

Case Officer: Katherine Daniels

Applicant: Obsidian Strategic Asset Management Ltd

Proposal: Outline Planning Application (except for access) for residential development of up to 60 dwellings (Use Class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllrs Chapman, Reynolds and Webb

Reason for Referral: Major Residential Development

Expiry Date: 5 April 2024

Committee Date: 21 March 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located to the north of Cropredy, and is 4.96Ha. The site sits between Claydon Road and the Oxford Canal. Cropredy Marina is located to the north of the application site. The land is currently being used for agricultural purposes. The ground level slopes away to the north towards the marina. The site forms two parcels, which are separated by mature hedging. The boundary with Claydon Road consists of a mature hedgerow, which screens the site from the road.

2. CONSTRAINTS

2.1. The site is not within a conservation area; however, the site lies adjacent to Cropredy's Conservation Area and the Oxford Canal Conservation Area. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the erection of 60 houses, new vehicular access, public open space and a community facility. The community facility is proposed to be a new health centre for Cropredy's GPs. The proposal is in outline, with all matters reserved except for the access into the site.

3.2. The masterplan indicates that the community facility would be at the front of the site, by Claydon Road, with the residential development behind. The open space is proposed to be adjacent to the canal.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **4 December 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 179 letters of objection have been received, with 5 letters of support and 10 comments. The comments raised by third parties are summarised as follows:

- Impact on Highway Safety
- Cropredy Surgery cannot support the increase of the additional residents
- Will Isolate the existing proposed development from the rest of the village
- Would increase the size of the village by 30%
- CDC can demonstrate a 5 year housing land supply, and the proposal would result in development outside the confines of Cropredy.
- Loss of wildlife
- Village has not got enough services to cope with additional development
- Impact on existing water supplies
- Impact on Flooding
- Loss of agricultural land

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. CROPREDY PARISH COUNCIL: *There are advantages and disadvantages of the proposal (which are listed in the main comments). The provision of a community hall/GP surgery is considered crucial if outline permission were to be granted*

7.3. *Taking account of the opinion of the village, objects to the proposal in principle following an opinion survey that showed 85% of respondents were opposed to the development and 15% in support.*

- 7.4. *If CDC were to grant planning permission, please ensure the maximum benefit to the village.*

CONSULTEES

- 7.5. OCC HIGHWAYS: **Objections**, but in the event of an approval recommends the imposition of a number of conditions, and S106 contributions.
- 7.6. OCC EDUCATION: **No objections** subject to S106 contributions for primary, secondary, special education and secondary land contribution
- 7.7. OCC ARCHAEOLOGIST: **No objections**, subject to the imposition of planning conditions
- 7.8. OCC WASTE MANAGEMENT: **No objections**, subject to S106 contributions for household waste recycling centres.
- 7.9. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to planning conditions regarding surface water drainage.
- 7.10. ENVIRONMENT AGENCY: **No objections** subject to planning conditions.
- 7.11. INTERGRATED CARE BOARD (ICB) BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST: **Supports the application**
- 7.12. CDC HOUSING STRATEGY: **No objections**, subject to entering into a S106 to secure 35% affordable housing
- 7.13. CDC CONSERVATION: **No objections**
- 7.14. CDC POLICY: **Objections**, no pressing need for housing
- 7.15. CDC BUILDING CONTROL: **No comment**
- 7.16. CDC RECREATION AND LEISURE: **No objection**, subject to S106 contributions.
- 7.17. CDC ENVIRONMENTAL PROTECTION: **No objection**, subject to conditions relating to noise, contaminated land and air quality. No comments on light or odour.
- 7.18. CDC ECOLOGY: No comments received to date
- 7.19. THAMES WATER: **No objection** to foul water sewage or surface water drainage. Have **comments** on Water, and recommends a planning condition.
- 7.20. CANAL AND RIVERS TRUST: **No objection** subject to conditions and S106 contribution to existing towpath.
- 7.21. CRIME PREVENTION DESIGN ADVISOR: **Holding objection**. Has concerns regarding the impact of the proposal on crime prevention.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy

framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of 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
- 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)
- 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)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)

- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2023)

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
- Heritage impact
- Residential amenity
- Ecology impact
- Highway Impact
- Provision of Doctors Surgery/Health Care Centre

Principle of Development

9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, '*The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'.

