

Case Officer: Sophie Browne

Applicant: L&Q Estates

Proposal: Outline application for erection of up to 55 new dwellings, including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping; and associated works (resubmission of 22/02455/OUT)

Ward: Launton and Otmoor

Councillors: Cllr Coton, Cllr Nedelcu and Cllr Russell

Reason for Referral: Major residential development

Expiry Date: 13 June 2024

Committee Date: 6 June 2024

SUMMARY RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT.

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 800m to the east of the centre of Ambrosden and approximately 4.4km to the south-east of the centre of Bicester. It comprises an area of approximately 3.52ha of agricultural land (greenfield site), which lies to the south of Blackthorn Road and is situated between residential development in the west and agricultural land to the east, beyond which lies the B4011.
- 1.2. The site lies within the 'Clay Vale' Landscape Character Type (LCT) and within that the 'Launton' Local Character Area (LCA). The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site.
- 1.3. The site is enclosed by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is sparse in places, including where there is an access track and so views across the site can be seen. The Public Right of Way (PRoW) 131/7/20 crosses the site from west to east.
- 1.4. A mature hedgerow and trees form the north-eastern and south-eastern boundaries of the site with Blackthorn Road forming the north western boundary, connecting to the village centre and the B4011. The southwestern boundary of the site adjoins a recently developed residential scheme (16/02370/F) of 85 homes. The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its

vegetated boundaries and the boundary features are generally representative of local patterns.

2. CONSTRAINTS

2.1. The application site has the following constraints:

- Within Flood Zone 1 – i.e., the land is the lowest flood risk.
- The site does not fall within a Conservation Area, nor does it contain any designated heritage assets.
- The site is covered by the Ray Conservation Target Area, in addition to being within 1km of three Local Wildlife Sites, namely: Blackthorn Meadows LWS (around 270m north-east), Fields by River Ray LWS (around 520m south-east) and Fields south of Ambrosden Cherwell District Wildlife Site (around 800m south-west). A Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust reserve lies around 900m south-west of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal seeks outline planning consent for the development of the site for up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works. All matters are reserved except access.

3.2. The proposed development would be served by a single point of access from Blackthorn Road in the form of a priority T-junction and would have a mix of terraced, semi-detached and detached homes with an average density of 35dph lowering to 25dph along the southern border.

3.3. The illustrative masterplan (Drawing P01) proposes a local equipped area for play (LEAP) between the dwellings and southern boundary of the site which is split by the existing Public Right of Way. The green space would also include attenuation as part of the proposed SUDs strategy and wildlife ponds in contribution to the proposal's biodiversity net gain. The site would provide 35% affordable housing. The proposed development seeks to deliver a net gain of 2.70 habitat units (11.69% net gain) and 2.79 linear hedgerow units (18.69% net gain).

4. RELEVANT PLANNING HISTORY

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

4.1. Application site, shown in red on the plan below:

22/02455/OUT Refused 13 July 2023 (against recommendation)

Current status: Appeal hearing to be heard 26 June 2024.

Land West of Church Ley Field Adjacent To Blackthorn Road Ambrosden

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

The Officer report concluded in favour of the scheme: *On balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to*

the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north, creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and the wider village setting. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme.

The application was refused for two reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. The development would therefore have an adverse effect on the landscape to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4 year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. Lack of provision of a S106 (*summary*).

4.2. Other Policy Villages 2 decisions in Ambrosden:

13/00621/OUT Appeal Allowed 2 Apr 2014 (Ctte. refusal in line with recommendation)

- *Ambrosden Court, Merton Road, Ambrosden*
- OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

16/02370/F Approved 25 January 2018 (in line with recommendation)

- *Church Leys Fields, Blackthorn Road, Ambrosden*
- Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

16/02611/OUT Refused 4 August 2017 (in line with recommendation)

- *OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road*
- Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure.

The application was refused for three reasons:

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.
2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. Lack of provision of a S106 (*summary*).

18/02056/OUT Appeal Allowed 20 Feb 2019 (following Committee refusal in line with Officer recommendation)

- *Land N of Merton Road, Ambrosden*
- OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

22/01976/OUT Approved 19 December 2023 (in line with recommendation)

- *OS Parcel 3489 Adjoining and South West Of B4011 Allectus Avenue, Ambrosden*
- Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure.
- The Officer Report concluded: *The Council can demonstrate a five year supply of housing... the site is unallocated in the Local Plan... the result would be that the total number of houses developed under Policy Villages 2 would exceed 750. ...On the basis of the scale of the proposal and the site's sustainable location, the proposal is not considered to conflict with the overall housing strategy outlined in the Development Plan... the planning benefits of the proposal would not be outweighed by the limited harm identified... planning permission should therefore be granted.*

22/02866/OUT Refused 14 July 2023 (in line with recommendation)

- Current status: Public Inquiry heard 12-22 March 2024, decision pending.

- *Land East of Ploughley Road, Ambrosden*
- Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

The application was refused for two reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. Lack of provision of a S106 (*summary*).

4.3. PRE-APPLICATION DISCUSSIONS

21/01786/PREAPP CDC response dated 29.07.2021

Land west of Church Ley Field adj to Blackthorn Road Ambrosden

The erection of approximately 70 dwellings and other associated works.

The application was made at a time when the Council did not have a five year housing land supply. *This is a significant material consideration in favour of the scheme... The proposed development would clearly have a significant adverse impact on the immediate landscape character and visual amenity of the area and the extent of the wider landscape and visual impacts would need to be informed through an LVIA. The proposals also raise some concerns in relation to coalescence between Ambrosden and Blackthorn because it forms one of the remaining pieces of undeveloped open land between the two villages, which is important in retaining their own identities and character... I also have concerns regarding the depth of development on the site, particularly to the eastern part of the site and I would suggest that the developable area be reduced in depth to better reflect the depth of development elsewhere on this side of Blackthorn Road.*

If the Council had a five year supply of housing land, the principle of your proposal is not acceptable.

5. RESPONSE TO PUBLICITY

- 5.1. 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 **5 January 2024**, although comments received after this date and before finalising this report have also been taken into account.

5.2. 221 objections have been received. The comments raised by third parties are summarised as follows:

- This re-submitted application does not address the fundamental reasons for the previous refusal. The planning committee originally rejected the earlier application. They should do so for this application.
- The application for 75 dwellings on the opposite side of Blackthorn Road was approved with the support (wrongly, in many opinions) of the Parish Council.
- Contravenes Policy Villages 1: over-development, over-intensification, highway suitability, cumulative impact when considered in conjunction with other granted, under appeal, pending and anticipated schemes.
- The footprint of the District is sufficiently large for dwellings to be distributed in a less concentrated manner. Cherwell is made of 76 parishes. It appears that a disproportionate percentage of the new dwellings are earmarked for Ambrosden.
- Insufficient infrastructure, services, shops, pubs, dining options, social infrastructure and amenities to support the creation of more new homes including doctor, dentist, childminder provision, primary school, public transport. Can the Council provide an assurance that this increased population will have its needs met?
- Events of the past two years have emphasised the need for the United Kingdom's Food Strategy and land use framework to be reviewed and more emphasis placed on food security, self-sufficiency and sustainability. Allowing the loss of agricultural land, sacrificed to the individual pecuniary interests of developers and a few landowners, is sheer folly. Farmland can generate crops year after year, but bricks and mortar grow once!
- Ambrosden's once idyllic rural charm is diminishing. Further residential construction would exacerbate this issue.
- Traffic congestion and associated environmental impact.
- Buses are often full in the morning and, due to roadworks locally, often late.
- Road surface needs upgrading.
- The planning committee needs to be aware that, as a result of changes to the Ploughley Road / A41 junction, left turns off the A41 onto Ploughley Road are prohibited, and access into the village from the A41 westbound (i.e. traffic heading from Aylesbury) is only permitted via the B4011, turning right into Blackthorn Road immediately before a sharp double bend with limited sight lines - precisely where the proposed development site and that for the approved 75 properties are located.
- Common sense surely requires that the planning committee considers the cumulative impact of 55 + 75 dwellings on opposite sides of the same stretch of narrow village access road, in addition to vehicular movements along Blackthorn Road increased by the occupation of 84 dwellings constructed on Merton Road (and other traffic issues listed). The ability of Ambrosden villagers to go about their

daily travels without impediment should be respected. More development will bring more traffic disruption.

- Construction noise and disruption.
- Overlooking.
- Green spaces are being eroded.
- A better park is needed in Ambrosden for families before a development like this is passed, along with improved roads and lighting.
- Impact on wildlife.
- The developer made no effort to work with the community.
- The land is prone to flooding and the concreting of surfaces impedes the ability of rainwater to drain away.
- Negative visual impact.

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

6. RESPONSE TO CONSULTATION

6.1. 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.

6.2. AMBROSDEN PARISH COUNCIL: Strong **objection**:

Firstly, we object on the basis that Cherwell District now has their five-year land supply and this area has never been zoned for development.

Cumulatively, with other recently approved or delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village to be inappropriate and significantly prejudicial to the objectives of the Cherwell Local Plan to distribute limited housing growth across the rural areas.

The Cherwell District Council Local Plan for 2011-2031 records a target of 750 homes in Category A villages during the plan period. There have been 2,019 completed and 6,006 given permission (3,987 yet to be built), with eight years left in that plan period. We know that the figure of 750 was a target and not a cap. This means that nearly three times the number of homes has been built in Category A villages in this period than the target, such a high proportion already has been allocated to Ambrosden and this should not be allowed to increase further.

(Case Officer: The figures quoted for development in Category A villages are incorrect. See the Appraisal section / Principle of Development / Policy context for the correct figures).

Ambrosden has already had significant amounts (comparable to its size) of development allowed. Compared in size and population to other areas like Bloxham and Kidlington, there is no comparison.

Ambrosden is the 13th largest (and therefore the 11th smallest) Category A village in

Cherwell. However, it is third on the list of completions in Category A villages and fourth on the list of permissions during the current Local Plan period. This shows increased development but no increase in facilities, and the Parish Council feel the planning committee should not allow further development.

Secondly, we object on the basis of a lack of infrastructure. The increase of built houses and developments has not been met with an increase in infrastructure. This site is too far out of the village for residents to walk to bus stops and other amenities, which will increase car journeys, on already over-burdened roads. Installation of a cycle path into the village would require work on a very narrow verge, or taking up land inside the Church Leys Field estate, which is insufficient, or privately owned by residents. The cycle path into Bicester is badly maintained, dangerously narrow in places and crosses the road at least three times between Rodney House Roundabout and Ploughley Road.

