

**OS Parcel 6982 South Of School Farm And East Of
Railway Line Station Road Cropredy**

23/00976/F

Case Officer: Imogen Hopkin

Applicant: Nicholas King Homes

Proposal: Erection of 71 homes including affordable housing, a public car park and all other associated works

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 21th July 2023

Committee Date: 13th July 2023

RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to an area of 3.8 hectares on the southern edge of the village of Cropredy, and is currently used informally as part of the Old Dairy Farm Camping and Caravanning Site to the north. The access to the site is off Station Road, and School Lane is sited to the north-east of the site.
- 1.2. To the east is Bourton House, a Grade II listed building. The Old Dairy Farm is a non-designated heritage asset. The site is not designated within Cropredy Conservation Area, Green Belt or an Area of Outstanding Natural Beauty (AONB).
- 1.3. The northern side of School Lane has sporadic development, and the Oxford Canal along the east going north to south.

2. CONSTRAINTS

- 2.1. The application site is positioned beyond the built-up limits of Cropredy village, and is therefore allocated as an area of open countryside. The site itself relatively flat, although located in a prominent position in the countryside. The south-western part of the site contains an existing pond. The site is categorised within Category 3 of Best and Most Versatile Land. Binding the western boundary is a railway line. Cropredy is a Category A village.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks approval for the erection of 71 homes (including 25 affordable homes), a public car park with 46 spaces, and any associated works. The dwellings will be predominantly 2 storey with a mix of detached, semi-detached and terrace, and would include a 10 unit apartment block over 3 storeys.
- 3.2. Vehicular access would be from station road, and the proposed car park would be sited between the new access and School Lane, with a footpath towards the primary school.

4. RELEVANT PLANNING HISTORY

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

Application: 20/02038/F	Permitted	13 November 2020
Formation of hardstanding and its use as a car park by the school during school hours and by the land owner at other times		

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal. There was a pre-application enquiry submitted on 6th March 2023; however, no fee was paid to validate the pre-application enquiry.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **16 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The objections raised by third parties are summarised as follows:

- Site is not included in the local plan
- Cherwell has achieved a 5 year housing supply, and Cropredy is a Category A village in the local plan
- The Housing and Economic Land Availability Assessment (HELAA) 2018 identifies there is sufficient land available for housing without encroaching into rural areas
- Detrimental impact on countryside, and highly visible when viewed from higher ground to west
- Impact on the setting of the Grade II listed building
- Inappropriate in scale to a small village
- Dangerous access and concern for pedestrians
- Road network insufficient for number of cars
- GP surgery would struggle
- Primary school may not cope with increased students
- Flooding along School Lane
- Concerns for local wildlife and endangered species
- Impact on climate change

- Lack of public transport and cycling infrastructure
- Noise and light pollution
- Better affordable houses to be adopted into the scheme
- Query as to how the car park will be maintained
- Detrimental impact on Conservation Area [*Officer note: the site is not located within or adjacent to the Cropredy Conservation Area*]
- Lose its village community, and needs to preserve the tight feel and avoid joining two villages
- Increase of 130 houses, across this application and 23/00977/OUT to the north of Cropredy [*Officer note: each application is assessed on its own merits*]
- Increased traffic along School Lane would further increase potholes

6.3. The letters of support raised by third parties are summarised as follows:

- Benefit of the car park to be used to for the school
- Objectors suggested to have misinterpreted the plans, as the development will reduce traffic off School Lane
- Affordable housing provision is positive
- New play area would benefit children

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. CROPREDY PARISH COUNCIL: **Comment** weighing up advantages and disadvantages of the scheme, and made recommendations that infrastructure and school capacity should be considered.

7.3. THE BOURTONS PARISH COUNCIL: **Objects** due to flooding, sewage disposal, traffic volume, road safety. Design and access, impact on listed building, provision of public car park, availability of public services.

CONSULTEES

7.4. CDC PLANNING POLICY: **Objects** to the principle of development in the location, as it would extend the current built up limits of Cropredy into the open countryside.

