users along Green Lane and the unnamed access road to Little Chesterton. There are limited views from the edge of the Chesterton Conservation Area which abuts the Site along its north eastern edge. In the wider landscape potential views of the new development may be possible from the footpaths leading to Little Chesterton; the Bicester and North Oxfordshire Cricket Club and the grounds of Bicester Health Club and Spa.
- 7.25. The overall the visibility of the site from the PRoW is as mentioned in the report is limited due to the site's existing boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

- 7.26. Although the park and ride is approximately 1.6 miles away and 4 minutes in the car (possibly longer if cycled) it would be another car-dependent dormitory. The current tree belt to the north of the development forms a strong, clear boundary between the village and countryside which visually demarcates the village from open countryside. This is an existing natural edge and should be protected and maintained for landscape and visual reasons.

Settlement Character

- 7.27. The inter-relationship between the landscape and newly built form would be seen as a significant change, certainly when receptors approach the village. The land of the proposed development forms the landscape setting for the gateway into the village from the western end. Additional screening is proposed for this development and this in itself suggests that if this is necessary then the development will not fit easily into the landscape. And as is clearly apparent, building on this site invariably pushes development further out into open countryside, whilst adding another relatively busy access point off Green Lane and two further access points for pedestrians. Being an extension beyond existing boundaries will alter the interpretation and approach from the open landscape and into the village which will have a detrimental impact on the settlement and landscape character, but will also add further pressure onto existing facilities and infrastructure. The last Census suggests that the population in Chesterton was around 850 in 2011 and since this time there have been two developments, each with 45 homes. Based on the 2.49 average household calculation, this makes an additional 224, so a current population of around 1,074. If another 147 homes are added to the village this pushes the population further by an additional 366 which makes a consequential 34% increase.
- 7.28. The proposals include additional recreational facilities and new footpaths to help accommodate this number, however the cumulative effects that the new development would impose on the village may be too significant to counterbalance.
- 7.29. THAMES VALLEY POLICE: Whilst I do not wish to object to this application, I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible. In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides for homes, schools and commercial areas can be found here: <https://www.securedbydesign.com/guidance/design-guides>.

- 7.30. Separately the Police seek contributions as follows:

Staff: In order to mitigate against the impact of growth TVP have calculated that the "cost" of policing new growth in the area equates to £27,678 to fund the future purchase of infrastructure to serve the development.

Staff Set Up (including Uniform and Workspace): On the basis that the development generates 1.40 uniformed officers and 0.40 CID/staff the set up costs equate to £1,357

Vehicles: Equates to a cost of £22.30 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £3,278

Mobile IT: Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item = £4,250, therefore for this development (which generates 0.7 additional uniformed officers, the cost would be £1,743 (4250 x 0.41).

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of £5,550 towards the provision of ANPR in the area.

Premises: At present within the Cherwell area Policing is principally delivered from premises at Banbury and Bicester, with a number of smaller satellite offices also serving the area. On the whole TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1,800 per sqm. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. Applying this ratio his development will generate 1.80 officers/staff the cost is £15,800 (16.88 x 1800 x 0.51).

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs

- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Bicester10: Bicester Gateway
- INF1: Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR22 - Reservation of land for road schemes in the countryside
- R1 - Allocation of land for recreation use R1 (part replaced)
- C8 – Sporadic development in the open countryside
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings
- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C32 – Provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- National Model Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Chesterton Conservation Area Appraisal (January 2008)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Equalities Act 2010 (“EA”) and Public Sector Equalities Duty
- Human Rights Act
- Environmental Impact Assessment Regulations

9. APPRAISAL

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

- Principle of development
- Landscape and Settlement Character
- Loss of Agricultural Land
- Highways safety and traffic impact
- Heritage impact
- Design, Layout, Residential amenity and impact on neighbouring residential occupiers.
- Ecology impact
- Mitigation towards Climate Change
- Noise, Air Quality and Ground Conditions
- Flood Risk and Drainage
- S106 contributions
- Environmental Impact Assessment Regulations

Principle of Development

Policy Context

- 9.2. Policy PSD1 of the Local Plan echoes the policies contained within the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise
- 9.3. Chesterton is identified within Policy Villages 1 as a Category A which is appropriate for minor development, infilling and conversions. Policy Villages 2 identifies that a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.
- 9.4. The Council’s Executive meeting on 6th February 2023 confirmed that the Council has 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, as set out by the Council’s Annual Monitoring Report and Housing Land Supply Statement. The Council can therefore demonstrate a five-year housing land supply and therefore Paragraph 11(d) would not be engaged at this time.

- 9.5. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus housing growth in Banbury and Bicester with a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.6. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the rural areas. However as stated in the 2016 appeal on this site that is not to say all Category A Villages are the same or have high levels of sustainability and can accommodate the same level of growth. With limited facilities and being small in size, Chesterton's sustainability relies on its proximity to Bicester.
- 9.7. Policy Villages 2 of the CLP 2015 states that a total of 750 homes will be delivered at Category A villages. Since 2014 there have been a total of 703 completions (as of 31 March 2022) and a further 101 units are on sites under construction but not yet completed, giving a total of 804 dwellings which contribute to the Policy Villages 2 requirement of 750 dwellings. There are an additional 270 units on sites with planning permission but not yet started. The Policy requirement has therefore been met. However, rural sites are likely to continue to be an important source of supply in the district.
- 9.8. In February 2023 Cherwell District Council approved a review of its adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "in need of updating".
- 9.9. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology. As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is now able to demonstrate a 5.4 year supply.
- 9.10. However, it should be noted that whilst it is for the emerging Cherwell Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance". The merits of providing additional homes (including affordable homes) on this site are therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.
- 9.11. As a Category A village, in principle, the provision of some additional housing at Chesterton could accord with the Development Plan but given current permissions and completion rates there is no pressing need for additional housing at this time considering the permissions and developments carried out in recent times. As such, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.
- 9.12. Policy BSC3 states that sites of 11 or more dwellings will be required to provide affordable housing. In areas outside of Banbury and Bicester the policy requirement is that 35% of the developed units should be affordable housing.

- 9.13. The application site, if developed, would extend the current built up limits of Chesterton into open countryside and in particular to the South and West. The site is not allocated for development in the development plan. Previous versions of the Local Plan review are noted but this has not been advanced to a stage to give detailed weight.
- 9.14. Policy ESD13 requires development to respect and enhance local landscape character. Proposals will not be permitted if they would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local character.
- 9.15. The proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC11.
- 9.16. Proposals should be considered against and informed by Policy ESD15 and consider matters such as public access, routes, views, urban spaces, development frontage, building heights and all aspects of design more generally.
- 9.17. The relationship of the development to the existing settlement pattern of Chesterton and connectivity to existing services and facilities will also need to be considered. The site is located adjacent to the Chesterton Conservation Area.
- 9.18. The proposal will require careful consideration against the NPPF, government guidance and local planning policy relating to the conservation and enhancement of the historic environment.
- 9.19. The Council is currently undertaking a review of the adopted CLP 2015 which will cover the period to 2040 with the draft due to be presented to the Council's Executive in September 2023 having been deferred from January 2023.