Ambrosden is now suffering from the cumulative effect of continued development. There are two small shops in the village, but villagers still have to travel to nearby towns for their weekly shop.

There is a pub; however, the licence doesn't allow children, so people aren't able to go there as a family and it is not open regular hours. There are 11 LEAPs in the village, but nothing for older children so recreation is inadequate for them.

The limited opening doctor's surgery mentioned in the original planning report closed approximately four years ago.

Ambrosden is referred to as a Category A village, with all the associated facilities, but they are wholly inadequate for what is required by a village of this size. There is no significant employment in the village, meaning most people travel to get to work resulting in more traffic on the roads, more congestion, and more air pollution.

The development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact, including provision or maintenance of affordable housing, play and public amenity facilities, indoor and outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage, primary and secondary education and library book stock. It would lead to a significant adverse impact on wider public infrastructure to the detriment of the local community.

Ambrosden has already taken a large amount of development in a short space of time, but the infrastructure is not keeping up. The school is overloaded, which already sees significant volumes of cars at drop-off and pick-up times.

The centre of the village becomes gridlocked by the shops for much of the day, and householders are unable to use their drives safely.

We have concerns over the increased amount of traffic using the Blackthorn Road, past the school and using the right hand turn onto Ploughley Road. We also have concerns regarding the visibility at the junction of Blackthorn Road and the B4011, with reduced visibility already due to the curve of the road giving limited visibility. This is borne out by the number of collisions at this junction.

Finally, we object to this development based on environmental reasons.

The application shows a less than 10% net gain in biodiversity – not building on one field does not make a gain in biodiversity. What promise is there that this field will not be built on in the future? Once land is developed, the nature on that land is lost forever and cannot be replaced.

There is an SSSI to the south west of this site and we have concerns over the damage which could be caused by the site via the interconnecting ditches to the ancient grassland, medieval ridge and furrow features and rare plants in that area.

Development of this land around the SSSI could increase public use of the meadow during sensitive times of the year, which may cause issues for the ground nesting birds, killing birds and destroying nests when used by walkers and dogs.

In addition, artificial lighting can have a detrimental effect on wildlife and its natural rhythm of life, leading to damage or even death to birds, bats or newts.

This development spreads out of the footprint of the village, taking up more green field sites which should be being used for agriculture, having a huge impact on wildlife. More development has a potential flooding impact on Ambrosden and Blackthorn, which is already seeing increased flooding, as are the other villages in the Ray Valley and whilst the flood risk assessment states this is not a high-risk flood area, increased flooding every year shows that there is a high risk! Increased development of the village will only increase that risk. We sit in the Ray Valley and neighbouring villages have also seen increased flooding in the past few years, which has been confirmed at meetings of those villages.

- 6.3. BLACKTHORN PARISH COUNCIL: **No objections** to the proposal but with the following **comments**:

The Parish Council draws attention to the visibility splay that is presented as a 40mph limit when it is a 50mph limit; that further development will have a negative effect on local flooding issues.

- 6.4. NATIONAL HIGHWAYS: **No objection.**
- 6.5. OCC HIGHWAYS: **No objection** subject to S106 contributions, S278 agreement, planning conditions and informatives. OCC originally objected to 22/02455/OUT for the reasons that it had not been demonstrated that a compliant cycle track between the site and Ambrosden was achievable, and that the site is in an unsustainable location. However, with reference to approved application 22/01976/OUT on the opposite side of Blackthorn Road, it was agreed that these reasons could be overcome and the objection removed.
- 6.6. LOCAL LEAD FLOOD AUTHORITY: **No objection** subject to conditions relating to SuDS and surface water drainage details.
- 6.7. OCC EDUCATION: **No objection** subject to S106 contributions.
- 6.8. OCC ARCHAEOLOGY: **No further comments.** *The site lies in an area of archaeological interest and has been subject to an archaeological evaluation. The approved report of this evaluation from Cotswold Archaeology has been submitted with this application; a range of ridge and furrow features were recorded across the site, though no further significant remains were found. There are no further archaeological constraints to this scheme.*
- 6.9. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions.
- 6.10. CDC STRATEGIC HOUSING: **No objection** subject to S106 contributions.

- 6.11. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions relating to a Construction Environmental Management Plan, Noise, Contaminated Land and Air Quality. **No comments** in relation to Odour and Light.
- 6.12. CDC RECREATION & LEISURE: **No objection** subject to S106 contributions relating to community hall facilities, indoor and outdoor sport provision and public realm / public art.
- 6.13. CDC LANDSCAPE: **No objection** to the previous, almost identical application. No response received for the current application, but a response was received for the previous application on the same site for the same number of dwellings. A summary of that response is as follows, with further detail given within the Appraisal section of this report: *No objection on landscape and visual impact grounds. In agreement with the design considerations statements within the Design and Access Statement. The Landscape and Visual Appraisal is comprehensive and proportionate and has assessed the site and found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting.*
- 6.14. CDC ARBORICULTURE: **No objection** to the previous application. No response received for the current application, but the response received to the previous scheme raised no objections subject to a condition to secure an Arboricultural Method Statement.
- 6.15. CDC ECOLOGY: **No objection** subject to the receipt of additional information, conditions and a S106 agreement. The Ecology Officer's response includes the following: *The applicants have submitted an Ecological appraisal and a Biodiversity impact assessment which in themselves are largely adequate. The site has a confirmed population of grass snakes for which mitigation is proposed, a moderate level of bat activity and is likely to support some farmland bird species. The newt officer maintained a concern to the previous application that there was insufficient information on GCN as not all ponds within 500m have been checked and there is suitable terrestrial habitat for GCN on site. As they raised the initial objection, I would be keen for this to be resolved to the newt officer's satisfaction. I would maintain that pursuing the district licence route at reserved matters stage would be a good option here as there is some possibility of GCN being present. Whilst I understand this can be sought at reserved matters stage the intention to use this route would need to be stated prior to determination.*

There are concerns of potential impacts on the SSSI from its hydrological connectivity to the site however I note that Natural England is satisfied that this can be dealt with via condition for an additional surface water treatment scheme. I would suggest that any scheme submitted includes periodic monitoring to see how the scheme is functioning and sufficient capability for remedial work to be carried out if required - to ensure the long term protection of the SSSI.

Sufficient biodiversity net gain cannot be achieved on site and therefore the proposal is to use additional off site land to create appropriate habitats. The current metric proposes that 'good' or 'moderate' condition can be achieved for the off-site habitats. This is ambitious but I consider it to be feasible if public access is prohibited to the biodiversity area from the footpath.

These details should be included within a Habitat Management and Monitoring Plan which should be based on updated metrics at reserved matters. The use of the blue line land for net gain should be secured by legal agreement for a minimum of 30 years. A full schedule of monitoring would also need to be agreed.

A LEMP would also be required and should contain provisions for wildlife within the built environment. We seek the equivalent of at least one integrated provision for bats/birds/invertebrates per new dwelling (albeit these can be best clustered) in addition to measures to ensure permeability of the development to wildlife, dark corridors and wildlife friendly planting.

A lighting strategy with lux diagrams and in line with ILP and BCT guidance note 08/23 would be required to minimise impacts on the bat assemblage using the site.

Ecology conditions required would be a CEMP for biodiversity, a full reptile mitigation strategy, a LEMP with requirements for integrated bat/bird provisions and full lighting strategy in addition to anything required for GCN.

Following the receipt of additional information, the Ecologist returned further comments that also incorporate the NatureSpace response to the additional information, as follows:

With regard to the additional information submitted for the above, this largely relates to great crested newts as the main outstanding issue.

The newt officer is generally happy with the information submitted however there is a query "as to why ponds 4 and 5 have not been surveyed or a HSI submitted. The concern is that they are relying on a lack of evidence rather than providing supporting evidence to rule out GCN impacts. It is also mentioned that they can apply to enter the DL scheme post planning if needs be, so I will reemphasise that this can only be prior to works commencing, as we cannot cover retrospective works."

Despite this the proposed management of the land off site will be beneficial to Great Crested Newts and so I think it is likely that a licence could be obtained with mitigation if needed at reserved matters. Should permission be granted I would recommend that a Great crested newt mitigation strategy is conditioned to include precautionary working and update surveys where necessary.

As regards the response to my previous comments:

I would still advise that any hydrological scheme includes ongoing monitoring to ensure it is functioning and no adverse impacts arise.

The inclusion of a post and rail fence to prevent public access into the biodiversity area would be positive.

BNG for this application was requested under our Local Plan policy (not mandatory system) and whilst securing the BNG for the lifetime of the development is preferred, 30 years is acceptable.

CDC seeks the equivalent of one biodiversity enhancement per dwelling – this is not a mitigation to a particular level of impact but a biodiversity enhancement to provide new opportunities for species, this is directly proportionate to the number of buildings.

The other conditions still stand, CEMP: Biodiversity, Reptile mitigation strategy, lighting strategy, LEMP.

The blue line land to be managed for biodiversity should be secured by legal agreement and a full HMMP or equivalent document to show ongoing management and monitoring of the site to ensure it meets the target conditions.

- 6.16. NATURAL ENGLAND: **No objection** subject to appropriate mitigation being secured. *We consider that, without appropriate mitigation, the application would damage or destroy the interest features for which Arncott Bridge Meadows Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:*

- *Additional surface water treatment to be secured due to the hydrological connectivity of the proposed development site with Arncott Bridge Meadows SSSI and potential for surface water pollution.*
- *A Construction and Environmental Management Plan.*

6.17. BBO WILDLIFE TRUST: Objection.

- *Application does not provide adequate evidence of a net gain in biodiversity.*
- *The importance of a net gain in biodiversity being in perpetuity*
- *Potential hydrological (water quality and water quantity) impact on Arncott Bridge Meadows SSSI and BBOWT reserve*
- *Potential recreational impact on Arncott Bridge Meadows SSSI and BBOWT reserve*
- *Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area*

I don't think that the conditions proposed by CDC's Ecology Officer on the previous application address the objections set out in either my response to the previous application or the current one except in relation to lighting.