7.5. CDC LANDSCAPE: **No objection** subject to conditions and S106.

7.6. CDC RECREATION AND LEISURE: **No objection** subject to S106.

- 7.7. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions relating to a Construction Environment Management Plan (CEMP), noise, contaminated land, air quality and light.
- 7.8. CDC LAND DRAINAGE: **No objection** subject to conditions.
- 7.9. CDC ARBORICULTURE: **No objection** subject to conditions.
- 7.10. CDC BUILDING CONTROL: A Building Regulations application will be required.
- 7.11. CDC STRATEGIC HOUSING: **No objection** subject to S106 and amended affordable housing provision and location.
- 7.12. CDC ECOLOGY: **No objection** subject to conditions.
- 7.13. OCC HIGHWAYS: **Object** to the application, as it is an unsustainable location, and further information is required for highway design. S106 contributions outlined in response.
- 7.14. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.15. OCC EDUCATION: **No objection** subject to S106.
- 7.16. OCC WASTE MANAGEMENT: **No objection** subject to S106.
- 7.17. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.18. THAMES VALLEY POLICE DESIGN ADVISOR: **Object** to the principle of the car park and the design principles within the overall scheme.
- 7.19. THAMES WATER: **No objection** subject to conditions.
- 7.20. NHS CLINICAL COMMISSIONING GROUP: **No objection** subject to S106.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation

- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD (2018)
- Cherwell Developer Contributions SPD (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Drainage
- Ecology impact
- Sustainability
- S106

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the National Planning Policy Framework ('NPPF') which sets out the Government's planning policy for England and how this should be applied.

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.5. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.*
- 9.6. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 9.7. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the District and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas. These villages have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Cropredy is allocated as a Category A village.
- 9.8. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. 'Whether the land has been previously developed land or is of less environmental value';
 - ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';
 - iii. 'Whether development would contribute in enhancing the built environment';
 - iv. 'Whether best and most versatile agricultural land could be avoided';
 - v. 'Whether significant adverse landscape impacts could be avoided';
 - vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';
 - vii. 'Whether the site is well located to services and facilities';

viii. 'Whether necessary infrastructure could be provided';

ix. 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';

x. 'Whether land the subject of an application for planning permission could be delivered within the next five years';

xi. 'Whether development would have an adverse impact on flood risk'.

9.9. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

(i) it is essential for agriculture or other existing undertakings, or

(ii) the proposal meets the criteria set out in policy H6; and

(iii) the proposal would not conflict with other policies in this plan.

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

National Planning Policy

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

9.11. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)*. Paragraph 11 defines the presumption in favour of sustainable development for decisions making as *c) approving development proposals that accord with up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.12. Paragraph 12 advises that *the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

9.13. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific*

housing requirements are addressed and that land with permission is developed without unnecessary delay.

9.14. Paragraph 74 highlights the need for Local Planning Authorities ('LPAs') to *identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period).* Paragraph 75 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process

9.15. The Council's latest assessment of housing land availability is its Housing and Economic Land Availability Assessment (HELAA) published in 2018. This is a technical document rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not reviewed in the HELAA.

Housing Land Supply

9.16. In February 2023, Cherwell District Council approved a review of their 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 "out of date". 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.

9.17. 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 able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

Assessment

9.18. The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.

9.19. Policy Villages 1 of the CLP 2015 designates Cropredy as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute

infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to 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 and careful consideration of the appropriate scale of development.

- 9.20. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Cropredy village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised.
- 9.21. Cropredy is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet commenced.
- 9.22. 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.”

- 9.23. 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.
- 9.24. 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.
- 9.25. Due to the above housing figures, 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.