9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.

9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.

9.7. Paragraph E.10 of the Plan states, '*Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement*'.

9.8. Paragraph E.19 of the Local Plan states, '*If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the*

next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability”.

- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Cropredy is a Category A village.
- 9.11. Policy Villages 2 of the CLP 2015 states, *‘A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014’.* This Policy notes, *‘Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission’.*
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. ‘Whether the land has been previously developed land or is of less environmental value’;*
 - ii. ‘Whether significant adverse impact on heritage and wildlife assets could be avoided’;*
 - iii. ‘Whether development would contribute in enhancing the built environment’;*
 - iv. ‘Whether best and most versatile agricultural land could be avoided’;*
 - v. ‘Whether significant adverse landscape and visual impacts could be avoided’;*
 - vi. ‘Whether satisfactory vehicular and pedestrian access/egress could be provided’;*
 - vii. ‘Whether the site is well located to services and facilities’;*
 - viii. ‘Whether necessary infrastructure could be provided’;*
 - ix. ‘Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period’;*
 - x. ‘Whether land the subject of an application for planning permission could be delivered within the next five years’;*
 - xi. ‘Whether development would have an adverse impact on flood risk’.*

National Planning Policy Framework

- 9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.14. 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.

9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

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

9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

9.19. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Housing Land Supply Position Statement (Update) January 2024

Context

9.20. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.21. This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

Table 1 Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.22. Additionally, it is advised at paragraph 226 of the revised NPPF:

“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

9.23. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

Recent appeal decision at Heyford

9.24. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.25. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.26. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal

instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

- 9.27. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

Assessment

- 9.28. The Council's housing supply position of 5.8 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 are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.29. 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.
- 9.30. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Cropredy village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 9.31. 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).
- 9.32. As of 31st March 2023, 792 dwellings had been completed at Category A villages, with 100 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.33. 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."

- 9.34. As noted above, 792 dwellings have now been delivered at Category A villages under PV2 and a further 100 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 is exceeded.
- 9.35. 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.
- 9.36. An appeal for 37 houses at Cropredy was dismissed in 2017 on heritage grounds, where the Inspector noted that the sustainability credentials of the village had materially reduced since the 2015 Local Plan was adopted. Nevertheless, the appeal was not dismissed on sustainability grounds, and officers note that unlike some much smaller Category A villages (Weston on the Green, Chesterton, Wroxton, Finmere and Fringford), the village has various amenities to meet its day to day needs. It is noted that Cropredy will not be classified as a Larger Village in the new Local Plan, but limited weight is afforded to the new Local Plan given it has not yet been to examination. Officers also note the recent appeal decision at Milcombe (also a Category A village and which will not be a Larger Village). Therefore, on balance, the proposal is not considered unacceptable on grounds of locational sustainability.
- 9.37. 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

- 9.38. The applicable criteria of Policy Villages 2 are provided at paragraph 9.11 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The site appears to be Grade 3 BMVL, however it is unknown if it is Grade 3a (good) or 3b (moderate).
- 9.39. In this instance, the site is adjacent to a Category A village, which has a convenience store, 2 pubs, primary school, playing fields, doctors surgery. The village has lost its bus service, and thus there is greater reliance on the motor vehicle; therefore, although Cropredy is still classed as a category A village, it is not as sustainable as it was at the time of the adoption of the 2015 Local Plan.

