

Bicester

Bicester is a rural market town, located in the south east of the District. Established on a river crossing of the River Bure, an ancient route between Oxford and Buckingham, it sits at the northern edge of the Otmoor lowlands next to a band of limestone and Cornbrash. The river and a railway embankment provide variation to the otherwise flat topography. Graven Hill, located at the south east of town, is the only topographic feature of note.

Bicester's historic core is still the commercial centre and the civic heart of the town. It formed from the coalescence of three settlements: King's End, Market End and Crockwell and was influenced by the route of the River Bure. Aside from redevelopment in the centre, it changed little through the eighteenth to mid-twentieth centuries.

The bulk of the historic core consists of two or three storey vernacular buildings of limestone rubble or red brick with some re-fronted timber framed buildings along the old London Road. Building frontage in the town centre is continuous; strongly defining the public realm.

The green spaces within Bicester provide valuable relief from the densely built town centre. The contribution that mature trees make to the townscape is immensely valuable.

The shape of the town altered in the twentieth century with the establishment of the RAF station and later the Ordnance Depot. Housing estates were developed around the periphery of the historic core. These are well cared for, but poorly connected to the centre and lack local distinctiveness. From a population of 5,512 in 1961, numbers grew to an estimated 32,640 in 2011.

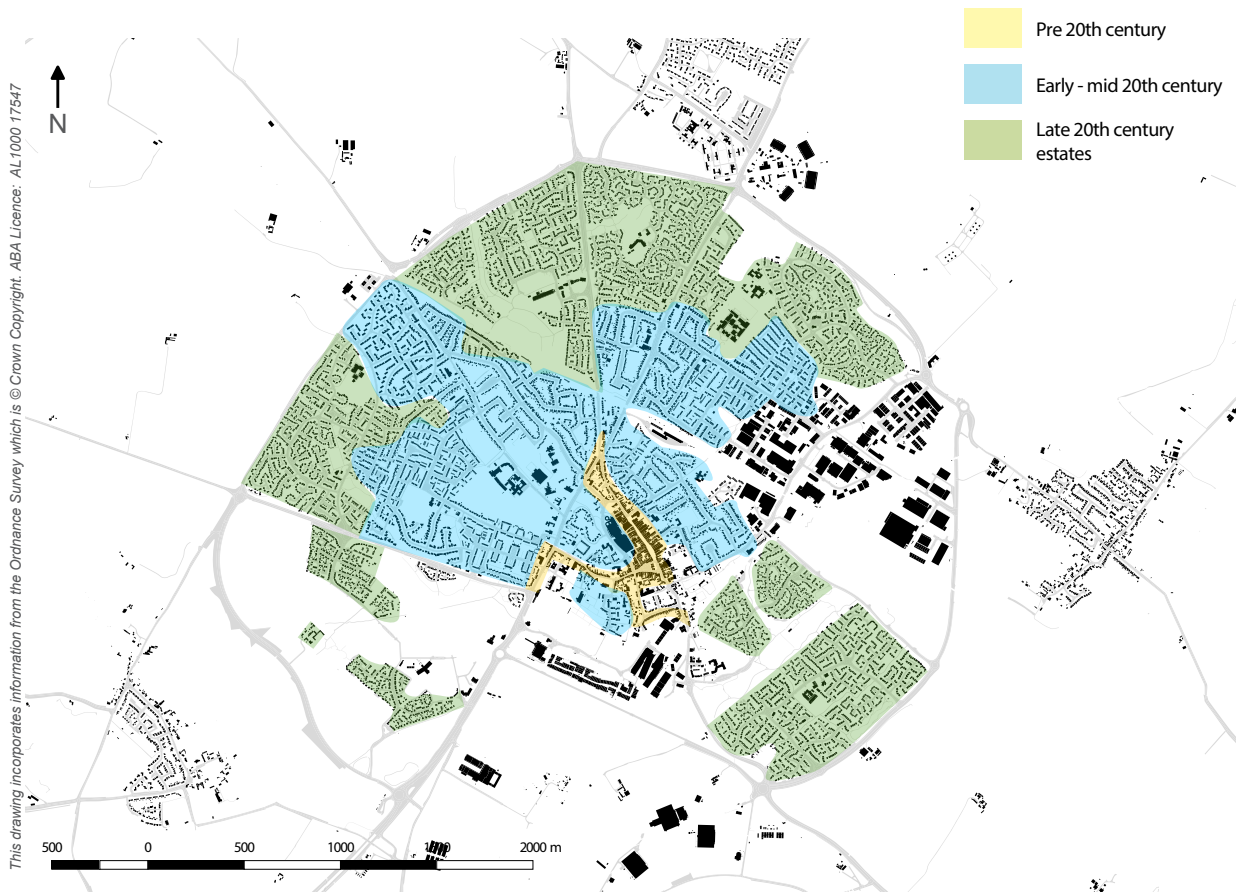


Figure 2.4 Bicester

Key characteristics include:

- A compact medieval core, defined by a clear network of streets and defined frontages. There are a wide range of building styles reflecting the development of the area over the centuries, but harmony is established through the consistent rhythm of the plots, scale and materials
- Small areas of Victorian and Edwardian expansion are typically terraced, constructed in local brick
- Much of the 20th century suburbs date from the post war era. These are frequently based on cul-de-sac structures, limiting their sense of connection with other areas. The layout and design of houses does little to reinforce local distinctiveness. These areas, while well loved by residents, are not appropriate for replication in new development

The perimeter of Bicester is undergoing transformation with significant new development planned in a series of distinctive neighbourhoods. RAF Bicester is becoming an interesting hub combining new technologies with heritage, while Graven Hill is to develop a distinctive character as a result of the council-led self-build programme. To the north-west, Bicester Eco-town is demonstrating new sustainable technologies and new urban forms. To the south-west and south-east housing growth areas are more normative in their design.

Sustainable exemplars

The town of Bicester is undergoing significant change and growth. This is reflected in its designation under a number of Government funded initiatives (Garden Town, Eco-town and Healthy New Town) which aim to provide new homes with a focus on innovative design and high levels of sustainability.

The guiding principles of good urbanism contained within this Guide must underpin all these proposals, creating well-connected, distinctive, safe and attractive places which engender civic pride and a sense of community. However, the Guide recognises that within sustainable exemplars, the development of new buildings typologies, architectural styles and materials may be appropriate. Bespoke design solutions will be agreed in consultation with the Council. Chapter 8 provides further details on innovation and sustainability.



Bicester - Priory Road (top), Church Street (middle), Elmbrook, North West Bicester (bottom)

Kidlington

Kidlington is an enlarged village, located in the Clay Vale of Otmoor, between the attractive green corridors of the River Cherwell and Oxford Canal. Kidlington emerged as a dispersed group of medieval hamlets focused on and around St Mary's Church and the Town Green in the east and Kidlington Green to the west. The remaining historic streets are built predominantly of Cotswold limestone with some later red brick buildings.

With the arrival of the canal in the eighteenth century and the railway in the nineteenth century, the settlement began to expand westwards. Rapid growth came in the twentieth century in response to Oxford's population pressure. Ribbon development of semi-detached and bungalow properties along Oxford to

Banbury Road and on large plots around the Moors was followed by the development of a 'Garden City' to the south led by the District Council and later on the growth of cul-de-sac based estates which limit east-west connectivity.

Unlike Banbury and Bicester, Kidlington does not have a medieval or Victorian civic centre. The village centre dates mainly from the late-twentieth century and relates poorly in character and scale to the pockets of remaining historic residential streets, some which are now designated as Conservation Areas.

Future development within Kidlington should look to strengthen the character of the village, and create a distinctive heart to the settlement in the village centre.

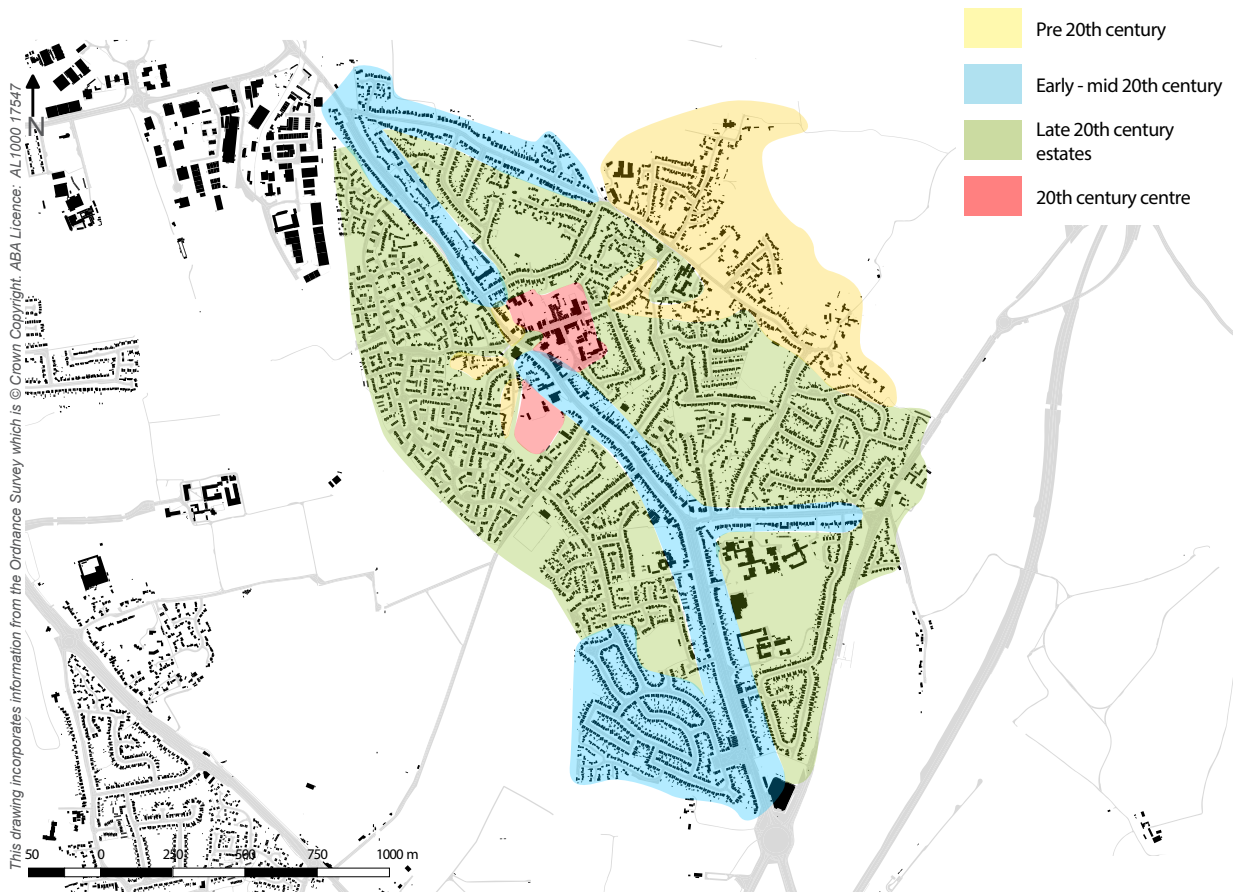


Figure 2.5 Kidlington

Key characteristics include:

- Small pockets of historic development
- 20th century centre which lacks character and consistency
- Many of the suburbs have been guided by Garden Suburb principles, with tree-lined avenue and stretches of terrace or semi-detached properties



Kidlington village centre (top), low rise ribbon development on Oxford Road (bottom)

Franklin Close (top), The Moors (middle), typical Garden City housing (bottom)

2.3 Countryside Character Areas

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The character of the district varies from north to south, with ironstone to the north and limestone to the south. There are more subtle distinctions which are described in the Council's Countryside Design Summary, CDC (1998).

This classifies the District into four geographic character areas reflecting the influence of landscape and geology (figure 2.6):

- The Cherwell Valley
- The Iron Stone Downs
- The Ploughley Limestone Plateau
- The Clay Vale of Otmoor

A summary of the distinctive characteristics of each area is provided in table 2.1. The Countryside Design Summary notes that variation occurs at the more local level, from village to village, street to street and building to building, but each area displays an overall character which distinguishes it from the others.



Cherwell Valley



Ironstone Downs



Ploughly Limestone Plateau



Clay Vale of Otmoor

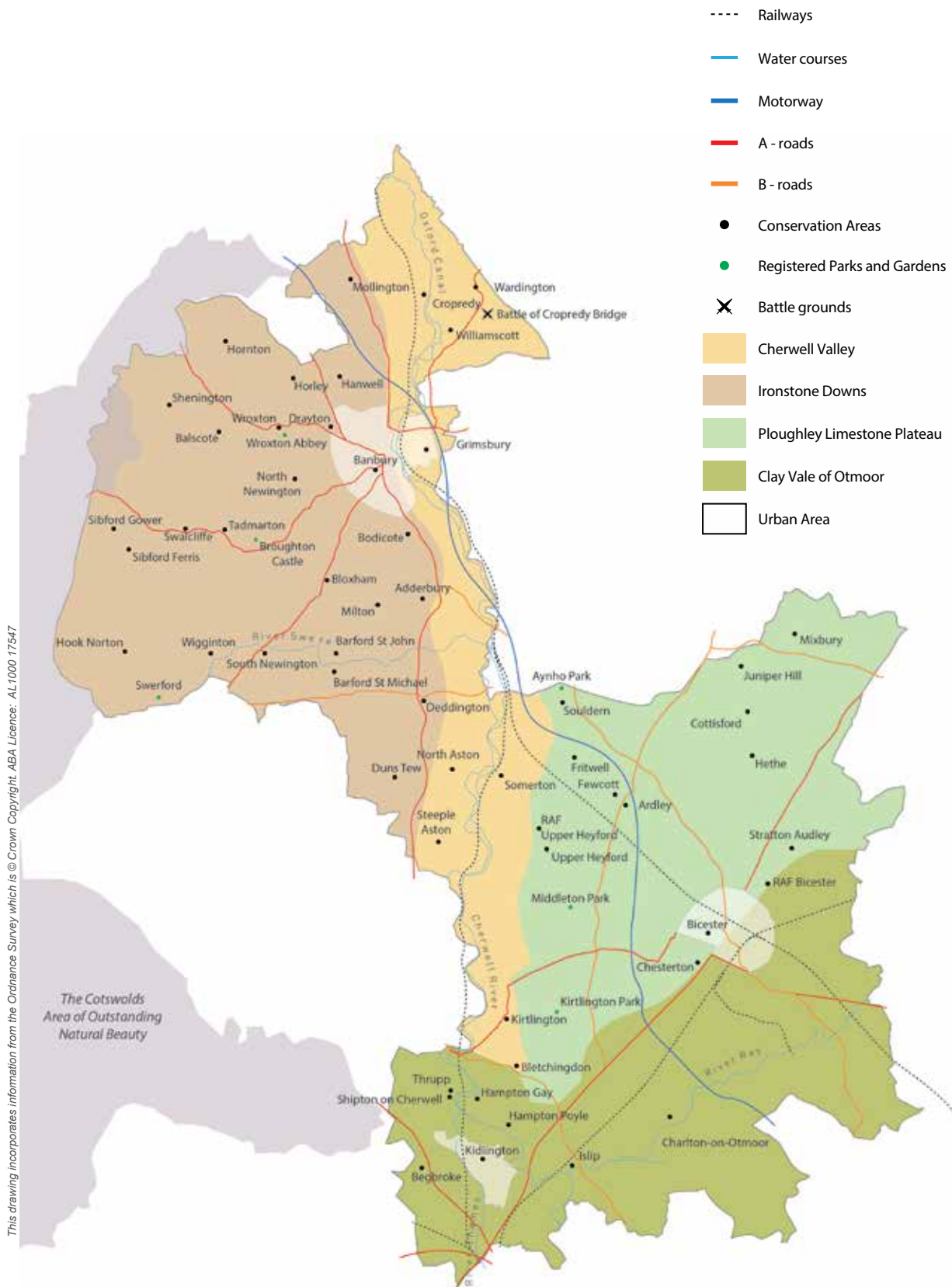






Figure 2.6 Cherwell District countryside character areas and heritage assets

The north and central valley

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	Cherwell Valley	Ironstone Downs
		
Location	Runs north-south across the District following the River Cherwell.	Northern half of the District to the west of the Cherwell Valley.
Landscape	<p>To the north, a wide rolling valley dissecting the Ironstone Downs with a flat floor which floods seasonally. The valley narrows south of Banbury across limestone beds then flattens out over the Clay Vale.</p> <p>The Oxford Canal, Banbury to Oxford Railway and M40 are significant features of the valley floor.</p>	<p>An upland plateau-like landscape of mixed farmland, incised by very steep and often narrow valleys in the north. The land rises to the west forming an upland ridge with extensive views. The south has steeply sided, convoluted valleys with narrow valley floors and rolling, rounded hill lines.</p> <p>The Ironstone Downs consists of marlstone rock beds overlying middle and lower lias clays.</p>
Settlement patterns	<p>Settlements are mostly located on the valley slopes and have agricultural origins. Some have been influenced by the canal and railway.</p> <p>Linear settlement form is most common reflecting growth along a main movement route. Others are nucleated around road junctions. Village streets are mainly open in character with a variety of open spaces.</p>	<p>Numerous small, closely spaced settlements of agricultural origin, with larger villages located to the south.</p> <p>Villages are positioned in valley locations either on the valley sides, at the head of the valley or on the brow of the hill. Villages are generally only visually prominent where the valleys are open and wide.</p> <p>Villages have linear or nucleated forms or enclose areas of open land.</p>
Buildings	<p>Mainly two storey terraced or detached cottages, facing the streets and close to the kerb or behind stone walls. Steeply pitched roofs.</p> <p>Front gardens are uncommon.</p>	<p>Mainly two storey terraced and detached houses, the majority of which face the street. Roof pitches are steep with brick stacks on the ridge line.</p> <p>Buildings are often located at the back of pavement or set back behind ironstone walls. Trees and hedgerows are important features of the streetscene.</p>
Materials	<p>Ironstone from Clifton northwards, limestone to the south. Some villages have a mixture. Welsh slate and engineering brick also evident.</p> <p>Dark toned plain slate and tile roofs or thatch.</p>	<p>Ironstone walling except at Duns Tew where limestone predominates. Early nineteenth century brick buildings in villages close to Banbury.</p> <p>Thatch and stone slate roofs, often replaced with plain dark grey slates, tiles and Welsh slate.</p>

The south

	Ploughley Limestone Plateau	Clay Vale of Otmoor
		
Location	Central part of the District, east of the Cherwell Valley.	Southern part of the District.
Landscape	<p>A number of exposed upland plateaux in the north and west dip gently into rolling undulations and shallow valleys to the southeast. There are extensive areas of woodland cover.</p> <p>White limestone in the north gives way to cornbrash further south, both of the great oolitic group.</p>	<p>A low lying clay vale which rises gently to the north and west, and sharply to the south to form the Oxford Heights.</p> <p>The land is waterlogged, although extensive drainage has enabled more than half of the land to become arable farmland.</p> <p>Otmoor is an important grassland habitat designated a Site of Special Scientific Interest (SSSI).</p>
Settlement patterns	<p>Most villages are small and linear in form. They are not prominent in the landscape due to landform and woodland cover.</p> <p>A few villages have a formal unity of design which suggests they are planned estate villages e.g. Kirtlington.</p>	<p>Settlements are mostly located just above the level of the floodplain often on outcrops of cornbrash.</p> <p>Villages are small and generally linear in form. Some have an open, unstructured character with properties set back behind stone walls, gardens and hedges. Others have a tighter, urban structure.</p>
Buildings	<p>A mix of mostly two storey terraced and detached properties, with fairly steeply pitched roofs and brick chimney stacks on the roofline.</p> <p>Buildings face onto streets and public spaces, but larger properties may be set back some distance behind limestone walls. Iron railings are also used.</p>	<p>Mostly two storey detached, with groups of terraces in some villages. Steeply pitched roofs with chimneys on the rooflines.</p> <p>Buildings mainly face streets. Detached properties have a variety of forms and often set back at varying depths from the road producing an irregular street frontage.</p>
Materials	<p>Limestone rubble, coursed and thinly bedded. Red brick. Red and occasionally blue bricks are used for quoins and detailing in 19th century estate cottages.</p> <p>Thatch and stone slate roofs, many now replaced by local clay tile and welsh slate.</p>	<p>Limestone in most of the area. Red brick buildings and detailing also found. Ornamental and whitewashed brickwork is more common across this area.</p> <p>Roofs were traditionally thatched, now mostly replaced with plain dark toned slates and tiles and in some areas plain, red clay tiles.</p>

Reference should also be made to the Oxfordshire Wildlife and Landscape Study. <http://owls.oxfordshire.gov.uk>. This divides the District into 19 landscape types (see figure 2.7) which sit within Natural England's National Character Areas. Landscape and biodiversity guidance is provided for each.