Policy Villages 2 Criteria

- 9.26. The applicable criteria of Policy Villages 2 are provided at paragraph 9.8 above. The land has not previously been developed. The site is not within a designated landscape and is predicted to be category 3 best and most versatile land, which would have a 20% chance of being best or most versatile land.
- 9.27. In this instance, the site is adjacent to a Category A village, which has a primary school, two public houses, a GP practice, shop, café and a post office, all within around 15 minute walk from the site. Cropredy has a limited and irregular bus service from within the village connecting to Banbury. The nearest bus stop for a regular bus into Banbury is at Williamscot Turn, a 2 mile walk from the site. This is a different situation than applied at the time of the adoption of the CLP 2015 and weighs against

the proposals, as it did for the Planning Inspector at the time of the 2017 appeal for 37 dwellings.

- 9.28. The built-up limits of villages are not defined within Policies Villages 1 or Villages 2, and therefore it is a matter of professional judgement. Cropredy is a visually contained village, and the application site is physically detached from the village core. While Cropredy C of E Primary School is sited on the northern side of School Lane, and facing Station Road, this could feasibly be considered the most southern point of the built-up limits village, as development to the south-east of this is sporadic and rural in character. Therefore, the application site is considered to be outside of the built-up limits of the village. The proposal results in an urbanising character of the open countryside, due to the position of the site outside of the built-up limits of Cropredy.
- 9.29. There are benefits of the additional housing including the provision of affordable housing in the area. However, the site is positioned in a highly visible position within the open countryside, which can be viewed from Great Bourton, and is not positioned within the built-up limits of the village. The position of the site, along with the detailed design discussed below, would fail to enhance the built environment. The acceptability of the scheme in line with Policy Villages 2 will be considered within the rest of the report.

Conclusion

- 9.30. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance, and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

Design, and impact on the character of the area

Policy

- 9.31. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.32. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

- 9.33. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.34. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- 9.35. With regards to this current proposal, it is confirmed that the density of the development is at 22 dwellings per hectare (excluding the pond and public car park) which is lower than the 30 dwellings per hectare requirement of Policy BSC2. The density is considered to be out of character with the density of Cropredy village.

Assessment

- 9.36. As noted above, the proposed development would be sited to the southern end of the village and would appear separated/detached from it, having an urbanising effect on its surroundings, and would have a detrimental impact on the character and appearance of the area.
- 9.37. The western boundary of the site has a continuous frontage, which includes a three storey apartment block, which would appear unduly obvious from surrounding vantage points towards the site.
- 9.38. The plan depth of many of the dwellings is overly large, resulting in overly bulky of development. The position and design of the dwellings that would be in visually prominent or nodal positions, such as Plots 25 and 36, do not result in the best level of design for the views within the site.
- 9.39. Part of the development does not include footpaths to the edge of carriageways, for example, the route from Plot 25 to Plot 6 does not benefit from a footpath, and therefore the layout is lacking in connectivity. It is noted elements of the site have a shared surface but the lack of footpaths as noted above is considered to result in poor design to the detriment of the development and its potential future occupiers.
- 9.40. Cherwell's Residential Design Guide SPD highlights that affordable housing should be indistinguishable from market sale homes. The affordable housing position and type is supported by the Developer Contributions SPD, as paragraph 4.18 states "*affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures*".
- 9.41. The proposed dwellings include small gables to the frontage, along with projecting gables, neither of which is typical of Cherwell or supported by the Cherwell Residential Design Guide. In addition, the properties with a full gable, such as Plot 18, appear top heavy. The roof form for some house types includes a cropped gable roof on one side,

such as for Plot 36, which results in a contrived appearance that would not be acceptable. Not all of the dwellings have a chimney, which is an important feature that punctuates the skyline, and should be adopted to all dwellings, in line with the Residential Design Guide SPD.