Assessment

- 9.20. Chesterton is centred upon Alchester Road passing north to south forming the spine of the village. The core of the village along Alchester Road is characterised by a mixture of historic and newer infill development although the thatched roofs of older properties are a key feature. To the south west of the village is an area of new build housing which was under construction at the time of survey; this area of new build housing varies in comparison to the older properties set back from the road within a mature landscape. The landscape surrounding the village is primarily woodland and farmland with views in most directions possible in particular towards the southern edge of Bicester with the remaining agricultural land to the south of Vendee Drive forming an important landscape buffer between the two settlements.
- 9.21. The village is located on a valley side and the valley bottom in which Gaggle Brook is located forms a natural boundary and setting for the Conservation Area into which development should not extend. There are no designated ecological sites within the village or on the boundary of the village. Bignell Park Ecologically Important Landscape and NERC Act S41 habitat does however border the village to the north west with further possible NERC Act S41 Grassland habitat to the north east of the village.
- 9.22. The Chesterton Conservation Area follows the alignment of Alchester Road and includes the area of Bruern Abbey School in the south of the village. There are eight listed buildings within the Conservation Area including the 13th century Church of St Mary and Manor Farmhouse which are both Grade II* listed.

9.23. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

9.24. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.

9.25. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.

9.26. Policy Villages 1 sets out that proposals for residential development within the built-up limits of villages (including Kidlington) will be considered having regard to the categorisation below. Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.

9.27. Policy Villages 2 states in identifying and considering sites, particular regard will be given to the following criteria:

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

- Whether the development would have an adverse impact on flood risk.

9.28. From consultee and resident responses, the impact of further extensions, adding to approved housing, the impact of Bicester Sports Association and the Great Wolf developments yet to be implemented and mitigation delivered there are concerns that a further 147 dwellings on top of the village would be disproportionate and harm the character and setting of the village.

9.29. It remains that there is no shop for day to day needs and no health facilities in Chesterton and the facilities of development of Kingsmere is not readily accessible by means other than the car. School places are oversubscribed and there is limited opportunity or scope either through the application or otherwise to provide alternative modes of transport. Whilst it is acknowledged that the growth of online delivery services has altered the retail environment, there remains no facilities for day-to-day needs.

9.30. There is concern raised by Thames Water as to the capacity of the water network to deliver water at an appropriate pressure. However, discussions with Thames Water have indicated that supply issues could be provided within a reasonable timescale but it is not clear what infrastructure is needed. Thames Water has suggested a condition requiring no occupation prior to the implementation of as yet undefined infrastructure.

Conclusion

9.31. In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria: the size of the village and the level of service provision the site's context within the existing built environment whether it is in keeping with the character and form of the village its local landscape setting. Careful consideration of the appropriate scale of development will also be given.

9.32. At c.850 dwellings currently Chesterton lies 15th out of the 23 Category A Villages in terms of size. Further Chesterton has been extended in recent times with two significant residential developments, a development of a further 147 dwellings would be disproportionate to the scale of the village. The leisure developments (Great Wolf and Bicester Sports Association) on the edge of the village will also impact on roads and infrastructure however this has yet to be delivered. The proposals would be further west and beyond clear boundaries of the current village.

9.33. The proposals would therefore cumulatively lead to a significant number of houses beyond the 750 figure and cause harm and would cause unacceptable harm to the village.

9.34. Whilst the site benefits from existing services, including a nursery, primary school, a community centre/village hall, a public house and sports facilities there is no village shop and limited public transport and therefore would be reliant on the private car for day to day needs.

9.35. Bicester is readily accessible, via a 10 minute bike ride along a dedicated cycle route however the comments that when considering winter or night activity when footpaths could be muddy and/or unlit and therefore usability would be diminished.

9.36. Chesterton also lies in the vicinity of Bicester Park & Ride, from which regular bus services to Bicester and Oxford operate. However, the use of the car for short trips (e.g. to the park and ride or supermarkets and Bicester Village) are more likely. Whilst the village is accessible to further services and employment opportunities available at larger settlements the attractiveness of such facilities or sustainable modes of transport is a matter of debate, particularly when the bus service has been reduced

in recent times. The subsidisation of a bus service by the Great Wolf development is noted but the access to such a facility for other residents should be questioned. The comments of Stagecoach are noted in this regard.

- 9.37. The comments of University College are noted in respect of the lack of coordination that may affect judgements made under existing policy, notably Policy Villages 2. This Policy requires consideration of whether there are the necessary facilities and services and other infrastructure available such as education facilities. This was considered appropriate in terms of the larger draft allocation, but the application does not presently make the case for this limited parcel. Whilst noted, the limited considerations of prematurity as set out in caselaw and national policy, a case could not be made due to the lack of progress on the draft local plan.
- 9.38. The inclusion of sports pitches and ecological mitigation are considered positive features but with the planned growth of Bicester Sports Association and the pitches already approved as part of the Vespasian Way development are matters which should be factored in the balance when assessing the benefit arising for the village residents.
- 9.39. Overall, therefore there is a conflict with policies of the Development Plan when considered as a whole in terms of the scale and relationship to a small village and the aims and objectives of the National Planning Policy Framework.

Landscape and Settlement Character

- 9.40. The village lies approximately 0.5km to the southwest of Bicester and is located within NCA 108: Upper Thames Clay Valley in the south and NCA 107: Cotswolds in the north. At a regional level the village lies within the Cotswolds landscape character area, with the Upper Thames Vale situated to the southeast of the village outskirts. The village lies within the Wooded Estatelands landscape character type; other landscape types within the surrounding area include Clay Vale to the southeast, and Alluvial lowlands beyond.
- 9.41. At a district level, the Landscape Character Assessment supporting the Local Plan identifies the village as being within the Otmoor Lowlands. This is 'essentially a flat, low lying landscape' with much of the grassland now divided into fields with hedge and ditch boundaries with a substantial part now in arable cultivation.
- 9.42. The countryside is crossed with water filled drainage ditches and overgrown hawthorn hedges and lines of willow divide the fields and limit the views. The spread of development from the adjacent urban edge of Bicester is dominant to the north and east with Bicester Gateway and Kingsmere development to the south also prevalent in terms of employment. The growth of the Bicester Sports Association and Great Wolf leisure developments will, in time also change the character to the west.
- 9.43. Within 2 km of the village there are some small areas of ancient and semi-natural woodland situated to the south west, but in general there are no other landscape designations. Just outside 2km to the north west lies Middleton Park, a Registered Park and Garden.
- 9.44. Situated just outside the edge of Bicester, this historic linear village is centred on the Alchester Road, with a large portion of the more recent residential part of the village located to the west of this main thoroughfare. With the central spine of the village being designated as a Conservation Area, the historic elements of the village, including St Mary's Church (dating from the 12th Century), the Old Vicarage, Bruern Abbey School (dating from early 19th Century) and its associated buildings and grounds, provide a historic context to the village setting. Thatched properties can be

seen interspersed with newer properties along this main spine road and Bignell View (the A4095) to the north of the village.