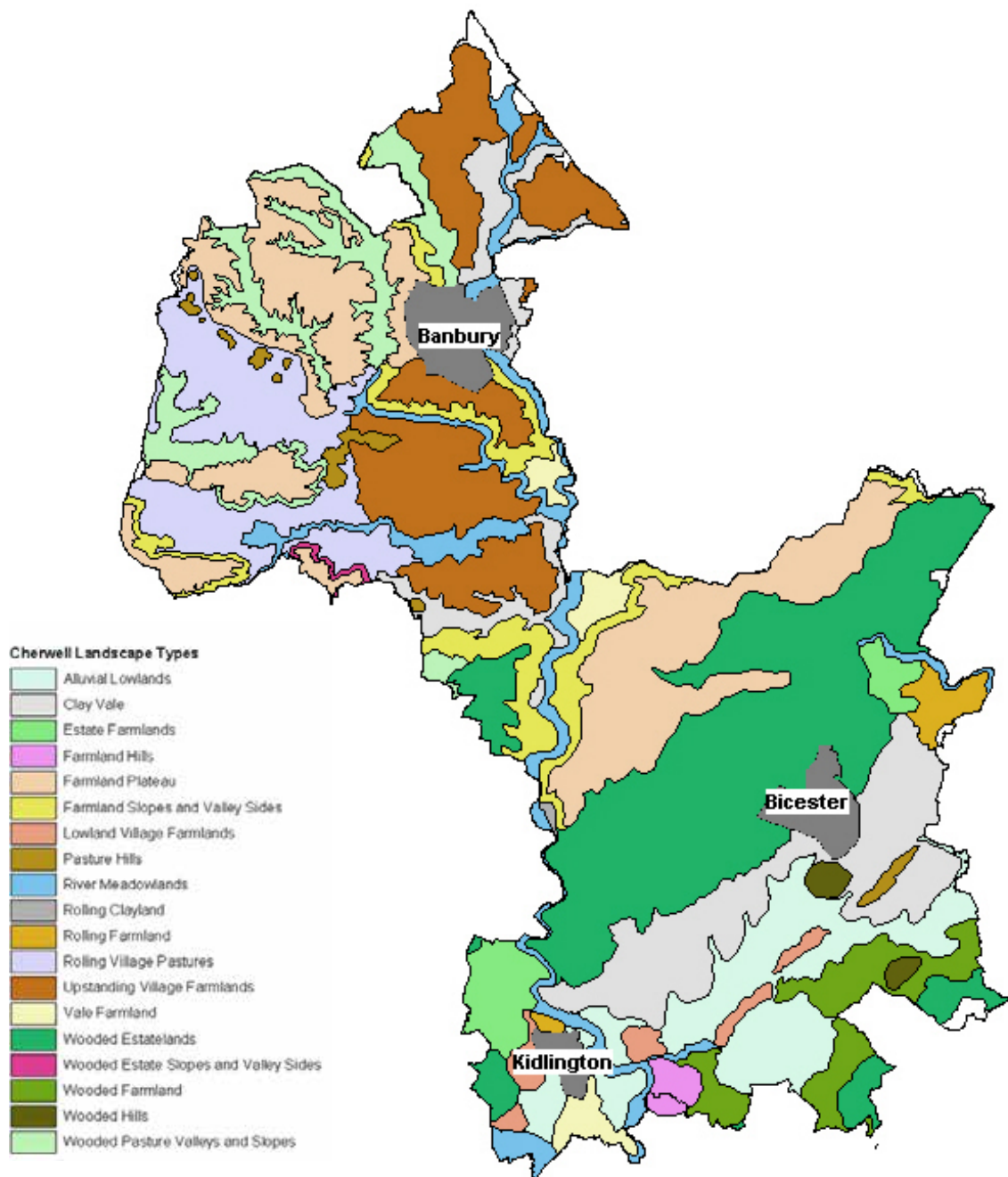


Figure 2.7 Cherwell landscape types (source: OWLS)

3 RESPONDING TO THE SITE AND ITS CONTEXT



3.1 Understanding the site and its context

3.2 Opportunities and constraints

Understanding the characteristics of a site and its wider setting are fundamental to good masterplanning and design solutions.

This chapter explains the process of information gathering, analysis and synthesis leading to a clear understanding of site constraints and opportunities. This should be undertaken in the preparation for outline, full and reserved matters planning applications.

New development in Cherwell should promote:

- Meaningful analysis which is appropriate to the stage and nature of the project and positively informs the project brief and design process
- Designs which are responsive to local conditions, which fit naturally with the landscape and settlement pattern and are distinctive to Cherwell
- Engagement with the Council and local stakeholders during the analysis process

New development should avoid:

- The creation of 'anywhere places' which do not respond to local context
- Analysis which focuses on detail and fails to consider bigger picture issues
- A lack of engagement with Council Officers in the early stages of the design process
- Responding to the wrong context, for example: taking precedent from poor quality development.
- Failure to synthesise the information gathered that leads to a design that does not respond to the issues identified

Please refer to the following chapters for supporting information:

- **Chapter 2:** For a summary of the District's distinctive characteristics and character areas
- **Chapter 4:** For details of how the site analysis should be interpreted in the masterplan and vision
- **Chapter 5-7:** For details of how site analysis should inform the detailed design of streets, plots and buildings
- **Chapter 8:** For guidance on sustainability considerations
- **Appendix A:** List of Conservation Areas within the District

Further reading:

- **Urban Design Compendium, 2007, English Partnerships:** Chapter 2 - Appreciating the Context for further detail on human, environmental and economic factors to consider in site analysis and their relationship to site feasibility testing and vision.

3.1 Understanding the site and its context

Analysis of the site and its context is a fundamental part of the design process. The aim is to understand and respond positively to the site’s characteristics and the surrounding context to create a distinctive place rooted in the local environment.

Every site has a different social, economic and physical context and requires a bespoke design response. It is critical that the development context is understood at the very start of the design process to inform the design brief and commercial decisions relating to site selection. Not all sites will be appropriate for development and initial analysis and consultation with the council will be important in determining a site’s suitability.

The role of analysis is to:

- Establish where you should and shouldn’t build within a site and within a settlement
- Establish important points of connectivity
- Identify site features requiring protection or enhancement
- Identify local townscape and landscape characteristics so that they can be reinforced through the development
- Understand Council, local stakeholder and statutory consultee requirements for the site
- Directly inform the brief for the masterplan and the design solution

Alongside a desk based review of existing documents, the Council will expect to see evidence of site visits and primary analysis of the site and the surrounding area. It is expected that the design team will engage with technical stakeholders including Council Planning Officers to agree the scope of analysis, gather information and discuss the appropriate design response.

It is expected that a robust analysis should be set out within the Design and Access Statement to explain how design decisions have been made.

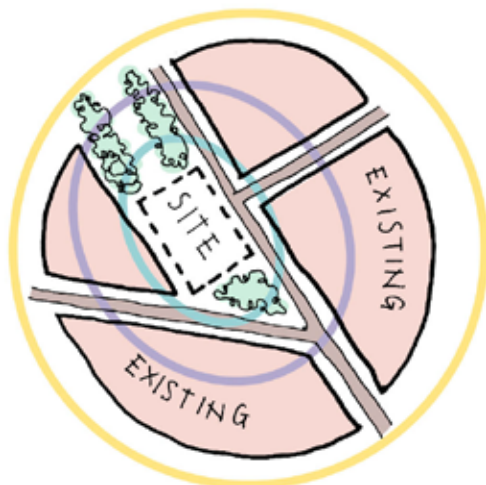
The extent and breadth of analysis should be appropriate to the size and location of the site (see figure 3.1).

Site analysis should continue throughout the design process with an increasing level of detail as a scheme moves towards implementation.

For example in relation to townscape analysis:
 Outline application: layout informed by an analysis of characteristic street patterns, block and building typologies and relationship to the street, alongside a general exploration of architectural form, character and detail.

Full or reserved matters application: detailed design informed by a detailed analysis of vernacular architecture, local building and public realm materials and details.

Small infill site



Large edge of town site

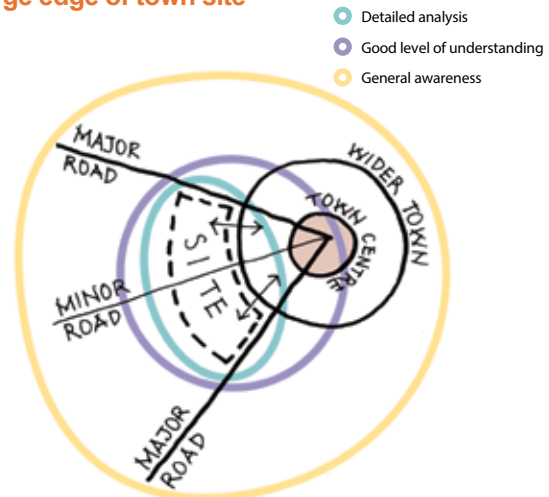


Figure 3.1 Indicative extent of analysis

The table below provides a list of typical topics which should be included in the analysis process, together with likely sources of information. This is not an exhaustive list and should be tailored to the specific site, but can be used as a starting point or aide mémoire. The list of 'Questions to address' provides guidance on how site analysis should be used to inform a synthesis of constraints and opportunities.

Questions in bold are of particular relevance to Full or Reserved Matters Applications.

Planning review and socio-economics	
Details	Planning history of the site Adjacent developments / proposals Relevant planning policy including housing, open space and other land use requirements Neighbourhood plans Demographic characteristics Access to services and facilities
Questions to address:	<ol style="list-style-type: none"> 1. Is the principle of development acceptable in planning terms / is the site allocated in the Local Plan? 2. Is the site located within a neighbourhood plan area? 3. What is the most appropriate mix of uses on the site to meet community needs? <ul style="list-style-type: none"> • housing mix? • new facilities and services e.g. education, healthcare, employment, retail? • open space? 4. Are there adjacent sites which should be considered in a joined-up way? 5. Who should be consulted during the design process and when (e.g. Parish Council, Neighbourhood Forum, adjacent landowners or statutory consultees)? 6. How were previous schemes for the site received by the Council and local community? 7. Can an appropriate scheme be developed given constraints, commercial and operational viability?
Sources of background information	CDC Office for National Statistics

Views and sightlines	
Details	Important views into and out of the site Landmarks
Questions to address:	<ol style="list-style-type: none"> 8. Where are the key views into and out of the site that the scheme should preserve / enhance? 9. Are there sensitive visual receptors e.g. adjacent properties or heritage assets and how should the scheme respond to these?
Sources of background information	Site visits Conservation Area Appraisals

Townscape character	
Details	Settlement evolution and pattern Relevant District Character Area Local street and building characteristics Land use mix Site edge conditions Conservation Areas Heritage assets Archaeology
Questions to address:	10. What District Character Area is the site located within and what are the key characteristics of landscape and townscape? 11. Does the site or context contain designated and non designated heritage or townscape assets (e.g. Conservation Area, listed building, locally listed building designations)? How can these features be preserved and enhanced? 12. Where should development be located within the site to respect the natural limits of the settlement and its historic pattern? 13. Where is the site located within the overall hierarchy of the settlement e.g. centre, edge, standalone? 14. What are the conditions at the edge of the site and how should the scheme respond e.g. housing backing/fronting, open space, woodland, other uses? 15. How might the scheme reflect locally distinctive relationships between buildings and the public realm e.g. extent of frontage, angle of buildings to the street, boundary treatments? 16. How might the scheme reflect locally distinctive building forms, groupings, heights, rooflines and architectural details, wall and surface materials?
Sources of background information	Historic maps CDC Countryside Design Statement Conservation Area Appraisals OCC Historic Environment Record Historic England register of listed buildings CDC for local listings Site visits / surveys

Landscape and topography	
Details	Ecology and Habitat designations Mature trees, Tree Preservation Orders (TPOs) and hedgerows Treebelts and woodlands Watercourses Topography and geology Public open space provision within the settlement
Questions to address:	17. Does the site or context contain protected or important landscapes, habitats or species? How can these be preserved and enhanced? 18. Is there a natural limit to the settlement defined by landscape / topography? 19. How should the scheme work with and make the most of topography and existing landscape features e.g. hedgerows, green corridors, high-points, mature trees on and adjacent to the site?
Sources of background information	CDC Berks, Bucks and Oxon Wildlife Trust (BBOWT) MAGIC website (www.magic.gov.uk) Oxfordshire Wildlife and Landscape Study (OWLS) website Natural England British Geological Survey website Ordnance Survey maps Site ecology/ arboricultural surveys Site visits

Movement network	
Details	<p>Planned transport works</p> <p>Potential access points into the site</p> <p>Distance to public facilities, shops, services and employment uses</p> <p>Existing movement routes through the site and in the surrounding settlement: streets hierarchy, footpaths, bridleways, informal and historic routes</p> <p>Future desire lines</p> <p>Public transport routes and stops</p> <p>Car parking requirements</p>
Questions to address:	<p>20. Where can access be gained?</p> <p>21. Are there capacity constraints in the local highway network which limit the quantum of development or will require new highways infrastructure?</p> <p>22. How might the scheme layout respond to existing and future desire lines e.g. to local shops, schools, open space?</p> <p>23. Are there existing movement routes (roads, footpath, cycle routes etc) which should be retained?</p> <p>24. How can the scheme connect into the surrounding street and footpath/cycleway network?</p> <p>25. How does the site relate to existing public transport routes? Is there an opportunity to route these through the site?</p> <p>26. What is the appropriate amount and arrangement of car and cycle parking within the scheme?</p>
Sources of background information	<p>CDC</p> <p>Local Transport Plan (OCC)</p> <p>Other OCC guidance e.g. parking standards</p> <p>Ordnance Survey maps</p> <p>Public transport operators websites</p> <p>Site visits</p>

Physical constraints	
Details	<p>Flooding – fluvial and surface</p> <p>Noise</p> <p>Smell</p> <p>Utilities corridors</p> <p>Contamination</p> <p>Archaeology</p> <p>Microclimate</p>
Questions to address:	<p>27. Are there existing buildings on the site?</p> <p>28. Do the site levels present any access and construction issues?</p> <p>29. Does the site have access to utilities; are there utilities constraints e.g. easements?</p> <p>30. Are there ditches, ponds and water courses running through the site?</p> <p>31. Is the site at risk of fluvial or surface water flooding?</p> <p>32. What is the appropriate sustainable drainage response to the topography / geology of the site?</p> <p>33. Does contamination within the site constrain development?</p> <p>34. Does the site suffer from noise pollution which constrains development or requires mitigation?</p> <p>35. Are there any smells / air pollution issues which need to be mitigated?</p> <p>36. Are there any earthworks / archaeological constraints that need to be investigated / surveyed?</p> <p>37. Are there any microclimate issues that need to be considered in relation to wind, overshadowing etc.?</p>
Sources of background information	<p>Environment Agency</p> <p>CDC Strategic Flood Risk Assessment</p> <p>Statutory undertakers</p> <p>Utility providers</p> <p>Site survey</p>

3.2 Opportunities and constraints

Analysis should be sifted and synthesised to draw out the key constraints and opportunities and inform the brief for the masterplan.

The site analysis process should be broad and layered, fed by multiple sources of information (see figure 3.2). Following information gathering and initial analysis, the issues and details which are important for the scheme are drawn out.

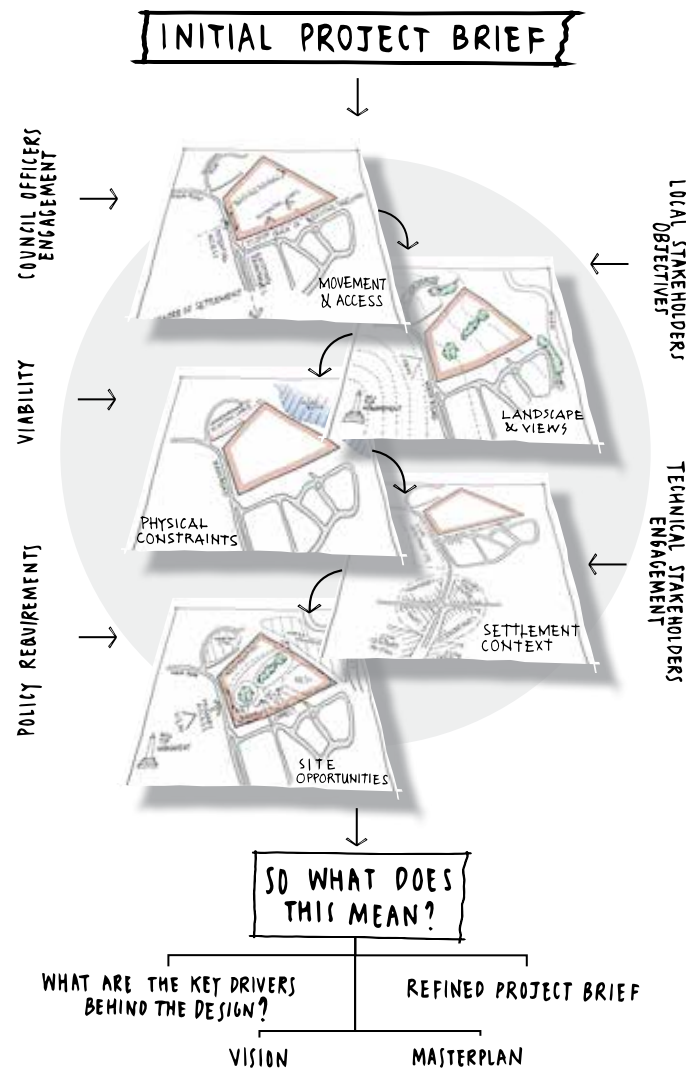
The key findings of the analysis process should be communicated in an opportunities and constraints plan.

This should:

- Overlay key physical constraints and areas unsuitable for built development
- Identify key features of the site and context
- Identify opportunities for reinforcing existing features as part of a green infrastructure strategy
- Identify site access opportunities and connections to the surrounding movement network
- Identify initial design opportunities in response to site conditions including the potential extent of development

The project brief should be refined in light of the opportunities and constraints analysis, which forms a robust foundation for the masterplan.

Figure 3.2 Site analysis process



4 ESTABLISHING THE STRUCTURING PRINCIPLES



- 4.1 The role of the masterplan**
- 4.2 Flexible design briefs and viability**
- 4.3 Vision and character**
- 4.4 Land use mix**
- 4.5 Masterplan block and street structure**
- 4.6 Relationship to the existing settlement**
- 4.7 Landscape structure**
- 4.8 Density**
- 4.9 Sustainability considerations**

This chapter explains the role of the masterplan in establishing the spatial principles for the scheme considering character, landscape, land use, movement and sustainability objectives.

It is of particular relevance to the preparation of full and outline planning applications.

It should be read in conjunction with chapter 3 'Understanding the site' which explains the process of opportunities and constraints analysis. It must be clear how the masterplan has responded to this analysis.

New development in Cherwell should promote:

- A robust masterplan structure which is grounded in a solid understanding of the constraints and opportunities of the site and its setting
- A clearly articulated vision for the character of the scheme to establish a locally distinctive place which sits comfortably with its surroundings
- Connectivity between the masterplan and the surrounding settlement.
- A land use mix which provides community focus, including public buildings, that directly responds to local needs and is in line with local planning policy
- Continued engagement with the Council and local stakeholders as the masterplan is developed

New development should avoid:

- A disconnection between analysis and masterplan layout and a lack of creativity when responding to site constraints
- A lack of a clear and distinctive vision for the character of place to be created
- Layouts which fail to connect and respond to the existing settlement pattern, street network and context
- Schemes which block future settlement expansion
- Fixing the development brief before the masterplan can be objectively tested

Please refer to the following chapters for supporting information:

- **Chapter 2:** For a summary of the District's distinctive characteristics and character areas
- **Chapter 3:** For details of how site analysis should be undertaken to inform the masterplan
- **Chapter 5-7:** For guidance on detailed design relating to streets, plots and buildings. An awareness of these considerations should inform the masterplan
- **Chapter 8:** For guidance on sustainability considerations

Further reading:

- **Urban Design Compendium, 2007, English Partnerships:** Chapter 3, Creating the Urban Structure, further detailed guidance on land use mix, urban structure, density, open space typologies, sustainability, urban block size and arrangement and legibility
- **Creating Successful Masterplans, 2004, CABI:** Detailed guidance on the masterplanning process, the role of the client and project brief, different types of masterplan and their components
- **Manual for Streets, 2007, DfT/DCLG:** Chapter 4 Layout and connectivity, detailed guidance on walkable neighbourhoods, layouts and appropriate street forms
- **The SuDS Manual (C753), 2015, CIRIA www.susdrain.org:** Detailed guidance relating to the design of sustainable drainage systems
- **Site layout planning for Daylight and Sunlight: a guide to good practice, 2011, BRE:** Detailed guidance on the daylighting of buildings, public spaces and private amenity space

4.1 The role of the masterplan

The masterplan sets the structuring principles of the development and its relationship to the surrounding area. It should be clear how the site analysis has informed the masterplan.

Masterplans are a critical part of the design of major and strategic sites and will be expected to form part of a planning application for all development over ten units.

The masterplan:

- Establishes the spatial principles of the scheme including movement, landscape, infrastructure and land use
- Is a response to the initial brief, the site constraints and opportunities
- Is a co-ordination tool which shows how each phase relates to the wider scheme
- Tests the development capacity of the site and supports the preparation of development appraisals, funding and implementation strategies
- Is an evolving strategy which is refined throughout the design process in response to ongoing analysis, consultation and detailed design work

The creation of a robust masterplan is an iterative process, involving testing, refinement and consultation. The Council will expect to be involved in the following stages of masterplan development which should be clearly evidenced in the planning submission:

Figure 4.1 Example of select masterplan layers (Thetford Sustainable Urban Extension, Alan Baxter Ltd)



Movement

1. Constraints and opportunities analysis.

This will reveal the key spatial considerations which the masterplan should respond to (chapter 3 provides detailed guidance on this process).

2. Concept layouts and land use options.

To arrive at an agreed masterplan, it is expected that a range of different layout and land use options will be considered and tested against:

- Planning policy requirements
- Local needs and stakeholder objectives
- Commercial viability and implementation models
- Site character, opportunities and constraints
- Local context
- Development vision (see section 4.2)

Early concept masterplans and design options should be shared with Council Officers through pre-application engagement, so that they can contribute to the development of the design and understand how the preferred scheme has been arrived at.

The Council encourages the use of collaborative design workshops as a means of engaging stakeholders and the local community in the design process at an early stage. By providing an opportunity for stakeholders to help shape the masterplan, local needs and priorities can be better understood, supporting local buy-in to the scheme.



Green infrastructure

3. Masterplan refinement.

The masterplan should be refined in response to engagement and technical testing. It should, as a minimum, describe the overarching principles of:

- The proposed movement network and street hierarchy
- The green infrastructure network
- Broad arrangement of land uses, urban blocks and density assumptions
- Character areas

The masterplan should be presented as a single drawing which establishes the development framework for the site. This will be supported by a series of drawings which present different aspects /layers of the plan. Where a site is to be delivered in phases, a phasing plan will identify the structuring elements which each phase should deliver. It is also helpful if the layout principles established in the masterplan are tested by a more detailed illustrative masterplan.

CDC expects that a series of parameter plans will be included as part of an outline planning application. The requirements should be agreed with CDC planning officers during pre-application discussions, but are likely to include information on heights, density, movement network, green infrastructure, landuse and block structure.

4. Masterplan evolution.

The masterplan will continue to evolve in response to the findings of detailed design work, consultation response and surveys, and should be periodically revisited.

Chapter 4 of publication, **Creating Successful Masterplans, CABI, 2004** provides further guidance on the masterplan design process.



Density



Illustrative plan

4.2 Flexible design briefs and viability

The design brief should evolve in response to the findings of the opportunities and constraints analysis and the development of the masterplan.

