

Case Officer: Katherine Daniels

Applicant: Welbeck Strategic Land V Limited

Proposal: Development of up to 90 dwellings (including affordable dwellings), a new children's nursery, Earls Lane car park, SuDS attenuation, open space and associated landscaping and highway works.

Ward: Deddington

Councillors: Cllrs Andrew McHugh, David Rogers, Edward Reeves

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 10 July 2024

Committee Date: 11 July 2024

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the north-east of Deddington. The site adjoins Earls Lane and Banbury Road. The site is predominately arable fields. The boundary along Banbury Road consists of a hedgerow with hedgerow trees. There is a field gate with access onto Banbury Road. The frontage along Earls Lane consists of a dry-stone wall. There is another access to the site from Earls Lane. There are three different parcels of land. These are separated by hedgerows and trees.
- 1.2. The ground level of the site is relatively flat, however Deddington is located on a top of a hill, with land falling away to the north and east.

2. CONSTRAINTS

- 2.1. The application site is within an archaeological alert area for Deddington's Historic Core. The site contains ridge and furrow.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This is an outline application for up to 90 dwellings, a new children's nursery, car park off Earls Lane, landscaping and highway works. All matters are reserved bar for the access onto the site.
- 3.2. The vehicle access is proposed off the Banbury Road, with a pedestrian access linking Earls Lane with the site.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 23/00961/PREAPP – The principle of development is not acceptable as it is not allocated within any local plan or neighbourhood plan policy, and would have a detrimental impact on the wider locality. It was suggested that the development uses land along Earls Lane.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 October 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Letters of support received from 5 households. The comments raised by third parties are summarised as follows:

- The village needs a new nursery building

6.3. Letters of objection received from 5 households and one letter of comment. The comments raised by third parties are summarised as follows:

- Deddington has a neighbourhood plan in progress
- Impact on the Highway Network
- More housing than needed
- No space at primary school
- Ecology Impacts
- Capacity issues at doctors.
- Affect privacy
- Impact on the important views
- Parking issues at the health centre

6.4. Deddington Neighbourhood Watch – Premature in view of the advanced stage of the Neighbourhood Plan; Ecology needs to be reassessed; Number of dwellings exceeds the AECOMM needs survey.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. DEDDINGTON PARISH COUNCIL: **Supports**, as long as it is in accordance with the Neighbourhood Plan and S106 requests.

OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No objections** subject S106 contributions to public transport services, public transport infrastructure, travel plan monitoring, S278 agreement and Planning conditions

7.4. CDC ECOLOGY: **No objections** subject to conditions regarding GCN licence, lighting scheme, LEMP, CEMP.

7.5. ENVIRONMENT AGENCY: **No comments**. Refers to Standing Advice

7.6. THAMES WATER: **No objections**, subject to conditions relating to waste water, and upgrades to water infrastructure

7.7. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions on contaminated land, noise and air quality

7.8. THAMES VALLEY POLICE CRIME PREVENTION DESIGN ADVISOR: **No objections** subject to conditions.

7.9. CDC LANDSCAPE SERVICES: **Comments** on the application regarding LAP/LEAPS, non equipped landscape, landscape condition and maintenance provision through an S106.

7.10. CDC RECREATION AND LEISURE: Requests monies for Community Hall Facilities, Outdoor Sport Provision, Indoor sports provision, Public Realm/Art

7.11. NATURAL ENGLAND: **No objections**

7.12. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions on SUDs and Surface Water Drainage

7.13. BOB ICB: Requests S106 monies to mitigate against the impact of the development on doctors surgeries.

7.14. CDC HOUSING STRATEGY: Supports the application, provided the affordable housing mix is secured.

7.15. OCC EDUCATION: **No objections** subject to S106 relations to early years, primary and secondary education

7.16. OCC PROPERTY: **No objections** subject to S106 re Library conditions.

7.17. OCC ARCHAEOLOGY: **No objections** subject to planning conditions relating to a written scheme of investigation

7.18. OCC WASTE MANAGEMENT: **No objections** subject to S106 contribution.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Deddington Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- DEDD 2 – Deddington Village Site Allocation
- DEDD 3 – Housing Mix
- DEDD 4 – Design quality in Deddington
- DEDD 8 – Travel Planning
- DEDD 9 – Green Infrastructure

- DEDD 15 - Broadband and Mobile Communications
- DEDD 16 – Zero-carbon Buildings

8.4. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Ecology impact
- Drainage
- Residential amenity
- Sustainable Construction
- S106

Principle of Development

9.2. 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 comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

9.3. 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*'.