- 9.42. The proposed apartment building is overly large at three storeys high and in a prominent position within the site, exacerbating the urbanising effect of the proposal. It is not considered appropriate for an edge of village location. The mixed materials of the building appear contrived, as the west elevation is a mix of brick and stone, and the north elevation is brick. While the proposal has wrapped the corner plot, it has not done this in a sensitive way, as the corner point is 1m from the edge of the pavement. This should be better designed to soften the impact on the corner plot, and should be the same material, unless there is a sensitively positioned feature. The roof of the building includes a hipped roof, a half hipped roof, a gable end, with gablets and dormers along the roof. A high level of design could be achieved, and this could be a flagship building which provides a good anchor into the site; however, the current design fails to integrate well and results in an overly bulky and incongruous addition.
- 9.43. The canopy details on Plots 28 to 30 are overly large, as they are over the door and window, and positioned slightly off centre considering the window above.
- 9.44. The proposed garages have an eaves height of 2.6m and ridge height of 6.6m. This results in a top heavy and overly bulky appearance, as the ridge is above the eaves of the main properties, and does not appear sufficiently subservient to the host properties. Further, some of the garages have a dormer window above, which emphasises their scale. In the case of plot 2-5 a traditionally designed two storey element should replace these inset garages.
- 9.45. The position of the LEAP and LAP should be centralised in the site, as it is presently at the southern-most point of the site, and would therefore not be as beneficial to northern residents of the scheme. If it was centralised, there would be a positive contribution of views within the scheme to help provide meaningful green spaces that would be well used and would have a good level of natural surveillance.
- 9.46. The pepper potting of materials in this scheme results in a visually incoherent development that would result in a poor design of development and which is not supported by the Cherwell Residential Design Guide.
- 9.47. The proposed landscape buffer to the east is between 4m and 10m wide, and is positioned behind the eastern dwellings, enabling access to the rear boundaries of these dwellings. This form of design has been highlighted as a safety concern by the Thames Valley Police Design Advisor. They have highlighted the space may result in unauthorised entry, and does not follow secured by design principles. As such, this element needs to be re-designed.
- 9.48. The enclosures map includes some brick boundaries to highly visible enclosures, such as corner plots, and otherwise proposes fences between plots, and in less visible areas. Elevation drawings have not been provided, but there should be an increased level of brick walls to have a better design within the site.
- 9.49. No response has been received from the Conservation Officer with respect to the setting of the Grade II listed building to the east of the site.
- 9.50. The proposed car park at the north of the site proposes a large level of hardstanding to an otherwise green area, although it is noted that the principle of a car park has already been accepted through a previous planning approval. The design does show trees within this element, which would provide a good level of soft landscaping to

mitigate the impact of the hardstanding. As such, this element is supported subject to further details which would be secured by a condition in the event of an approval.

Conclusion

- 9.51. Overall, for the reasons set out above, the proposal amounts to an inappropriate form of development that would not be in keeping with the form and pattern of development in the area. The proposal would significantly alter the character of the site and detrimentally impact the visual amenity of the surrounding area and would not be well integrated with the existing village. The layout and detailed design of the scheme is poor and would result in an incoherent and incongruous development, which should not be supported. The proposal would, therefore, be contrary to saved Policies H18, C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015, Cherwell's Residential Design Guide 2018 and Government guidance contained within the NPPF.

Residential Amenity

Policy

- 9.52. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things, *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.'*
- 9.53. Cherwell's Residential Design Guide SPD highlights numerical standards that should be incorporated to secure an appropriate level of amenity, including a minimum distance of 22m between back to back properties, a minimum of 14m from rear elevation to a two storey side gable. Furthermore, amenity space should be usable, so building heights, orientation and light must be considered to prevent overshadowing.
- 9.54. The Government has Technical Housing Standards – Nationally Described Space Standards sets out, amongst other things, the minimum floorspace for new dwellings. The Council have not adopted this document, although it provides a useful starting point for assessment of what amounts to a reasonably sized dwelling.

Assessment

- 9.55. The proposals would not adversely affect the amenities of any existing neighbouring properties. Unfortunately, however, there are a number of issues with the proposal in residential amenity terms:
- 9.56. The distance of the rear wall at Plot 38 to the two storey side gable of Plot 45 is 11.5m. The rear walls of Plots 53 and 54 are sited between 11.7m and 13m from the two storey side gable of Plot 56. In each case this is short of the 14m sought under the Council's supplementary planning guidance. In addition, the rear garden of Plot 6 would be overlooked by Plot 4, the rear garden of Plot 17 would be overlooked by Plots 2 and 3, the rear garden of Plot 20 would be overlooked by Plots 21-22, Plot 56 would be overlooked by Plots 52 and 53, and Plots 39 and 45 are an undesirable spatial relationship.
- 9.57. The position of Plot 16 would result in insufficient receipt of light to the front habitable room windows of Plot 21 – Plot 16 is only 0.8m from plot 21, to its south and 8.5m forward of Plot 21, therefore resulting in an unacceptable level of overshadowing to the ground floor kitchen and first floor bedroom windows.