The design brief is a key driver for the masterplan and sets out the client's objectives for the site alongside local planning policy requirements including any specific site policy, SPD or development briefs. Early engagement with the Council is essential to ensure that the developer's feasibility plans are in line with Council aspirations for a site. It is important that the proposed mix of uses / housing mix are appropriate to the size of development and the development's

location within the hierarchy of settlements in the district. It is appropriate that the materials palette and material uplift is considered at this stage (see chapter 7 for details of appropriate materials in different parts of the District).

It is important that the brief is not fixed too early in the design process. Flexibility is required so that opportunities and constraints which emerge through the design process can be taken on board and factored into a site's feasibility. This will enable the masterplan to respond positively to local needs, characteristics of the site and surrounding context.



The use of locally appropriate, high quality materials must be considered early on - Ashford Close, Woodstock

4.3 Vision and character

The masterplan shall be accompanied by a vision statement, describing the intended character of the development, which will inform all future design decisions.

The Council expects a character-led approach to design, where the intended character informs all design decisions including density, architectural appearance, street arrangements, landscape design and land uses.

A clear understanding of the elements of a site's character and its existing features (landscape, townscape, surroundings, history etc.) should inform the vision and provide inspiration for the design character (refer to chapter 2 for details of the analysis process). Reference should also be made to chapter 2 to identify the Countryside Character Area within which the site falls and the appropriate design response. The Council will expect to see a palette of local materials, or a highly sustainable approach, used across the plan and this should be included for within early viability appraisals. The vision statement should consider how within the palette, variation can be used to reinforce different character areas of the plan including key public spaces and frontages.

The intended character shall be communicated in a vision statement at an early stage of the masterplanning process. The vision should avoid generic statements, using words and images to provide a strong visual picture of the development's character, form and function i.e. what it will look like, what it will feel like and how it will function.

The vision shall be discussed and agreed with the Council at an early stage. This is important in establishing consensus on the development approach. The vision should be used as a point of reference which flows through the design process at all scales. Generic statements should be avoided.

On larger sites it is appropriate to identify localised character areas which reflect proposed differences in street and land use characteristics and the role of different places within the scheme as part of the overall settlement.

The eventual development character of a place will be composed of many elements, including: building form and style, materials, trees and green spaces, land uses, views, topography and climate.



Figure 4.2 Example of a vision summary, for Loftus Garden Village, Newport, Wales, Alan Baxter Ltd.

Elements of character

Enclosure or openness

In many parts of the District the enclosure of streets and spaces by the scale and continuity of built form is an important feature. Detached high status buildings are less frequent and generally set back in a larger plot. Front gardens bounded by hedges, stone walls and/or railings are also important features which help enclose the public realm. High Street, Islip and High Street, Deddington are good examples of streets with a strong sense of enclosure.

In other areas, such as Duns Tew the main street has a wider, more open character, with a greater proportion of detached houses, informally arranged and often set back behind front gardens. Views out to the countryside, front walls, and landmark buildings at right angles to the street give a distinctive character and define the public/private boundary.



High Street, Deddington (enclosed character)



Main Street, Duns Tew (more open character)

Formality or informality

Formal layouts generally reflect a planned development rather than incremental growth. Various factors contribute to a sense of formality, including, repetition of building forms and plot widths, consistent building line, details and materials.

Queen's Road Banbury is an example. Here the formal arrangement of the Victorian grid system is evident, with long, straight streets and continuous building lines either at the back of the pavement or behind small front gardens.

In contrast, historic village streets generally have an informal, organic character with each building unique and built plot by plot. The alignment and width of the streets fluctuates in response to local site conditions and movement desire lines.

The North Side in Steeple Aston and Little Bridge Road in Bloxham are good examples.



Queen's Road, Banbury (formal arrangement)



Little Bridge Road, Bloxham (informal arrangement)

The importance of landscape and trees

Green spaces and squares are important elements in many of the District's settlements. Village greens and grassed verges with mature trees provide character and an important community focus as well as ecological benefits.

A regular arrangement of street trees lend a more formal character to the grander nineteenth and twentieth century streets with the addition of hedged front boundaries in the later garden suburbs. At Lower Heyford the settlement naturally gravitates towards informal square around which the church, the village pub (and historically the school) are clustered. An impressive mature oak tree forms a centrepiece to the space.



Lower Heyford



Private garden, Bloxham

4.4 Land use mix

The land use mix should reflect local needs, promote a variety of house types and tenures and integrate appropriate non-residential uses.

Housing mix

It is expected that homes in a range of sizes and typologies will be accommodated within development and arranged in a manner which reinforces the proposed character of different areas within the masterplan (see section 4.3) and reinforces the character of the settlement and the District.

The mix of property sizes should be driven by local needs set out within the Local Plan and should provide for all ages / lifestyles. The mix should be discussed with the Council at an early stage.

Non-residential uses

Non-residential uses are important to bring activity to the settlement at different times of the day. They provide opportunities for social interaction and employment, and by locating them within walking distance of residents, reduce the need to travel. They also help integrate the new development into the existing community.

The location of non-residential uses should be considered in response to the proposed character and structure of the masterplan, but also in relation to the structure of the surrounding area and existing uses (schools, shops and local centres).

Grouping uses as part of a local centre, within a ten minute walk (approximately 800m radius) of a large catchment of residents and on public transport routes will provide a heart and central focus to a plan. Local centres should contain a mix of employment, retail and community uses of a suitable scale to meet the needs of local residents, with homes or offices occupying upper storeys.

Non-residential uses are not restricted to local centres or employment zones and can be integrated into residential areas to bring vitality.

Non-residential uses include:

- Live/work facilities or support for home-workers
- Business units
- Cafe / pub or restaurant
- Crèche or school
- Sports facilities
- Healthcare
- Shop
- Library
- Community meeting place
- Place of worship



Development at Fairford Leys, Aylesbury, has provided a mix of commercial and community uses (image source: John Simpson Architects)

4.5 Masterplan block and street structure

The masterplan must be based on a connected, permeable layout of streets defining urban blocks and open spaces.

A masterplan's basic framework is comprised of streets, urban blocks and green infrastructure. All elements should be considered together to create a layout which responds to the findings of the site analysis process and local settlement patterns (see chapter 3).

The masterplan layout is fundamental to the eventual character of the development and should be developed alongside the vision. The masterplan defines the key spaces and places and the sequence in which they are experienced. Its street structure may be formal or informal and the urban block shape and size will influence the choice of building typology, garden and car parking arrangements.

Street network considerations:

- The masterplan should establish a street, cycle and footpath network which connects into existing routes to the surrounding settlement and countryside. It should consider future desire lines between different places within the plan and the wider area
- The masterplan should make it easy and attractive to walk, cycle and use public transport across the development, establishing a well connected network of streets to create a 'permeable' settlement with direct walking routes in all directions
- Cul-de-sac and private driveways serving multiple dwellings should be limited
- Different types of streets will make up the network, to form a hierarchy that reflects variations in placemaking and movement functions and aids legibility (see chapter 5 for further details)
- Local centres should be located on main routes and at junctions where they are easy to find, benefit from passing trade and can be served by public transport
- The layout of the street network should positively respond to the street pattern and layout of the local area unless adjacent area dominated by inappropriate cul-de-sac development
- The arrangement of streets should incorporate traffic calming within the design to minimise the need for formal traffic calming measures

- Streets will normally have a simple geometry and avoid a winding form unless dictated by local conditions
- Car parking numbers and arrangements should be considered at an early stage, especially in relation to how on-street parking can be successfully integrated without compromising the public realm

Chapter 5 provides further details on how the character of individual street types should be defined, and how vehicle movement can be accommodated without detriment to character and pedestrian / cycling priority. It also sets out the range of parking solutions which can be applied to different parts of the development.



Figure 4.3 Inappropriate dispersed, cul-de-sac and car-dependent layout (top) versus traditional, connected, walkable layout (bottom). Both examples from Banbury

4

Block structure considerations:

- The size of a block structure is defined by the street network and can vary, depending on the proposed uses, plot and building typologies and site conditions such as topography or landscape features
- The arrangement of blocks may take a formal or informal grid form, reflecting the existing settlement pattern and vision for the development
- The Urban Design Compendium (section 3.7.2) recommends block widths of between 80-90m reducing to 60-80m in town centres to provide flexibility for a range of different uses and typologies
- The blocks should assume a perimeter block arrangement (see section 6.3) creating a clear definition between the public realm of the street and the private realm of the blocks
- The block structure should consider where landmarks including buildings and public spaces should be located to create a memorable sequence of places and spaces
- The arrangement of the block structure should consider orientation and micro-climate in response to sustainability objectives (see section 4.9)

Reference should be made to the Urban Design Compendium chapter 3 for detailed guidance on masterplan street and block arrangements.

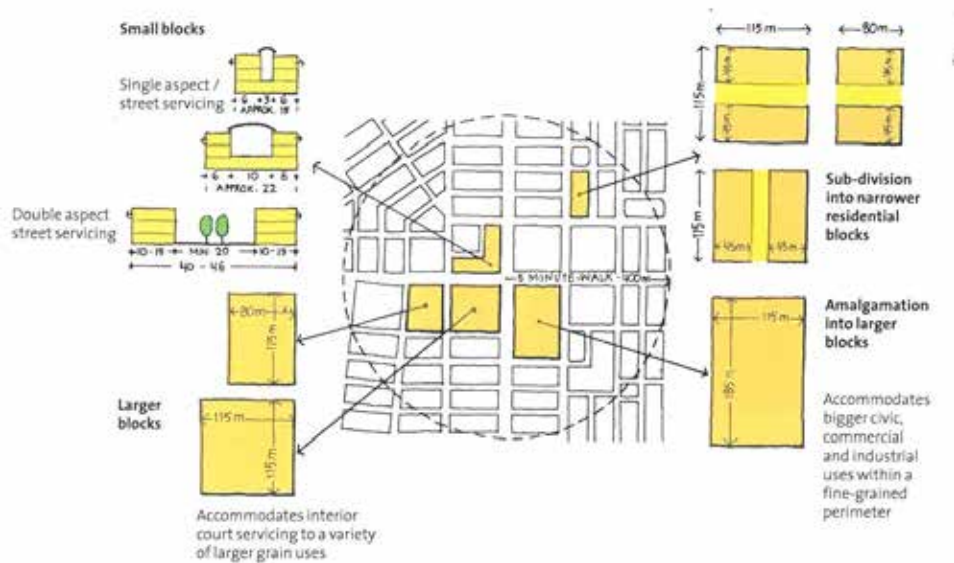


Figure 4.4 Mixed use neighbourhoods should contain a range of block sizes to promote variety (source: Urban Design Compendium p 65, adapted from Baulch, 1993)

4.6 Relationship to the existing settlement

Where development is located within or at the edge of an existing settlement, the site layout should read as a natural evolution of the settlement, have a positive relationship with the existing settlement edge and allow for future expansion.

The historic evolution of the settlement and the characteristics of the site edges should be understood as part of the site analysis process so that the masterplan structure can create appropriate visual and physical connections between new and old.

The following aspects should be considered:

Settlement pattern

New development should follow the historic pattern of settlement growth in the local area and read as a natural continuation of the settlement's evolution.

For example:

Historic growth along movement routes is evident in linear settlements, with homes fronting the street. This arrangement should be replicated in new development with new homes fronting the street.

The highway character of the street may need to be adjusted in response. For example, speed limits should be reduced to enable multiple access points. Settlement gateway features should be relocated to the edge of the development.

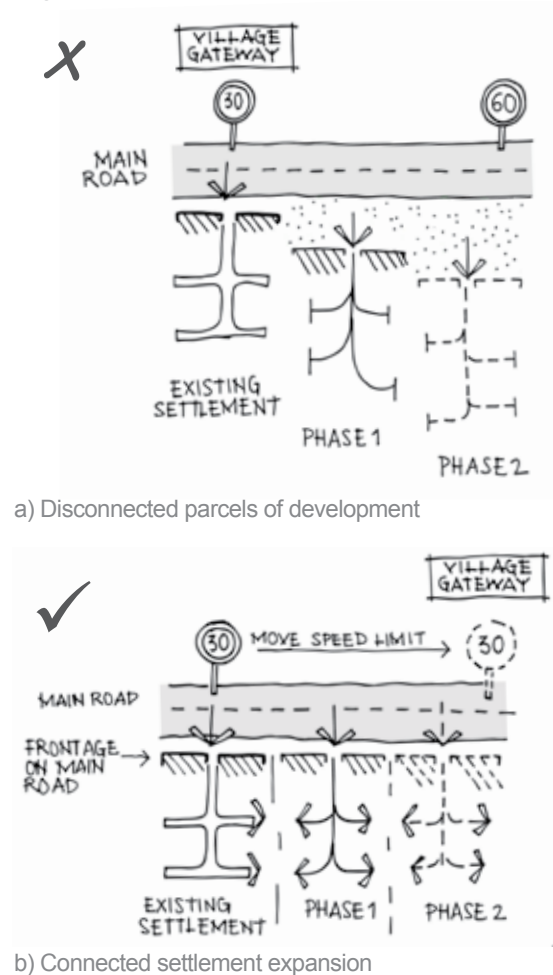
The development of individual sites as discrete housing estates, off a single main access with little lateral connectivity into the surrounding street network is to be avoided. It fails to reflect historic patterns of settlement growth, reduces the potential for community interaction and creates disconnected places with increased reliance on the car.

Connecting old and new

The proposed movement network within the site should connect into the existing network of streets and footpaths in the wider settlement and countryside. The alignment of historic routes (footpaths, lanes) within the proposed street network should be retained.

The masterplan layout should also consider potential expansion of the settlement in the future in a connected manner. The developer should provide evidence as to how this criteria can be met.

Figure 4.5 Positive settlement evolution



Settlement patterns of the District

Broadly speaking, there are three main settlement patterns seen across the District:

Linear settlements developed primarily along a through-route with smaller side streets branching off and are common across the District. The built form may originally be only one house deep on each side, developed gradually plot by plot. More recent development can be incongruous with the linear form, either filling in backlands or creating a small estate branching off the main road with limited frontage to the street. Examples within the District include Hethe and Bloxham.

Nucleated settlements are more compact in form and typically developed around a junction, church or manor house. They often exhibit higher densities

at the centre, dispersing towards the periphery. Wardington, Deddington and Shennington are examples of nucleated settlements, although Wardington is, in fact, bi-nucleated since it evolved from two settlements based primarily around the church and medieval manor house respectively, joining together to form one village in the twentieth century.

Dispersed settlements often have a large open space at centre, in some instances due to topography or a watercourse, or as a result of development clustering around different manors in close proximity. Fringford is an example where a large open space is located on the Main Street, whereas Steeple Aston is dispersed due to the settlement being situated either side of a small steep valley formed by a tributary of the River Cherwell.

Figure 4.6 Settlement figure ground diagrams:
Linear settlement - Hethe



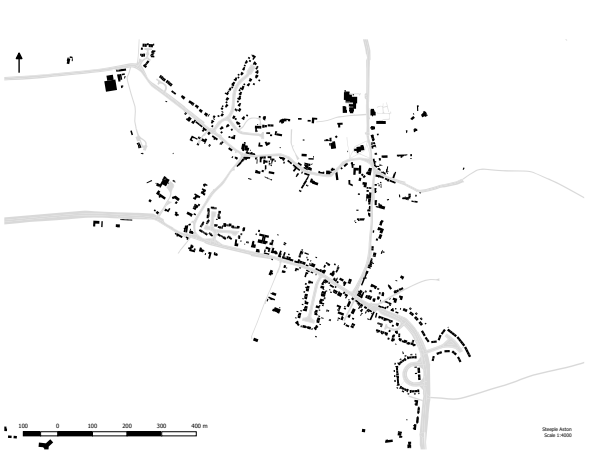
Nucleated settlement - Shennington



20th century estates altered the settlement pattern (highlighted in yellow) - Bloxham



Dispersed settlement - Steeple Aston



Relationship to landscape and ecological structures

The masterplan structure must consider how existing ecological features within and adjacent to the site such as woods, hedgerows, ponds and watercourses can be protected, integrated and enhanced as part of the proposals.

Consideration must be given to their role within the ecological framework of an area and also their recreational value.

A clearly defined green infrastructure strategy is required as part of a masterplan, which considers how the existing structure can be reinforced and enhanced through SuDS and additional open space features both within and adjacent to the site (see figure 4.8).

Relationship to the topography

The extent of development and the layout of streets should reflect the unique relationship between a settlement and its topography.

For example:

A settlement should not breach the apex of a hill where it is contained within a basin or valley.

Settlements located on valley side and hill tops should use the topography to create striking views and scenic lanes that follow the contours.

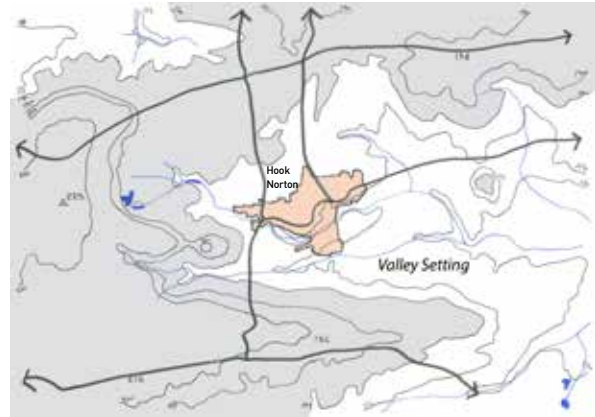


Figure 4.8 Hook Norton - topography has influenced the extent of settlement

Edge relationships

The masterplan street and block structure should positively address the existing built edge of the settlement.

For example:

- Where backs of properties make up the edge of the existing settlement, new development should back onto this to secure the backs and complete the perimeter block
- Where the edge comprises buildings fronting onto a street or green space then new development should either complete the other side of the street with new frontage or be set back behind a public open space accessible by both existing and new.

Figure 4.7 Positive edge relationships



a) existing settlement edge of back gardens - new development encloses with new back gardens, creating security

b) existing settlement edge of frontage onto a road - new development completes the street with frontage on the other side of the road, creating enclosure

c) existing settlement edge of frontage onto a road - a park is created so the new development does not impose on the existing settlement and preserves mature trees

4

Creating a new edge

The masterplan should establish a positive built edge to the development, using built form and planting to frame views into the development rather than to screen it.

Development should not be hidden behind hedges, especially on key routes. It is appreciated that in some sensitive locations a strongly planted edge will be appropriate in response to local character.

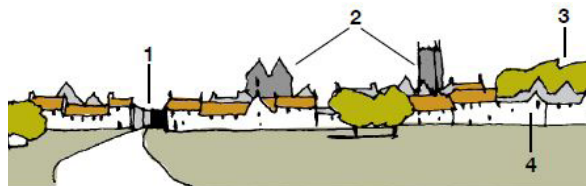
The masterplan character areas should consider the appropriate scale and form of the edge, whether it is to be open and low density, merging with the landscape or a crisp urban edge for example. This should be reflected in assumptions about density and urban form. Figure 4.9 illustrates how the image of the settlement can be positively managed.

Wider views

The layout of the masterplan should consider how the settlement will be viewed from the wider landscape. Significant views into the existing settlement, such as to a church steeple, should be preserved and enhanced by the new development and new views to gateways and landmarks established.

Figure 4.9 Creating a positive edge

(source: Essex Design Guide, Essex County Council)



External Image

1. Clear entrance
2. Key buildings
3. Block of trees
4. Well defined urban edge

Figure 4.10 Integrating important views



The view to a church becomes framed by built frontage

4.7 Landscape structure

Existing landscape features should be incorporated positively and reflected in a green infrastructure strategy for the development.

Existing features of the landscape (e.g. hedgerows, tree belts, single large trees, watercourses and ponds, topographical features and habitat areas), should be used to create a structuring framework for the masterplan and will bring a sense of maturity to the development from day one. Often these elements have historic significance and form part of a larger ecological framework. Habitats for wildlife should be retained and enhanced as part of the development proposal.

An overall green and blue infrastructure plan should be produced identifying the proposed network and hierarchy of open spaces. These should be designed to be multi-functional, offering a range of benefits for example: habitat, movement, drainage, sports, informal recreation and food growing. These spaces should be linked to form a network of routes for wildlife and people. The features should be fully integrated, connecting new, proposed and existing habitats and public open space on and beyond the site. This should be informed by a tree and hedgerow survey and phase 1 habitat assessment.



An avenue of tree and low hedges along Whitelands Way, South West Bicester is in keeping with the formal character of the street

Open space standards

The amount, type and form of open space, sports and recreation provision within the masterplan will be determined having regard to the nature and size of development proposed and the community needs likely to be generated by it in accordance with Policies BSC 10, BSC 11 and BSC 12 of the Cherwell District Local Plan. This will be agreed with the Council as part of the land use mix together with secure arrangements for its management and maintenance.

Detailed guidance on the implementation of these policies is set out in the Council's Planning Obligations emerging SPD. The Council's Recreation SPG, 2004 (currently under review) provides best practice policy on green infrastructure, landscape and play, including guidance on the design, type and number of playspaces.



Children's play incorporated into a central green space, Clay Farm, Cambridge

Hedgerows

Hedgerows and hedgerow trees provide linear wildlife corridors which where possible should be retained uninterrupted and located in areas of public ownership where they can be protected and maintained.

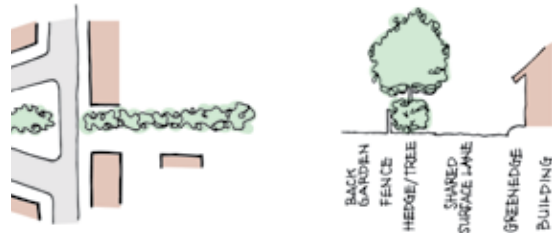
Where linear green corridors are created following a retained hedgerow, the corridor should be wide enough to accommodate other functions such as public open space, drainage, footpaths and cycleways.

The integration of hedgerows within the urban environment should be carefully considered at the masterplan stage, recognising that the ecological benefits of retention may not always outweigh the placemaking benefits of their selective removal (for example to enable a permeable street network).

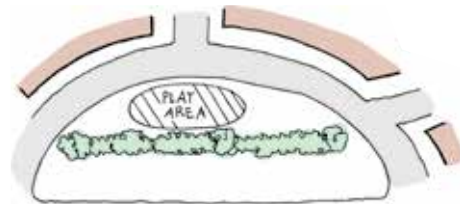
Where hedgerows separate proposed development from an existing street network, limiting the integration of the scheme, the hedgerow should be removed and additional planting provided elsewhere.