6.18. NATURESPACE: Further information required.

- *The proposed development is in the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is potentially suitable habitat and a likelihood of great crested newt presence.*
- *There is a pond on site and a connected network of ponds within 500m of the development proposal.*
- *There is direct connectivity between the application site and the wider landscape.*
- *Due to the presence of a potential breeding pond and the potential for the development to obstruct access to potential breeding and resting places, there is a reasonable risk that great crested newts and their habitats could be affected by the development.*

This consultation is in response to the rebuttal submitted by EDP (5th October 2022). We are not satisfied that the rebuttal has provided enough information for our holding objection to be removed. The rebuttal mainly relies on the arguments that great crested newts are most likely to be found within 50m of a breeding pond, that the eDNA surveys for the 3 ponds within the 50m of the site were negative (May 2021) and that there is a road which disconnects the site from the wider landscape. For these reasons EDP has determined the site to be low risk and therefore an offence is highly unlikely.

We have taken these arguments into consideration. Great crested newts are, however, not static animals and although EDP are correct in assuming that adult great crested newts tend to show strong directionality towards more suitable habitat when leaving ponds, there will always be animals that exit in other directions (Malmgren, 2002) and in search of optimal conditions. When an animal is under pressure to breed and finds competition too high in one area, they are compelled to seek new opportunities. The ponds situated on site are connected to the pond network in the east by hedgerows and ditches, it is reasonable to assume that the pond on site could be used opportunistically. The road which runs between the pond network and site cannot be considered a true barrier as the potential for newts to cross roads successfully depends largely on traffic volume and the presence of any barriers, such as kerbs. The road which runs between the site is a small road with low vehicle

numbers and slanted kerbs which appear to present no major problems for newts to cross (Great Crested Newt Mitigation Guidelines, page 45, English Nature, 2001).

In this case, the NE risk assessment tool has been used to state that the risk of an offence is highly unlikely, the tool has been developed as a general guide only and is inevitably rather simplistic in its design. It is not a substitute for a site-specific risk assessment informed by survey. In particular, the following factors are not included for sake of simplicity, though they will often have an important role in determining whether an offence would occur: population size, terrestrial habitat quality, presence of dispersal barriers, timing and duration of works, detailed layout of development in relation to newt resting and dispersal, high pond density, low pre-existing habitat fragmentation, large development footprint, long construction period and so on. Whilst the tool has been used to assess the impact the site has on ponds over 250m away, it has failed to consider the impact on the potential breeding pond on site and the connectivity of this habitat to the usable habitat 250m away.

Finally, the eDNA which has informed the decision from EDP is now considered out of date and will need to be updated predetermination. Survey data that is more than a few years old normally cannot be relied upon for details on which to base mitigation schemes, as populations and sites may change in nature and extent. The eDNA survey results are almost 3 years old and are considered to be out of date and will need to be updated in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019). The results of an updated EDNA survey will determine if the RAMs route is deemed appropriate for the site.

Alternatively, the applicant can remove all risks associated with great crested newts and avoid submitting to further survey by entering the Cherwell District Council's District Licence.

6.19. BOB INTEGRATED CARE BOARD: **S106 contribution required.** *This Primary Care Network (PCN) area is already under pressure from nearby planning applications and this application impacts directly on the ability of the Alchester Medical Group in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.*

6.20. THAMES VALLEY POLICE: **Do not wish to object but** *somewhat disappointed to see that crime prevention and community safety is not a significant consideration at this point. Whilst I do not wish to object to this application, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.*

In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides for homes, schools and commercial areas can be found here:

<https://www.securedbydesign.com/guidance/design-guides>

I provide the following general comments to ensure forthcoming reserved matters applications meet the requirements of:

- *The National Planning Policy Framework 2023 paragraph 96(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...*
- *The National Planning Policy Framework 2023, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".*

Detailed comments have been provided in relation to the following:

- Parking
- Defensible Space
- Surveillance
- Communal Residences
- Merged cores within apartment blocks
- Bin and Cycle Stores
- Public Open Space
- Lighting
- Rear access routes
- Utility meters

6.21. THAMES WATER:

Waste (summary): **No objection.** *Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network.*

Foul Water (summary): **No objection** *with regard to infrastructure capacity, based on the information provided.*

Surface Water: **No objection.** *The application indicates that surface water will not be discharged to the public network, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.*

Water (summary): **No objection.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water Resources
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C32: Provision of facilities for disabled people
- ENV1: Environmental pollution
- ENV2: Redevelopment of sites causing serious detriment to local amenity
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- TR7: Development attracting traffic on minor roads
- R1: Allocation of land for recreation use R1 (part replaced)

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Circular 06/2005 (Biodiversity and Geological Conservation)
- EU Habitats Directive (92/43/EEC)

- Conservation of Habitats and Species Regulations 2017
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Oxfordshire Wildlife & Landscape Study 2004
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2023 AMR) (December 2023)
- Cherwell Interim Policy Guidance Note: First Homes (December 2021)
- Cherwell Developer Contributions SPD (February 2018)
- Cherwell Infrastructure Delivery Plan (IDP) Update (December 2017)
- Cherwell Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)

8. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Design and Illustrative Layout
- Residential Amenity
- Highway Matters
- Flood Risk and Drainage
- Ecological Implications
- Best and Most Versatile Agricultural Land
- Impact on Local Infrastructure
- Remaining Policy Villages 2 criteria
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality

Principle of Development

Policy Context

- 8.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. The Development Plan for this area is the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of Cherwell Local Plan 1996.
- 8.3. 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.*
- 8.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The spatial strategy identified in Section A of the CLP 2015 and in the supporting text to Policy ESD1 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.*
- 8.5. 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.

- 8.6. Paragraph E.10 of the Local 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.*
- 8.7. 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.* This policy has now been superseded by the updated NPPF, also considered within this section of the report.
- 8.8. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not identified for consideration within the 2018 HELAA.
- 8.9. The site directly adjacent to the west, Church Leys Field, site HELAA015, was however recognised as being suitable or achievable for housing: *Greenfield site outside the built-up limits. Ambrosden is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. The adjacent site to the west has recently been redeveloped for 97 homes. There are frequent bus services to Bicester and Arncott with several facilities and services such as a primary school, post office, food shop and a doctor's surgery. Although the majority of the site falls within the Ray Conservation Target Area, the development to the west in effect establishes a precedent for development on the southern side of the road. The area that is in line with the adjacent development (3 ha approx.) is considered suitable in principle if the Council requires additional development land outside the built-up area of Ambrosden. This will need to respect Ambrosden's development pattern but also achieve a satisfactory relationship with the approved development to the west. A soft built edge would need to be designed in view of the openness of the countryside to the south. With regard to assisting Oxford with its unmet housing need, Ambrosden lies outside Areas of Search A and B.* This site was subsequently approved for 85 homes under application 16/02370/F and has since been built out. It is known as Blackthorn Meadows.
- 8.10. The site directly to the north-east is on the opposite side of Blackthorn Road and referenced as HELAA252 and was also identified as a site which would be suitable or achievable for housing. This site was also subsequently approved for 75 homes under application 22/01976/OUT with the legal agreement signed in December 2023.
- 8.11. Whilst it is recognised that each application is assessed on its own merits, the above two HELAA considerations and subsequent planning approvals are considered important factors in the context of both the proposed site and immediately surrounding sites.
- 8.12. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and it 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). Ambrosden is one of 23 Category A

villages in the District and is therefore considered among the most sustainable villages in planning terms.

- 8.13. Policy Villages 2 of the CLP 2015 sets out an approach for identifying the development of new sites for housing across the rural areas to meet local needs in sustainable locations and to meet the strategic targets set in Policy BSC 1: District Wide Housing Distribution. It 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. 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.* In identifying and considering sites, Policy Villages 2 lists criteria to which particular regard is to be given. These criteria are reviewed in the following paragraphs of this Assessment.
- 8.14. The 2023 Annual Monitoring Report (AMR) sets out that between 1 April 2014 and 31 March 2023 there have been a total of 792 completions in Category A villages, with a further 100 dwellings under construction but not completed on 31 March 2023, totalling 892 dwellings. There are an additional 303 dwellings on sites with planning permission but where construction has not yet started.
- 8.15. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined in Paragraph 7 as *meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
- 8.16. So that sustainable development is pursued in a positive way, Paragraph 10 of the NPPF includes a presumption in favour of sustainable development. 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 (or four year supply, if applicable), 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.*
- 8.17. The position in which the most important policies are considered to be out-of-date because of the absence of a four- or five-year housing land supply is often referred to as the 'tilted balance'.
- 8.18. 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.

- 8.19. 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.*
- 8.20. Paragraph 77 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, or a minimum of four years’ worth of housing if the provisions of paragraph 226 apply* (detailed below) *against either the housing requirement set out in adopted strategic policies, or against the 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). The supply of specific deliverable sites should, in addition, include a buffer.

Housing Land Supply Position Statement (Update) January 2024

- 8.21. 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 below 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.

Assessment: Housing Land Supply and the reason for refusal

- 8.22. It is necessary to review the first part of the reason for refusal given for the almost identical scheme on this site in July 2023, ref 22/02455/OUT: *The Council is able to demonstrate a 5.4 year housing land supply, and therefore the housing strategies in the Local Plan are up to date.*
- 8.23. The former NPPF (September 2023) contained a requirement to 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.
- 8.24. 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

- 8.25. 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.

- 8.26. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of 'four years' worth of housing' measured against a five year housing requirement.
- 8.27. Alternatively, Table 2 below shows the calculation of deliverable housing land supply measured against a four year requirement.

Table 2

Step	Description	Four Year Period 2023-2027
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	4 year requirement (b x years)	2,840
d	Deliverable supply over next 4 years	3,207 (from 2023 AMR)
e	Total years supply over next 4 years (d/b)	4.5
f	Surplus (d-c)	367

- 8.28. 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 need updating. Paragraph 77 and footnote 42 of the NPPF require that in such circumstances the five year supply of land should be calculated using the government's standard methodology.
- 8.29. As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply. This results in the Council having a five year housing land supply position of 5.74 years for the period 2023-2028, which means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan.
- 8.30. The proof of evidence for 22/02866/OUT Land East of Ploughley Road, Ambrosden, the Public Inquiry for which was heard in March and for which the decision is awaited, confirms that the Council's Five Year Housing Land Supply (5YHLS) of 5.74 years is based on 4,038 units' deliverable supply assessed against an annualised local housing need of 703 dwellings per annum. If measured against four years' worth of provision in accordance with paras 77 and 226 of the NPPF, this represents a surplus of 1,226 units. If measured against five years' worth of provision, it would represent a surplus of 523 units.