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

9.5. 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.

9.6. Paragraph E.10 of the Plan states, '*Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and*

the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.

- 9.7. 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"*.
- 9.8. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.9. 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.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Cropredy is a Category A village.
- 9.11. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'.* This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'.*
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
 - i. *'Whether the land has been previously developed land or is of less environmental value';*
 - ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
 - iii. *'Whether development would contribute in enhancing the built environment';*
 - iv. *'Whether best and most versatile agricultural land could be avoided';*
 - v. *'Whether significant adverse landscape and visual impacts could be avoided;*
 - vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
 - vii. *'Whether the site is well located to services and facilities';*
 - viii. *'Whether necessary infrastructure could be provided';*
 - ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
 - x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
 - xi. *'Whether development would have an adverse impact on flood risk'.*

- 9.13. Policy DEDD 2 of the Neighbourhood Plan allocates land off Banbury Road for a comprehensive residential, nursery and public parking development. The development will be supported if it accords with the following:

The residential (Class C3) scheme comprises approximately 85-90 dwellings of a mix of types that reflects the principles set out in Policy DEDD3; and

- The nursery (Class E(f)) scheme comprises a suitable building located on the Banbury Road frontage with adequate parking for staff and a vehicular drop off space; and
- The public parking scheme comprises approx. 20–25 spaces on the Earls Lane frontage and laid out with permeable surfacing, trees and shrubs and EV charging points; and
- A S106 agreement is made that requires the delivery and transfer of the nursery and public parking schemes to the Parish Council at no charge prior to the occupation of the first dwelling; and
- The layout comprises a single vehicular, pedestrian and cycle access from Banbury Road to the residential scheme and a separate vehicular, pedestrian and cycle access from Banbury Road to the nursery scheme, both of which must not compromise the existing Fire Station access and which should minimise the loss of the existing mature hedgerow on the Banbury Road frontage; and
- The layout also comprises a tree-lined public footpath from Earls Lane through the residential scheme to Banbury Road and connecting a children's play area and new woodland and informal amenity areas; and
- The landscape scheme comprises the bolstering of the existing hedgerow and tree planting along each of the site boundaries, a new community orchard in the vicinity of the Earls Lane frontage, an informal amenity area and ecological corridors permeating the whole scheme; and
- The outline layout and location of buildings allow for one or more glimpse views from the south-west corner of the site on Banbury Road through the scheme to the countryside to the north-east of the site; and
- The design of the scheme reflects the design principles set out in Policy DEDD4 and responds positively to the prominence of the north-west corner of the site in views from the north towards the village.

- 9.14. It is considered that the proposed development would accord with the criteria contained within Policy DEDD 2 of the Neighbourhood Plan in outline terms with further details to be provided at reserved matters stage. As such the development is considered to be acceptable in principle based upon this policy.

National Planning Policy Framework

- 9.15. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.16. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.17. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.18. 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.’*
- 9.19. 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’.*
- 9.20. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell’s case).

Housing Land Supply Position Statement (Update) January 2024 Context

- 9.21. 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 NPPF was published on 20 December 2023 and no longer contains this requirement.
- 9.22. 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	5,680 (710x8)

	method)	
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

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

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

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

9.25. 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

9.26. 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 housing land supply figure should be calculated using the government’s standard methodology.

- 9.27. 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 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.
- 9.28. 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.
- 9.29. 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.
- 9.30. 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) specifically in relation to spatial and temporal dimensions:
- 9.31. *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). (para 24)*
- 9.32. 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

- 9.33. At a recent appeal an Inspector concluded that the Council did not have a sufficient supply of housing land when combining the district housing land supply figure with

the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park.

- 9.34. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.35. However, the LPA has submitted a legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making). This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.36. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

Assessment

- 9.37. The Council's housing supply position of 5.7-5.8 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.38. Policy Villages 1 of the CLP 2015 designates Deddington as a Category A village where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.39. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Deddington village and relates rather poorly to the village; however, it is allocated within the Neighbourhood Plan for development. The proposal, therefore, does find support from Policy Villages 1.
- 9.40. Deddington is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2).
- 9.41. 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. Therefore, the total number of dwellings delivered under PV2 has exceeded 750.