Figure 4.11 Sketch options for incorporation of an existing hedgerow into the urban fabric

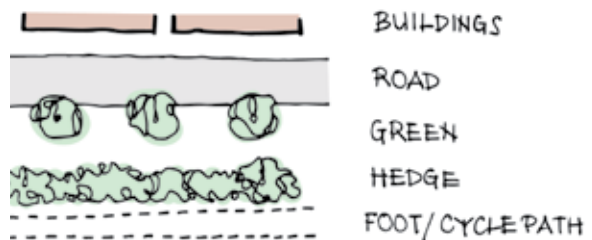
a) Hedge forms side boundary of lane



b) Hedge incorporated into park



c) Hedge incorporated in wide green/cycle corridor



Existing hedgerow and mature trees are retained to form a landscaped edge to a new development, Lower Heyford

Sustainable Drainage Systems (SuDS)

SuDS are a key piece of green infrastructure and should be considered as a structural element of the overall masterplan. They should be viewed as an opportunity to bring character to the development through their careful integration within both green spaces and streets.

In line with the Government’s Written Statement to Parliament on Sustainable Drainage Systems (18th December 2014, to come into effect 6th April 2015), SuDS for the management of run-off are to be put in place on major developments (over ten dwellings) unless demonstrated to be inappropriate.

A SuDS strategy should be prepared alongside the masterplan for the site as a whole with consideration of the surrounding context. It should be designed with the input of both a drainage engineer and landscape

architect. When considering the appropriate form of SuDS, the Sustainable Drainage System Train (see figure 4.12) should be followed, noting that the Council promotes open systems where possible, with swales and ponds preferred over crates. Refer also to the Cherwell Local Plan Part 1, 2015 Policy ESD 7: SuDS.

Clear arrangements are to be put in place for on-going maintenance of SuDS features over the lifetime of the development. In general, it is assumed that the developer will construct the SuDS and provide a maintenance plan and maintain for a minimum period prior to adoption by CDC. This is to be agreed with CDC in pre-planning. Detailed guidance on SuDS is contained within the Construction Industry Research and Information Association (CIRIA) publication, The SuDS Manual (C753), 2015. Case studies and further information is provided on the CIRIA website www.susdrain.org.



From left: attenuation pond, South West Bicester; swale, Trumpington Meadows, Cambridge; dry detention basin within parkland, Clay Farm, Cambridge.

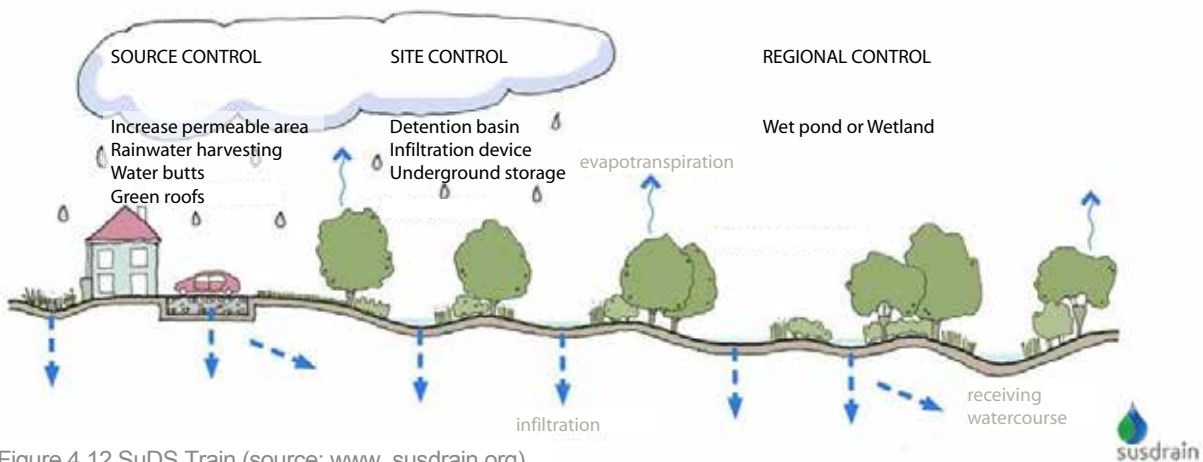


Figure 4.12 SuDS Train (source: www.susdrain.org)

4.8 Density

Density should vary across larger sites reflecting proposed variations in character, landuse and function.

Measurements of density are a useful tool to test the development capacity of a site during the early stages of the design process. However this should also be considered with the building form, typology and plot ratio. There are a number of methods for calculating development density. In Cherwell, net density should be used for planning purposes which is calculated using the former PPS3 definition i.e.

$$\frac{\text{Number of homes}}{\text{Area of residential development and associated uses (hectares)}} = \text{net density (dwellings per hectare (dph))}$$

For the full definition see **Appendix E**.

Character and density

Masterplan density assumptions should be set in response to the proposed character, landuse and role of different areas. They should reinforce the hierarchy of places within the settlement with higher density areas located around settlement centres and main streets, where residents can readily access and support local shops, services, jobs and public transport. However, the highest densities may be at the edge of the development if this is closest to an existing local centre.

Density is not in itself a reliable indicator of character. In general, density increases as plot size decreases, however there are a number of other factors which affect density and character:

- Building typology and arrangement
- Garden size
- Street widths and public realm design
- Car parking provision and arrangement
- Site conditions such as topography and development constraints
- Non-residential uses within residential areas
- The efficiency of the layout considering all of the above

Building typologies should be appropriate to plot sizes. As a result the proportion of detached and semi-detached homes will reduce as the density increases to avoid the appearance of town cramming and to ensure larger properties have appropriate amenity space (see figure 4.13).

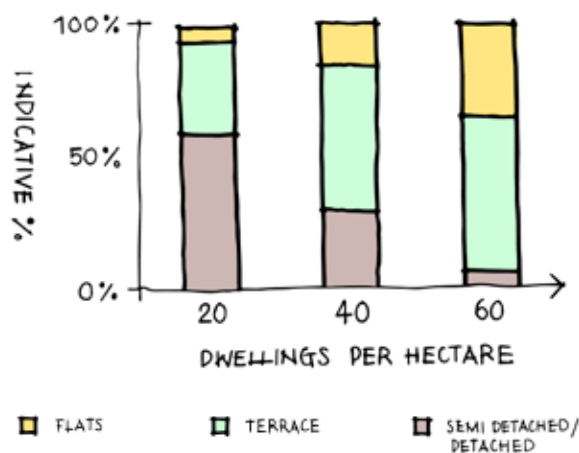


Figure 4.13 Indicative split of house typologies at different densities



Similar density...



...but very different character

Through careful design, inefficiencies in the layout can be reduced to increase densities without loss of usable space and with a positive impact on townscape. Areas where efficiency can be increased include:

- Reducing the amount of space occupied by highways (see section 5.5)
- Using a terrace form rather than small detached or semi-detached typologies
- Bespoke house types which can make best use of awkward plots
- Reducing the amount of allocated car parking (see section 5.8)
- Designing out 'leftover spaces' in the public realm

The masterplan density assumptions should be tested using character area design studies, and subsequently adjusted as the site layout is developed in detail.

Chapter 6 provides further guidance on appropriate building typologies.

Minimum density standard

To ensure that land across the district is used in an economical manner, Policy BSC 2 of the Local Plan Part 1 requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (dph) unless there are justifiable planning reasons for lower density development.

The policy is not intended to limit urban design thinking or imply a blanket character or building typology.

The Local Plan density requirement is a minimum and should be calculated as an average across the site as a whole. The Council expects to see considerable variation in densities across larger sites.

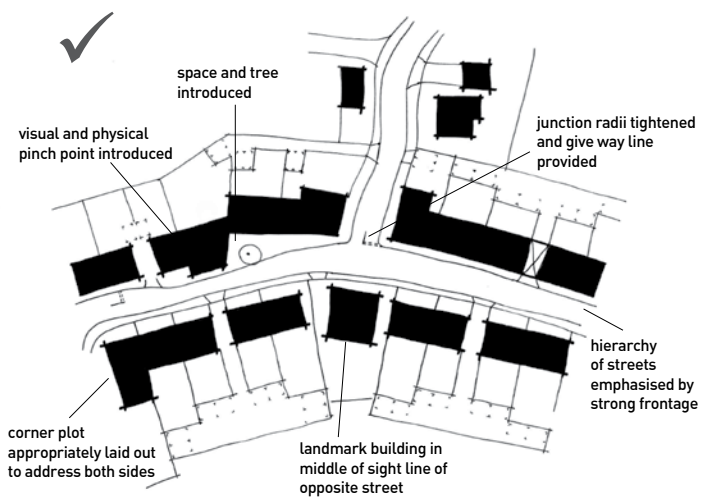
In town centre locations and around transport hubs, densities of 50 – 80 dph may be appropriate. Mid level densities of 30 – 40 dph would be expected on most strategic sites, allowing a significant reduction in development intensity in more sensitive areas.

Figure 4.14 Designing out inefficiencies

Typical inefficient estate layout with poor street enclosure and unnecessarily wide junction



Improved street frontage and tighter junction design, delivers four extra homes



4.9 Sustainability considerations

CDC will expect to see evidence that sustainability considerations have been taken into account in the design of the masterplan.

The masterplan layout has a significant impact on sustainability. This is explored in chapter 8. In summary:

- A connected, permeable layout, with a mix of uses within walking distance, will reduce the need for residents to use their cars, in turn reducing fuel consumption, improving air quality and the health and wellbeing of residents
- Higher density areas including local centres have greater potential for energy efficient district heating systems
- Terrace homes and apartments are inherently more energy efficient than detached homes.
- SuDS features and green infrastructure such as green roofs and habitat corridors need space and should be planned for at an early stage. (See section 4.7)
- The alignment of streets and urban blocks and their relationship to site topography set the parameters for building orientation. This affects the potential for natural daylighting and passive solar gain (reducing the need to artificially light and heat houses respectively). Orienting buildings broadly to the south optimises the solar potential of the site including the potential for photovoltaic panels, tending to result in an east-west street pattern. Staying within 15-20 degrees of due south maximises the potential for light and solar gain, although it is possible to move away from this and still capture a sufficient amount.
- The spacing of buildings and orientation of streets and public spaces must also be considered in relation to the wind. Wind can be a positive natural ventilator but buildings which are spaced too far apart or are much taller than their surroundings increase gusts and funnelling, and create eddies and vortices. This creates uncomfortable public spaces and results in building heat loss. By considering landscape and urban form together any potential climatic issues can be mitigated through appropriate planting creating shelter from the sun or wind
- The location of public spaces should also consider solar effects – whether a space will be too overshadowed for public use or a suntrap.

ESD 1-7 of the Cherwell Local Plan sets out the Council's policies for sustainable development.

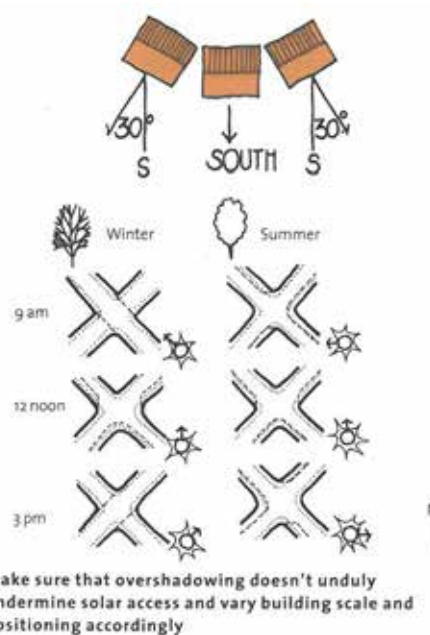
The BRE guide 'Site layout planning for Daylight and Sunlight: a guide to good practice, BRE, Sept 2011' provides further guidance on this subject.

Sustainable Exemplars

In all developments, opportunities to incorporate sustainable technologies and raise levels of energy efficiency should be taken wherever this can be successfully achieved without detriment to the urban form and placemaking objectives of the vision.

Where the vision is for a sustainable exemplar with high levels of energy efficiency, it is recognised that this will have an influence on the urban form of the masterplan and the design of individual buildings. Chapter 8 provides further information on these approaches.

Figure 4.15 Sustainable design working with the sun (source: Urban Design Compendium, p50)



5 STREETS AND SPACES



- 5.1 The importance of the street
- 5.2 Street character
- 5.3 Street proportions
- 5.4 Design for pedestrians and cyclists
- 5.5 Design Criteria for vehicles
- 5.6 Design for buses
- 5.7 Integrated traffic calming
- 5.8 Car parking
- 5.9 Avenue trees, planting, SuDS and landscape
- 5.10 Public spaces
- 5.11 Street materials
- 5.12 Utilities corridors, lighting and signs
- 5.13 Waste management

This chapter focuses on the design of the streets and spaces which make up the public realm. It explains how placemaking considerations should be prioritised over vehicle movements to encourage walking, cycling and human interaction. Guidance is provided on street types and dimensions, car parking, public transport and cycling infrastructure, utilities and landscape.

It should be read in conjunction with chapter 4 which explains how a connected, legible network of streets is established in the masterplan, and chapter 6 on the arrangement of buildings to successfully enclose and frame the street.

New development in Cherwell should promote:

- A connected and legible network of streets
- Street design responsive to hierarchy, character and location
- A movement network and street design which encourages walking and cycling over vehicle movements
- Design of the street in three dimensions creating a comfortable sense of enclosure by buildings
- Traffic calming integrated as part of the street layout and urban form
- Integrated design of all elements within the street including parking, bins, utilities, SuDS, trees and signage

New development should avoid:

- Lack of hierarchy and distinctiveness across the street network
- Disconnected, indirect, impermeable or illegible routes
- Design and consideration of streets in plan form only
- Poorly considered parking arrangements
- Over use of private routes serving multiple properties, limiting connectivity of the site
- Lack of consideration of trees, SuDS and utilities at an early stage of design
- A traffic calming strategy of artificial, regular bends without placemaking rationale
- Over-engineered street design

Please refer to the following chapters for supporting information:

- **Chapter 2:** For a summary of District's distinctive characteristics and character areas
- **Chapter 3:** For details of how site analysis should be undertaken to inform the masterplan
- **Chapter 4:** For details of the how the street network and hierarchy is established in the masterplan and Vision Statement
- **Chapters 6-7:** For guidance on detailed design relating to the private realm, including building and plot arrangements framing the street and building elevations
- **Chapter 8:** For guidance on sustainability considerations

Further reading:

- **Manual for Streets, 2007, DfT/DCLG:** Detailed guidance on street design criteria for pedestrians, cyclists, public transport and motor vehicles. Guidance on parking solutions
- **Residential Road Design Guide, 2003 Second Edition 2015, OCC:** Detailed guidance on the design of streets and parking areas applicable to Oxford County
- **Car Parking, What Works Where, 2006, English Partnerships:** Review of a large number of alternative parking solutions explored through UK case studies
- **The SuDS Manual (C753), 2015, CIRIA www.susdrain.org:** Detailed guidance relating to the design of sustainable drainage systems
- **BS 5837: 2012, Trees in relation to design, demolition and construction, 2012, BSI**
- **Trees in Hard Landscapes: A Guide for Delivery, 2014, Trees & Design Action Group**
- **BS 5906:2005, Waste management in buildings. Code of practice, 2005, BSI**
- **Parking: Demand and Provision in Private Sector Housing Developments, 1996, J Noble and M Jenks**
- **The Residential Car Parking Research, 2007, DCLG**

5.1 The importance of the street

Streets make up the greater part of the public realm, are the public face of a settlement and provide the stage for movement and daily life. Good street design which prioritises placemaking over vehicle movement is therefore critical to the overall success of a settlement.

CDC and OCC are actively working together to create successful streets which prioritise placemaking considerations over vehicle movements. In particular, designing streets which are safe and attractive places in which to walk and cycle, to encourage a shift away from car based travel. Considerable progress has been made which is reflected in a move away from the illegible cul-de-sac and loop road layouts of the late 20th century, but more can be done.

The placemaking-led approach to street design is explained in detail in Manual for Streets, (MfS), DfT 2007 which should be read alongside this Guide. MfS defines streets as:

A highway that has important public realm functions beyond the movement of traffic. Most critically streets should have a sense of place, which is mainly realised through local distinctiveness and sensitivity in design. They also provide direct access to the buildings and spaces that line them. Most highways in built-up areas can therefore be considered as streets.

Successful streets

Although streets vary widely in appearance, successful streets share certain characteristics and CDC expect these to be incorporated into the design.

Successful streets:

- Are locally distinctive, responding to local characteristics rather than standard highway design
- Have a clear hierarchy and are simply organised
- Are welcoming and safe places to walk and cycle
- Are accessible and legible to all users including the mobility impaired
- Are active places which encourage human interaction
- Are framed by buildings and landscape including trees
- Form part of a well-connected network
- Have variety and interest and make wayfinding easy and intuitive
- Are a comfortable scale, with a well-proportioned relationship between street width and building heights
- Accommodate appropriate vehicle movements and car parking without these elements dominating
- Meet functional requirements e.g. servicing, utilities and property access
- Have the flexibility to adapt to changes in the future



Figure 5.1 Successful streets characteristics

5.2 Street character

A character-led approach should be taken to the design of streets. Individual streets will have different characteristics reflecting their roles within the network hierarchy established in the masterplan.

The character of streets is fundamental to the character of place. There are many elements which contribute to their character which should be considered in their design:

- The dimensions of the street in cross section, defined by buildings enclosing the public realm
- The alignment of the street e.g. curving, geometric, informal or formal in its layout and its relationship to topography
- The urban form, architecture and materials of the buildings
- The trees, planting and front gardens making up the soft landscape of the street
- The hard materials of the public realm
- The surrounding land uses and spill-out activity
- Vehicle movement speed and volume
- The level of pedestrian and cycling activity
- How car parking is dealt with
- Boundary treatments

Street types

The masterplan street hierarchy should establish at a high level the character of streets across the development (see section 4.5), reflecting their roles within the overall network. Typically a larger settlement will contain a range of different street characters which fulfil different placemaking and movement functions.

The majority of streets within the settlement can be classified into the following broad character types:

- Main streets
- General residential streets
- Minor residential streets and lanes

These street types can be used as a starting point to define the specific and distinctive characteristics of individual streets, tying back to the masterplan Vision Statement.

For example:

- A formal, tree-lined main avenue, with a mix of uses on the main bus route
- A narrow, residential street with an informal character
- An informal lane at the edge of the settlement with views to the countryside



A leafy, formal avenue - Whiteland Way, South West Bicester



A shared surface street - NW Bicester



An urban mews with shared surface - Woodstock

Establishing the proposed character of individual streets early on will inform the design of all elements of street character listed above.

Figures 5.2 – 5.5 illustrate layouts for typical main, general residential and lane streets of different character. These are worked examples and are not intended necessarily to be replicated.

Main streets and high streets

Streets with high levels of activity, well connected and central, giving access to general and minor residential streets, often contain a mix of uses, accommodate public transport and local through traffic.