- 9.45. The residential housing within the village comprises a variety of housing styles and types from that within the Conservation Area including post war housing (70s and 80s bungalows), semi and detached houses in cul-de-sacs, to more recent constructions towards the south west of the village.
- 9.46. This new area of housing is a relatively large but compact housing estate, with little internal green space, atypical of the rest of the village, and situated behind the properties along The Green. The housing will expand the size of the village and dominate the views from the properties along The Green and is also visible from northern aspects of the village.
- 9.47. Other properties within the village are generally set back from the road with front and rear gardens, and some with large areas of open space associated with them. Old and new properties are juxtaposed within the village centre although the busy road network through the village detracts from its setting as does the sound of traffic on the M40, heard in the background.
- 9.48. The site's most valued landscape features are the mature hedgerows and trees which form its boundaries and provide a sense of containment from the wider, relatively flat landscape, whilst also filtering views from the village's southern edge.
- 9.49. Woodland and farmland are prominent within the surrounding countryside view, except where views over the woodland, particularly from the north and central western edge of the village, are available towards new housing construction on the outskirts of Bicester to the north east.
- 9.50. It is evident that the site is mainly visible from residents at Vespasian Way and road users along Green Lane and the unnamed access road to Little Chesterton. There are limited views from the edge of the Chesterton Conservation Area which abuts the site along its north eastern edge. In the wider landscape potential views of the new development may be possible from the footpaths leading to Little Chesterton; the Bicester and North Oxfordshire Cricket Club and the grounds of Bicester Health Club and Spa.
- 9.51. Officers are in agreement with the Landscape Visual Assessment (LVA) that the most sensitive Visual Receptors are those overlooking the site at Vespasian Way, from Green Lane and walkers, cyclists, horse riders and motorists passing the Site on its northern and western boundaries. It seems that the majority of views are contained to within 1km of the Site boundary. Beyond that the views are distant and filtered or obscured by intervening vegetation associated with the level landscape.
- 9.52. Of the 16 Visual Receptors within the LVA, 7-16 are seen as having a Poor View of the Site, with a Low - Medium Susceptibility of Change, of Moderate Value and Low - Moderate Sensitivity of VR. However, VR 1, 2 and 5 have a High Susceptibility of Change and with a High Sensitivity of VR.
- 9.53. The overall visibility of the site from the PRow is as mentioned in the LVA is limited due to the site's existing boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

- 9.54. The inter-relationship between the landscape and newly built form would be seen as a significant change, certainly when receptors approach the village. The land of the proposed development forms the landscape setting for the gateway into the village from the western end. Additional screening is proposed for this development, and this in itself suggests that if this is necessary then the development would not fit easily into the landscape. And as is clearly apparent, building on this site invariably pushes development further out into open countryside, whilst adding another relatively busy access point off Green Lane and two further access points for pedestrians.
- 9.55. Being an extension beyond existing boundaries will alter the interpretation and approach from the open landscape and into the village which will have a detrimental impact on the settlement and landscape character but would also add further pressure onto existing facilities and infrastructure.
- 9.56. The remaining open countryside to the south west of Vendee Drive between Chesterton and Bicester creates an important buffer between the village and Bicester. To the north of the village the planting associated with the golf course and Bignell House and Park restricts views north and provides a wooded setting to the northern aspect of the village.
- 9.57. Therefore, the village of Chesterton has been, and will continue to be for the near future through the Great Wolf and Bicester Sports Association, subject to change. The village has already been extended through recent development to the southwest.
- 9.58. The proposed masterplan shows that the development proposed would be well beyond the southern boundary of the Vespasian Way development and significant expansion to the west beyond the existing village entrance and traffic mitigation location. This will harm the village character and setting, in particular without facilities available at the core of the village.
- 9.59. Further the development, whilst illustrative would appear of a different character than the historic village and would appear to be out of keeping with the overall character of the village. The scheme therefore would not be an appropriate transition at the edge of the settlement into the countryside.
- 9.60. Whilst the green landscape proposals to the southern boundary offer some mitigation, and the overall design of the proposals include reasonable levels of green space, the overall feel of the development would be a significant alteration to the landscape and village setting which would be harmful to the prevailing character.
- 9.61. Further it is likely that mitigation necessary to make the development acceptable, e.g. highway mitigation, would have an adverse impact on the rural character and village setting further urbanising the rural character of the area.

Loss of Agricultural Land

- 9.62. Paragraph 112 of the NPPF states that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”. The PPG provides further guidance on this matter and states that the Agricultural Land Classification (ALC) system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient to best deliver food and non-food crops for future generations.

- 9.63. An examination of Natural England's ALC maps indicates that the agricultural land proposed to be developed is of moderate quality (Class 3b) and not sufficient to classify it as 'best and most versatile land'. As a result, in this respect no objection is raised in principle to the loss of this agricultural land.
- 9.64. Therefore, whilst the site is actively farmed, and may include elements of BMV, the loss is not significant however the impact on farmland should be part of the planning balance.

Highways safety and traffic impact

- 9.65. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.66. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code. The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.
- 9.67. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.
- 9.68. It is considered in guidance that planning applications and proposals should:
- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
 - Demonstrate how Sustrans design manual guidance has been incorporated;
 - Address and ensure connectivity along the major routes;
 - Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.
- 9.69. The NPPF also sets out at Paragraph 104 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a. the potential impacts of development on transport networks can be addressed;
 - b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c. opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

- e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 9.70. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or 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;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) 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.
- 9.71. Paragraph 111 of the Framework also stipulates 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
- 9.72. Taking on board the original Transport Assessment and the additional documents include a technical note (TN) which addresses the comments put forward by the County. The comments of the County Council and Stagecoach are particularly noted.