- 8.31. The five year supply is not a cap on development. The provision of housing in rural areas represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which need to be delivered.
- 8.32. In the context of the spatial strategy and the need to meet the overall district requirements by 2031, regard is given to the Planning Inspector's comments for the appeal decision on Land at Merton Road, Ambrosden (PINS ref 3228169 / LPA ref 18/02056/OUT).
- 8.33. In Paragraph 24 the Inspector stated: *Policy Villages 2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension (ie it does not specify how much development should occur at each settlement).*
- 8.34. More recently, the Planning Inspector for the appeal decision on Land South of Green Lane, Chesterton for up to 147 homes (PINS ref 3331122/ LPA ref 23/00173/OUT), dated 15th May 2024, highlighted that the 750 homes to be located at Category A villages under Policy Villages 2 was not a ceiling and that housing within Cherwell is being delivered at a declining rate (paragraph 61). The Inspector went on to state: *In this context the rural sites brought forward around the Category A villages have an important role in maintaining a deliverable supply of new houses. The CLP covers a period from 2011 to 2031 and is now in the second half of its period. I also heard evidence that a number of the strategic sites are unlikely to deliver during the plan period. Therefore, in view of the stage the CP has reached it is unlikely that this proposal would prejudice its locational strategy. Moreover, sites such as this will help the Council maintain supply ahead of the adoption of a new local plan. Consequently, it is unlikely that this proposal would be disproportionate in relation to the strategic allocations and would not prejudice their delivery.*

Recent appeal decision at Heyford

- 8.35. At a recent appeal, known as the Heyford Inquiry, 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 (PINS ref 3326761 at OS Parcel 1570 Adjoining and West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park). This decision is a potential material consideration to applications for housing in the district.
- 8.36. However, the LPA has reviewed its position in relation to a legal challenge and has submitted to the High Court a challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making). Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 8.37. 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. Inspectors for subsequent appeals have been asked by the Council to put on hold their decision pending the outcome of the High Court challenge. As such, Officers consider that greater weight should be placed on the published AMR figures.

Assessment: Compliance with Policy Villages 2 criteria

8.38. Due to the above 5YHLS figures and the exceedance of the quantum of development to be built under Policy Villages 2, scrutiny needs to be given to new proposals, to ensure no harm would be carried out to Category A villages. These are considered in the relevant sections of this Case Officer report.

8.39. The Policy Villages 2 criterion relevant to this section is detailed below:

8.39.1. *Whether the site is well located to services and facilities*

The other Policy Villages 2 criteria are reviewed later in this report.

8.40. Ambrosden is by population the fifth largest Category A village, with in the region of 2,736 residents (2021 census). It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser, public house, and recreational facilities. It is about 4.6km (2.8 miles) from the centre of Bicester, has two bus services through the village which connect to Bicester and the Oxford John Radcliffe Hospital, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. The village itself contains a reasonable level of services and facilities to meet the day-to-day needs of residents and is one of the better served Category A villages. Officers consider that the scale of growth proposed under this application is at the upper limit of proportionate relative to the size of the village and could be accommodated, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan.

8.41. There are benefits of the proposed additional housing. Paragraph 5.11 of the Planning Statement states that 35% of the dwellings will be affordable housing, in line with Policy BSC3. A later email from the agent, received 01.03.2024, confirms that a minimum of 11% (six dwellings) would be constructed as bungalows, which are in demand within the village. Contributions to support local services and infrastructure including medical, educational, and public transport provision would be secured through a Section 106 legal agreement.

Conclusion

8.42. Whilst both the 5YHLS and the target of 750 dwellings in Category A villages have been exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and it contributes to meeting the overall district housing figures which need to be delivered. The merits of providing additional homes (including affordable homes) on this site are therefore noted and the proposal would assist in meeting Policy BSC1 housing requirements to 2031.

8.43. The proposal therefore complies with this criterion of Policy Villages 2.

Landscape and Visual Impact

Policy context

8.44. The Government attaches great importance to the design of the built environment within the NPPF. Paragraph 131 is clear that *the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make*

development acceptable to communities. Paragraph 135 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*

8.45. Saved Policy C8 of the CLP 1996 seeks to resist new sporadic development in the open countryside. Saved Policy C28 states: *Control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Saved Policy C30 states: *Design control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*

8.46. Policy ESD13 of the CLP 2015 states, inter alia: *Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- 8.46.1. *Cause undue visual intrusion into the open countryside*
- 8.46.2. *Cause undue harm to important natural landscape features and topography*
- 8.46.3. *Be inconsistent with local character*
- 8.46.4. *Impact on areas judged to have a high level of tranquillity*
- 8.46.5. *Harm the setting of settlements, buildings, structures or other landmark features, or*
- 8.46.6. *Harm the historic value of the landscape.*

8.47. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. Development should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*

8.48. Policy Villages 2 of CLP 2015 requires consideration of whether significant adverse landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.

8.49. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment: Compliance with Policy Villages 2 criteria

8.50. This section of the report addresses the following criterion of Policy Villages 2:

8.50.1. Whether significant adverse landscape and visual impacts could be avoided.

- 8.51. The site is within the Oxfordshire Wildlife and Landscape Study 2004 (OWLS) landscape type 'Clay Vale' Landscape Character Type and within that the Launton Local Character Area (LCA). Clay Vale is described as a *low-lying vale landscape, associated with small pasture fields, many watercourse and hedgerow trees and well-defined nucleated villages*. The key recommendations include *to safeguard and enhance the tranquil, small scale pastoral character of the area*.
- 8.52. The Launton LCA is defined in OWLS as an *area largely dominated by medium-sized semi-improved grass fields. They are enclosed by hawthorn hedges, which in some places are also adjacent to ditches. Hedges are often gappy and fragmented in the northern area*. The application site is within the northern half of Launton LCA.
- 8.53. The site is outside of any national or local landscape designations such as AONB and is not within the Green Belt. It is not subject to any statutory or non-statutory designations for landscape character, quality or value. The Public Right of Way (PRoW) 131/7/20 crosses the site from south-west to north-east.
- 8.54. The Council's Landscape Officer has not responded to consultation on the current application but did so with the previous, almost identical application. They stated:

The Launton LCA description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site. The site is bound by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is gappy in places, including where there is an access track and so views across the site can be seen.

The application site is located approximately 800m to the east of Ambrosden village centre and would have the residential settlement as its backdrop, so not an isolated field in the open countryside but would be seen as part of Ambrosden when viewed from the countryside to the south and east. It would be read alongside the recent residential development of Blackthorn Meadows, immediately to the west of the site... The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its vegetated boundaries and the boundary features are generally representative of local vegetation patterns... The proposed built form will be aligned with the adjacent development to read as an extension of the existing built form in visual terms. The proposed POS is situated in the southern part of the site, to the south-west to provide a soft transition between the site's vegetated boundary and proposed built form.

- 8.55. Three professional opinions reviewing the impact of the proposal on landscape and visual impact have been received:

8.55.1. The applicant's environmental planning consultancy EDP (March 2023), a registered practice of the Landscape Institute

8.55.2. The Council's Landscape Officer (May 2023)

8.55.3. An independent review of the submitted LVA commissioned by the Council. This has been undertaken by Huskisson Brown Associates (HBA), an environmental design consultancy and a registered member of the Landscape Institute (May 2024).

8.56. A Landscape and Visual Appraisal (LVA) accompanies the application (EDP, March 2023). This is the same document as that submitted during the lifetime of the refused application on this site: 22/02455/OUT. The covering letter to the application states: *We consider that the resubmission of this planning application overcomes the Council's reasons for refusal outlined in the LVIA and other documents submitted to support this application.*

8.57. The LVA concludes that the following effects are likely:

- *Due to the nature of the proposals, which would change parts of an open field to residential land use, there would be noticeable change as a result of the development. However, within the surrounding context of residential development on the settlement edge, the proposed development would not be inconsistent with the local pattern of built form on the settlement edge. The proposed development would result in moderate adverse effects on the character of the site;*
- *The site benefits from being visually contained towards the wider countryside by its extensive boundary vegetation. The site exhibits certain characteristics typical of the Clay Vale LCT. While the change from greenfield to residential development would be noticeable, the overall changes are highly localised within the wider LCT;*
- *The PRow 131/7/20 would be retained as part of the development. While its context within the site would change, the wider setting of the PRow would be retained due to the existing visual connection with nearby development; and*
- *Generally, the development would be most noticeable from close range views. Users of PRow within the site would experience a moderate adverse level of effect. Residents at Blackthorn Meadows, where views are possible towards the proposed development, would experience a major adverse effect. There would be limited to no visibility of the development from mid-range and long-distance views due to the intervening vegetation and built form. These effects would generally be screened due to the intervening vegetation.*
- *Overall, the development would read as an extension to the existing residential development at Blackthorn Meadows. While it would constitute a general change to the land use of the site, it would not be in discordance with the local context and local patterns of development. The location of built form, aligned with the adjacent residential development, allows for the existing footpath to be retained and creates an area of open space in the south of the site. Additional planting on the boundaries of the development and within the scheme would soften its visual effects and would provide varied landscape elements within the site. The proposed development would not be inconsistent with the local landscape character. While it would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the surrounding landscape context.*

8.58. The Council's Landscape Officer provided the following comments in relation to the LVA:

The LVA is comprehensive and proportionate and has assessed the site and has found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting.

Having walked and driven several of the PRow and connecting roads to confirm that the selected 12 photo viewpoints have incorporated the obvious elevated views whereby the development site may be seen. Of those, in terms of sensitivity of the receptor only PVP 3 and 8 were seen as low sensitivity. I do however agree that overall the visibility of the site from the PRow is limited due to the site's extensive boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

The evolution of the design should follow the findings of the LVA and practical requests to make the facilities more useful. Ensure the play area is accessible not just to those living in the development, but also to neighbouring developments and the village residents of Ambrosden.

In conclusion, based on my observations and with the applicant taking on board my comments as above, I have no objection to the outline application on landscape and visual impact grounds.