Figure 5.2 Indicative layout - informal main street

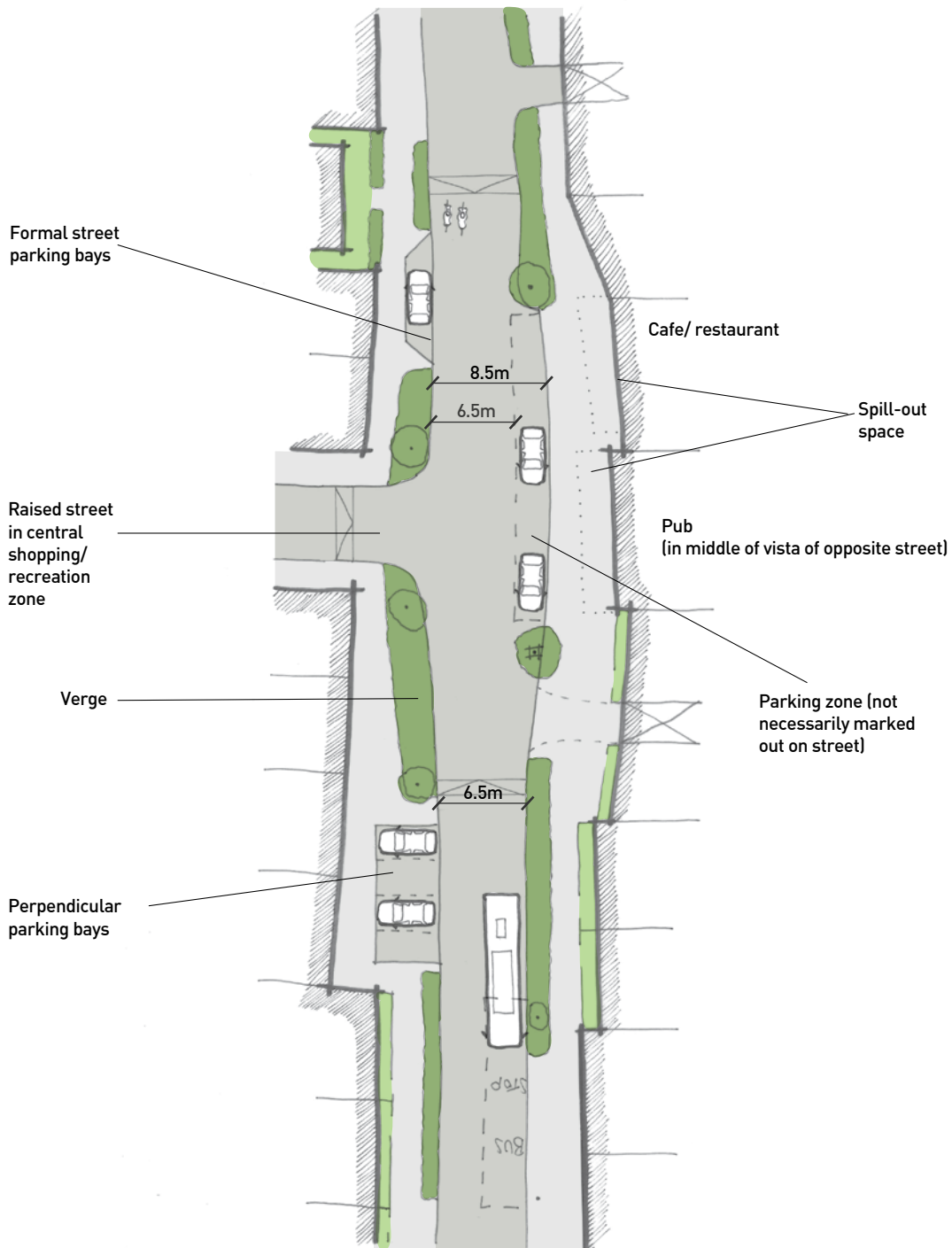
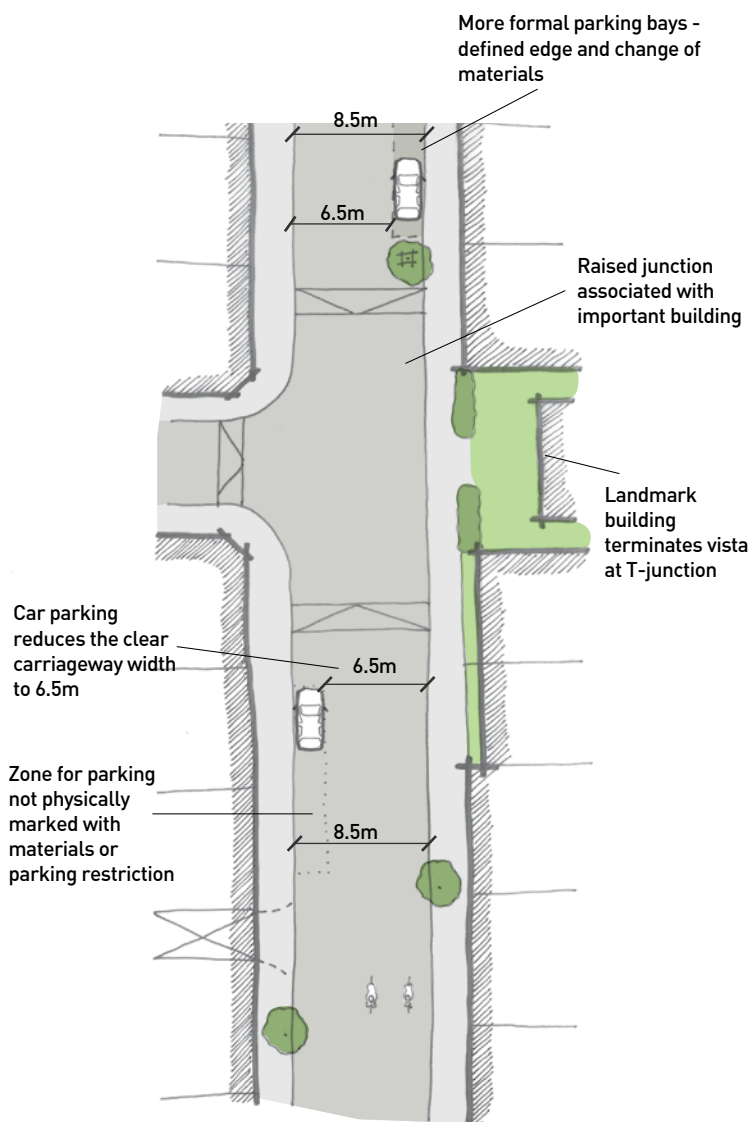


Figure 5.3 Indicative layout - formal main street



Trees and bollards demarcating parking spaces in a square, Poundbury



Tree pinch point in an informal lane, Poundbury



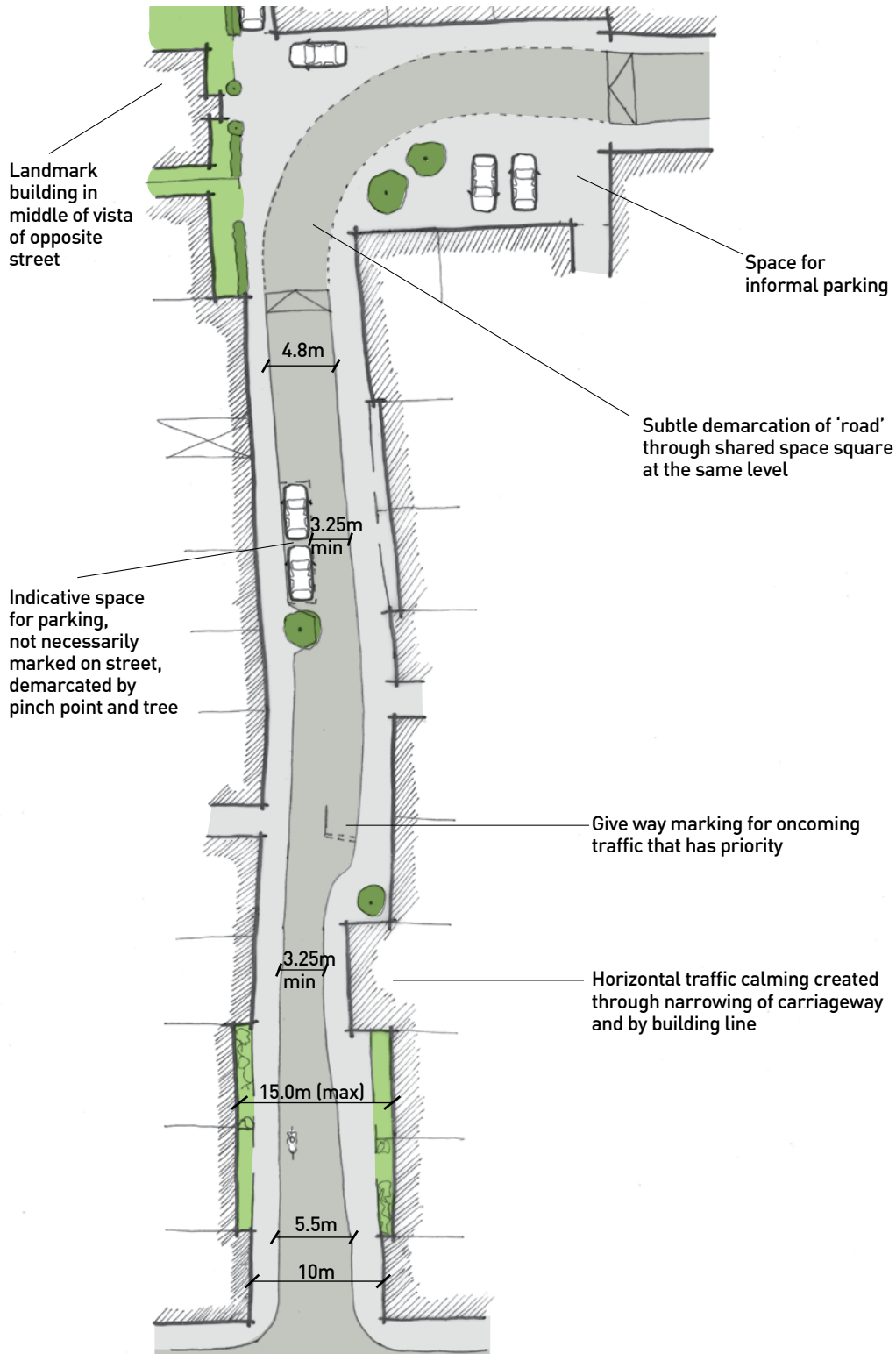
Street trees and bollards as traffic calming, Hook Norton

General residential streets

Predominantly residential, moderate levels of activity, neighbourly interaction, provide access to properties, some through traffic.

Figure 5.4 Indicative layout - general residential street

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Minor residential streets and lanes

Quieter residential streets, with limited through traffic, with a semi-private feel.

Shared surfaces

The use of a shared surface approach where vehicles, pedestrians and cyclists occupy the same space within the street can create attractive, active streets successfully accommodating children's play, car parking and movement functions together.

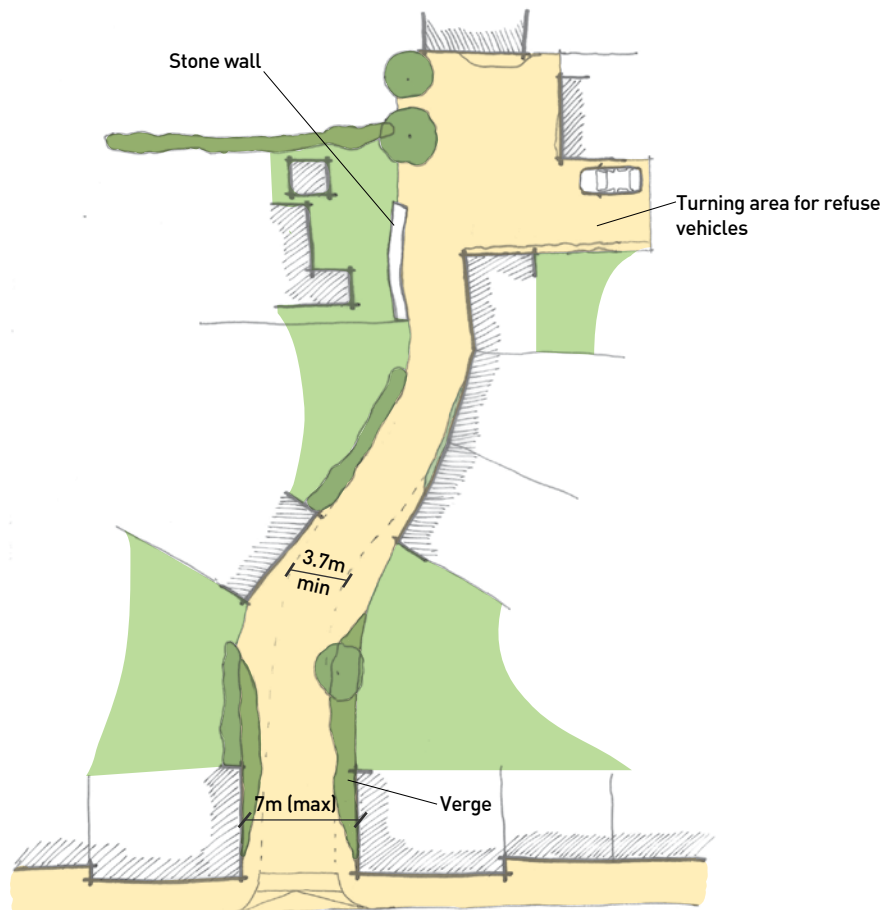
Shared surface treatments can also be used in public spaces such as squares or at junctions where the lack

of demarcation for traffic can assist with traffic calming and placemaking functions.

The use of shared surfaces should be judicious and take into account safety of users especially those with perceptual impediments. In many areas a 25mm kerb will be appropriate, except in very lightly trafficked environments such as the lane typology, in order to aid legibility for those with visual impairments.

To achieve a successful design detailed discussions will be necessary with both CDC and OCC and appropriate safety audits undertaken.

Figure 5.5 Indicative layout - informal Lane



Adoption

All streets performing a public function as part of the movement network should be designed for adoption by OCC. Un-adopted, private routes serving multiple properties should be limited, except where specifically agreed with the Council.

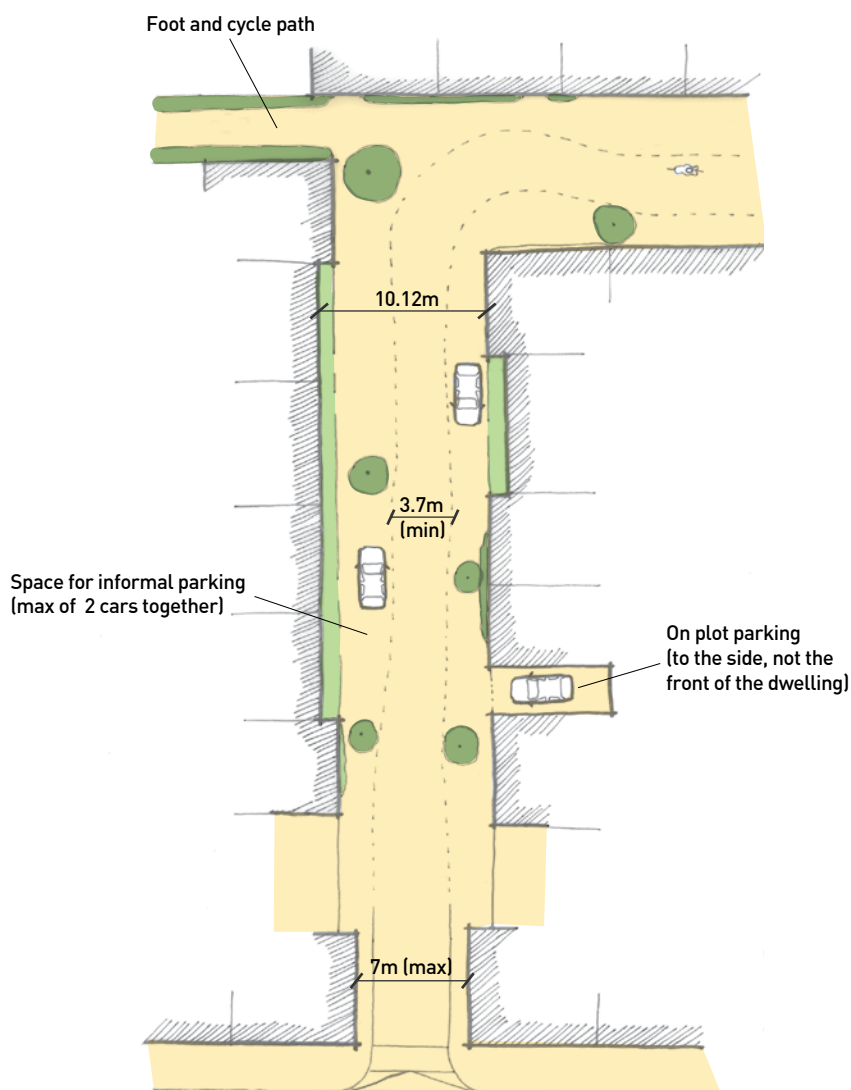
It is important to note that design of streets needs to be coordinated with both OCC and CDC, with street types established in liaison with both authorities.

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Enclosed street incorporating on-street car parking, Hook Norton

Figure 5.6 Indicative layout - Shared surface street

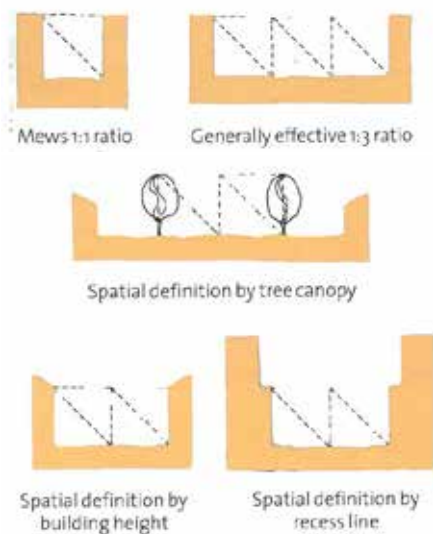


5.3 Street proportions

The overall composition of the street should create a comfortable 'human scale' and level of enclosure in keeping with the character of the District.

Buildings of an appropriate scale and form are critical in establishing well designed streets. Street cross-sections should provide a sense of enclosure through buildings, trees and planting. The Urban Design Compendium (section 5.1.3) recommends a height to width ratio for streets of between 1:1.5 and 1:3 where height is provided by buildings (generally measured to the eaves line) and width is the distance between building frontages across the street. These proportions create streets which are pleasing to the eye, feel comfortably enclosed and are not dominated by the carriageway.

Figure 5.7 Recommended height to width ratios (source: Urban Design Compendium, p88)



Street currently feels too wide in relation to the height of the buildings but enclosure is to be improved by the planting of street trees, Upper Heyford

This ratio range is typical of many of Cherwell's attractive historic streets, in contrast to more recent estate developments where the carriageway is wide and dominant. It follows, that where the street is wider, taller buildings are appropriate to maintain the ratio.

Although buildings are the primary means of providing enclosure, the canopy of street trees, front boundary walls and taller garden planting can also be effective particularly in maintaining the line of enclosure where there are small gaps between buildings.

The sense of enclosure breaks down where there are significant gaps in the built frontage. This is evident on streets which are comprised of multiple detached properties with parking to the side. Here the building frontage is not complete enough to properly frame the street, and the opportunity for boundary walls and trees is also limited by the need to give access to on-plot parking.

Where main streets lie on a bus route, the carriageway will need to be 6.5m wide. These streets would benefit from being framed by buildings of three storeys to balance the increased street width. Where not on a bus route, the width of the carriageway should be reduced. Parking can be formally arranged with bays broken up with street trees, build outs and informal crossing points for pedestrians.

On general residential streets, with predominantly two storey properties, the building to building widths should be reduced in comparison to main streets, to create an appropriate sense of enclosure. Increased ground floor ceiling heights can also improve the sense of scale / status of a building.



A well proportioned street, Seven Acres, Cambridge

Figure 5.8 Appropriate street proportions: examples from Cherwell

5



a) Whiteland Way, South West Bicester



b) Kings Head Lane, Islip



c) Queens Road, Banbury

5.4 Design for pedestrians and cyclists

Street design should make it as easy as possible to walk and cycle, providing safe, direct and attractive routes.

Routes for pedestrians and cyclists should be safe, direct, attractive and legible. The design criteria for accommodating pedestrians and cyclists on different types of street are detailed in the Oxfordshire County Council's Residential Road Design Guide, Second Edition, 2015, MfS chapter 6 and OCC's recently approved design guidance documents on walking and cycling.

Pedestrians

Pedestrian movement must be considered first and prioritised on all streets. Walkable neighbourhoods should be established by the masterplan creating a legible and permeable street network allowing for easy access on foot to local facilities and public transport stops (see chapter 4).

Pedestrian movement should be accommodated on footways on the street giving access to property fronts. In some instances short stretches of footpath may be appropriate to provide additional pedestrian links between streets.

These should be as short as possible with good inter-visibility between the ends, appropriately lit and be overlooked / open to view.

Footways in Cherwell tend to be fairly narrow. Although the MfS recommends pedestrian footways should generally have an unobstructed minimum width of 2m, it would be in-keeping with the character of Cherwell if they were narrower.

A minimum of 1.5m width should be used which accommodates a couple walking with a buggy. This will be sufficient for general footways, however, it may be appropriate to provide a wider footway on a higher order street of 6.5m or more width; the footway should feel in proportion with the overall street width. Footways could locally widen at particular points outside more important buildings or at corners where people are more likely to stop and chat.



Humber Street, Bloxham



Main Street, North west Bicester



Pedestrian/ cycle cut-through, South West Bicester

Cyclists

In the majority of residential streets cyclists should be accommodated on the carriageways with no dedicated cycling lanes required. Uneven surfaces such as cobbles should be avoided.

On busier streets, dedicated cycle lanes should be provided on-carriageway. Completely segregated lanes are only appropriate on higher speed / volume roads. Guidance has recently been approved by OCC which will provide further advice. The design of cycle lanes and cycling infrastructure at junctions should be discussed with OCC.

Cycle parking provision is required at both ends of the journey in accordance with OCC’s Cycle Parking Standards (see below). Covered cycle parking should be provided within the curtilage of a dwelling or other convenient location for apartments. Security and convenience are two key principles for the location of cycle parking. If cycle parking is included in front gardens it should be visually attractive. If it is placed at the side or rear of a dwelling access to the street should be direct and sufficiently wide. Garages should be designed to allow space for a car and storage of bicycles and be a minimum of 6m x 3m internally.



Bus bypass in Lewes



Hybrid cycle lane, Old Shoreham Road, Bournemouth



Foot/cycle path, South West Bicester

Cycle Parking Standards		Residential
Resident		1 bed - 1 space; 2+ beds - 2 spaces
Visitor		1 stand per 2 units where more than 4 units
Notes		
1	Garages should be designed to allow space for car plus storage of cycles in line with the District Council’s design guides where appropriate (most specify 6m x 3m)	
2	1 stand = 2 spaces: The number of stands to be provided from the calculations to be rounded upwards. The preferred stand is of the ‘Sheffield’ type	
3	All cycle facilities to be secure and located in convenient positions	
4	Residential visitor parking should be provided as communal parking at convenient and appropriate locations throughout the development	

Table 5.1 Cycle Parking Standards for residential development, (extract from Residential Road Design Guide, Second Edition 2015, OCC)

5.5 Design criteria for vehicles

The design criteria for vehicle movements should be established in response to the proposed character of the street and agreed with OCC and CDC.

Design Criteria

The overall approach to street design should be to consider buildings and spaces first, with carriageways, footways and parking designed to fit within the space created. This approach enables buildings to be laid out to provide an attractive frame to the street with carriageways, kerbs and footways helping to define and emphasise spaces.

It is also important that streets are designed with consideration for the types of vehicular movements, speed and volume of traffic. The majority of residential streets should have a design speed of 20mph or less.

MfS section 7.2 provides details of minimum carriageway dimensions to accommodate different street types and functions. Careful thought is needed as to the application of these dimensions to the different street types.

Over engineering streets to accommodate easy access for HGVs and unnecessarily high design speeds leads to wide streets and large junctions which are detrimental to character and can result in an uncomfortable environment for pedestrians and cyclists. Under these circumstances it is difficult to achieve the sense of enclosure and proportion discussed in 5.3.

It is not expected that space for HGVs to pass each other will be provided along the majority of residential streets, as this will be an occasional occurrence. However, passing places should be designed in to accommodate these movements when they do occur.

Critical dimensions

The standard width for residential street carriageways is 4.8m which allows for unimpeded two way movement of cars, or a car plus HGV and this should be viewed as a critical dimension. Main streets accommodating a bus route are required to have a minimum carriageway width of 6.5m to allow unimpeded two way bus movement, though some reduction in width over a short distance, may be permissible in certain circumstances. Reference should be made to OCC's Residential Road Design Guide and MfS for further details.

As part of a traffic calming strategy designers should consider incorporating short sections of reduced width where appropriate. This supports the traffic calming approach outlined in section 5.7.

Swept path analysis and visibility

Swept path analysis is a valuable tool that should be used to determine the space required for different vehicle types as they move along or through a space.

Consideration of forward visibility through use of stopping sight analysis should also be used, particularly in relation to building lines which in themselves can be used as an integral component of traffic calming.

Section 6.8-6.12 of OCC's Residential Street Design Guide provides details of required sightlines at junctions.