Accessibility

- 9.73. The village is relatively close to the edge of Bicester and there are a substantial range of services and facilities in existence and planned within a 3km radius of the site. This includes the Park and Ride facility at 7 Vendee Drive. In due course new bus stops will be provided on the A41 south of Chesterton following implementation of the access arrangements for 22/01144/F Siemens, southwest of Grange Farm. Both these provides access to frequent and well established services, seven days a week, to Oxford and Kidlington. As previously stated however the attractiveness of routes designed for active travel in the evening or wet conditions are not part of the proposals. Were safe lit pedestrian and cycle facilities to be provided to all these, the kinds of relevant choices that are required by local and national policy might be more credibly said to be available.
- 9.74. There is no doubt that if a larger and wider allocation is progressed through the Local Plan process this could enhance further links to the wider area and consider the scope to secure better access to frequent bus services operating on the A41, and much better cycle connectivity towards Bicester which would reduce the level of traffic and car based activity. However, the proposals and Local Plan are not at an advanced stage and prematurity could not be argued in this respect.
- 9.75. Section 3.4 of the Transport Assessment acknowledges that the public transport provision to Chesterton is currently extremely poor with only one journey into Bicester town centre at 0725 and no return journey. However, it correctly notes that the County has secured a significant financial contribution towards a bus service to the Great Wolf leisure resort which will be located to the west of Chesterton village.

- 9.76. There is legitimate concern raised by Stagecoach that the proposals would fail to provide sufficient comfort on their relevance and effectiveness on the one hand, or their likely longer-term sustainability.
- 9.77. The County's request for Section 106 public transport services and public transport infrastructure contributions are noted and the applicant is prepared to make these contributions.
- 9.78. An updated Travel Plan will need to be secured prior to the first occupation at the site. The Travel Plan will then need to be updated again after the site is 50% occupied. This updated travel Plan will need to provide details of the Travel Plan Coordinator, an updated action plan, and details of how the travel interventions will be funded along with any updated base line travel survey information.
- 9.79. However, even with improvements through planned and additional contributions irrespective of what passenger transport is provided by the nearby planned resort, the vast majority of residents will use cars to pursue their daily activities.

Access and Off-site Highway Works

- 9.80. The Transport Assessment included an offer to refresh road markings, improve signage and enhance the visibility and reading of the junction of Green Lane and the Hale. It then notes that since this offer was made the road markings have been refreshed by the County, and states that further enhancement of the junction is not therefore considered necessary. However, it also notes that this "...junction is included within the scope of the proposed access junction works, which itself proposes various improvements to Green Lane and its junction to the Hale...", and suggests that these improvements could be included in the Section 278 agreement.
- 9.81. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
- Site access arrangements as set out in drawing Nos.ITB4377-GA-001F, ITB14377-GA-001F and ITB14377-GA-006A;
 - Off site cycle improvements as set out in drawing Nos.ITB14377-GA-003C and ITB14377-GA-004B. This is to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.
- 9.82. Stagecoach comments are noted that the proposals would result particular on the A41 and A34, towards Oxford and crossing the M40 at junction 9 are noted. However this position is not supported by either National Highways or County Council Officers following the receipt of further information.
- 9.83. There are not concerns raised in relation to highway safety of the proposed access subject to appropriate conditions and contributions.

Car and Cycle Parking Standards

- 9.84. The car and cycle parking standards will need to be addressed at the Reserved Matters stage. There is also a commitment to providing electric vehicle charging points as set out in policy EV 8 of the County's Oxfordshire Electric Vehicle Infrastructure Strategy and policies of the Development Plan.

Public Rights of Way

- 9.85. Having regard to Public Rights of Way (PRoW) it is noted that the applicant is prepared "...in principle, to make a reasonable and proportionate contribution towards the improvements of Public Rights of Way where these are shown to be justified and directly related to the proposed development in the context of the CIL Regulations."
- 9.86. The current public rights of way are designed more for recreational and countryside use having regard to their current semi-rural location. County Council has suggested improvements to specific footpaths. In addition to the statutory functions of recording, protecting, and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that would have an impact on the public rights of way and access land network in order to make those developments acceptable.
- 9.87. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025 but whether these improvements would have a substantive impact on traffic impact and car based activity remains doubted.

Conclusion

- 9.88. Overall, having regard to the comments of OCC Highways, Stagecoach and objectors and the submitted information, the proposals, when considering the impact of the proposals and the enhancement proposed as part of the Great Wolf development, would not result in a severe adverse impact on highway safety.
- 9.89. Due to the lack of facilities, including public transport, a significant proportion of traffic from the development will be private car based.
- 9.90. The improvements and contributions sought are noted. The level of public transport, as noted by Stagecoach, would not be significantly enhanced to alter travel habits. Improvements to public rights of way would also be welcomed but would not significantly create commutable routes, rather they would be utilised primarily as recreational and informal routes. There would be a significantly increased level of enhancement required to create routes as commuter facilities to take account of winter conditions, e.g. including lighting and widening of footpaths to allow cycling at speed for commuting. This in turn however would have an impact on landscape.
- 9.91. Overall, taking on board all comments and considering the development as a whole, whilst there are no technical objections to support a refusal on highways grounds, the conflicting transport matters which are related to the sustainability of Chesterton as a village do raise conflict with the policies of the Development Plan and the aims and objectives of the NPPF to reduce the reliance on the car.

Heritage Impact

Legislative and policy context

- 9.92. The village of Chesterton has a conservation area which contains eight listed buildings. Two of these buildings, the 13th century Church of St Mary and Manor Farmhouse are Grade II* listed, whilst the remainder are Grade II listed. The conservation area also includes numerous unlisted buildings which are identified within the Conservation Area Appraisal as making a positive contribution to the historic character of the Conservation Area.
- 9.93. The historic core of the village is focussed around an area to the east of Alchester Road and reflects a village which grew from largely agricultural origins. Both Grade II* listed buildings are located in this area of the village. The village green at Bignell at the north end of the village forms a second focal point; Chesterton Lodge, now

Bruern Abbey School, with its associated parkland, forms the third and final character area within the Conservation Area.

- 9.94. The coherence and character of the Conservation Area, as noted in the supporting Conservation Area Appraisal, has been gradually eroded by infill development, barn conversions and the use of inappropriate materials. The modern residential development to the west of Alcester Road and around The Green is excluded from the Conservation Area and is not considered to have built heritage interest. The surrounding rural landscape, including the fields to the east of the village toward Gagle Brook, forms the setting to the village and makes a contribution to its character. Bignell Park to the north of the village has a parkland, rather than agricultural character.
- 9.95. The village has heritage sensitivity arising from the listed buildings and the Conservation Area. The statutory designations of the Conservation Area and listed buildings form an important element of the historic character and context of the settlement and contribute to its historic sensitivity. Appropriate weight should be given to the protection of these assets and their settings.
- 9.96. Chesterton is located within an area which has a high density of archaeological remains and there is potential for buried archaeological remains within the village and the surrounding area. Within the village there are two Archaeological Constraint Priority Areas associated with the historic core of the village and the deserted medieval village of Bignell to the north, although it should be noted archaeological remains could extend beyond this boundary.
- 9.97. In the wider study area a number of Archaeological Constraint Priority Areas and archaeological assets are identified. These are primarily associated with prehistoric and Roman period archaeological remains. A number of the sites have been identified from cropmarks and represent a range of features including settlements, ring ditches and enclosures, but others have been identified from archaeological evaluations and excavations. The Roman town of Alcester, a Scheduled Monument, is located to the southeast of the village and Akeman Street Roman Road between Alcester and Cirencester passes through the parkland associated with Chesterton Lodge.
- 9.98. There is considered to be high potential to identify archaeological remains within all areas of undeveloped land surrounding and within the village. Although the potential for buried archaeological remains to be preserved within developed areas is lower, it cannot be discounted.
- 9.99. 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 in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.100. 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.
- 9.101. 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