Conclusion

- 9.40. The latest housing supply figure for the district is calculated at 5.8 years. Whilst the NPPF states the requirement to have a 4-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, with Cropredy being classed in the CLP 2015 as one of the larger, more sustainable villages within the district. While the sustainability credentials of Cropredy are reduced since the CLP 2015 adoption, it does have facilities to meet day to day needs and officers note the recent appeal decision at Milcombe, a smaller Category A village albeit with a regular bus service. Overall, whilst the 750 target of housing in these Category A villages is

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 and other material considerations.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Policy

- 9.41. 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.*
- 9.42. 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.
- 9.43. 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.
- 9.44. 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*
- 9.45. With regards to this current proposal, it is confirmed that the density of the development will not be at 30 dwellings per hectare which is not in accordance with the requirements of Policy BSC2. However, given its location, and at the edge of the village, it is considered a density of less than 30 dwellings per hectares could be seen as a compromise in this particular location.

Assessment

- 9.46. This is an outline application, in which all matters are reserved, except for access, to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and a footways around

the site. The indicative road layout also separates the green buffer with the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the northern edge. There is also a perimeter road to the south, resulting in a gap between the existing dwellings along Chapel Row/Creampot Lane, Kyetts Corner and the new dwellings.

- 9.47. The site comes under the Cherwell Valley within the Cherwell Landscape Character Assessment. The main distinguishing features of these are broad, with rolling slopes, with loose patchwork of fields, with strong field patterns.
- 9.48. The LVIA states that the impact of the proposed development of the Landscape would have moderate adverse impact on the site and immediate setting, moderate/minor adverse effect on the localised setting and a negligible adverse effect on the wider locality. There would be some urbanisation effects as a result of the proposed development, but the proposal would be seen in context to the existing residential properties to the south. Given its scale, spatial relationship with and lack of linkage to existing development, the proposal could be seen as a stand-alone development, adjacent to Cropredy, which would lead to a negative impact on the character and appearance of the locality.
- 9.49. The application states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition can be imposed to ensure building height details are submitted as part of any approval.
- 9.50. The materials of any development would also have to be carefully considered, as the colours of the brick/stone and roofing tiles could blend in within the locality. The duller the materials, the less impact the proposal would have on the wider landscape. This would assist with creating a high-quality scheme, which respects and enhances the site's surroundings.
- 9.51. Overall, although there would be some change to the overall landscape, the development would be seen would result in some harm to the character and appearance of the locality. However, there are some benefits of the scheme, which could outweigh this harm to the character and appearance of the locality. Further consideration on this matter is given in the paragraphs below.

HIGHWAYS IMPACT

- 9.52. Paragraph 114 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, 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.
- 9.53. In addition, paragraph 115 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.

- 9.54. The proposed access into the site is off Claydon Road. The Local Highway Authority has objected to the proposal; however, the LHA advises the objection could be overcome subject to the securing of S106 obligations towards public transport and public rights of way. A carriageway and footway along the full length of the west side of Claydon Road. Planning conditions are also recommended.
- 9.55. Overall, therefore, it is considered that the proposal would not result in a danger in those using the highway, and the impact is considered to be satisfactory.

DRAINAGE

- 9.56. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.57. Paragraph 175 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.58. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, 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.
- 9.59. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.60. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided

suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding. The Environment Agency has also requested a condition be imposed on any permissions. For this reason, it is considered that the drainage of the site is acceptable.

RESIDENTIAL AMENITY

- 9.61. 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 that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.62. The application is in outline form at this stage; therefore, the consideration of residential amenity is greater at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.63. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

ECOLOGY IMPACT

Legislative context

- 9.64. 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.
- 9.65. 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.
- 9.66. 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.
- 9.67. 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.

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

Policy Context

9.69. Paragraph 180 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.

9.70. Paragraph 186 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.

9.71. Paragraph 191 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.

9.72. 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.

9.73. 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.

9.74. 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.

9.75. 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

9.76. The applicant has provided an ecology statement, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.

9.77. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.

9.78. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.