- 8.59. In light of the basis for refusal of the previous, almost identical scheme, on the same site and notice from the applicant of their intention to appeal against that decision, the Council considered it appropriate to commission an independent review of the submitted LVA. This has been undertaken by Huskisson Brown Associates (HBA) (final report dated 15/05/2024) in accordance with the Landscape Institute's Technical Guidance Note TGN 1/20 (10 Jan 2020) which identifies the three main components of a review as to the completeness, competency and reliability of an LVIA as:

- 8.59.1. *Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;*
- 8.59.2. *Checking the baseline, content and findings of the assessment; and*
- 8.59.3. *Checking the presentation of the assessment findings.*

TGN 1/20 allows that such a review may also include further information not covered in TGN 1/20 but which is considered relevant to reporting on the compliance (or otherwise) of the LVA with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3, by the Landscape Institute and the Institute of Environmental Management and Assessment) or matters of competence or expertise. In this instance, the scope of the LVA Review also includes comments and observations on the proposed scheme that HBA consider would have a bearing on its landscape and visual appropriateness and/or 'fit' within the landscape, and comments on whether HBA agree with the LVA findings overall. These comments are based upon professional judgement, review of the baseline and site inspection. A separate LVA has not been carried out by HBA.

Assessment:

- 8.60. It is also necessary within this part of the Appraisal to review the second part of the reason for refusal given for the almost identical scheme on this site in July 2023, ref 22/02455/OUT. It included the following wording, that the proposal would:

- 8.60.1. *Have a poor and incongruous relationship with the existing settlement*
- 8.60.2. *Appear prominent in the open countryside*
- 8.60.3. *Have an adverse effect on the landscape, to the detriment of the character and appearance of the countryside*

- 8.61. The applicant's LVA was undertaken by an environmental planning consultancy which is registered with the Landscape Institute. The company specialises in the assessment of the effects of proposed development on the landscape. It concluded that overall, *the development would read as an extension to the existing residential development at Blackthorn Meadows. It would not be in discordance with the local context and local patterns of development... The proposed development would not be inconsistent with local landscape character. While it would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the surrounding landscape context.*
- 8.62. The LVA has been peer reviewed by Huskisson Brown Associates (HBA) at the Council's expense, to establish whether the basis for the assessment was robust. The practice is a registered member of the Landscape Institute. HBA also represented the Council at the recent Ploughley Road Public Inquiry (22/02866/OUT), where 120 dwellings are being proposed on the land east of Ploughley Road, Ambrosden, outside the western edge of the village. As such, HBA are very familiar with the village in landscape and visual terms and can assess this scheme in the context of the proposal at inquiry, and other recent approvals and refusals of residential development schemes in the village.
- 8.63. The HBA review sets out various recommendations regarding the applicant's LVA, a number of which relate to clarification of methodology and referencing of additional landscape studies that are unlikely to alter the findings and/or be of particular significance but should nevertheless be included for completeness. Whilst the review therefore recommends that caution be exercised before adopting the full findings of the LVA, it nevertheless considers the overall findings to be broadly reasonable. The primary recommendation of the LVA review is that an Addendum be prepared that clearly sets out any distinction in landscape and visual terms between the current scheme and that previously refused and that updates the LVA to reflect the grant of permission 22/01976/OUT, stating that: *in the professional opinion of the reviewer, it is considered that if the altered baseline situation was to be considered, the potential effects of the scheme upon the landscape character of Blackthorn Road and this part of Ambrosden as well as visual effects for some receptors, could be expected to be reduced.*

Conclusion

- 8.64. Despite the incursion into open countryside, it is concluded that the site and proposed development is relatively well related to the existing form and pattern of the village. The site layout, building formation and density is similar to the adjacent residential development to the west at Blackthorn Meadows, resulting in a development which is read as an extension to the neighbouring site rather than an isolated plot. Furthermore, the eastern border would reflect that of the eastern border approved under application 22/01976/OUT, which is considered to create an established end to the east of the settlement with the mirrored agricultural land to the east of both sites, including that land to be protected by legal agreement for a minimum of thirty years for biodiversity net gain purposes, buffering the contained settlement pattern and improving the visual impact of the development from the wider viewpoints. On balance, the development of the site as proposed would not

be considered incongruous against the existing or prevailing built form of this part of the village and the settlement boundary.

- 8.65. The findings of the three separate landscape experts are consistent and they each conflict with the reason for refusal of the application considered on this site last year (22/02455/OUT). These professional opinions have very significant weight in the assessment of the scheme and its impact on landscape and visual grounds. In particular, the independent assessment by HBA gives reassurance that the applicant's submission provides an adequate assessment of the existing baseline conditions and reaches reasonable conclusions, notwithstanding the scope available to update it in light of the approval for 75 dwellings on the opposite side of Blackthorn Road (22/01976/OUT).
- 8.66. The proposal would not result in unacceptable adverse landscape impacts and the balanced view, provided by the three professional opinions above, is that the development would appropriately integrate within the village of Ambrosden. The landscape and visual impact of the proposal has been assessed against Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 and the NPPF. Based on the criteria for unacceptable development within Policy ESD13, the professional opinions have not stated conflict with these criteria. The scheme is therefore considered to be acceptable.
- 8.67. For these reasons, the development of the site is considered to comply with the relevant criteria of Policy Villages 2.

Design and Illustrative Layout

Policy Context

- 8.68. Policy ESD15 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.
- 8.69. Policy ESD 17 seeks to *maintain and enhance the green infrastructure network and ensure that green infrastructure considerations are integral to the planning of new development*. The explanatory text to the policy includes SuDS; new landscaping areas to assimilate development into the landscape and assist in the transition between the urban edge and rural areas; a recreational resource; sites of importance to nature conservation; hedgerows and public rights of way.
- 8.70. Policy 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.
- 8.71. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 8.72. The NPPF is clear that good design is fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 of the CLP 1996 echo this.
- 8.73. The Council's Design Guide SPD 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.

Assessment

8.74. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

8.74.1. *Whether development would contribute in enhancing the built environment*

8.75. The application is in outline with approval being sought for the means of access. Matters relating to layout, scale, landscape and appearance are reserved for later consideration. The application is accompanied by an Illustrative Masterplan which demonstrates how the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 55 residential dwellings and p36 of the Design and Access Statement states *the proposed housing mix would be broadly in line with the recommendations for Cherwell District Council as set out in their Local Plan unless local circumstances at the time of a Reserved Matters application justified a different mix.* Density within the area to be developed would be 25-35 dwellings per hectare with a mix of 2-2.5 storey heights. This density would be in accordance with section B.102 of Policy BSC1. 35% of the housing would be affordable, *distributed evenly across the site and integrated throughout the development by being tenure blind.* Design is proposed to reflect the character and aesthetic qualities of the area and mirror design features of the settlement, including high quality, vernacular materials. The public footpath which crosses the site would broadly divide the area to be developed, closest to Blackthorn Road, with that which would be part of the green infrastructure of the site, which would include existing vegetation, a natural play space / Locally Equipped Area for Play (LEAP) of 400sq.m., trim trail, SuDS, connecting footpaths, wildlife ponds and other green space. It is proposed to be landscaped as a buffer to seek a soft transition between the proposal and the adjacent countryside.

8.76. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided, including a Locally Equipped Area of Play (LEAP). The Council's Landscape Officer reviewed the Illustrative Masterplan as presented for the previous application. She stated:

The southern part of the application site has been allocated as a landscape buffer area which will include play provision of a LEAP and trim trail and of which a strategy for the location of these will need to be provided. The LEAP should ideally be set within the housing area so it can be accessed easily and is overlooked by dwellings. Play facilities provide valuable open space within residential developments so it is essential that the evolving masterplan takes great consideration of play provision and where best it sits within the overall design. The current location of the LEAP and trim trail are very close to a proposed attenuation area with wildlife ponds also within the landscape buffer area so there need some careful consideration over safety. Although the play area has been located close to the existing PRow and proposed recreational routes, the viability of the location needs to be taken into account with the retention of the existing vegetation which could reduce the amount of visual surveillance, also taking into account the distance from the proposed residential areas.

8.77. The Landscape Officer continued by querying details such as maintenance of the ditches, protective fencing for the proposed wildlife ponds and SuDS basin, relocation of the play provision more centrally where it would be overlooked by outward-looking properties and street tree placement. These details can be addressed as part of a Reserved Matters application and via condition.

- 8.78. The submitted Design and Access Statement does go into some design principles for the site, however these are only illustrative and limited, and little weight can be given to the proposed layout, scale, design and form of the proposed dwellings. In the context of this being an outline planning application, officers are satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, scale, appearance and landscaping could be negotiated at reserved matters stage.
- 8.79. It is considered that the application has demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space / play areas. A contribution for Landscape and Ecology Monitoring has been agreed. The enhancement of the existing public right of way and opening up the south of the site to the public for recreation space is considered valuable for existing and future residents of the village.
- 8.80. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Residential Amenity

Policy Context

- 8.81. 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 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.

Assessment

- 8.82. The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. The position and scale of dwellings and their boundary treatments will be given due consideration at reserved matters stage.
- 8.83. The proposed development would be located to the east of the existing residential dwellings at Church Leys Field. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

Conclusion

- 8.84. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

Highway Matters

Policy Context

- 8.85. Policy ESD15 of the CLP 2015 states *New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live*

and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

- 8.86. Policy SLE4 states *All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.*
- 8.87. Policy Villages 2 lists criteria to which particular regard will be given when identifying and considering sites:
- 8.87.1. *Whether satisfactory vehicular and pedestrian access / egress could be provided*
 - 8.87.2. *Whether the site is well located to services and facilities*
 - 8.87.3. *Whether necessary infrastructure could be provided*
- 8.88. The NPPF advises that development should provide safe and suitable access for all, and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

Assessment

- 8.89. This part of the Appraisal reviews the following the criteria within Policy Villages 2:
- 8.89.1. *Whether satisfactory vehicular and pedestrian access / egress would be provided*
- 8.90. The application has been accompanied by a Transport Statement (Curtins, July 2022), and Addendum to the Transport Statement (Curtins, February 2023) and an Interim Travel Plan (Curtins, July 2022). The Travel Plan is intended to encourage people to choose alternative transport modes over single occupancy car use and, where possible, reduce the need to travel at all. These submissions have been assessed by OCC Highways.
- 8.91. The site is served by bus routes 29, S5 and H5 with the nearest bus stop 1km away at Ploughley Road or 1.2km away at Merton Road, equating to a 12 minute walk to each of them. The nearest railway station is Bicester Village, approximately 4.1km to the northwest of the site, equating to a 17-minute cycle ride.
- 8.92. OCC Highways have stated in their response to consultation: *OCC originally objected to 22/02455/OUT for the reasons that it had not been demonstrated that an LTN 1/20 compliant cycle track between the site and Ambrosden was achievable, and that the site is in an unsustainable location. However, with reference to approved application 22/01976/OUT on the opposite side of Blackthorn Road, it was agreed these reasons could be overcome and the objection was removed. OCC's detailed response included the following:*
- 8.93. Traffic impact: *The trip generation analysis shows an estimated two way peak hour trip rate of 28. The trip rate appears to have been arrived at using a sound methodology and is in line with what would be expected. The proposed traffic impact is unlikely to have a severe impact on the local highway network in traffic and safety terms.*
- 8.94. Vehicle access: *The vehicle access point off Blackthorn Road was relocated, as requested, to avoid the proposed new access opposite into 22/01976/OUT and is now considered acceptable in principle. Any required change to the speed limit, if*

not brought forward by 22/01976/OUT, will be required through the S278 process. The site is accessed via a single vehicular access point onto Blackthorn Road.