- 9.102. Although the site lies outside of the conservation area the relationship between the site and the conservation area including Chesterton Lodge (Bruern Abbey School) is taken into account when assessing the potential impact on these heritage assets. It is important to note that the modern development that exists along Green Lane means that there is separation between the majority of the development site and the conservation area. Furthermore, the approach to the conservation area along Green Lane is not synonymous with the approach to the village. The village is approached through a rural landscape whereas because it is to the eastern side of the village the conservation area is approached through more modern development along Green Lane. Therefore, the direct setting and approach to the conservation area from this direction is not considered to be harmfully altered by proposed development on this site.
- 9.103. With regards to the potential impact to the listed building this needs to be assessed with regards to the building's significance and any harm to that significance. A notable part of what is special about the Chesterton Lodge (Bruern Abbey School) is its character as a Victorian country house and its intact interiors. Surrounding this Victorian country house is open countryside predominantly to the south and east. Because of the location of the proposed development to the west this arc of open countryside to the south and east will be maintained. Again because of the distances from the built development and the indication on the proposed plan for playing fields and more open recreational land to the east of the site the impact on Chesterton Lodge (Bruern Abbey School) is considered to be reduced. This approach to the layout of the development would replicate the existing character of the sports pitches and ensure a greener and more open buffer surrounding the conservation area and Chesterton Lodge (Bruern Abbey School).
- 9.104. It is recognised that this application is an outline application for means of access only and therefore the plans are indicative and more detailed plans would follow at a further stage were permission to be granted. Therefore, the treatment of the playing fields and public space, particularly any hardstanding for car parking etc and boundary treatments need to be carefully designed to retain openness and ensure minimal impact on the heritage assets through development within their setting.
- 9.105. It is acknowledged that the proposed development would result in notable changes to the landscape, and this may be harmful in landscape and settlement character terms, but this does not necessarily equate to harm to significance of the heritage assets through development within their setting. Whilst travelling around the village there is not felt to be a strong connection or relationship between the development site and the conservation area or Listed Buildings, therefore the proposals are not considered to reduce the ability to appreciate what is special about the heritage assets. In particular the development of Vespasian Way, the surrounding roads and the sports ground are considered to have altered the setting of Chesterton Lodge (Bruern Abbey School) and to some extent the conservation area and this was not considered harmful to the heritage assets.
- 9.106. In heritage terms the proposal in its outline form and from the indicative plans is not considered to result in unacceptable harm to the heritage assets. However, the open space indicated should be maintained in any further applications that come forward.
- 9.107. The impacts on archaeology the comments of the County Council Archaeology Advisor are noted and could be progressed through planning condition.

9.108. Overall the proposal is not considered to result in harm to the significance of the heritage assets through development within their setting which should be weighed against the balance and positive benefits of the scheme.

Design, Layout, Residential amenity and impact on neighbouring residential occupiers.

Policy Context

9.109. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ED15 which advises that new development should build on the character of Cherwell. It also advises that design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The CLP 1196 contains saved Policy C28, which states that *'control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'*. Saved Policy C30 states that *'design control will be exercised to ensure....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*.

9.110. The proposed development provides for up to 147 new dwellings on the site. No details of housing mix are secured at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2025 seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect.

9.111. Policy BSC3 requires the provision of 35% affordable housing which equates to 53 dwellings. The required tenure split required by this policy is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 52 dwellings (rounded up) with 37 as rented and 15 as Low-Cost Home Ownership. National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes.

9.112. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably the submission makes little reference to the Design Guide and therefore how the scheme has been designed having regard to its requirements and advice. It is however considered that the design guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.

9.113. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve.

9.114. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about the physical appearance of a development but how it works, functions, and fits together, ensuring a quality of life for those who live there.

Assessment

9.115. The application is supported by an illustrative masterplan, however details of landscaping, layout and scale are Reserved Matters which will require assessment. That said development parameters, including those within the Design and Access Statement form the basis for consideration of the application. The comments and concerns of neighbouring residents and University College are noted.

9.116. The existing landscaping to Vespasian Way and Flavian Close is limited in a number of areas and where absent the predominant feature being close boarded fencing to a number of properties, in particular but not exclusively, those facing south.

9.117. The proposed layout shows new landscaping to the boundary with existing properties and whilst there would be noise and disturbance as a result of construction work, there would be a need to ensure that construction management is appropriate through a Construction Management Plan.

9.118. The proposed illustrative layout shows a scheme that includes green space and sustainable drainage within the proposals however the illustrative layout appears to be car dominated and there is a need to ensure that the road hierarchy and character of the village would be reflected in the eventual design and that matters such as affordable housing are appropriately distributed throughout the site with an appropriate mix to ensure that the scheme is tenure blind.

9.119. In addition, the proposals would need to ensure that there is a high quality landscape edge to the development and that the proposals deliver an appropriate design-led approach to Green Lane and creates a sense of community and place.

9.120. As a minimum, pedestrian and cycling links between sports pitches and to the Village Hall would also need to be included. Parking provision and access for the sports pitches should also be carefully considered to allow cohesive use between existing and proposed provision and to ensure that emergency access can be provided.

9.121. Noting the comments of University College, the illustrative layout would not allow for vehicle access between the application site and the remainder of the proposed draft allocation illustrated in the draft Local Plan. Pedestrian and cycling linkages should be possible.

9.122. The proposed woodland to the southern boundary would be an essential section of landscape enhancement.

9.123. Therefore, whilst the illustrative masterplan demonstrates that the site could achieve 147 dwellings on the site but there would be a need for significant amendment to the layout to be considered acceptable however, this would be a matter for Reserved Matters. If approved conditions relating to appropriate parameters to guide the Reserved Matters submission, housing mix, access and layout requirements would form part of the approval.

Ecology Impact

Legislative context

- 9.124. 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.
- 9.125. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.126. 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.
- 9.127. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.128. 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.
- 9.129. Policy ESD10 of the Cherwell Local Plan 2011-2031 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.
- 9.130. 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.
- 9.131. 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.