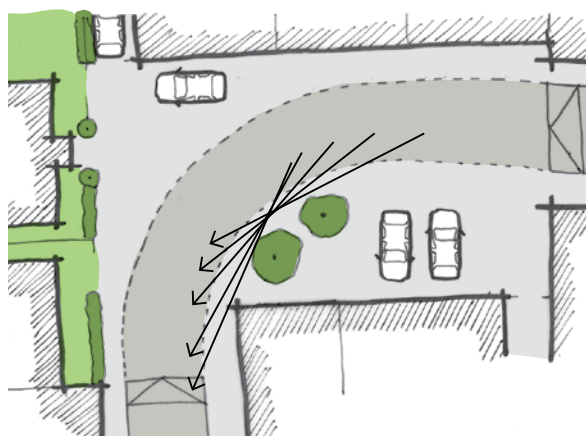


Figure 5.9 Stopping sight distance defining the geometry of the curve and placing of trees/ building lines

5.6 Design for buses

Bus routes should provide direct, convenient journeys for all new houses

All new residential development will be expected to make an appropriate contribution to the development of the countywide bus network, both through the physical infrastructure – e.g. highway measures and bus stop infrastructure – and through service provision.

(Residential Road Design Guide, OCC)

OCC requires all developments of more than 50 dwellings to be served by at least an hourly bus service and for homes to be within a 400m walkable distance of a bus stop. Appropriate provision for buses should be designed in at the outset in discussion with OCC's Public Transport Development Team.

Bus stops should be located in relation to pedestrian desire lines and close to facilities which serve a wider catchment. They should be served by safe and convenient pedestrian crossing places. Consideration should be given to proximity to domestic property and any nuisance issues in relation to the placing of bus stops.

Further advice on the siting and requirements of bus stops can be found on p73 of Manual for Streets and in OCC's residential design guide.



Bus stop, South West Bicester

5.7 Integrated traffic calming

Traffic calming should be designed as part of the street layout in a manner appropriate to the proposed character.

Traffic calming should be inherent within the street layout and can include:

- A sense of enclosure created by building lines or street tree planting which restrict forward visibility
- Changes in direction and tight corner radii
- Change in materials
- Crossing points, either raised or flush with the carriageway with build-outs/narrowings
- A change of character such as widening out into public spaces
- Frequent side road junctions and direct access points to properties

Horizontal and vertical deflection features to reduce speed of vehicles should be designed to read as inherent elements of the street rather than a piece of highways infrastructure e.g. a raised table forms part of a public square or the setting to an important building, a build-out is associated with tree planting or a crossing point.

Informal streets

Variation in carriageway width, footway width and building line is characteristic of traditional informal streets across the District. This creates streets with visual interest, but also enables parking, servicing, small areas of green and trees to be accommodated while maintaining a strong sense of enclosure and appropriate height to width ratio.

These faceted streets have a natural traffic calming effect, as drivers intuitively slow down on the approach to pinch points and junctions or where the street widens into a public space.

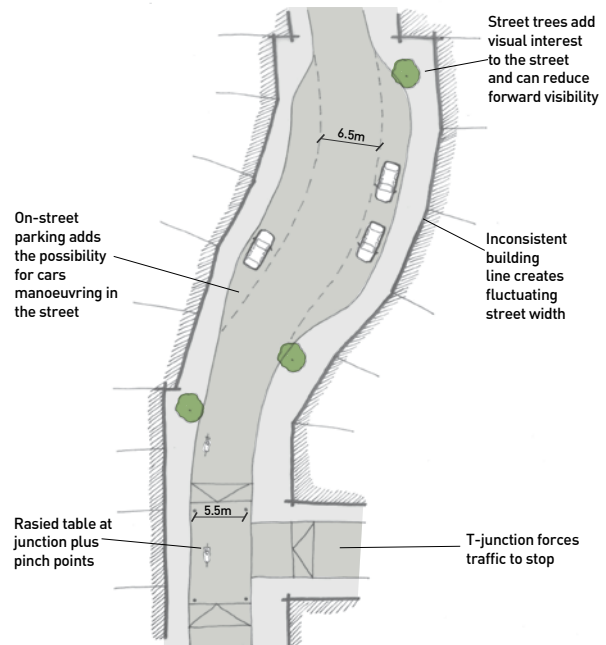
Formal streets

Formal streets, although generally more regular in width than informal streets, can accommodate pinch points at street entrances and widening related to public squares or gardens. The regular junctions of a grid layout have a natural traffic calming effect.

To be avoided

Artificial traffic calming features which have a detrimental impact on legibility and townscape should be avoided, for example: a standard width street with a winding geometry creating an indirect route.

Figure 5.10 Traffic calming measures along a street



Bad example - artificial winding street with no relation to urban form



Good example - deflection of road using landscaping and a pedestrian cut-through, Hook Norton

5.8 Car parking

A range of different parking solutions should be used. The choice of parking solution should be appropriate to the character of the street and the building typology.

Amount of car parking

The Council intends to review parking standards in the forthcoming Local Plan Part 2. In the interim the approach set out in Oxfordshire County Council's Residential Street Design Guide (2015) applies. This includes recommended parking standards (refer to **Appendix F**), which should be used as guidance only for larger developments. Actual parking levels will be expected to be justified, as laid out in supporting documentation with planning applications such as Design and Access Statements, Transport Statements and Transport Assessments.

The parking standards recommend the inclusion of unallocated spaces, alongside allocated spaces to maximise flexibility and economy of land use. In some circumstances, parking can be accommodated entirely without allocated spaces. Work led by Phil Jones Associates for Oxfordshire County Council, reported in 'The Residential Car Parking Research', 2007, DCLG, has shown that the provision of more flexible parking solutions, such as unallocated on street parking supports an overall reduction in parking provision, by supporting flexibility of different householder needs.

Please refer to Section 7 of OCC's document for details on the application of the parking standards.



X

Bad example - too much space for parking creating a large gap on the street



X

Bad example - cars parking on kerbs due to lack of parking spaces or spaces which are inconvenient (image source: Space to Park)



✓

Good example - avenue street parking, Newhall, Harlow



✓

Good example - Informal homezone parking, Hanwell Fields, Banbury

Parking design

Designing an appropriate parking arrangement is critical to the success of any scheme. Where parking has not been well thought through it can be visually detrimental to the character of the street and can be a source of frustration for residents.

The Council will expect to see a range of parking solutions. The number of parked cars in any one area should be limited so that individual streets and spaces do not take on the appearance of a car park. Trees should be accommodated within streets and parking courts to reduce the visual impact of parked cars.

Parking should be functional, convenient and safe. People like to park as close to their house as possible, ideally where they can see their car from inside their house. If parking is placed in a position far away from a dwelling and obstructed from view, people will not park there and instead try to park informally on the street outside their house.

'Car Parking: What Works Where', English Partnerships (2006), provides a comprehensive toolkit for designers highlighting the most appropriate car parking approach according to density of development and housing typology and should be referred to alongside this Guide.

Car parking: golden rules for all locations

- Look to maximise the quality of the street and public realm
- A combination of on plot, off plot and on street should be considered according to the street design, location and housing typology
- On street parking should be promoted as the primary parking option and incorporated in the design – people understand how it works, it's efficient and it increases the activity and safety of the street
- Do not park in the back of the block until on street and frontage parking permutations have been exhausted. Use of the mews or rear courtyards should support on street provision, not replace it
- The proportion of allocated spaces should be limited. Research by Noble and Jenks shows that the more spaces you allocate, the more you have to provide.
- Don't forget Secured by Design principles

(Adapted from 'Car Parking: What Works Where')

Parking typologies

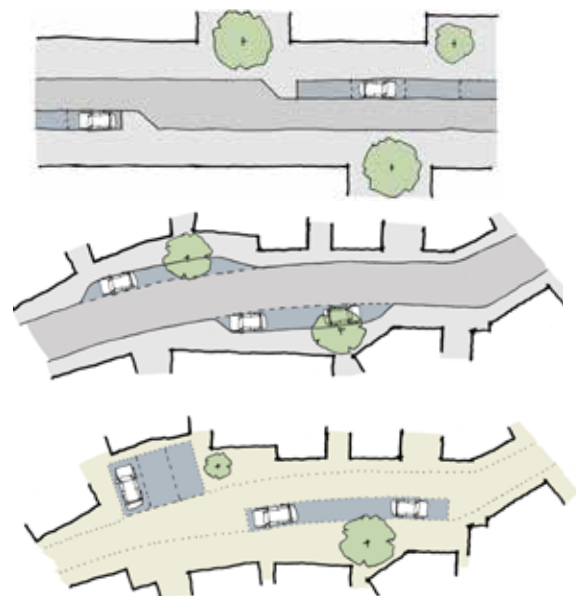
In general, the potential locations for parking are on-street, on-plot and in small parking courtyards. The allocation of car parking spaces (on-plot or in communal areas) reduces flexibility and is less efficient in meeting overall car parking needs.

On-street parking

The Council advocates the use of unallocated on-street parking wherever possible. Maximising the number of unallocated spaces will result in lower numbers of parking spaces overall as it provides an enduring, functional and land efficient arrangement (see Appendix B of OCC's parking standards). It can take a variety of forms including parking around a central reservation, kerbside parking parallel, perpendicular or angled to the pavement. Parking solutions should be an integral part of the street design, with clearly defined or demarcated bays. For both parallel and perpendicular solutions, a maximum of four bays should sit together, before being broken up by street tree planting or a public realm solution.

Terrace buildings work well with on-street parking, as the strong enclosure balances the necessary increase in carriageway width. Street trees should be used to soften the visual impact of parked cars and provide further enclosure to the street. Narrower streets can widen at certain points to accommodate smaller areas of on street parking.

Figure 5.11 On street parking examples from top: formal on-street; informal on-street (off line); parking in shared surface area



On plot parking

On plot parking to the rear or side of homes, on driveways or within garages, is by its nature allocated to a particular home. It limits flexibility and can be detrimental to street character when it is visually dominant. It is generally only appropriate for larger semi-detached or detached homes on larger plots.

Parking on-plot in driveways should, as far as possible, be designed to limit the gaps in the street frontage (for example through the use of shared driveways) and should be configured to ensure that the maximum parking standards are not breached i.e. through excessively long driveways.

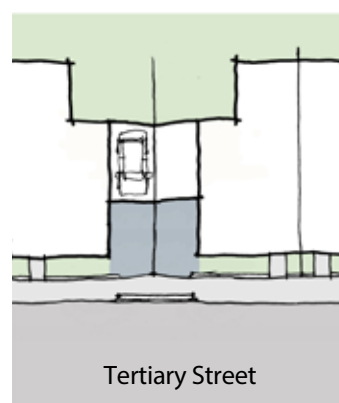
Allocated on plot parking can also be provided to the rear or within gardens accessed from a rear lane. This is an alternative to the communal parking court.

In general, the Council seeks to limit the use of garages as they are often used for storage rather than parking, pushing parking demand elsewhere. Where garages are provided they should have a minimum internal area of 3m by 6m and the use of double garages should be limited.

The architecture and materials of the garage should be in keeping with the main house and have a pitched roof and wherever possible should be attached to the property.

Where two single garages are proposed together they should be attached where their use supports a better design solution. They should only be used on wide fronted properties where a front door and ground floor habitable room can also be provided. Double integral garages are not appropriate.

Figure 5.12 garage and driveway parking examples:
garage to the rear of the property (top)
garages accessed from mews/court to the rear (bottom)



On-plot screened with vegetation, Manor Road, Fringford

Rear courtyard parking

Communal parking areas or parking lanes to the rear of properties are the least preferred solution. Although rear parking reduces the visual impact of cars on the street frontage it also reduces human activity on the street and large rear courtyards can be bleak spaces.

Where used, courts must be well-overlooked by the properties they serve, ideally with direct access to individual dwellings/gardens. They should service no more than six properties and a maximum of 12 parking spaces. Unallocated /visitor parking is not appropriate in these areas and should be provided within the street. Landscape and tree planting should be an integral part of the design.

Access to courts should be by a shared driveway between properties, via a lane to the rear, or through narrow carriage arches, to maintain a continuous frontage at first floor level. Where carriage arches are used these should incorporate first floor accommodation. Lanes may also give access to a number of properties.

Sustainability

The Council supports the use of sustainable technologies and systems designed to reduce the impact of private vehicles including:

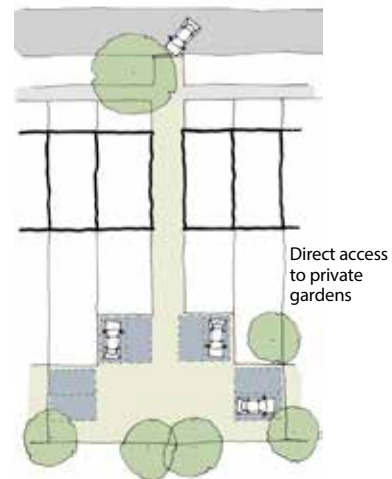
Electric charging points

Every home should have access to at least one electric charging point and 20% of spaces in public car parks should have electric charging points.

Car clubs

The Council supports car clubs particular in low car developments. Car club vehicles are generally made available to residents on a pay as you go basis and are particularly suited to central and higher density areas where car use is only necessary for occasional trips. Discussion with the Council is required to resolve practical issues relating to implementation.

Figure 5.13 Example of private rear parking court



Well landscaped rear court parking, Clay Farm, Cambridge



Rear parking accessed through carriage arch, High Street, Adderbury

5.9 Avenue trees, planting, SuDS and landscape

Trees and soft landscape are important to the character of Cherwell's streets and should be incorporated in all street character types.

Many of Cherwell's historic streets have a strong building frontage, softened with by trees and landscape planting. Individual and groups of trees, grass verges and public green spaces contribute to making distinctive and attractive places.

Soft landscape, especially trees, should be incorporated into every street to support the proposed character. For example, a formal street may suit an avenue of trees and small front gardens, whereas an informal lane may be appropriate for soft verges and occasional individual or small groups of trees.

The requirement for Sustainable Drainage Systems (SuDS) is an opportunity to bring character to streets, through integrated landscape and drainage design. By considering SuDs at an early stage they can be incorporated successfully alongside street trees, utilities and car parking. See section 4.7 for further guidance in relation to SuDs.

The choice of tree species and location of trees in relation to built elements should be in accordance with the minimum distances established in BS 5837: 2012, Trees in relation to design, demolition and construction. Further detailed design guidance relating to tree planting including their relationship with utilities corridors and SuDS is contained within the Trees and Design Action Group publication 'Trees in Hard Landscapes, A Guide for Delivery', 2014.

The following principles should be considered:

- Street tree planting should be integral to the public realm design
- Street tree planting should be a minimum of a semi mature standard size in a location of sufficient size for the long term survival / health of the trees
- The species selection should consider their functional and space making qualities and native species are preferred

The maintenance and management responsibilities for landscape areas should be defined within the planning process. The design should avoid small (often narrow) planted areas which are hard to maintain.



Soft landscape reduces the impact of parking, Trumpington Meadows, Cambridge



Built frontage softened by trees and grass verges, Banbury



Incorporating existing trees and hedgerows into a new development



Incorporating SuDS along kerbside, Trumpington Meadows, Cambridge

5.10 Public spaces

Squares and greens provide important breathing space within the street network, should be framed by buildings and be located to encourage community interaction.

The widening out of the street network to accommodate village greens, squares and market places are characteristic of many of Cherwell's settlements. These spaces are framed by buildings, contain significant trees and are often located centrally adjacent to public buildings where they form a 'heart' to the settlement.

Developments should incorporate public spaces which sit with the character of the overall settlement structure and the site masterplan. Public spaces perform a number of important roles:

- They are focal points for the community, often surrounded by civic or community uses
- They create variety in the townscape and are important for wayfinding and legibility
- They can create a positive, usable space in an awkward corner
- They are an intrinsic traffic calming feature and can be of a shared surface design (see section 5.7)

Public spaces can take a variety of forms including formal hard landscaped public squares, village greens and smaller incidental spaces either hard or soft. OCC's residential road guidance includes 'social spaces' which are smaller areas where the footway might widen out to incorporate some benches, perhaps with shade from a tree. In all cases, public spaces should be framed and overlooked by buildings and designed to encourage their use – for example, through the provision of children's play or seating areas.

The size of the space should be appropriate to the scale of buildings which surround and enclose it. This should be tested in three dimensions. Trees should be used to create a sense of enclosure to larger spaces. Spaces which are too small to have any useful public function (i.e. 'leftover space') should be designed out.



Hard-landscaped incidental square with trees and seating, North West Bicester



Informal green space with trees and seating, Bloxham



Central green space, The Triangle, Swindon

5.11 Street materials

The materials of the public realm should coordinate with the palette of materials used for the buildings and should reinforce the proposed character of the street or public space. This will vary depending on the location of the scheme within the District. Details of locally appropriate building materials are provided in section 7.3.

In general:

- Pavements and main street surfaces will be tarmac, with special consideration given to edge areas, gullies and kerb details where natural stone should be used
- Shared surface areas should use block paving with setts used for drainage gulleys and careful use of high quality edge details to help define the space
- Squares and other areas of public realm should use natural stone, dependent on the character of the settlement

Large areas of concrete block paving are generally not acceptable as they are visually intrusive. Where block paving is used, the colour should be in keeping with the wider palette of building materials.

Investment in high quality materials will be expected at sensitive and prominent locations for example: within the setting of heritage assets, to define the entrance of the development, at important crossing places and public spaces and for shared surface treatments.



Tarmac with subtly coloured block paving indicating informal pedestrian crossings, South West Bicester

5.12 Utilities corridors, lighting and signs

Utilities corridors, lighting and signage should be considered early on and grouped to minimise impact on the character of the street.

Utilities

The design of utilities corridors should follow the recommendations of the National Joint Utility Group (NJUG) publications, and include liaison with service providers at an early stage.

The use of shared utility enclosures or grouped service strips should be used to reduce the service corridor width and limit impact on street design including the location of street trees. Protective and preventative measures should be adopted to avoid tree root intrusions into service corridors.

Where routing through the pavement will have a detrimental effect on the character of the street, alternatives include routing down a back street or through communal areas.

Further guidance is provided in section 3.4 of 'Trees in Hard Landscapes', Trees & Design Action Group, 2014 and Sewers for Adoption, 7th edition, WRc plc, 2012.

External lighting

Lighting should be an integral part of the street design process as there is a risk that landscape, parking and other elements are undermined when this is considered retrospectively. In particular the lighting and tree planting strategy should be considered together at an early stage.

OCC must be consulted at an early stage to agree the design brief for street lighting. OCC can provide street light design for a fee which removes the need for approval. Refer to Appendix A2 of their Residential Road Design Guide, 2015 for details.

Signage

Signage is important for wayfinding but should be minimised to avoid visual clutter. Street names and other signs should be fixed to buildings, boundary walls or lamp-posts to avoid additional columns on the street.

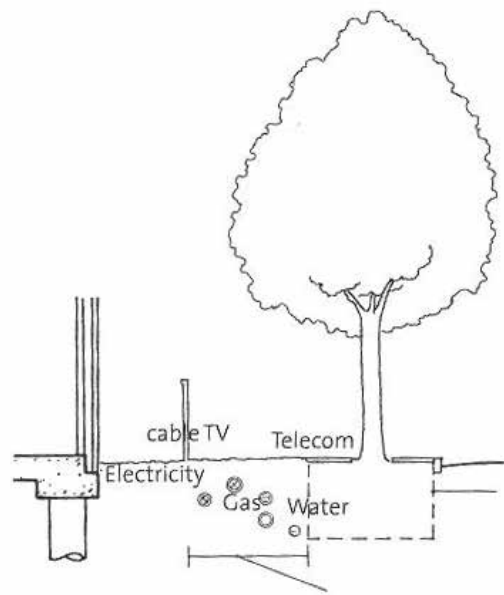


Figure 5.14 Grouped service strips help minimise maintenance disruption and avoid features such as trees (source: Urban Design Compendium, p82)



Road name and signage mounted on boundary wall and lamp-post respectively, Adderbury

5.13 Waste management

Suitable provision for the storage and collection of waste should be integrated into the street layout building and plot design.

Agreement is required on the way waste is to be managed and in particular:

- The method for storing, segregating and collecting waste
- The amount of waste storage required, based on collection frequency, and the volume and nature of the waste generated by the development, and
- The size of anticipated collection vehicles

Collection points must be no further than 20 metres from the refuse vehicle access point. As a result, a connected network of streets will enable easier movement of refuse vehicles, avoiding the need for reversing or multi-point turning manoeuvres. It is expected that the principles outlined in section 5.3 will be followed to minimise the necessary street width. BS 5906:2005 provides guidance and recommendations on good practice.

At the time of writing, the majority of dwellings in Cherwell are allocated three wheelie bins. Bins should be accommodated within the curtilage of buildings, within appropriate ventilated bin stores/enclosures in front gardens, integrated within the building, or at the side or backs of dwellings where there is sufficient access for residents to wheel bins to the front of the property on collection days. If bin stores are visible from the street, these should be of a simple design screened by vegetation or enclosed by walls of the same material as the property.



Example of an attractively designed bin store (source: West Oxfordshire Design Guide)



Side passage to enable bins to be brought out, Bletchington

6 BUILDING AND PLOT ARRANGEMENTS



- 6.1** Layout and urban form
- 6.2** Establishing character
- 6.3** Perimeter blocks and active frontages
- 6.4** Scale
- 6.5** Building typologies
- 6.6** Landmarks, vista stoppers and corner turners
- 6.7** Amenity space
- 6.8** Materials

Chapter 4 explains how the masterplan establishes the overall urban block pattern, street hierarchy and proposed character areas.

This chapter deals with the next level of detail, considering how building forms should be arranged to create a pleasing overall townscape which frames the public realm and reinforces the proposed character areas. The way buildings sit together is one of the most important drivers of character.

Chapter 7 provides further detail on the design of the buildings themselves.