- 9.58. The proposed garages have a maximum height of 6.6m. Plot 46 is bound to the south and west by garages serving Plots 44 and 45. This would therefore enclose the private rear amenity space and would result in a high level of overshadowing, due to the orientation and heights of the garages. This is also an issue in the case of the garages to Plots 1, 31 and 50.
- 9.59. There is no outdoor, private residential amenity area provided for the 10 apartments proposed - they would only be served by a parking area. Cherwell's Residential Design Guide SPD states that flats should be served by balconies, roof gardens or shared gardens. As this is a new scheme, there appears to be no valid reason why these elements could not have been incorporated into the proposals to provide an adequate level of residential amenity.
- 9.60. The sizing of the affordable housing is short of the Nationally Described Space Standards for 2-bed, 4-person and 3-bed, 5 person houses. All dwellings would need to be compliant with the Nationally Described Space Standards to secure an acceptable level of amenity for future occupiers of the properties.

Conclusion

- 9.61. For the reasons above, the proposal fails to secure an acceptable level of residential amenity for the properties proposed, by virtue of the plot positions, resulting in an insufficient outlook or loss of light, garage height and positions, and not being compliant with the Nationally Described Space Standards. As such, this is contrary to local and national policy and would amount to a reason to refuse the application.

Highway Safety

Policy

- 9.62. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users;*
 - c) *the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the 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.*
- 9.63. In addition, paragraph 111 highlights that development “*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 9.64. Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive.
- 9.65. The Local Highway Authority has assessed the proposals and advises of many design elements of the scheme that present concerns: There is insufficient detail showing the carriageway and footway widths, so the application fails to demonstrate it has provision for pedestrians and cyclists. A Stage 1 Road Safety Audit is required in advance of any permission being granted, but there was not one submitted at the

application stage. Refuse vehicle tracking has not been provided for the site entrance, so it is unclear if it would be able to accommodate waste collection. The LHA also has concerns about the intervisibility between the site access and existing School Lane access.

- 9.66. The LHA also notes Cropredy is not a sustainable location, due to the lack of bus provision and sustainable methods of transport. This reflects Officers' concern is set out earlier in this report.

Conclusion

- 9.67. The information outlined by the Local Highway Authority is required in advance of making a decision, to ensure appropriate and safe highway network. In the absence of this information, the application fails to demonstrate it is able to ensure an appropriate provision for pedestrians, nor provides any alternative methods of travel over the private car, thus compounding the unsustainable location outside of the built up limits of the village. The unsustainability and failure to demonstrate that the proposal would not have an adverse effect on the highway, by way of adequate connectivity within the site for pedestrians, a road safety audit, refuse vehicle tracking and intervisibility of both accesses, and is therefore contrary to the aims within the NPPF.

Ecology Impact

Legislative context

- 9.68. 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.
- 9.69. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.70. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.71. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or

economic nature and beneficial consequences of primary importance for the environment?

- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.72. 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

9.73. 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.

9.74. Paragraph 175 states that when determining planning applications, local planning authorities ('LPAs') 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.

9.75. 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.

9.76. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.77. 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.

9.78. 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.

9.79. 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 LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

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

It also states that LPAs can also ask for:

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

9.81. The application is supported by an ecological appraisal, which is considered satisfactory in scope and depth by the Ecology Officer. They advise there are no protected habitats on site, but several ponds and protected/priority species, such as reptiles and amphibians.