9.132. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.133. Natural England's Standing Advice and the comments of the Council's own Ecology Officers are noted.

9.134. As stated by the Council's Ecology Officer's a biodiversity impact assessment has been submitted which shows a good level of gain in both hedgerows (54.84% gain) and habitat units (20.68% gain) could be achievable under the illustrative layout.

9.135. The majority of the site supports habitats of low intrinsic value. Therefore, their loss is considered of negligible value. The hedgerows are largely being retained with the exception of a new access between the two fields. The proposals for the Site will also include large areas of mixed scrub, new meadows, attenuation basins seeded with appropriate grass mixes and two community woodlands. These have been located in order to maximise connectivity with existing off site habitats, such as the southern boundary of the western field.

9.136. The existing ditches will be retained, with the exception of a small loss to a culvert, resulting in a loss to ditches of 0.37%. However, a new drainage features is being created, but as this is included in the area habitats, this does not also count towards creating a new drain. If this is considered, given the poor quality of the ditched being culverted, there is likely to be a gain for these habitat types overall.

9.137. This relies on the creation of areas of neutral grassland and scrub reaching a moderate condition within five years which is an ambitious target given the baseline habitat and its achievability would be dependent on careful management both of the habitat and of access to it.

9.138. If approved a full Landscape and Environmental Management Plan (LEMP) would need to be conditioned which shows how the various proposed habitats are to be managed, funded and give details of monitoring and review periods to ensure biodiversity net gain is achieved for the lifetime of the development. Any LEMP should include details of integrated bat and bird provisions as well as any proposed on trees, measures for hedgehogs, reptiles and invertebrates. A full lighting strategy would need to be conditioned to ensure that dark corridors remain on site for nocturnal wildlife.

9.139. The development should also include new landscaping and detail within the built form (e.g. street trees, bird and bat boxes) and this would potentially enhance the biodiversity further. This would be a matter to safeguard through conditions to allow consideration at the Reserved Matters stage.

9.140. Overall, the proposals show a suitable level of biodiversity net gain, subject to appropriate safeguarding and planning conditions if the application was recommended for approval and would be in accordance with the requirements of Development Plan policies and the aims and objectives of National Planning Policy.

Mitigation towards Climate Change

Policy Context

- 9.141. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this matter.
- 9.142. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.143. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions*. Any new development will be expected to consider these and address the energy needs of the development.
- 9.144. Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.145. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.146. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

- 9.147. During the course of the application the applicant has updated the Energy Statement and standards being progressed on the development.
- 9.148. The Development has been designed to generate a total reduction in CO₂ emissions of 101% compared to the Total Emission Rate under current Approved Document Part L 2021 standards or net zero carbon.
- 9.149. This energy standard is delivered through a fabric-first approach to design with low-carbon measures and renewable energy. A combination of demand-reduction measures, energy-efficiency measures low-carbon heating and renewable energy will deliver the Applicant's target for on-site reduction in CO₂ emissions.
- 9.150. Measures to be incorporated as part of the fabric first approach and Demand-reduction measures
- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.

- High-efficiency triple-glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results throughout.
- Efficient-building services including high-efficiency heating systems.
- Natural ventilation
- Low-energy lighting throughout the development

9.151. Further in terms of renewable energy the proposals would include air-source heat pumps, solar thermal and photovoltaic panels across the development totalling 665kWp. The application would also include EV charging points.

9.152. Should the development be considered to be acceptable this standard of development would be secured as part of the permission and considered to be fundamental to the acceptability of the scheme.

Overall the proposals would be in accordance with Section 14 of the NPPF and Policies ESD1-5 of the CLP 2015.

Noise, Air Quality and Ground Conditions

Policy Context

9.153. The NPPF sets out at Paragraph 183 that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

9.154. Paragraph 185 of the NPPF states that 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. Saved Policies ENV1 and ENV12 of the CLP 1996 echoes these principles.

Assessment

9.155. The application is supported by a Geo-environmental assessment to support the assessment of ground conditions. The comments of the Council's Environmental Health Officers are noted. The concerns about noise and disturbance from construction from local residents are also noted.

9.156. In respect of contamination and ground conditions, the proposals submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed. There is therefore no reason to suggest that the application site could not come forward.

- 9.157. In respect of noise and as stated above, the layout will need to ensure that there is an appropriate buffer in relation to the eventual layout if approved through an appropriate reserved matters submission and that landscaping to the boundary with residential properties is appropriate. Further the Construction Environment Management Plan (CEMP), should be conditioned. Whilst it would be inevitable that there would be some level of disturbance to the neighbouring residents, the CEMP should aim to manage the construction activities to minimise the level of disturbance through working hours management and reducing the need for piling, for example.
- 9.158. In respect of air quality, the relationship between the application proposals and Green Lane would be important in ensuring that the residential environment created should also be appropriate. The development should, through being a no-gas development, providing electric vehicle charging points, promoting renewable energy are important considerations. Management of the construction process through dust suppression, for example would also be important through the CEMP.

Conclusion

- 9.159. Overall, taking into account the comments and responses received, the application would not raise any significant issues in relation to contamination and matters such as air quality and noise impacts could be managed through an appropriate reserved matters submission and conditions including the CEMP.

Flood Risk and Drainage

- 9.160. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*'.
- 9.161. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and 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.
- 9.162. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.163. The application is supported by a Flood Risk and Drainage Strategy. The comments of the LLFA and CDC Drainage Officers are noted.
- 9.164. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk

Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.

- 9.165. Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes.
- 9.166. Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain.
- 9.167. In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. There are also some isolated areas of low risk. Within the western field there is an area of low to medium risk at the south-west corner and an area of low to high risk towards the south-east corner which upon review of the topographical survey is caused by a localised low spot.
- 9.168. Development is not proposed within these areas where the risk of surface water flooding and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement would be required through the reserved matters details.

Conclusion

- 9.169. The comments and concerns of local residents have been carefully considered and the comments of CDC Land Drainage and the LLFA have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions and appropriate Reserved Matters submissions.

S106 Contributions

Policy Context

- 9.170. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 9.171. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:
- Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.172. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.

9.173. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

9.174. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for 35 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.

9.175. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 12.25 units which would be rounded up to 13 units with a tenure split of 70% rented and 30% intermediate including First Homes provision. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes. The applicant has confirmed that the development would provide the necessary element of affordable housing as required under this Policy, and the submitted plans show 13 units.

9.176. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, highway infrastructure improvements contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.