- 9.42. It should be noted that whilst the site is located adjacent to Deddington, it sits outside of its built-up limits and is rather poorly related to the settlement. However, it has been identified within the Neighbourhood Plan and is now within the Settlement Boundary. It is therefore considered to be in a sustainable location, which would not result in harm to the locational strategy of new housing. The proposed development therefore accords with PV2.

Conclusion

- 9.43. The latest housing supply figure for the district is calculated at 5.8 years. Whilst the NPPF states the requirement to have a 4-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations, with Deddington being classed in the CLP 2015 as one of the larger, more sustainable villages within the district. Whilst it is considered that the development does accords with Policy Villages 1, Policy Villages, Policy DEDD1 and Policy DEDD 2 of the Deddington Neighbourhood Development Plan in which the parcels of land are allocated for development of housing, nursery community orchard and car park. It is considered that the proposals accord with the criteria of Policy DEDD 2 and as such the principle of development is deemed to be acceptable in this location subject to compliance with other parts of Policy DEDD 2 which will be discussed below and other material considerations.

Design, and impact on the character of the area

- 9.44. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.45. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals 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 designed active public frontages.
- 9.46. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

- 9.47. Saved Policy C28 of the CLP 1996 states that 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. Furthermore, saved Policy C30 of CLP 1996 states 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.
- 9.48. The site comprises a U-shaped parcel of land, which fronts the A4260 to the west and links to Earls Lane to the south. The site is bounded by the highway to the west, residential development to the south and open fields to the north and the east.
- 9.49. The western parcel of land fronting onto the A4260 and, whilst being outside the built up limits and settlement boundary of Deddington, would have a moderate relationship to the village and would be in keeping with the existing form of development to its south. The linear form of residential properties fronting onto the A4260 as shown on the masterplan submitted is a positive element of the proposals that would respect the prevailing pattern of development in the locality.
- 9.50. The eastern parcel of the site would not relate as well to the rest of the village as it would be set significantly back from Earls Lane and would be rather disconnected from the existing built form of the village. It would have been much better for this part of the development to be spatially better connected to Earls Lane, which would have aided the integration of the development with the rest of the village, and in their pre-app enquiry response officers encouraged this change be made. That said, it is acknowledged that being set away from Earls Lane would lessen the visual impact of the development on Earls Lane and would result in a continuation of the soft landscaping edge of this side of the village and its enhancement through the addition of the orchard. Development of the remaining field parcel would have relatively little visual impact but for the period of time that full weight is afforded to the Neighbourhood Plan any such development would be contrary to the Development Plan.
- 9.51. The access to the eastern parcel would be achieved from Earls Lane and would consist of a relatively thin section of field to the east of the existing housing in which is proposed a community orchard as well as additional car parking for the adjacent health centre. The access to the housing to the north of the site would be pedestrian only from Earls Lane with a footpath leading south to north to the larger housing parcel. There would be little or no surveillance of this path, which is poor design and weighs against the proposal.
- 9.52. The eastern housing parcel to the north of the orchard would have a more significant impact on the wider landscape and would be particularly visible when viewed from the north, particularly when traversing the A4260 north to south; this housing would be viewed as being within the open countryside and would have a large degree of separation from the built up limits of Deddington. These wider views would be minimised through suitable and substantial soft landscaping to the northern and eastern boundaries of the plot, details of which would be secured through a suitably worded condition. This would need to be enhanced to a substantial level in order to minimise the urbanising effect of the development and its intervisibility with and views from the open countryside.
- 9.53. Indeed, in visual and spatial planning terms, the eastern part of the development would be somewhat disconnected from the built form of Deddington and would not

be a continuation of any of the existing residential development within the locality. This disconnect is further exacerbated by the lack of access options leading from Earls Lane other than the proposed narrow footpath. It would not be obvious that this development is part of an extended Deddington village when viewed from Earls Lane.