New development in Cherwell should promote:

- An harmonious composition of buildings that contributes to the overall legibility and character of the place and its role within the wider masterplan
- Traditional settlement form and character
- Three dimensional form as a starting point for design
- The use of building types which reflect local traditions and can be successfully grouped together
- The use of bespoke house types to address important, sensitive and tricky conditions including landmark locations and corner plots
- The use of terrace house types, which should be the predominant form in most developments, especially along principles routes, mixed use areas and adjacent to public open space. Limited use of detached and semi-detached houses.
- Design solutions that minimise the opportunities for crime and antisocial behaviours through the clear definition of the public / private boundaries and creation of active frontages

New development should avoid:

- A lack of three dimensional design thinking
- Estates with a homogenous, 'could be anywhere' character
- Architectural focus on individual buildings rather than the overall street composition.
- The use of inflexible, standard house types which cannot be grouped effectively
- The use of detached houses on small plots when a terraced form is more appropriate

Please refer to the following chapters for supporting information:

- **Chapter 2:** For a summary of the District's distinctive characteristics and character areas
- **Chapter 4:** For details of how a scheme's character is established through the vision and structuring principles of the masterplan and block structure
- **Chapter 5:** For details of how the character of individual streets will be established in the public realm
- **Chapter 7:** For detailed guidance on the design of individual buildings
- **Chapter 8:** For guidance on sustainability considerations
- **Appendix A:** List of Conservation Areas within the District

Further reading:

- **Conservation Area Appraisals, CDC:** Provides detailed character analysis and guidance for each of the District's conservation areas
- **Responsive Environments, A Manual For Designers, 1985, Bentley, Alcock, Murrain, McGlynn, Smith:** Provides detail on the composition of the street, contextual clues for built character and external surface design

6.1 Layout and urban form

Detailed layout design should focus on the composition and arrangement of buildings across the street as a whole, rather than the design of individual buildings in isolation.

The way in which buildings are grouped together to create the urban form of the street has a strong influence on character and should be a direct response to the proposed vision for the development (see section 4.3 for details). This should be clearly articulated in the planning application Design and Access Statement.

It is expected that urban form will vary from street to street reflecting its role within the masterplan hierarchy and in response to localised conditions e.g. a change in level or street orientation. This will support the legibility of the settlement.

Individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions. The use of inflexible standard house types should be avoided as it severely limits the potential for cohesive and responsive design.



Consistent street frontage, Bicester

New development should:

- Create a pleasing rhythm, variety and articulation to the street, through the use of different building forms, landmark features and the design of the façade and roofscape (see chapter 7)
- Respond to overarching character objectives e.g. informal or formal (see 6.4)
- Create bespoke design solutions for sensitive locations e.g. landmark locations, at corners and where views are terminated (see section 6.8)
- Consider the way buildings relate to other elements eg. car parking arrangements, front gardens, pavement widths
- Design out crime through the creation of active frontages and perimeter blocks (see sections 6.3 and 6.4)
- Make the settlement easy to navigate by creating a series of memorable spaces, landmarks and views
- Encourage natural traffic calming through the careful arrangement of buildings in relation to the carriageway (see section 5.7)

The Council will expect to see evidence of design thinking in three dimensions, including the use of simple physical or computer models, sections and perspective drawings encapsulated within the Design and Access Statement and used as a design tool to assess the form of the layout, including the roofscape.



Strong vertical rhythm with simple variation in design, Banbury



Corner solution, where building addresses both streets, Banbury



Corner of building juts out into the road, creating a natural pinch point forcing cars to give way to oncoming traffic, Islip

6.2 Establishing character

Urban form is an important element in defining the character of a place.

The proposed character of individual streets and blocks will be established in broad terms as part of the site wide masterplan and vision; this is explored in section 4.3.

An important element of character is the degree of formality in the layout and urban form. In historic settlements this is a reflection of the extent to which a settlement was planned (formal) or developed incrementally and organically (informal).

In designing new places, designers should draw from both approaches to establish variety and reinforce the overall hierarchy of streets and spaces within the masterplan.

Formal Streets

Greater formality will be appropriate in some areas of the masterplan, for example to emphasise the civic character of a public space or to front an important movement route. Formal streets should be laid out in a regular, rectilinear pattern.

Characteristics of the urban form of formal streets include:

- Consistency and unity across the majority of elements of the urban form i.e. plot and building size, roof lines, eaves lines, building line, materials and façade design
- Buildings at the middle or ends of the street may be taller, brought forward, or have increased ornamentation to provide emphasis and visual interest
- Classically proportioned building facades (see section 7.2)
- Detached homes should have a wide frontage, narrow plan; semi-detached, in a villa form; and either plan form used for terrace properties (see section 6.5)
- Windows and doors will be regularly spaced, with a repetitive pattern established for the street as a whole. Changes in the pattern can be used to emphasise key buildings or locations
- Formally arranged street trees creating an avenue and regularly sized front gardens



Figure 6.1 Formal street



Formally arranged terrace, Bicester



Formal repetition of semi-detached homes, Banbury



Formal modern terrace - repetition of materials, regularly spaced windows, doors and trees, North West Bicester

Enclosure and openness

In both formal and informal layouts, the majority of buildings should be arranged in a terraced form to create a near continuous built frontage to the street, in line with the principles for perimeter blocks set out in section 6.3.

However, in some character areas a more open arrangement may be appropriate for example to allow views out to the wider landscape or to meet a particular need for larger semi-detached or detached properties. In these locations, the gaps between buildings should be clearly defined by boundary walls, fences or hedges. On plot parking should be arranged so as not to dominate the street frontage (see section 5.8).

Informal Streets

Where an organic, village character is proposed, streets should have an informal layout, with a simple geometry, varying to reflect topographic and natural features. Particular care is required to create overall visual coherence and harmony. The right balance can be achieved by varying one or two elements of the urban form, but not all.

Characteristics of the urban form of informal streets include:

- Groupings of buildings with continuity of building line and materials, which provides coherence in a street scene, while other elements, such as plot width, building height and fenestration vary
- A range of plot and house sizes on a street to reflect traditional patterns
- Variety in the character of individual buildings. Within the street there should be a mix of wide and narrow frontage properties (see section 6.5), typically with consistency in the building line and materials
- Informally arranged windows and doors
- Subtle variation in roofscape reflecting variations between neighbouring building heights
- Street trees located individually or in small groups to form a focal point where the street widens or in public squares and green spaces.
- Front gardens which vary in size reflecting changes in street and plot alignments. Planted and grassed verges may also be present, where development is set back from the street



Figure 6.2 Informal street



Continuous building line but wide variety in heights and sizes, Banbury



Continuous building line but wide variety in design and height, Bicester



Variation in set-back moderated by front garden boundaries, Duns Tew

6.3 Perimeter blocks and active frontages

A general principle for the arrangement of building plots is 'public fronts, private backs' to ensure clarity between public and private spaces.

The elevation of buildings fronting the public realm should be 'active', to encourage human interaction and passive surveillance of the public realm.

This arrangement creates a 'perimeter block' with buildings fronting and providing a frame to streets and open spaces. The perimeter block arrangement is an effective means of designing out crime in that it provides a defensible front boundary with good surveillance from the street and a secure rear property boundary.

Layouts which confuse the relationship between fronts and backs or emphasise property access from the rear should be avoided.

Buildings face the street...

... and form a secure perimeter block

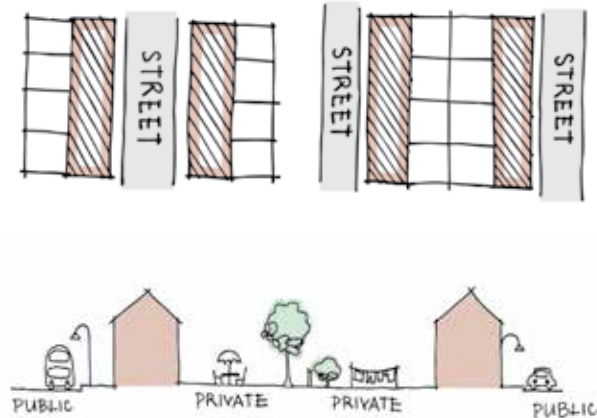


Figure 6.3 Front and back relationships



Mixed use urban square, Poundbury

Principles for perimeter blocks:

- Orientation for solar gain, wind patterns and microclimate must be considered in the form and structure of the block and frontages (see section 4.9)
- The boundary between the public realm and the private realm must be clearly defined by either the building line or garden boundary
- The principal frontage and main entrance to the property must face the main street (not the side street). This applies to all house types including apartment buildings
- The principal frontage must include front doors and larger windows
- Internally, living spaces and habitable rooms must be located on the principal façade overlooking the public realm
- Bathrooms and cloakrooms and the use obscure glazing must be avoided facing onto the public realm and / or principal elevations. Kitchens are only permissible in this area where windows can be appropriately proportioned and detailed
- Elements which deaden the street such as blank building facades, garages and integral parking, and bin stores are not appropriate in the public realm
- Elements of non-residential uses which help to 'activate' the frontage to the public realm such as cafes or shops should be encouraged to spill out onto the street

Chapter 7 provides further guidance relating to the design of active facades.



Figure 6.4 Active frontage encourages human interaction

6.4 Scale

Building scale should respond to local context and proposed character.

Scale should be considered in relation to the enclosure of the street and the public realm, to give a comfortable height to width relationship and relate to the structure of the masterplan. This is explained in section 5.2. Perception of building scale is not only influenced by the number of storeys, but also by the form of the roof, the eaves height and internal floor to ceiling heights and local architectural character should inform the building height and form.

Principles for scale:

- In the majority of areas, building heights of two or three storeys are appropriate. Additional accommodation may be included in the roof space and/or in a semi-basement. Rooms in the roof space are encouraged
- Taller buildings may be appropriate in town centre locations, but individual buildings should be designed to fit comfortably with the general urban form
- A steeply pitched roof is an important component of the traditional Cherwell form. Shallow pitched and hipped roofs with a suburban character should be avoided (see chapter 7)
- For an informal area the eaves and ridge height can vary (minimum 200mm) from building to building to create an varied roofscape
- In formal streets, the eaves line and roof ridge should be consistent between neighbouring buildings
- Grander buildings, with higher floor-ceiling heights can be a positive addition



Two to three storey buildings, Adderbury



Two storey buildings some with rooms in the roof, Islip

6.5 Building typologies

Building forms should be simple and reflect the character and traditions of the local area.

Simple, traditional building forms based on a rectangular plan should be used. These forms can be easily grouped together to form a continuous street frontage accommodating a range of different building sizes. In most cases buildings should be designed to be in a terrace form.

There are two basic plan forms:

1. Wide frontage, narrow plan

- Simple facade with either symmetrical, classical proportions (up to three storeys) or cottage vernacular proportions (up to two storeys), with occasional half storeys
- Can be linked to form a terrace or be detached or in pairs
- Rectangular rear extensions can be used to create an L-shaped plan, if this is appropriately detailed. This will typically be setback from the building line, but may in prominent building locations form an integral part of the design

2. Narrow frontage, deep plan

- Simple facade with classical proportions (two-three storeys) or occasionally cottage vernacular proportions (up to two storeys), with occasional half storeys
- Should be linked to form a terrace or occasionally 'handed' to form a symmetrical semi-detached pair
- This form is generally not appropriate for detached houses
- Care should be taken to ensure that where wide gables occur, they are not visible from the public realm

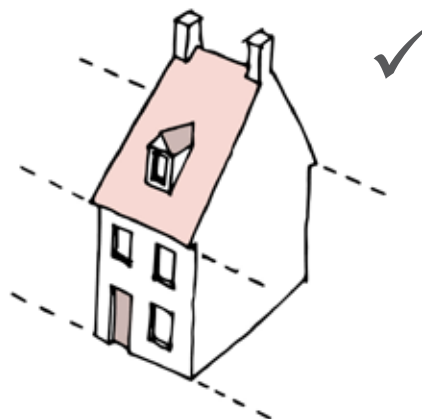
Figure 6.5 Basic typologies



Wide frontage, narrow plan terrace



Wide frontage detached



Narrow frontage, deep plan terrace

In both cases:

- The front façade of the property should be kept flat, apart from simple porches
- Roofs should be a simple pitch with ridgelines aligned parallel to the street and chimneys located on the ridgeline
- On occasion, a narrow frontage property may be arranged with its gable end to the road (see chapter 7 for guidance on building facades, roofs and chimney details). However, care should be taken to ensure that the gable proportions are well balanced
- The frontage of individual buildings or the terrace can be faceted or curved to respond to a change in street alignment, with adjustments to the internal building plan
- Garages and other outbuildings should relate well to the form of the main building
- Projecting bay windows should only be used occasionally
- Dormers can be used occasionally, when arranged in proportion with the property and neighbours, but overuse can disrupt the roofline

Figure 6.6 Examples of typical typologies



Wide fronted terrace, Adderbury



Narrow fronted 3 storey terrace, Banbury



Wide fronted, detached behind a garden, Bloxham



Narrow fronted, semi-detached, Islip

The following should be avoided:

- Projecting front gables (uncommon in Cherwell vernacular)
- Deep or square plan forms
- Hipped or pyramid shaped-roofs (overtly suburban character and difficult to group)
- Exposed wide gable ends (uncommon in Cherwell vernacular)
- Narrow fronted, detached houses (results in a gappy frontage)

Relationship between building size, form and plot

There is no limit on the size of property which can be successful accommodated in a terrace form, with examples ranging from workers cottages to mansion townhouses. A detached form should only be used for larger properties (a net floor area of over 100 sqm).

To avoid the appearance of ‘cramming’, detached properties should only be sited on larger plots which have sufficient generosity to balance internal and external space requirements effectively and accommodate car parking without garages and driveways dominating the street frontage.

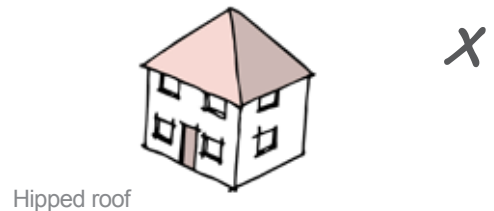
Chapter 4 provides further guidance on the relationship between building typologies and density.

Apartment buildings.

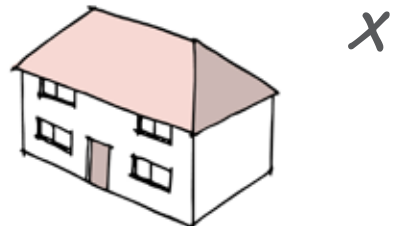
In general, apartment buildings should be designed to be indistinguishable from individual houses and subtly integrated into the street e.g. taking the form of a wide frontage, detached house.

In local centres or at transport hubs, a higher density and greater proportion of apartments may be appropriate. In these locations bespoke solutions for larger apartment buildings should be developed with Cherwell District Council.

Figure 6.6 Typologies to be avoided



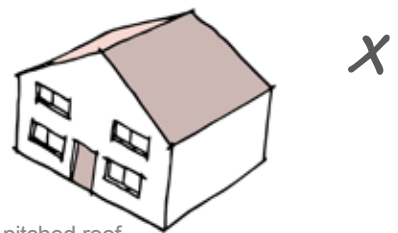
Hipped roof



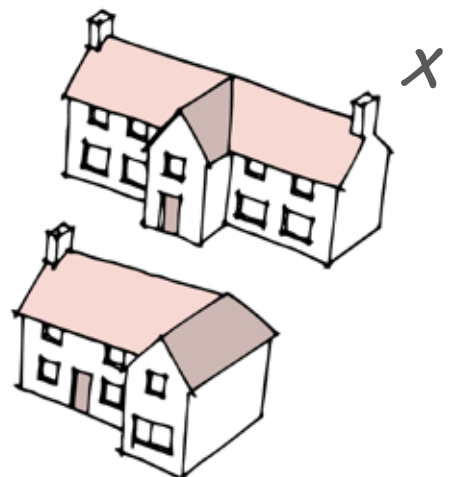
Square plan with pyramid roof



Shallow pitched gable end



Shallow pitched roof



Inappropriate projecting gables

6.6 Landmarks, vista stoppers and corner turners

Bespoke design solutions are required for important and sensitive locations including landmarks, corners and to terminate vistas.

These buildings lead the eye onwards and play an important role in helping people to understand and find their way around the settlement. While focal buildings are important, it is equally important that they work in context with those adjacent. The location of landmark buildings should be considered in the context of the masterplan and hierarchy of streets and places.

Landmarks

Landmarks should be located in prominent positions to help people navigate and remember the organisation of streets and places. They should be designed to draw attention, add interest and focus. They can be an individual building or a group or even a landscape feature. A landmark might include some of the following characteristics:

- Greater scale than its neighbours
- Grander proportions to its facade
- Increased ornamentation
- Distinctive architectural style or form e.g. a detached, classically proportioned house in an otherwise informal, terraced street
- Variation in materials

Vista stoppers

Vista stoppers are required to spatially enclose and frame views e.g. at the end of a street. Vista stoppers are not necessarily landmarks, but should be well proportioned and attractive building frontages or a public space framed by buildings. A vista stopper may also give sense of direction e.g. a curving group of buildings which lead the eye onwards.

- Where a building is used to terminate a formal street vista it should be arranged centrally to the view to give a sense of symmetry
- 'Dead' frontages such as blank facades or fences, garages or parking areas must not be used as vista stoppers

6



House at end of a street, South West Bicester



Landmark view, Bloxham



Prominently positioned house, Lower Heyford

Turning the corner

Corner sites are visually prominent. Where two streets form a junction, a bespoke design solution is required for the corner plot. This should respond to the hierarchy of each street.

- The corner should typically be turned by a group of buildings, especially on principal and high order streets and places
- A single building with two active fronts in (as shown in figure 6.7) may be acceptable along lower order streets
- Both frontages should be 'active'
- Greatest emphasis should be given to the principal street frontage in the overall hierarchy, with front doors and principal windows



Figure 6.7 Plans of corner buildings

- The continuous frontage of a terrace could curve with the street. The plan of individual properties will need to be splayed to accommodate this
- If the corner is also to form a landmark, additional emphasis can be given to doorways and windows or the height can be raised subtly above the surrounding buildings, or a non-residential use incorporated at the ground floor

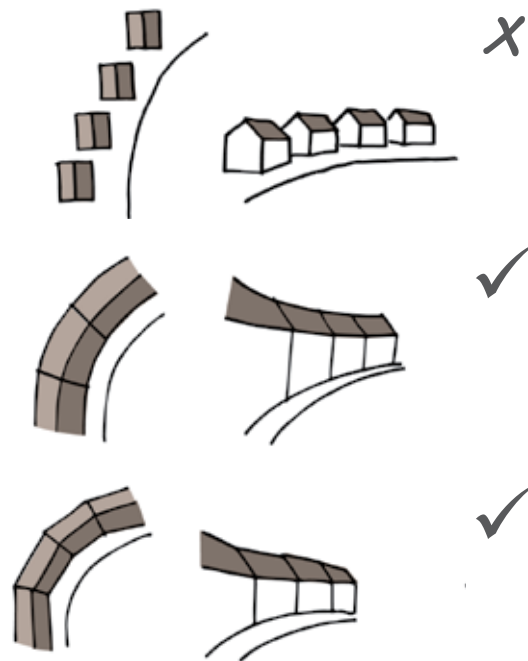


Figure 6.8 Diagram of continuous frontage (adapted from Essex Design Guide, Essex County Council)



Single corner building, Bloxham



Corner terrace in new development, Adderbury

6.7 Amenity space

Outdoor amenity space should be provided in the form of rear private gardens for houses and balconies, roof gardens or shared gardens for flats.

The amount of gardens and outdoor space should be appropriate to the size of the property, with an expectation that larger properties will be located within larger plots with larger garden, reflecting the likely needs of larger families.

Principles for amenity space

- Amenity space must be usable and receive sunlight for the majority of the year. Building heights, orientation and access to light must be considered to prevent overshadowing, particularly in north facing gardens
- Areas must not be overlooked, lack suitable privacy, or have other primary functions e.g. car parking, refuse storage and footpaths are not amenity space
- A minimum distance of 22m back to back, between properties must be maintained
- A minimum of 14m distance is required from rear elevation to two storey side gable
- First floor habitable room windows must not be within 7m of neighbouring property

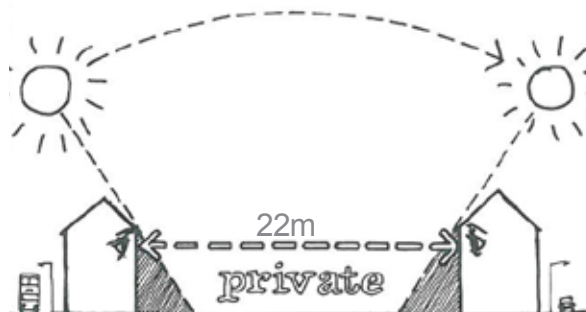


Figure 6.9 Amenity space and sunliting (source: Responsive Environments, Bentley et al. p15)



Existing mature tree incorporated within private garden space, Upper Heyford.



Mews street, approximately 7m wide, Trumpington Meadows, Cambridge

Boundary definition

There should be a clear definition between the public realm and private amenity space, through enclosure by walls, fences, hedges and other threshold features. This is important in establishing a sense of ownership. Boundaries often form important features in the public realm and contribute to the character of an area.

In general the boundaries to front and rear gardens should be as follows:

- Front garden walls (between the public realm and private front gardens) should be approximately 90cm high and in the same material as the front wall of the house, unless this is render, in which case the coping should be brick or stone. Gates in these front garden walls may be in painted metal or wood or stained wood, and should be the same height as the front garden walls.

- Metal railings are also appropriate, either on top of a low wall or as a stand-alone feature, especially on formal streets
- Rear and side garden walls separating the public realm from private spaces and including the boundaries to parking courtyards should be at least 1.5m high and should be in the same material as the front external wall of the relevant house
- Fences should not be used where visible from the public realm
- Gates within these garden walls should be in painted vertical timber boarding and should match the height of the relevant walls



Traditional boundary treatments

6.8 Materials

The choice of materials should vary across the masterplan in response to the proposed local character.

Materials are an integral part of the character of streets and places and should be used to reinforce the character of different places. The majority of the development should have a simple palette of high quality materials. Natural local stone and slate will be expected in key and sensitive locations, for example, on prominent frontages, key entrances into the site and in areas adjacent to public rights of way and the open countryside (see chapter 7).

The choice of material should create visual harmony across the street as a whole, with a limited palette of materials. An indiscriminate pepper potting approach should be avoided.

Section 7.3 provides details of appropriate materials in different parts of the District.