On Site Infrastructure and Enhancement to Open Space and Sport

9.177. The key on-site infrastructure includes the following which will be secured under planning conditions and s106s:

- Sports pitches, changing facilities and car parking
- Woodland planting and recreational routes to the south of the site
- Play Facilities (LAPs, LEAPs and a NEAP) and
- Affordable Housing (35%)
- Access improvements as part of the access to Green Lane and new pedestrian and cycle access points

9.178. The application proposes an area of sports pitches and recreation on the eastern section of the application site and to the south of the existing sports pitches and Parish Hall which was developed as part of the Vespasian Way development. Whilst the Bicester Sports Association development is noted this is for separate users but it is likely that there would be some level of overlap and the provision therefore the social benefits arising from such proposals would be lessened. Nonetheless, appropriate access, drainage, pitch design (to Sports England standards) and transfer arrangements to the Parish Council would be required as part of the s106 clauses.

9.179. Similarly the woodland planting to the south of the site is also noted as a benefit but forms part of the recommendation and landscape mitigation of the proposed development.

Offsite S106 Contributions

9.180. The contributions sought include the following:

- Primary and Nursery Education - £1,494,584
- Secondary Education - £1,196,532 plus £126,288 land costs
- SEND - £80,000
- Police - £27,678
- Public Transport - £166,551 plus £11,223 towards bus stops
- Travel Plan Monitoring - £1,890 plus a Residential Information Pack
- Public Rights of Way - £30,000
- Community Hall Facilities - £168,081.04
- Outdoor Sports Provision - £296,503.41
- Indoor Sports Provision - £122,737.18
- Community Development Worker - £16,995.89
- Community Development Fund - £6,615.00
- Household Waste and Recycling - £13,812

9.181. Whilst necessary to make the development acceptable the contributions to primary schools are to deliver capacity within the South West Bicester development and therefore the existing village school would not be used as increased capacity cannot be delivered at this site. Therefore, it is likely that children from the proposed development would need to travel (either by car or bus) to schools outside of the village. The proposed development is not large enough to require a new village school.

9.182. The recent case of R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 (Admin) is of particular importance in the relationship to the consideration of the CIL Regulation compliance and has been factored into the consideration of contributions. The Police contributions in particular are an area where this case is of relevance.

EIA Regulations

9.183. As part of the application submission, Officers assessed the proposals against the EIA Regulations. The proposal is below the threshold of 150 dwellings a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a 'sensitive area' as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

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 would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support the local public house in the village and shopping facilities and employment in the wider Bicester area. This is afforded significant weight taking into account the scale of the proposed development.

Positive benefits - Social

10.3. The proposals would create the opportunity for affordable housing provision, however whilst this is likely to be beyond the local need (as set out in the 2016 Chesterton Appeal) this should still attract significant positive weight. The benefits of new recreational routes, sports pitches and woodland should also be afforded moderate positive weight. Other s106 contributions should also be afforded moderate positive weight.

Positive benefits - Environmental

10.4. Environmentally the proposals would offer a net zero carbon development and biodiversity net gain are significant benefits but only if delivered to the level delivered, indeed the delivery of net zero carbon may be a matter which may be considered at the heart of acceptability of the development proposals.

10.5. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

- 10.6. Negative economic impacts include the increased pressure on local services and the area and without additional facilities being provided in the village the proposals would result in a loss of economic capability of the village to adapt and sustain the local economy with increased queuing and car based activity likely. This impact, however, taking on board the comments of consultees, can only be afforded limited weight.
- 10.7. The proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and undermine the growth strategy for the District which is a fundamental criteria for delivering economic growth. This is a significant negative economic consideration.

Negative Impacts – Social

- 10.8. The proposals would impact on the identity and character of the village with the development extending significantly beyond the existing boundaries and creating a scale of development that would change the character of the village. This would have a negative impact on existing residents who value and seek a village lifestyle. In the absence of facilities, the integration of new residents and to create a cohesive village community would also have a negative consideration.
- 10.9. Whilst s106 contributions are noted, and provide an element of positive contribution, on the negative side the spend of education contributions in southwest Bicester and would not provide infrastructure to support the village itself. This would also undermine the village identity and benefits surrounding the development.
- 10.10. Overall this would be a significant negative social impact.
- 10.11. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a moderate negative consideration on the social well-being of residents.

Negative Impacts – Environmental

- 10.12. As stated above, the proposals would significantly change the character of the village and extend beyond the existing boundaries and the harm to the character and identity of the village in an unplanned manner and beyond organic or normal levels of growth that would otherwise be expected for a village akin to Chesterton. This would be a significant negative impact on the village and environment.
- 10.13. The proposals would be predominantly car based in accessing the vital day-to-day facilities, this combined with the scale of development in comparison to the village and would have a significant negative impact on the environmental aspirations and mitigating climate change and reducing the need to travel.
- 10.14. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.
- 10.15. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be moderate.

Conclusion

- 10.16. 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.
- 10.17. The site is unallocated in the CLP 2015. The proposal seeks permission for 147 houses on the edge of a Category A Village. Whilst Chesterton has a village school and public house, the level of facilities are limited and public transport, even with the Great Wolf mitigation, would be poor in terms of providing alternatives. The proposed bus service as part of the Great Wolf development has not been delivered and its potential to alter travel habits therefore cannot be given significant weight.
- 10.18. While the total number of houses completed under Policy Villages 2 has exceeded or will soon exceed 750 and the level of permissions will comfortably exceed this figure. The policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. The 750 figure is not an upper limit however considering the level of facilities in Chesterton itself is limited and the scale of the development is out of scale with the village to be considered appropriate growth. Development of this scale should be progressed through the Local Plan process in order to ensure that infrastructure and facilities needed can be assessed and form part of an appropriate allocation.
- 10.19. Overall, irrespective of the Council's Housing Land Supply, it is considered that the identified harm to the character and appearance of the locality significantly and demonstrably outweighs the benefits of the scheme, and it is recommended that planning permission is refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to existing services and facilities. The proposals would cause significant adverse landscape and impacts to the settlement character which could not be avoided or mitigated by the proposed development. Further the delivery of infrastructure necessary to make the development acceptable would not be capable of being accommodated within the village and instead would need to be provided elsewhere which would be predominantly reliant by private car and would be contrary to the aims of sustainable growth of housing across the District set out in the Local Plan and sustainable travel initiatives to use sustainable modes of transport. The proposals would be harmful development to the village of Chesterton and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.
2. The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton, and to the overall

character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside in particular to the south and west of the existing village. This combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton. The proposals would therefore be contrary to Policies PSD1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

3. 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. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Andrew Thompson