9.79. The proposal includes a biodiversity net gain of 15.31% on site habitat units and 33.4% in hedgerow units.

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

9.81. Officers are satisfied, in the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

HERITAGE

9.82. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, 'a Local Planning Authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.83. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

9.84. The site is not within a Conservation Area nor adjoining a listed building. The proposal is adjacent to Cropredy's Conservation Area and the Oxford Canal Conservation Area. The Conservation Officer considers there will be no harm to the significance of

the Conservation Areas. The masterplan shows the residential elements being proposed away from the conservation area, therefore the proposal is considered not to have significant impacts in these regards.

- 9.85. The County Archaeologist has requested that in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 200), archaeological investigation works prior to commencement of works, and should be in place during the construction period. Therefore, it is considered that the impact upon archaeology is acceptable provided conditions are imposed.

The Provision of a Doctors Surgery/Health Centre

- 9.86. The proposed development seeks the provision of a new doctor's surgery. According to the masterplan the surgery will be provided at the front of the site. The ICB originally objected to the proposal, as it was not sure how the surgery was going to be delivered. However, the ICB now supports the proposal for the Health Centre, on the strict condition that the surgery is delivered within 2 years. This is due to the current GP surgery's lease coming to an end. The building would provide 10 clinical rooms, with a minimum size of 16 sqm.
- 9.87. The current doctor's practice is currently not fit for purpose, and a lot of work would be required to update and modernise the existing building. The current building is limited in space for any expansion. This case has been made to the LPA that, given the works required, realistically the best option is for a new doctor's surgery.
- 9.88. The landowner is willing to provide the land upon which the new facility would be built, and the developer will provide the building. The new facility would be provided to the NHS at nil capital cost to them. This is a significant benefit, which should be weighed in the balance.
- 9.89. The main concern is whether the new facility can be provided. However, the applicant has made assurances that this facility would be delivered.
- 9.90. A S106 would be required to be entered into, to ensure that the facility will be delivered. The heads of terms are currently being negotiated. However, it is understood that the applicant is willing to have a clause in the legal agreement to ensure that no dwellings would be constructed until works commence on the new facility. In addition to this, an additional clause would be required in order to prevent a certain number of dwellings not to be built/occupied until the doctors surgery was completed and first in use. This would ensure the new facility was delivered, as it is a significant benefit to the scheme.

SUSTAINABLE CONSTRUCTION

- 9.91. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 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 160 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

- 9.92. 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).
- 9.93. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.94. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.95. The application is at outline stage, therefore it is not clear how the dwellings will be constructed, and how many sustainable features would be used as part of the development of the scheme. Therefore, further consideration would be required at the reserved matters stage. There are no reasons why this application cannot accord with Policy.
- 9.96. The applicant has confirmed that the Doctors Surgery/Health Centre would be constructed to BREEAM excellent. Therefore, this element accords with Policy.

S106

- 9.97. 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.
- 9.98. 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:
- 9.99. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.100. 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.
- 9.101. 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.
- 9.102. This application is for up to 60 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.
- 9.103. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 21 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.104. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.105. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed

masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.

- 9.106. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.
- 9.107. The proposal includes the provision of land and building for a new Doctors Surgery/Health Care facility. The landowner is willing to give the land at nil cost, and the housing developer will provide the building to the Doctors. This means there will be nil capital cost to the ICB for the provision of a new surgery for Cropredy. This is a significant benefit to the overall scheme.
- 9.108. Although the draft heads of terms does not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

OTHER MATTERS

- 9.109. The Crime Prevention Design Advisor has raised a holding objection, however given that this is at outline stage, the crime prevention can be considered further at the reserved matters stage. This is also acknowledged by the Crime Prevention Design Advisor. It is recommended that the developer seeks further guidance prior to a reserved matters application, if outline consent is granted.

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 facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.
- 10.3. In addition, the proposal is providing a new health care centre, which will also include additional employment in the local area. This is also being provided at Nil capital cost to the NHS. This is a significant benefit.