9.82. A Biodiversity Impact Assessment and metric have been carried out, which demonstrates a 15% gain in net habitat units is possible on site, and a 44% gain in hedgerow units, which is considered an acceptable level of biodiversity net gain under current policy and guidance.

9.83. The Ecology Officer highlights the proposed on site enhancements, such as bat and bird boxes, fall short of what is acceptable in line with 'Biodiversity in the Built Environment' guidance. This could be addressed by a condition, along with conditions relating to a Construction and Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a reptile mitigation strategy and an amphibian avoidance and mitigation strategy.

Conclusion

9.84. The level of biodiversity net gain is acceptable, and the development would require conditions to ensure there would be no ecological impact. There is no objection to the application from the Ecology Officer, subject to conditions for an approval, and therefore the application would be acceptable in relation to Policy ESD10 of the CLP 2015.

Sustainability

9.85. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas

which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 151 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.86. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.87. Policy ESD3 covers the issue of Sustainable Construction and states amongst other things that *“all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy”*.
- 9.88. Policy ESD5 outlines the need for renewable and low carbon energy provision where possible. It states *“the potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications”*. The policy further goes on to outline that a feasibility assessment for significant on site renewable energy provision is required for residential developments in off-gas areas for 50 dwellings or more. The site is in an off-gas area, and therefore required to comply with this policy.

Assessment

- 9.89. There has been no sustainability information or feasibility assessment submitted as part of the application. Therefore, there is no indication of any sustainable construction practices, nor any evidence of renewable energy to facilitate the development to satisfy Policies ESD3 and ESD5 of the CLP 2015.

Conclusion

- 9.90. The proposal fails to secure sustainable construction or renewable energy methods, therefore does not cover the issue of mitigating and adapting to climate change. As such, the proposal is contrary to Policies ESD1, ESD3 and ESD5 of the CLP 2015, and should be refused for this reason.

9.91. 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.”*

9.92. Policy INF1 of the CLP 2015 relates to 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.”*

9.93. Policy BSC3 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.”*

9.94. 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.

9.95. 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 71 residential units on the site which is defined as a major development. For this reason, the application should provide an element of affordable housing as part of the proposal.

9.96. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would be 25 units for a total development of 71 dwellings, 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 25 units.

9.97. The application includes draft heads of terms of an agreement, Appendix 1, which includes the following:

- Affordable housing;
- Offside sport (indoor and outdoor) and recreation contributions;
- Community hall contributions;
- Education contributions;
- Household waste and recycling contributions;
- Public art;
- Health;
- Highways.

It is expected that these matters will be negotiated during the course of the planning application process.

9.98. The draft heads of terms do not cover all of the areas where a contribution would be required. There has been no confirmation as to whether a Section 106 agreement would be entered into by the applicant if approval were to be given. As such, in the absence of a commitment to enter into a Section 106 legal agreement, the application is contrary to Policy INF1 of the CLP 2015, the Developer Contributions SPD 2018 and the NPPF.

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 Impacts – Economic

10.2. The proposals will 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 facilities and employment in businesses, shops and services within the area.

Positive Impacts – Social

10.3. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be at the level expected by policy. The provision of this would also be of community benefit to existing residents.

10.5. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive Impacts – Environmental

10.6. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.

Negative Impacts

10.7. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.

10.8. In addition, Cropredy has limited employment opportunities and very limited public transport links. Future residents of the development would have no choice but to use their own private cars to access many services. Reliance on the private car does not presently assist in reducing carbon emissions nor help achieve sustainable transport objectives. The site's relatively poor sustainability credentials weigh against the proposals.

10.9. The application site is positioned beyond the existing built-up limits of the village on the south side and is an area of countryside. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

10.10. The proposal fails to provide environmental benefits, such as renewable energy provision or any meaningful climate change mitigation.

Conclusion

10.11. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.12. The site is unallocated within the adopted CLP 2015. The proposal seeks permission for 71 houses outside the built-up limits of a Category A village. While there would be a benefit for the overall housing land supply, the benefits are outweighed by the significant harm identified.