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	Overall - 35% - 37no rented dwellings (rounded up) - 13no First Homes (25% of affordable) - 2no shared ownership dwellings	To be agreed in terms of delivery and transfer arrangements pepper-potted across the site	<p>Necessary – To meet the requirements of Policy BSC3 of the Local Plan</p> <p>Directly related – Yes although the scale of provision may stretch beyond local need to wider Bicester housing need.</p> <p>Fairly and reasonably related in scale and kind – Set out in development plan policy and follows national planning guidance in respect of First Homes.</p>
Primary and Nursery Education	£1,494,584	To be agreed with Oxfordshire County Council	<p>Necessary – The cost of building new primary school accommodation in SW Bicester</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Secondary School Education (including sixth form)	£1,196,532	To be agreed with Oxfordshire County Council	<p>Necessary – The cost of building a new secondary school in Bicester</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Secondary land costs	£126,288	To be agreed with Oxfordshire County Council	<p>Necessary – Towards the cost of acquiring land for secondary education purposes</p> <p>Directly related – To be confirmed</p>

			Fairly and reasonably related in scale and kind – To be confirmed
SEN Development	£80,000	To be agreed with Oxfordshire County Council	<p>Necessary – Towards SEN capacity serving the Site</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Off-Site Highway Works	Improvement as a result of access arrangements (including potential relocation of existing traffic calming on Green Lane)	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Public Transport Services	£166,551	<p>If the first occupation on the development site occurs prior to the opening date of the Great Wolf leisure resort, the full contribution will be payable on first occupation.</p> <p>Should first occupation take place after the opening of the Great Wolf resort, then 50% of the contribution will be</p>	<p>Necessary – Section 3.4 of the Transport Assessment acknowledges that the public transport provision to Chesterton is currently extremely poor with only one journey into Bicester town centre at 0725 and no return journey</p> <p>Directly related – Improvement of bus services in Chesterton.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>

		payable on first occupation and 50% on the first anniversary of first occupation.	
Public Transport Infrastructure	£11,223	To be agreed with Oxfordshire County Council	<p>Necessary – The exact route of the bus around Chesterton is not confirmed at the present time and therefore the nearest bus stop locations are unknown. Rather than requesting direct delivery of stops on Green Lane, a contribution is requested to provide two new poles, flags and timetable cases, plus a two bay shelter, in the vicinity of the Green Lane/Alchester Road junction.</p> <p>Directly related – Improvement of bus services in Chesterton.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Public Rights of Way	£30,000	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – The contribution would be spent on improvements to the public rights of way in the vicinity of the development in the impact area up to 2km from the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included, including on Green Lane.</p>

			Fairly and reasonably related in scale and kind – To be confirmed
Residential Travel Information Pack	Direct Delivery	Prior to first occupation	<p>Necessary – To promote sustainable travel choices and make the future residents aware of such choices. This should be produced prior occupation and then distributed to all residents at the point of occupation. This will ensure all residents are aware of the travel choices available to them from the outset.</p> <p>Directly related – For future residents as part of the Travel Plan initiatives</p> <p>Fairly and reasonably related in scale and kind – Guidance is available to the content and cost of production should be provided as part of the Welcome Pack and is a sales initiative.</p>
Travel Plan Monitoring fees	£1,890	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Sports Pitches delivery and transfer arrangements including Pitch Quality Standard (PQS) assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used.	Direct Delivery	Prior to coming into use and at an appropriate time in the development delivery	<p>Necessary – Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p> <p>Directly related – Part of the development proposal.</p>

			<p>Fairly and reasonably related in scale and kind – Mitigation proposed for outdoor sport and recreation enhancement.</p>
Community Hall Facilities	£168,081.04	To be agreed	<p>Necessary – Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p> <p>Directly related – Improvements are required at Chesterton Village Hall, in order to increase the capacity / ability of the hall to accommodate more users. In particular, improvements to the kitchen will ensure the facility remains fit for purpose.</p> <p>Fairly and reasonably related in scale and kind – A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2</p>
Outdoor Sports Provision	£296,503.41 (in addition to onsite provision)	To be agreed	<p>Necessary – Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p> <p>Directly related – The contribution would be towards the expansion of the changing pavilion on the perimeter of the site to accommodate an increase in users.</p> <p>Fairly and reasonably related in scale and kind – A new adult football pitch requires access to a suitable changing pavilion to enable formal league matches to take place. The existing pavilion will need an</p>

			expansion in order to accommodate increased use. The proposed car park will need to meet Sport England guidance on the number of parking bays, plus an allowance for other park users.
Indoor Sport Provision	£122,737.18		<p>Necessary – Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>Directly related – To expand the swimming offer at Bicester Leisure Centre which serves the proposed development.</p> <p>Fairly and reasonably related in scale and kind – The sum is based on a contribution of £335.32 per occupier of each Dwelling</p>
Community Development Worker	£16,995.89.	To be agreed – first occupation likely trigger	<p>Necessary – Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p>

			<p>Furthermore, evidence gathered in preparing the 2017 Cherwell Community Spaces Development Study strongly endorses the value in having a Community Development Worker available at an early stage in a new development to kickstart the process of bringing people together, developing new activities and putting in place the start of a strong community. Further Strategic Objective SO14 seeks to create more sustainable communities.</p> <p>Directly related – towards employment of a community development worker to work to integrate residents into the community and wider area.</p> <p>Fairly and reasonably related in scale and kind – As the development is between 100 and 250 dwellings, developers are expected to provide the costs of employing a community development worker for 0.4 FTE for 1 year. Costs calculated at Grade G, £33,722.00 per annum plus 26% on costs.</p>
Community Development Fund	£6,615.00	To be agreed – first occupation likely trigger	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote.... "opportunities for meetings between members of the community who might not otherwise come in contact with each other". Paragraph 17 states that planning should "take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs. Also supported by strategic objectives SO10 and SO14.</p>

			<p>Directly related – Towards community development work which will include initiatives to support groups for residents of the development</p> <p>Fairly and reasonably related in scale and kind – Calculated at £45 per dwelling. The contribution is reasonable in scope to provide assistance in start up of contributions and support to Parish Council and community initiatives.</p>
Police Staff Set up costs	£1,357	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – On the basis that the development generates 1.40 uniformed officers and 0.40 CID/staff the set up costs</p>
Police Vehicle - The purchase of vehicles including response and neighbourhood patrol cars and bicycles.	£3,278	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – This equates to a cost of £22.30 per household.</p>
Police Mobile IT - Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence.	£1,743	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – Cost of each item = £4250, therefore for this development (which generates 0.7 additional uniformed officer</p>

<p>Police Automatic Number Plate Recognition (ANPR) Cameras</p>	<p>£5,550</p>	<p>To be agreed</p>	<p>Necessary – There is a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development.</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
<p>Police Premises Contribution</p>	<p>£15,800</p>	<p>To be agreed</p>	<p>Necessary – Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sqm. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. Applying this ratio his development will generate 1.80 officers/staff</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>

Household Waste & Recycling Centre	£13,812	To be agreed with County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To create additional capacity to deal with waste and recycling associated with the development.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
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