Social

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. 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.
- 10.6. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.
- 10.7. 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.
- 10.8. The proposed health care centre will provide an improved health care provision for the local residents and new residents, which again significant weight is to be afforded to.

Environmental

- 10.9. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.10. Cropredy has a number of services and employment opportunities. It is a Category A village, although its bus service has stopped since the adoption of the CLP 2015 and accordingly it has lower sustainability credentials than in 2015. Nevertheless, officers note that the Milcombe appeal was allowed for 35 houses for a smaller Category A village albeit with a regular bus service.

Negative impacts

- 10.11. The application site is positioned beyond the existing built-up limits of the village on the western side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. 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.

Conclusion

- 10.12. 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.
- 10.13. The proposal seeks permission for up to 60 houses on the edge of a Category A Village and the construction of a health care centre. While the total number of houses developed under Policy Villages 2 has exceeded 750, 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. Cropredy is a Category A village, however it is not as sustainable as other category A villages in the District. The Local Highway Authority has requested monies for public transport enhancements, which may improve the sustainability of Cropredy.
- 10.14. The proposal seeks to provide a new health care facility and provided this can be delivered, this is a significant benefit to the village and surrounding villages.

10.15. Overall, it is considered that the identified harm to the character and appearance of the locality is outweighed by the significant benefits of the scheme and it is recommended that outline planning permission is granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

Summary below, see table at Appendix 1 for more detail

- **Health Centre**
- **Public Transport**
- **Public Rights of Way**
- **Highway Works**
- **Travel Plan Monitoring**
- **Traffic Regulations Order**
- **Community Hall facilities**
- **Outdoor Sport Provision**
- **Indoor Sports Provision**
- **Public Realm / Public Art**
- **Primary Education**
- **Secondary Education**
- **Secondary School Land Contribution**
- **Special School Contribution**
- **Waste Management**
- **LAP/LEAP to be provided and maintenance towards upkeep**
- **Affordable Housing, 35% with tenure to be agreed.**

IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 5TH APRIL 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.**

CONDITIONS

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

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

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

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

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

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

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents:

TBC

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

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

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

6. Prior to the submission of any reserved matters and prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be

documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to

ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 50 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common has been submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. The acoustic barriers shall be installed prior to the first occupation of the affected dwellings and the first use of the common areas in full accordance with the approved details and shall be retained as such thereafter.

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

11. No development shall commence unless and until a detailed air quality impact assessment to identify the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: In the interests of residential amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. No development approved by this planning permission shall commence until such a time as a scheme to protect land at risk of flooding as shown in the approved Flood Risk Assessment reference 016_8210439_SM_Flood_Risk_Assessment, Issue 5, dated 16 August 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of hard and soft landscaping schemes
- Details of existing and proposed ground levels

The scheme shall demonstrate that flood risk will not increase and shall be fully implemented and subsequently maintained as approved for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and prevent flooding elsewhere.

13. No development shall commence unless and until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

15. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

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

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

17. No development shall commence unless and until a plan detailing the layout of the car parking area has been submitted to and approved by the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

Reason: in the interest of highway safety

18. No development shall commence unless and until a swept path analysis all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

Reason: In the interest of highway safety

19. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport

20. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

22. Prior to the implementation of the development a plan showing details of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW should be provided for approval by Local Planning Authority.

Reason: in the interest of sustainable travel.

23. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained

within the National Planning Policy Framework.

24. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

25. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a. The parking of vehicles of site operatives and visitors;
- b. The routing of HGVs to and from the site;
- c. Storage of plant and materials used in constructing the development;
- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

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

26. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

27. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

28. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

29. No dwelling shall be occupied until details have been submitted to and approved in writing, to demonstrate the dwellings have been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

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

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

31. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

- 32.** Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets

CASE OFFICER: Katherine Daniels