Conclusion

- 9.54. The eastern part of the development would be disconnected from and relate poorly to the existing built form of the village. This disconnect is further exacerbated by the lack of access options leading from Earls Lane other than the proposed narrow footpath. There would be little or no surveillance of this path, which is poor design and weighs against the proposal. That said, the site has been allocated within the Deddington Neighbourhood Development Plan and as such the landscape harm has been considered to be within an acceptable level and the site would relate sufficiently with the existing village. It is considered that the impact of the proposed development on the character of the area can be mitigated by appropriate landscaping details being provided at reserved matters stage.

Heritage Impact

Legislative and policy context

- 9.55. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.56. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.57. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.58. The proposal would not result in a harmful impact to the nearby designated heritage assets.

Ecology Impact

Legislative context

- 9.59. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats

Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

- 9.60. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.61. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.62. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.63. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.64. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.65. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d)

development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.66. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.67. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.68. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.69. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.70. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.71. The application is supported by a Bat Transect Report, Biodiversity Net Gain Assessment, Great Crested Newt (GCN) DNA survey. The applicants have also submitted a Licence from Naturespace for work within an area of GCNs. These reports also provide details on compensation and mitigation measures.
- 9.72. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.73. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.74. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.75. The Local Highway Authority has raised no objections to the proposal, provided suitable conditions and Section 106 contributions. Therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

Drainage

9.76. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.77. Paragraph 175 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

9.78. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to

guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.79. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.80. The current situation is that the site is located within a flood zone 1 which is land that has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding.
- 9.81. The proposal is therefore considered to be acceptable in flooding terms.

Residential amenity

- 9.82. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.83. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.84. It is therefore considered that the limited impact on residential amenity is not a reason that warrants refusal of the application.

Sustainable construction

- 9.85. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.86. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more

resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

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

Assessment

- 9.89. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be further detailed at the reserved matters stage.

S106

- 9.90. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 9.91. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:
- 9.92. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.93. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.
- 9.94. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.95. This application is for up to 90 residential units on the site, which is a major application in terms of definition. For this reason, the development must provide an element of affordable housing as part of the proposal.
- 9.96. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 31 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.97. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.98. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.99. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.

9.100. The proposal includes the provision of land and building for a car park area for the village to use.

9.101. Although the draft heads of terms does not cover all the areas where a contribution would be required, it does show a commitment of the applicant to opening negotiations on an agreement. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications 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.

10.2. The site is allocated within the Deddington Neighbourhood Plan and therefore the principle of residential development on the site is considered acceptable. The additional housing would also add to the overall housing land supply within the district.

10.3. This is an outline application and further information on the overall layout and design will be considered at the Reserved Matters Application.

10.4. The proposal would not result in a danger to those using the highway, and any impacts can be mitigated by the way of planning condition or S106 contributions.

10.5. The application is therefore recommended for approval, subject to conditions and a Section 106 agreement.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY), AND**
- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (See Appendix 1) (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

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 following plans and documents: TBC

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

4. No development shall commence unless and until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, Land contamination risk management (LCRM) and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 4. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

7. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes be carried out before the relevant phase of development is resumed or continued.
8. No development shall commence unless and until a specialist acoustic consultant's report has been provided and approved in writing by the local planning authority that demonstrates that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings). For outdoor areas (domestic gardens and recreation areas used in common) the World Health Organisations guideline noise value of 50 dB LAeq (16 hr) or less shall be achieved during the time period 07:00 to 23:00 hrs. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. 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.
9. No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved CEMP.
10. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a. Risk assessment of potentially damaging construction activities;
 - b. Identification of 'Biodiversity Protection Zones';
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d. The location and timing of sensitive works to avoid harm to biodiversity features;
 - e. The times during construction when specialist ecologists need to be present on site to oversee works;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h. Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

13. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

14. Prior to the first occupation of the development, a Travel Plan as set out in the Oxfordshire County Council Travel Plans guidance shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied other than in full accordance with the approved Travel Plan.

Reason: To encourage the use of sustainable modes as a means of transport.