10.13. In terms of planning obligations, the heads of terms for a section 106 has been briefly drafted, although not discussed by either parties. A reason for refusal relating to the lack of a completed Section 106 agreement is therefore also recommended.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Its

development would therefore have an adverse effect on the character and appearance of the open countryside. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies H18, C28, C30 and C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

2. The design of the new dwellings is not considered to represent good quality vernacular or contemporary design and responds poorly to the rural site context. The detailed design of the dwellings, including the lack of chimneys, use of half-hipped roofs, gables, dormers, garage heights, pepper potting of materials, lack of connectivity within the site, results in an overall poor quality design that is harmful to the character and appearance of the area. This is contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide 2018 and guidance in the National Planning Policy Framework, particularly paragraphs 126 and 130.
3. The proposal fails to secure an acceptable level of residential amenity for the properties proposed, by virtue of the plot positions, resulting in an insufficient outlook or loss of light, garage height and positions, and not being compliant with the Nationally Described Space Standards. The proposal would therefore fails to secure an acceptable level of residential amenity of the future occupiers of scheme, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide 2018 and Government guidance contained within the National Planning Policy Framework.
4. There is insufficient information provided to demonstrate that the proposal would not have an adverse effect on highway safety. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
5. The proposal fails to secure sustainable construction or renewable energy methods, therefore does not cover the issue of mitigating and adapting to climate change. As such, the proposal is contrary to Policies ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031, and should be refused for this reason.
6. 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.

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	Regulation 122 Assessment
Health	£63,900.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary - Insufficient Consulting rooms in local GP's to cope with increased population growth as a direct result of the increase in dwellings.</p> <p>Directly related – For use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Community hall facilities	£81,186.22	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards improvements / enhancements at Cropredy Village Hall or Cropredy Sports and Social Club.</p> <p>Directly related – For use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sports Provision	£143,209.13	Prior to the first occupation of any dwelling on site.	<p>Necessary – contribution towards enhancing provision at Cropredy Tennis, Football, Cricket and Canoe Clubs.</p>

			<p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with 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>
Indoor Sports Provision	£59,281.22	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards an off-site indoor sport contribution towards additional equipment to increase the provision of short mat bowls in Cropredy.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. 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>
Public Art	£15,904.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied	Necessary – Public realm and public art can play an important role in enhancing the character of an area,

		<p>until the Practical Completion Certificate has been issued.</p>	<p>enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p>
Primary Education	£509,706.00	<p>No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.</p>	<p>Necessary – to provide adequate education provision in Cropredy primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

Secondary Education	£565,029.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide adequate education provision at secondary schools within the Banbury catchment area as existing infrastructure is at capacity with planned growth.</p> <p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Secondary Contribution	Land £56,661.00 index lined RPIX from November 2020	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide a contribution to the cost of the planned secondary school proposed within Banbury 12 Policy area.</p> <p>Directly related – The proposed development will generate additional secondary school pupils and as a new school is required, a land contribution is requested to facilitate this. As such, the contribution sought is directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special Education	£35,896.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide adequate education provision for SEND students at relevant schools.</p>

			<p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Waste Management	£6,671.00	TBC	<p>Necessary – The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related – Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of waste management.</p>
Affordable Housing	35% with a tenure split of 70% rented and 30% intermediate, including 25% First	Not occupy or cause of permit the occupation of more than FIFTY PERCENT(50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider.	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan.</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing.</p>

	Homes provision.		Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.
Highway Works	£160,000.00	To be delegated to officers.	<p>Necessary – to provide safe and suitable access to the site and highway network, to ensure the development does not result in an unacceptable impact on highway safety.</p> <p>Directly related – This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development</p>
Public Transport Services	£80,443.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related – as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Transport Infrastructure	£1,502.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.

			<p>Directly related – as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
LAP/LEAP	TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p>Directly related – For the future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
CDC and OCC Section 106 Monitoring Fee	CDC: TBC OCC: TBC	On completion of the S106	<p>The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable.</p> <p>OCC to advise on their monitoring costs.</p>