- 8.95. Pedestrian and cycle access: *The proposal would deliver a 3m shared use cycle track, approximately 75m in length, south-westwards from the site access. From there on, the route will follow facilities that are likely to be delivered beforehand by 22/01976/OUT. If that application does not proceed, then the facilities will have to be provided by this current application, and this must be reflected in the wording of the S106 (that will secure the S278 works).*
- 8.96. Sustainable transport connectivity / transport sustainability: *The site location is not ideal in terms of transport sustainability and the distance to the nearest bus stop but has been deemed to be acceptable. A contribution towards public transport services will be required should permission be granted.* The site has been deemed to be acceptable due to two recent decisions:
- 8.96.1. 22/02455/OUT: Connectivity from this same site was considered acceptable in the conclusion on highway matters within the Officer Report which was presented to Planning Committee on 13 July 2023. This was for a development of 55 dwellings: almost identical to the current application.
- 8.96.2. 22/01976/OUT: Connectivity from the site opposite was considered acceptable in the conclusion on highway matters within the Officer Report which was presented to Planning Committee on 9 February 2023. This was for a development of 75 dwellings and has the same walking and cycling distances to the bus stops and railway station.
- 8.97. In the event that the application is approved, officers recommend that a financial contribution is secured via a planning contribution towards the continuation of bus services through Ambrosden. This would ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLP 2015. OCC Highways have also sought a contribution for a Cantilever Shelter 5 Bus Bay at either the northbound or southbound stop at Ploughley Road, to encourage the use of public transport by providing attractive waiting facilities. A contribution is also sought to mitigate against the impacts of the additional foot traffic and to improve the existing local PRoW network, including the improvement of surfaces of all routes to take account of the likely increase in use, as well as new or replacement structures such as gates, bridges and seating, sub-surfacing and drainage. These would be secured through a legal agreement and would of course be of benefit to a large quantity of local residents in addition to those at the development subject of this application.
- 8.98. Public rights of way (PRoW): *The PRoW has been placed on the formal alignment across the site. This comprises footway and footpath and involves crossing the road twice. An alternative, parallel footpath linking the two end points is proposed, so walking alongside and across the road may be avoided. These details will be confirmed at the reserved matters stage. If the development roads are to be offered for adoption, the tarmacked section of the PRoW (i.e. on the footway and road) will be maintainable by OCC. If the remainder of the footpath at the eastern and western ends were to be surfaced in tarmac and to an agreed standard, they could also be included in the S38 adoption. Otherwise, they will be the responsibility of the developer. If the development roads are not adopted, the whole length of PRoW across the site will be the responsibility of the developer to ensure the surfaces are suitable and that there are no obstructions.*
- 8.99. S106 and S278 obligations are detailed in the section below entitled 'Impact on Local Infrastructure'.

Conclusion

- 8.100. Having regard to the above, a conclusion has to be made which is consistent with those which have occurred within the past fourteen months. The proposed development would be served by a safe and suitable means of access and the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policies ESD15, SLE4 and the relevant criterion of Policy Villages 2 of the CLP 2015.
- 8.101. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Flood Risk and Drainage

Policy context

- 8.102. Section 14 of the NPPF is 'Meeting the challenge of climate change, flooding and coastal change'. Paragraph 173 states *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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - 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.*
- 8.103. Paragraph 175 of the NPPF states 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.*
- 8.104. Policy ESD6 of the CLP 2015 broadly replicates national policy contained in the NPPF with respect to managing and reducing flood risk. The policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 8.105. 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, reduce pollution and provide landscape and wildlife benefits.

8.106. Policy Villages 2 states that particular regard will be given to whether or not the development would have an adverse impact on flood risk.

Assessment

8.107. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

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

8.108. A site-specific Flood Risk Assessment and Drainage Strategy (FRA) (Curtins, July 2022) and Technical Note (Curtins, October 2022) have been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in a Flood Zone 1, at lowest risk from flooding. Cherwell SFRA (AECOM, May 2017) indicates that the site is within an area that is less than 25% susceptible to groundwater flooding.

8.109. The submitted FRA assesses sources of flood risk. Section 4.1 shows that the site is at very low residual risk from fluvial flooding: rivers or sea. Section 4.6 has noted that there is a potential risk of groundwater flooding. Mitigation measures are proposed within the report. Section 4.7 states that both Thames Water and the LLFA consider there to be no incident or historic flooding at this location, and it continues: *Providing they both maintain their drainage assets, the risk of flooding to the proposed development site from public sewers or highway drainage is considered as low.* Section 4.8 assesses surface water flowing to the site. It states that the site is located in an area mainly classified as being at very low risk of flooding from surface water, with an elevated level of low risk being due to the site being relatively flat with localised low points that have no positive drainage. Mitigation measures are proposed to ensure that the site will be very low risk following development. Section 4.9 assesses surface water flooding from the site. The development proposals indicate a change to the impermeable areas on the site, with the development having the potential to increase flood risk where additional run-off from proposed roads, paved areas and building roofs are discharged freely into the downstream drainage network. The report encourages the use of permeable areas, landscaping areas and sustainable drainage features utilising infiltration or attenuation where possible.

Conclusion

8.110. The submitted FRA is comprehensive and Thames Water and the LLFA have no objection subject to conditions. Consequently, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of the NPPF and Policies ESD6, ESD7 and Policy Villages 2 of the CLP 2015. As the proposed dwellings would not adversely affect flood risk either locally or elsewhere, subject to conditions, the proposals are acceptable.

8.111. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Ecological Implications

Legislative context

8.112. The Conservation of Habitats and Species Regulations 2017 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. Under the Regulations, competent authorities have a general duty,

in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations 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 licences by the appropriate authorities by meeting the requirements of the three 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.

Policy Context

8.113. The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

- a) *Protecting and enhancing sites of biodiversity or geological value and soils; and*
- d) *Minimising impacts on and providing net gains for biodiversity.*

It goes on to state: When determining planning applications, local planning authorities *should apply the following principles:*

- *If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.*

8.114. 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.*

8.115. 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 or potential ecological value.

8.116. Policy ESD11 of the CLP 2015 deals with Conservation Target Areas. The application site is within Ray Conservation Target Area, an area totalling 2,423 hectares that extends into Buckinghamshire. This policy sets out that *Where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the*

aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

- 8.117. The Natural Environment PPG (updated February 2024) post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although the Circular remains extant. Paragraph 18 of the PPG states that *biodiversity and geodiversity assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.*

Assessment

- 8.118. This part of the Appraisal reviews the following criteria within Policy Villages 2:

- 8.118.1. *Whether the land has been previously developed land or is of lesser environmental value*
8.118.2. *Whether significant adverse impact on heritage or wildlife assets could be avoided*

- 8.119. The land is a greenfield site. Contrary to that stated in the earlier Officer Report for the site under application reference 22/02455/OUT, the land is within the Ray Conservation Target Area.
- 8.120. The Ray Conservation Target Area includes the *alluvial floodplain of the River Ray extending along a number of small tributary streams and including some areas of land between these streams.* (Thames Valley Environmental Records Centre / Wild Oxfordshire). Paragraph B.240 of the CLP 2015 confirms that *The Target Areas have been identified to focus work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats...* Paragraph B.241 states that ten Conservation Target Areas lie wholly or partly within Cherwell District.
- 8.121. In accordance with the policy requirement of ESD11: *...biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement,* the application is supported by an Ecological Assessment (EDP, May 2023) and a Biodiversity Metric Calculator. The Ecological Assessment was revised during the life of the previous application on the site in order to address initial concerns of the Ecology Officer, who stated that it is largely adequate.
- 8.122. Whilst development in a Conservation Target Area must be sensitively designed and take into consideration any ecological implications, Policy ESD11 does not restrict development from taking place within these areas.
- 8.123. The Ecology Officer states that sufficient biodiversity net gain cannot be achieved on site and therefore the proposal is to use additional off-site, adjacent land shown within the land edged blue on the Location Plan, to create appropriate habitats. She considers it ambitious but feasible provided public access is prohibited to the biodiversity area from the footpath and a post and rail fence is installed rather than just a shrub line, to limit trampling and dog walking. Subject to this being secured by agreement within a biodiversity management and monitoring plan for a minimum of 30 years, and ideally for the lifetime of the development, this would be acceptable. Specific targets relating to bats and birds' habitats will be satisfied via condition and adopted at reserved matters stage in accordance with Policy ESD10. The Council seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these can be best clustered) with the majority integrated into the fabric of the buildings.

- 8.124. A lighting strategy which is sensitive to the presence of commuting and foraging bats (including rarer, light sensitive species) will also be conditioned as agreed with the Ecology Officer. A CEMP for biodiversity will also be ensured by condition to protect retained vegetation. A LEMP is required in order to contain provisions for wildlife within the built environment.
- 8.125. NatureSpace objected to the original proposal submitted in 2022 on the grounds of lack of information in respect of the impact on great crested newts (GCN). Following the submission of additional information, concerns remain regarding potential impacts on great crested newts, but NatureSpace and the Council's Ecologist are in agreement that these can be satisfactorily mitigated through use of condition to secure a precautionary working method. Alternatively, the applicant can remove all risks associated with great crested newts and avoid submitting to further survey work by entering the Cherwell District Council's District Licence Scheme.
- 8.126. Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) has objected to the proposal in relation to biodiversity net gain, potential impacts on the Arncott Bridge Meadows SSSI and BBOWT reserve (both hydrological and recreational), and the Ray Conservation Target Area.
- 8.127. BBOWT raises concerns that the proposal does not provide sufficient evidence of biodiversity net gain nor secure such net gains in perpetuity. However, the Council's Ecologist is satisfied that the requisite 10% biodiversity net gains can be achieved through a combination of on- and off-site provision, the details of which can be secured by condition. Whilst it is acknowledged that safeguarding biodiversity net gains in perpetuity is desirable, the policy and legislative context only allows for a thirty-year provision, and it is not therefore reasonable for the LPA to require a longer-term agreement.
- 8.128. The potential implications of the proposed development for the Arncott Bridge Meadows SSSI and associated nature reserve are acknowledged, however it is considered that these can be satisfactorily mitigated for through planning obligations in accordance with the recommendations of Natural England and the Council's Ecologist.
- 8.129. In relation to the aims of the Ray Conservation Target Area, BBOWT states that we *consider that a great deal more information should be provided to illustrate how the development will "secure biodiversity enhancement to help achieve the aims of the Conservation Target Area"*. The application is for outline permission and officers are satisfied that these details can be agreed at a later stage, given that the Council's Ecologist is content that an appropriate overall biodiversity net gain can be achieved.
- 8.130. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions or by entering the District Licencing Scheme, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLP 2015, as well as national policy contained in the NPPF.
- 8.131. There are no heritage assets in the vicinity of the site.
- 8.132. The proposals therefore achieve an acceptable standard against the relevant criterion set out in Policy Villages 2.