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

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

16. No dwelling 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

17. GCN Condition according to licence

18. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

CASE OFFICER: Katherine Daniels

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	
Health Care	£77,760 Final figure to be agreed	Health Care Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - contribution towards improvements of the Deddington Health Centre</p> <p>Directly related – For use of future occupiers by the development</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Transport	£101,970 (RPI-x Dec 21)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Transport infrastructure – Real Time Information screens at the nearest bus stops	£20,620 (RPI-x Oct 21)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options</p>

			<p>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>
Highway Works	<p>a) New bellmouth site access junction on the A4260, complete with kerb realignment and white lining</p> <p>b) Removal and repainting of the speed limit roundel and the “dragon’s teeth” markings</p> <p>c) Conversion of existing footway to 3.5m wide shared use cycle track from the site access southwards to the Toucan crossing</p> <p>d) New bellmouth car park access junction on Earls Lane</p> <p>e) New 2m wide footway on the north side of Earls Lane and existing footway widened to 2m</p>	<p>No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued</p>	<p>Necessary – towards a new bellmouth site access junction, new bellmouth car park access junction on Earls Lane, new controlled crossing build-out feature plus signage, a new off road shared cycling and walking path from the development site to the School Lane junction</p> <p>Directly related as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

	<p>on the south side</p> <p>f) New uncontrolled crossing build-out feature plus signage</p> <p>g) Consultation on changes to Traffic Regulation Orders, and implementation, as necessary</p>		
Travel Plan Monitoring	£1,890 (RPI-x Dec 21)		<p>Necessary – to mitigate against the increase in residential numbers on the highway network</p> <p>Directly related as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Traffic Regulations Order	TBC		<p>Necessary – to mitigate against the increase in residential numbers on the highway network</p> <p>Directly related as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

Community Hall facilities	£102,903.72 Final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p>Necessary - contribution towards improvements of the Windmill Community Centre</p> <p>Directly related – For use of future occupiers by the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sport Provision	£181,532.70 Final figure to be agreed	Off-site Outdoor Sports Facilities Contribution in the following instalments: 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - contribution towards enhancement of the outdoor sports facilities at the Windmill Community Centre, or other outdoor sports facilities in Deddington parish</p> <p>Directly related – For use by future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Indoor Sports Provision	£75,145.21 Final figure to be agreed	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - off-site indoor sport contribution towards indoor sports facilities at the Windmill Community Centre, or other indoor sports facilities in the locality</p> <p>Directly related – For use by future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – Policy BSC 10 Addressing existing deficiencies in provision through</p>

			<p>enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p>
Public Realm / Public Art	£20,160 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p>
Early Years (Option 1)	Freehold of the proposed	TBC	Necessary for expanding early years capacity serving the site

	nursery site		<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 Council's standards for provision of new school places based on cost per additional pupil.</p>
Early Years (Option 2)	£113,268	TBC	<p>Necessary contribution towards expanding early years capacity through replacement and expansion of modular unit at Deddington Partnership Foundation Stage Unit</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 Council's standards for provision of new school places based on cost per additional pupil.</p>
Primary Education	£163,000 Final Figure to be agreed	TBC	<p>Necessary to provide adequate education provision in Christopher Rawlins primary school as existing infrastructure is at capacity with planned growth.</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 Council's standards for provision of new school places based on cost per additional pupil.</p>
Secondary Education	£545,832 Final figure to be agreed	TBC	<p>Necessary contribution towards replacement of temporary provision at Warriner School.</p> <p>Directly related. Will provide additional school places for children living at the proposed development</p>

			<p>Fairly and reasonably related in scale and kind. In accordance with the County Council's standards for provision of new school places based on cost per additional pupil.</p>
Library	£23,800		<p>Necessary contribution towards the expansion of capacity at Deddington library including the provision of additional book stock.</p> <p>Directly related. Will provide additional library facilities for residents of the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Council's standards for provision of necessary library facilities.</p>
Waste Management	£8,456 (BCIS All-in TPI 327) final figure to be agreed	TBC	<p>Necessary The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related. Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
LAP/LEAP to be provided and	TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be	<p>Necessary – Site based LAP required in accordance with</p>

maintenance towards upkeep		Occupied until the Practical Completion Certificate has been issued	<p>Policy BSC10.</p> <p>Directly related – contribution towards the maintenance of the site-based LAP.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% (with 25% of that 35% to be First Homes and 10% of the 90 to be Low-Cost Home Ownership/intermediate) i.e. for a dev of 90 dwh this would mean 23 rented, 8 First Homes, 1 shared ownership, but TBC	Not Occupy or cause to permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to 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>
Biodiversity Net Gain	TBC	TBC	<p>Necessary – required in accordance with Policy ESD10 and legislation.</p> <p>TBC</p>