Best and Most Versatile Agricultural Land

8.133. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

8.133.1. *Whether best and most versatile agricultural land could be avoided*

8.134. The PPG Guide to Assessing Development Proposals on Agricultural Land (2021) states that the best and most versatile (BMV) agricultural land is graded 1 to 3a.

8.135. Paragraph 174 of the PPG states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land.

8.136. Policy Villages 2 of the CLP 2015 states that particular regard will be given to whether best and most versatile agricultural land could be avoided. The previous Officer Report for this site stated: *The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.* This deduction was inaccurate. The maps show the land to be Grade 2: very good. The proposal therefore conflicts with national and local policy and this has to be taken into account when weighing the planning balance.

8.137. For these reasons, the development of the site does not comply with this criterion of Policy Villages 2.

Impact on Local Infrastructure

8.138. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

- *Whether necessary infrastructure could be provided;*

Policy Context

8.139. Policy INF1 of the CLP 2015 states: *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

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

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

Assessment

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

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

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

8.144. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts. All requested contributions have variable price bases from October 2021 to April 2023 and are index linked:

Cherwell District Council

- Affordable housing provision: 35%. Mix to meet identified needs: rental units (3x 1 bed, 4 x2 bed, 6x 3 bed, 1x 4 bed), first homes (4x 2 bed, 1x 3 bed), shared ownership (1x 2 bed).
- Community hall contribution of £60,610.44 towards enhancements at Blackthorn Village Hall
- Off-site contribution of £110,936.65 towards the provision of outdoor sports facilities at Graven Hill and / or in the locality of the development
- Off-site indoor sport contribution of £44,262.24 towards enhanced community sporting facilities at Bicester Leisure Centre
- Public realm / public art contribution of £12,320.00 to enhance the landscaped area alongside the planned public footpath with a piece of artwork
- Use of the blue line land as shown on the Illustrative Masterplan dwg. no. 382 P01 Rev D dated July 2022 for proposed habitats for biodiversity net gain for a minimum of thirty years
- Provision of a commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Contribution for landscape and ecology monitoring
- CDC monitoring fee

Oxfordshire County Council

- £62,315 contribution towards public transport for the continuation of bus services in Ambrosden

- £15,347 contribution towards public transport infrastructure for the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road
- £15,000 contribution towards Public Rights of Way improvements to the local PRoW network
- Delivery of an LTN 1/20 compliant pedestrian and cycleway south-westwards from the site access and an uncontrolled crossing of Blackthorn Road
- A required change to the speed limit if not brought forward by the application on the opposite side of Blackthorn Road
- A S38 adoption for the tarmacked section of the public footpath if development roads are offered for adoption
- £432,081 towards secondary education capacity
- £39,650 towards secondary school land cost for secondary school places
- £26,922 towards special school education capacity serving the development
- £5,168 contribution towards expansion and efficiency of Household Waste Recycling Centres
- OCC Administration and Monitoring Fee estimated at £6,350

Other

- *Natural England*
Additional surface water treatment to be secured due to the hydrological connectivity of the proposed development site with Arncott Bridge Meadows SSSI and potential for surface water pollution, in order to mitigate the adverse effects of development which could destroy or damage the interest features for which Arncott Bridge Meadows SSSI has been notified.
- *Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board*
£47,520 as a contribution towards primary care infrastructure funding to be invested into capital projects to directly benefit this PCN location and the practices within it.

Conclusion

8.145. The application is not supported by any draft head of terms for a S106. However, written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. Given the agreement to enter into a S106 / S278 / S38 as required, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106 / S278 / S38.

Remaining Policy Villages 2 criteria

- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years;*

8.146. There is no reason to consider that these criteria could not be achieved.

Housing Mix/Affordable Housing

- 8.147. Paragraph 82 of the NPPF refers to rural housing. It advises that *planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.*
- 8.148. Policy BSC4 of the CLP 2015 requires new residential development *to provide a mix of homes... in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 8.149. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in paragraph 4.7 of the Cherwell Interim Policy Guidance Note: First Homes (December 2021) there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:
- a) 25% First Homes
 - b) 70% Affordable rent / social rent
 - c) 5% Intermediate housing such as shared ownership
- 8.150. The proposed masterplan shows a range of dwelling types and sizes, including affordable homes.
- 8.151. Paragraph 5.8 of the submitted Planning Statement (Walsingham Planning, November 2023) states that the development would deliver 35% affordable housing in line with the requirements of Policy BSC3. This would equate to provision of up to 20 affordable units on site. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This will be secured as a benefit of the scheme through a S106 agreement.

Noise, Contamination and Air Quality

- 8.152. Paragraph 180 of the NPPF advises that the planning system *should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Development should help to improve local environmental conditions such as air and water quality.*
- 8.153. Saved Policy ENV1 of the CLP 1996 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.
- 8.154. The Council's Environmental Protection Officer has no objection subject to conditions, which are proposed for the following reasons: a Construction Environment Management Plan for protection of the environment; a specialist acoustic consultant's report for an environment free from intrusive levels of noise; contamination found during construction to minimise risk for users and neighbours of the land; a detailed air quality impact assessment for the protection and enhancement of biodiversity and the natural environment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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

- 9.2. 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 be afforded limited positive weight.

Positive benefits – Social

- 9.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposal would provide up to 27 affordable homes which is a matter that carries substantial weight in favour of the proposal. The proposal would also provide bungalows which is recognised as a need within Ambrosden village. Significant weight is to be afforded to the social benefits of the proposed housing.
- 9.4. The improvement to the footpath and its connectivity to new outdoor equipment also carries some positive weight in favour of the proposal as these will benefit existing and proposed residents.
- 9.5. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be at the level expected by policy, as well as open space. The provision of this would also be of community benefit to existing residents.
- 9.6. 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 benefits – Environmental

- 9.7. The site of the housing is well screened by existing hedgerow cover and the existing housing to the west. The provision of additional built form within the countryside would be offset by the provision of enhanced boundary planting to the east and south-east boundaries. The development would appropriately integrate satisfactorily within the village of Ambrosden.
- 9.8. The proposals commit to the provision of sustainable construction methods, and this should be given positive weight.
- 9.9. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 9.10. The proposed drainage strategy would improve the drainage on the site and have the potential to assist in reducing the issue of water logging of adjoining areas. This would be a positive contribution and weighs in favour of the application.

Negative impacts

- 9.11. It is important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 9.12. The application site is positioned beyond the existing built-up limits of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, the impact is considered to be limited. As such the development would not be seen as an isolated development in the open countryside.
- 9.13. The development has the potential to result in adverse impacts on the nearby SSSI and nature reserve and would result in the loss of on-site biodiversity. Given the overall biodiversity net gain that would be achieved on-site and through enhancements to the adjoining land to the east, and that measures to safeguard the SSSI and nature reserve can be secured by condition, these negative impacts are afforded limited weight.
- 9.14. The proposed development has the potential to result in adverse impacts on great crested newts and their habitat. This can be mitigated through the adoption of a precautionary working method and provision of update surveys where necessary, along with a licence if needed at reserved matters stage. These negative impacts are also therefore afforded limited weight.
- 9.15. No development or construction site is silent and therefore the development would 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.
- 9.16. The proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. It would also result in some harm to the pattern of development and character of the edge of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 9.17. The proximity of the site from services and facilities is not ideal, however having regard to the rural context of the site and the relatively good level of services (including public transport) in the village as a whole, this is only considered to carry limited weight against the proposal.
- 9.18. The proposal would result in the development of agricultural land classified as grade 2, which falls within the definition of 'best and most versatile' land. This is afforded moderate negative weight.

Conclusion

- 9.19. 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 they are afforded full weight.
- 9.20. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 55 houses on the edge of a Category A Village. 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 of the appropriate scale to the most sustainable settlements in the District. This scheme is significantly below the strategic scale development (defined in para. XViii of the Executive Summary of the CLP 2015 as being schemes for 100 units or more) which are directed towards the district towns of Banbury and Bicester. Therefore, 55 units is considered to be of an appropriate scale to Ambrosden (a Category A village and not a town).

- 9.21. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. However, on balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and wider village setting.
- 9.22. On the basis of the scale of the proposal and the site's sustainable location, the proposal is not considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan and is in accordance with Policy Villages 2. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme. In accordance with the NPPF the proposed development is considered to represent sustainable development, the planning benefits of the proposal would not be outweighed by the limited harm identified and planning permission should therefore be granted.

10. 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):**

Cherwell District Council (all contributions to be index linked)

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling towards outdoor sport provision, plus £335.32 per occupier of each dwelling (based on an average occupancy rate of 2.4 persons per dwelling) towards indoor sport provision
- c) Payment of a financial contribution towards enhancements at Blackthorn Village Hall based on the requirements to provide 0.185m² of community space per occupier of the dwellings at a cost of £2,482 per m² (based on an average occupancy rate of 2.4 persons per dwelling)
- d) Payment of a financial contribution of £12,320.00 towards the provision of public art and its management and maintenance
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling
- f) Provision of a commuted sum for the maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SuDS etc) or details

of long term management provision in accordance with Policy SBC11 of the CLP

- g) Provision of a Local Equipped Area of Play and commuted sum for maintenance or details of other management provisions
- h) Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line
- i) Payment of the Council's monitoring costs

Oxfordshire County Council (all contributions to be index linked)

- a) Payment of a financial contribution towards the continuation of bus services is Ambrosden of £62,315
- b) Payment of a financial contribution towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road of £15,347 (unless otherwise secured under a S278 or S38 agreement)
- c) Payment of a financial contribution towards improvements to the local public rights of way network of £15,000
- d) Obligation to enter into a S278 agreement will be required to secure mitigation/improvement works, including: new site access bellmouth junction from Blackthorn Road, including 2m footway on east side, and; new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road, and; new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT)
- e) Payment of a financial contribution towards educational infrastructure serving the development of £498,653 (£432,081 towards secondary education capacity, £39,650 towards secondary school land cost, £26,922 towards special school education capacity)
- f) Payment of a financial contribution towards the expansion and efficiency of Household Waste Recycling Centres of £5,168
- g) Payment of the Council's monitoring costs

Other

- Payment of a financial contribution towards primary health care provision serving the development of £47,520, based on the predicted population increase arising from the development multiplied by £360 as there is no housing mix available.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 13th JUNE 2024. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED 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 contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the Cherwell District Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.**

CONDITIONS

Time Limit

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

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing 382_L01B, 382_P01D, 382_P02B, 382_P03B, 382_P04B, 382_P05B, 382_P06B, and 080633-CUR-XX-XX-D-TP-75004-P08.

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.

Levels

4. 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: In order to safeguard the visual amenities of the area in accordance 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.

Contamination

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

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

to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the Cherwell Local Plan 1996 and government guidance within the National Planning Policy Framework.

Drainage

6. The approved drainage system shall be implemented in accordance with the following documents in the Flood Risk Assessment and Drainage Strategy:
Curtins Ref:080633-CUR-00-XX-RP-D-92001 Rev 05 Date July 2023
Appendix E BGS Infiltration Report
Appendix F Thames Water Correspondence
Appendix G Greenfield Run-off calculations
Appendix H Proposed Drainage Strategy; Proposed Levels Strategy; Proposed Impermeable Catchments Plan Proposed; and Surface Water Drainage Calculations (100 Year +40% Climate Change, +10% Urban Creep)

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

7. Construction shall not begin until/prior to the approval of first reserved matters; 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 subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - 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 that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

8. Prior to first occupation, 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: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Environmental Protection

9. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; hours of construction, including deliveries;
- i) the temporary site compound including temporary structures
- j) the location and noise levels of any temporary generators or other fixed mechanical plant.
- k) details of external lighting and proposed operation times.
- l) contact details for the site manager or other persons associated with the management of operations on the site.

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

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan

and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should 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, in order to address any adverse impacts on local air quality. 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: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Natural Environment

12. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Highways

13. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays shall be 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, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

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

15. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

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

16. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

17. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4, ESD1 of the Cherwell Local Plan 2011-

2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained in the National Planning Policy Framework.

Water

18. 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 and to comply with Government guidance contained in the National Planning Policy Framework.

Ecology

19. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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

20. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

21. No development shall commence until a CEMP for biodiversity which includes measures to protect retained vegetation, bat roost checks for any removed trees and protect nesting birds is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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.

22. The development shall be constructed in accordance with the details agreed within the Ecological Appraisal Reference edp7101 r001c. The enhancement measures

shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

23. 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 or managed other than in accordance with the approved LEMP. This should include how created and retained habitats on site will be managed for people and biodiversity and to achieve the habitat conditions denoted within the BIA and how this fits together with the off site plan. This should include measures within the built environment also. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.

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

24. No development shall commence until a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required, and timing is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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.

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

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

26. Additional surface water treatment and monitoring scheme due to the hydrological connectivity of the application site with Arcott Bridge Meadows SSSI, to ensure the long-term protection of the interest features of the SSSI.

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.

Sustainability

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

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

29. No dwelling shall be occupied until it has 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.

Removal of PD Rights

30. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-C inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement of the bungalows hereby approved shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: To provide a mix of homes to meet current and expected future requirements in perpetuity, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Policy BSC4 of Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. Any alterations to the Public Highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the Public Highway shall be undertaken within the context of a Legal Agreement (such as a Section 278 / 38 Agreement) between the applicant and the Highway Authority.

Planning obligation	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked)	Trigger points	
Provision of, and commuted sum for maintenance of, open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP 2015	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of Play and commuted sum for maintenance or other management provisions	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p>

			<p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
<p>Off-site outdoor sports facilities capital provision – Towards the provision of formal outdoor sports facilities at Graven Hill and / or in the locality of the development</p>	<p>55 x £2,017.03 per dwelling = £110,936.65</p>	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
<p>Off-site indoor sports facilities – Towards improvements at Bicester Leisure Centre</p>	<p>A sum based on a contribution of £335.32 per occupier of each Dwelling as follows:</p> <ul style="list-style-type: none"> • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development • Result multiplied by £335.32 Example at 55 Dwellings 55 x 2.49 = 136.95 136.95 x £335.32 = £45,922.07 	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p>

			<p>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.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
<p>Community hall facilities – To be spent on enhancements at Blackthorn Village Hall or other community building.</p>	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows:</p> <ul style="list-style-type: none"> • (Average occupancy per Dwelling) multiplied by the Composition of the Development • The result multiplied by 0.185 (0.185m2 community space required per resident • That result multiplied by £2,482.00 (cost per m2 of 	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The Council will encourage the provision of community facilities to enhance the sustainability of communities.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer</p>

	<p>provision of community space) Example at 55 Dwellings 55 x 2.49 = 136.95 residents 136.95 x 0.185m² = 25.34m² 25.43 x £2,482.00 = £62,893.88</p>		<p>Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Realm / Public Art	<p>A developer contribution of £200 per dwelling would be requested plus 12% management and maintenance fees.</p> <p>Total £12,320.00</p> <p>We would be seeking a contribution towards the provision of public art to enhance the landscaped area alongside the planned public footpath with a piece of artwork referencing natural forms in wood, metal, or stone.</p>	To be delegated to officers	<p>SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives.</p> <p>SPD 4.132 The Government's Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p>

			<p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<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> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.	To be provided and managed long term in accordance with the HMMP	To be delegated to officers	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p>Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.</p>

<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
<p>Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking</p>	<p>To be confirmed</p>	<p>To be delegated to officers</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Public transport contribution of £62,315 to contribute towards the continuation of bus services in Ambrosden, which are currently operated under contract to Oxfordshire</p>	<p>£62,315</p> <p>Calculation: £1,133 per dwelling is sought from developments served by the bus routes along</p>	<p>To be delegated to officers</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p>

<p>County Council using time-limited funds.</p>	<p>Ambrosden on a fair and equitable basis.</p> <p>£1,133 x 55 dwellings - £62,315</p>		
<p>Public transport infrastructure contribution of £15,347 to contribute towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road</p>	<p>£15,347</p> <p>Calculation: based on the latest price of a Cantilever Shelter 5 Bus Bay at the time of comment.</p>		<p>Local Transport Plan 4, Policy 34. Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.</p> <p>Provision of bus shelters to encourage the use of public transport by providing attractive waiting facilities.</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>
<p>Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.</p>	<p>£15,000</p> <p>Calculation: The proposed measures are based on the desk</p>	<p>To be delegated to officers</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development</p>

	<p>assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. Estimated contribution breakdown by activity:</p> <ul style="list-style-type: none"> • site surveys & assessments 5% • habitat survey & mitigation 5% • landowner negotiations 5% • Materials, contractor, plant & equipment 60% • Legal processes e.g. temporary works closures, agreement payments 5-10% • Contract preparation & supervision 5% • Admin costs 5% • Contingency/Follow-up repair works 5-10% 	<p>and made attractive to future users to reduce car dependency.</p> <p>There is expected to be an increase in numbers of residents and their visitors using the rights of way network in the vicinity of the site due to the proximity of the development. OCC Countryside Access is seeking a contribution to mitigate the impact of this increase in numbers of residents and their visitors accessing the network along these routes.</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>The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered.</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> <p>The proposed measures are based on the desk assessment of likely costs for the measures. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver</p>
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			<p>improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.</p> <p>The contribution would be spent on improvements to the public rights of way in the vicinity of the development. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing etc.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ul style="list-style-type: none"> - new site access bellmouth junction from Blackthorn Road, including 2m footway on east side - new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road - new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT) 	<p>To be delivered on and off site</p>	<p>To be delegated to officers</p>	<p>Necessary to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts 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>

<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£432,081 towards secondary education capacity and £39,650 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision.</p> <p>Calculation:</p> <p>Number of secondary pupils expected to be generated = 13</p> <p>Estimated per pupil cost of a new 600-place secondary school = £33,237</p> <p>13 x £33,237 = £432,081</p> <p>Estimated per pupil cost of land for new secondary school (April 2023 prices) = £3,050</p> <p>13 x £3,050 = £39,650</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>The scale of housing growth in Bicester requires another new secondary school, in addition to that recently opened at SW Bicester to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is forecast to be required by the late 2020's, although this is subject to the speed of housing delivery.</p> <p>The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. This development would be expected to contribute proportionately towards the cost to the county council of acquiring this land.</p> <p>Directly related. Will provided 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</p>

			provision of new school places based on cost per additional pupil.
Special School contribution to be spent on expansion of SEN school capacity	<p>£26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.</p> <p>Calculation:</p> <p>Number of pupils requiring education at a special school expected to be generated = 0.3</p> <p>Estimated per pupil cost of special school expansion, as advised by Government guidance “Securing developer contributions for education” (Nov 2019) = £89,741</p> <p>$0.3 \times £89,741 = £26,922$</p>	To be delegated to officers	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.</p> <p>Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>The county council’s Special Educational Needs & Disability Sufficiency of Places Strategy is available at https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places and sets out how Oxfordshire already needs more special</p>

			<p>school places. This is being achieved through a mixture of new schools and expansions of existing schools.</p> <p>The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.)</p> <p>Directly related. Will provided 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>
<p>Contribution towards expansion and efficiency of Household Waste Recycling Centres.</p>	<p>£5,168</p> <p>Calculation:</p> <p>Space at HWRC required per dwelling (m²) = 0.18</p> <p>Infrastructure cost per m² = £275</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places should be reasonably accessible to residents, available at reasonable times, and available to</p>

	<p>Land cost per m² = £247</p> <p>Total land and infrastructure cost per m² = £522</p> <p>£522 x 0.18 = £93.96 (cost per dwelling)</p> <p>55 x £93.6 = £5,168</p>	<p>residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p> <p>Directly related. Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 55 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 220 HWRC visits per year.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision based on build costs.</p>
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