A simple palette combining modern materials and local stone applied across buildings and the street, Radstone Fields Brackley



Simple palette of materials, Barford Road Bloxham



Use of local stone, Woodstock



7 BUILDING ELEVATIONS AND DETAILS



7.1 Sustainability considerations

7.2 Façade proportions

7.3 Building materials

7.4 Detailed guidance

7.4.1 Windows

7.4.2 Roofs

7.4.3 Doors and porches

7.4.4 Decoration

7.4.5 External boxes

Building proportions, details and materials contribute to making a home functional and liveable. Of equal importance is the impact that the detailed design of individual buildings has on the character and visual coherence of the street as a whole. This chapter considers how the character and composition of places should be articulated and reinforced through the detailed design of building elevations.

The guidance contained in this chapter is more detailed and prescriptive than earlier chapters, setting out simple rules on proportional relationships, materials and detailing.

The vernacular architecture of Cherwell has a simple form and use of details and it is this simple pared back architecture that gives the area its distinctive character. The detailed design of buildings including the choice of materials is important in reinforcing the character of the scheme which is established through the masterplan.

Buildings should be designed as part of an overall street composition rather than designing individual buildings in isolation. Details are also important in providing living environments which are functional and comfortable. The vernacular architecture of Cherwell is very simple and care should be taken to ensure that a limited palette of materials and details are considered.

CDC promotes innovative and sustainable architecture and are happy to consider modern architectural solutions, where they are of exemplary design and in the right context. Further information is set out in chapter 8.

Where a more traditional approach to building design is being taken, it is important that this does not follow a generic 'traditional' style, which has little relationship with Cherwell. The guidance set out in this chapter promotes an approach to architectural design and materials that reinforces the area's character.

New development in Cherwell should promote:

- Well proportioned, simple facades in keeping with the character of the District
- Details which perform a functional role, protecting the building from water ingress etc. and which are designed to be long lasting and low maintenance
- Details which reinforce the role of each building in creating a visually coherent scheme
- Bespoke house types which integrate locally appropriate details as part of their construction. The Council will expect to see bespoke design solutions reflecting local character for elements including windows, doors, porches, bay windows, dormers, roofs and chimneys. Careful attention should also be paid to the finer details such as eaves, verges, quoins, plinths which must be in keeping with local tradition (see detailed guidance in section 7.4)
- The use of high quality, locally appropriate materials across the scheme
- Affordable housing which is indistinguishable from market sale homes
- Careful location of windows and doors within the facade which:
 - informs the overall organisation of a building and the character of individual rooms. For example: larger windows and greater floor/ceiling heights bring a sense of space and light
 - has an impact on the energy efficiency of the building (see section 7.1) and the need for artificial light and heat

New development should avoid:

- A focus on the design of individual buildings rather than the overall street composition
- A scatter-gun approach to detailing and the use of materials, creating a visually incoherent scheme
- Use of inflexible, standard house types and detailing which are not reflective of local character
- Poorly proportioned facades
- The use of stick-on or skin deep elements to add 'character'
- Poor quality materials and poorly designed details which bring problems of repair and maintenance

Cherwell promotes well detailed simple form, using high quality materials and robust construction techniques. We expect details which are an integral part of the building design and the street composition. The use of 'stick-on' details to add character is not acceptable, neither is a scatter-gun approach to the detailing of individual houses with no consideration of the overall composition of the street.

The use of high quality, locally appropriate materials and details should be factored into the scheme cost analysis from the outset.

Please refer to the following chapters for supporting information:

- **Chapter 2:** For a summary of District's distinctive characteristics and character areas
- **Chapter 4:** For details of how the scheme's character is established through the vision and structuring principles of the masterplan and block structure
- **Chapter 5-6:** For details of how the character of individual streets and places will be established in the public realm and the composition of buildings
- **Chapter 8:** For further details on sustainability considerations
- **Appendix A:** List of Conservation Areas within the District

Further reading:

- **Conservation Area Appraisals, CDC**
- **Windows and Doors in Historic Buildings - Planning Guide 1, 2007, CDC**
- **Colour Palettes: Banbury, Bicester, Kidlington, 1996, Roger Evans Associates for CDC**

7.1 Sustainability considerations

Buildings should be designed to provide good, practical and economic natural lighting, ventilation and thermal insulation.

Across the District, new development should seek to increase standards of sustainable design, the principles of which should be established through the masterplan layout and block structure. In particular, the orientation of development blocks has a significant impact on the potential to reduce the need for heating through passive solar gain and the potential for successful PV and solar water heating. Section 4.9 and chapter 8 provide further details on this issue.

CDC is planning to produce a Sustainable Building Supplementary Planning Document which will provide guidance on a range of measures, such as reducing energy and water use in the design of new buildings. This approach should be applied in an integrated way which is complementary to the wider character-led objectives of this Guide i.e. the use of locally appropriate building forms, materials and details.

Opportunities to consider include:

- Window design in response to passive solar gain and building orientation
- High standards of insulation including glazing
- Thermal mass of building materials
- Natural/passive ventilation or efficient mechanical ventilation
- Low temperature heating systems such as underfloor heating
- Solar water heating
- Photovoltaic panels
- Ground sourced heat pumps
- Heat exchangers
- Low embodied carbon materials

Chapter 8 provides further details.

The Local Plan sets out in policy ESD 3 guidance on sustainable construction. In addition, the detailed design of buildings and the public realm should support increased levels of sustainability in broader terms for example:

- The inclusion of bat and bird boxes, and hedgehog fence holes to support biodiversity
- Encouraging recycling through appropriate storage and easy access (see chapter 6)
- Easy access to bicycle storage and provision of electric car charging points to encourage sustainable movement choices (see chapter 5)

Sustainability exemplar

Sustainable building is an integral part of all development. We promote exemplary standards of sustainability and innovation in architecture and further information on this is set out in chapter 8.



Photovoltaic panels, Trumpington Meadows, Cambridge

7.2 Façade proportions

The traditional arrangement of windows, doors and other elements varies from building to building, but can generally be described on a spectrum from the formal, classically arranged facades, to the more informal, with a cottagey character found in less grand properties particularly in the villages.

Formal vs informal

The choice of whether to apply a more formal or informal arrangement should be a response to the proposed character of the building, the street as a whole and its relationship to the wider context.

In determining whether a façade has good proportions the following rules of thumb should be applied (although innovative, modern architecture styles often breaks these rules successfully).

For all buildings:

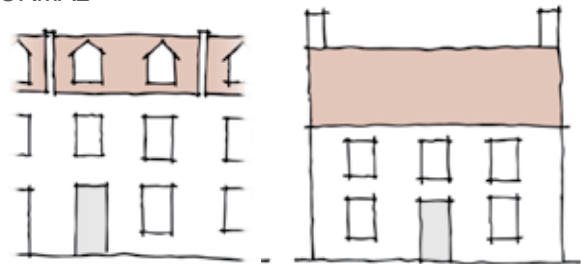
- Window openings should normally diminish in height as the building rises, so ground floor windows should be taller than first or second floor windows
- The arrangement of windows should consider the balance and proportion of the overall street façade
- Horizontal strips of windows should always be avoided

Formal / classical:

- Generally appropriate for townhouse, detached and semi-detached properties
- More symmetrical arrangement of windows often around a central front door, with windows aligned both vertically and horizontally and regularly spaced
- Windows typically have a strong vertical emphasis and may utilise the golden section (1: 1.618) or 1:2 width to height ratio
- Window generally occupy between 25-35% of the principal elevation
- Windows should be sash, with a symmetrical pattern
- Where dormers are used, they should be lined up with the windows below

Figure 7.1 Simple formal and informal facades

FORMAL



INFORMAL



Figure 7.2 Unsuccessful facades



Informal / cottage style:

- Generally appropriate for smaller properties with lower floor to ceiling heights
- Less symmetrical arrangement of windows and front door, with varying window to wall relationships
- Windows generally occupy between 15-25% of the elevation
- Casement windows which are taller than they are wide should be divided by timber or stone mullions to give a horizontal emphasis
- Upper windows are often positioned very close to the eaves
- The use of dormers should be occasional and where used should be small scale
- Single casement windows are not appropriate

Figure 7.1 illustrates simple formal and informal arrangements. Figure 7.2 illustrates for comparison, an unsuccessful arrangement which is not quite symmetrical, has mean windows on the ground floor and an oversized dormer.

Apartment buildings

As discussed in chapter 6, apartment buildings should generally be designed to resemble a larger detached or townhouse property following the formal façade arrangement outline above.

In higher density locations, larger apartment buildings may be appropriate. The Council will expect to see a carefully articulated elevation, which has appropriate proportional arrangements and a level of variation in keeping with the overall character of the street.



Bloxham



Islip



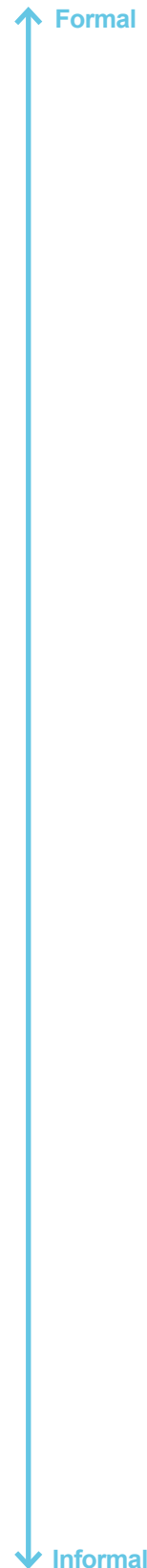
Woodstock



Lower Heyford



Adderbury



7.3 Building Materials

A simple palette of locally appropriate materials should be used to bring visual coherence to the scheme as a whole. The palette should co-ordinate materials across buildings, boundary treatments and the public realm.

The use of a simple, consistent palette of walling materials is one of the most distinctive characteristics of Cherwell’s historic towns and villages. The North of the district is dominated by golden-yellow ironstone while paler limestone is used in the South. Red brick is also used, particularly in Banbury and Bicester. Chapter 2 provides further details on the distribution of materials across the District.

New development is expected to continue this tradition, through the use of locally characteristic materials for the construction of all new homes across the District. Tables 7.1 and 7.2 provides details of acceptable building materials and detailing.

Principles for use of building materials:

- Where stone is used it should be natural stone (not reconstituted or artificial stone)
- Brick should match local Banbury or Bicester brick
- The Council expect the proportions of natural stone , slate to be used:
 - 80% conservation areas
 - 60% village locations
 - 40% elsewhere
- Wood cladding, concrete and plastic substitutes for natural materials are not acceptable

- Variation in the use of materials between buildings or groups of buildings may be used as a means of reinforcing the character of key spaces or landmarks, but should generally be minimised so that the building line reads as a single element framing the public realm
- A building must be constructed in one walling material and a mix of materials is not acceptable. For example, ground floor brick and upper floor render. Where stone is used the same material should be used below the damp proof cause level. Exposed brick or other material will not be acceptable
- Garages and out buildings must be constructed in the same material as the main property
- Expansion joints should be avoided onto the public realm. Where required they should be discreetly located behind rainwater goods (i.e. gutters and downpipes)
- Soldier courses or other ornamentation is not normally appropriate
- The materials palette should be discussed and agreed with the Council at an early stage. The palette should include walling, roofing and boundary treatment/threshold materials. The palette should co-ordinate across buildings, thresholds details and elements of the public realm such as paving
- The colours of the palette should be informed by the Roger Evans Associates report ‘Colour Palettes: Banbury, Bicester, Kidlington’ produced for the Council



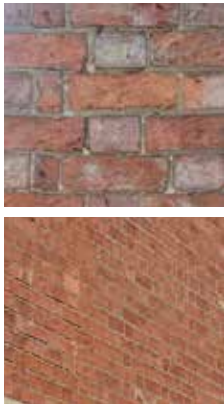


Table 7.1 Appropriate use of local stone


	Character Area					
	Bicester	Banbury	Ironstone Downs	Cherwell Valley	Ploughley Limestone Plateau	Clay Vale of Otmoor (including Kidlington)
Ironstone		Y	Y	Y (North)		
Limestone	Y		Y (south)	Y	Y	Y

Y = appropriate in this location
O = occasional use only





Table 7.2 Materials and detailing

Walls (external walls and thresholds)

Material	Details
Ironstone	 <ul style="list-style-type: none"> Local ironstone with dark honey tones. Lime mortar Coursing Ashlar / finish Expansion joints (where necessary) should be out of sight e.g. located behind rainwater goods
Limestone	 <ul style="list-style-type: none"> Cotswold limestone (pale, oolitic limestone) Lime mortar Coursing Ashlar / finish Expansion joints (where necessary) should be out of sight e.g. located behind rainwater goods
Brick	 <ul style="list-style-type: none"> Colour: Soft toned red brick, reflecting local historic brick Beige bricks are inappropriate Variation in batch Texture Mortar Brick bonding should be stretcher, English or Flemish bond Garden wall bond should be used for garden walls
Render	 <ul style="list-style-type: none"> Self-coloured render or painted to reference brickwork or weathered stone, but in most cases should not be the main material (refer to Colour Palettes report, Roger Evans for colour details) Robustness and maintenance should be considered
Wood	 <ul style="list-style-type: none"> Only appropriate on barns, outbuildings etc.

<p>Railings / hedging</p>		<ul style="list-style-type: none"> • Painted black metal railings. • Full height or on top of brick / stone wall with coping • Hedges can be used to create a softer edge and can be used in combination with railings. • Black railings • No timber fencing onto public realm
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Roofs

Material	Details
<p>Clay tile</p>	 <ul style="list-style-type: none"> • Red plain clay tiles • Blue clay tiles on northern edge of district • No concrete or profiled duo imitation tiles.
<p>Slate</p>	 <ul style="list-style-type: none"> • Blue / black Welsh slate • Stone slate • No imitation slates.
<p>Chimneys</p>	 <ul style="list-style-type: none"> • Chimneys throughout the District should be constructed of brick. • Clay chimney pots • •
<p>Rainwater goods</p>	 <ul style="list-style-type: none"> • Gutters and downpipes should be in painted metal (normally black)

7.4 Detailed guidance

The design of individual elements of the building façade including the windows, doors and the building's roof play a significant part in defining the character of a building and the wider settlement.

This section provides a set of simple rules for the detailed design of windows, dormers, roofs, doors and porches, decoration and external boxes. These apply to all new homes across the District.

7.4.1 Windows

General

Windows make a fundamental contribution to the character and appearance of buildings and settlements more widely. Guidance on the general arrangement and proportions of windows within the façade (solid / void relationships) is contained in section 7.2 and relates to the character of the building, whether formal/classical or informal/cottage style.

- The design of individual windows should be a response to building character
- Window details must match / be consistent on all elevations
- Slim line double glazing should be used
- There should be no frosted glass on any principal elevation
- Glazing bars should be structural and no ornamental plastic strips will be accepted

Casement:

- Casement windows should be side-hung, flush fitting and balanced casement widths
- The height of individual windows should always be the same or greater than their width
- Window openings wider than 450mm should be divided vertically and equally, by stone or timber mullions
- The frame on the hinge side should normally be fixed to a wall or a substantial vertical framing member/ mullion
- Windows frames should be timber or metal in Conservation Areas and other sensitive locations
- Single casement windows should not be used



Consistent window details, Upper Heyford



Casement window flush with wall, Bletchingdon

Sash:

- Sash windows must be vertical sliding with the upper and lower sash equal, and together filling the whole opening height
- Windows heights should be greater than their widths, with proportions in line with the Golden Section i.e. a ratio of approximately 1:1.618
- Windows frames should be painted timber in Conservation Areas and other sensitive locations

Recesses, cills, lintels and arches:

- Window recesses should normally be about 100mm.
- To achieve good visual contact between buildings and streets, window cill heights should not normally be more than:
 - 600mm above floor level in ground floor areas or living/dining areas at first floor level
 - 800mm above floor level in upper floor areas
- Flush cills are required (double cills are not acceptable)
- Stone and timber lintels are preferred (timber for casement windows in vernacular buildings), but brick faced lintels may also be used
- Where timber lintels are used they should be integral to the building (they should be a minimum of 150mm deep and have a 215mm margin at the edge of the window)
- Brick gauged flat arch or stretcher soldier arch are acceptable. On end brick lintels are not acceptable, neither are arched headers unless they are traditionally detailed
- Stone drip moulding may be used on stone lintels, where traditionally detailed



Sash window, Woodstock



Sash window, Bloxham

Dormer windows:

- Well-proportioned slim profile dormers should be used and be of a smaller scale than the lower windows of the elevation. Their construction must be integral with the main roofs
- Dormers should be located in one of three positions on the roofs:
 - at or below half-way up the roof slope (packed off one of the purlins), with the ridge of the dormer well below the main ridge of the house
 - at the eaves, aligned to the internal wall
 - at the eaves, aligned to the external wall face
- Gabled dormer roofs are preferred. Pitched roofs must be at least 40° to the horizontal. The facing material of the pitch should match the main roof of the relevant building. The cheeks and gable (if gabled) should be of roughcast render or lead
- The dormer cheeks should slim
- The windows themselves should be flush fitting, side-hung timber, two-light casements
- Flashing should be minimised and well detailed to ensure water runoff
- No glass reinforced plastic (GRP) to be used

Figure 7.3 Dormer window locations

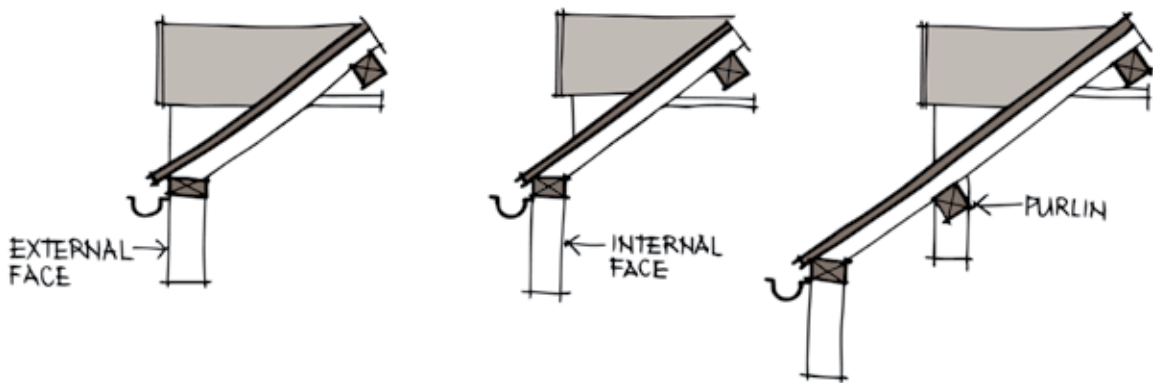
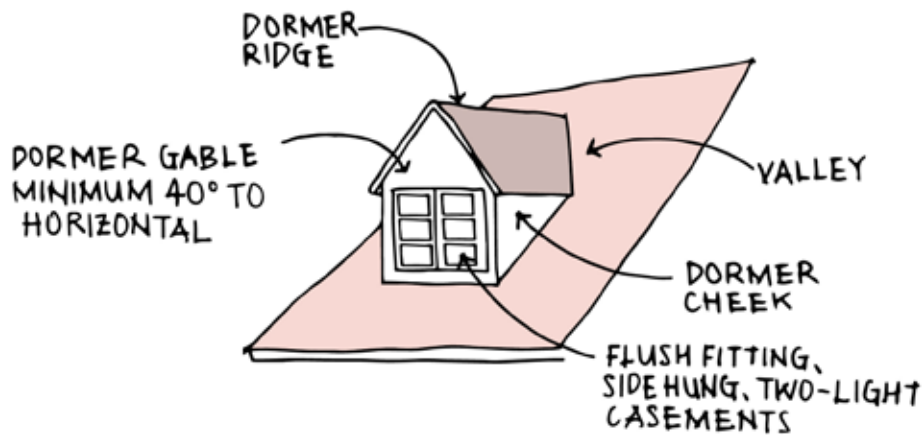


Figure 7.4 Annotated diagram of a dormer window



Rooflights:

- Rooflights are not acceptable on the front or principal elevation
- They should be flush between rafters
- Where used they should be parallel to the roof surface, with a vertical emphasis and modest in size (not normally more than 900mm in either dimension). They should be fully surrounded by roof tiles or slates
- Rooflights should be framed in wood or metal



Sustainability exemplar

The size, type and arrangement of windows in relation to the path of the sun and prevailing winds can have a significant impact on the need for heating and lighting. Where appropriate to the character of the building and street, habitable rooms and larger windows should be located on south east, south west or south facing elevations. The northern side of the building is more suitable for service and storage areas, with smaller windows to reduce heat loss.

In sustainability exemplars, to maximise the potential for passive solar gain, the arrangement of rooms and building form may need to shift away from the traditional arrangement.

Chapter 8 provides further information on these aspects.



Good examples of modern dormer windows, pitched roofs, slate tiles and brick chimneys, Woodstock



Small rooflights on rear elevation, South West Bicester

7.4.2 Roofs

Roof pitch angles and arrangements:

- Roofs must be pitched at least 40° to the horizontal with the ridgeline generally running parallel to the principal elevation
- Gables should have a narrow form where visible from the public realm
- Hipped roofs are generally not acceptable
- In the case of very deep buildings where there is substantial usable accommodation within the roof space, the central part of the roof (at least 4.5m back from the gutters) may be virtually flat – with only enough slope to allow rainwater to drain
- Garages and other outbuildings should have pitched roofs wherever possible
- Projecting gables can be used occasionally. They must be narrow in profile

Roof materials:

- Roofs should be of clay tiles or grey roof slates. Thatch and stone slates are also locally characteristic
- Profiled concrete tiles are not acceptable
- Tile hanging and timber boarding is not appropriate on gables.
- Photovoltaic panels and tiles will be appropriate in many locations. See Chapter 8 for further information

Roof verge and eaves treatments:

- Roof verges should be kept very simple, with a mortared edge and no overhang. No fascias or bargeboards should be used
- Eaves should be 'clipped' i.e. simply pointed with mortar, with minimal or no overhang and no soffits or fascias. Gutters should be as tight as possible to the wall face
- Occasional copings / parapet walls can be found in the district
- Gutters and downpipes should be in painted metal (usually black)
- No upvc clip edges on verges or gables



Steeply pitched roof with no overhang, Bletchington



Inappropriate use of upvc clip edges, and fascias to gable



Guttering, South West Bicester

Chimneys and their locations:

- Chimneys are an important feature because they punctuate the skyline, articulate the roofline and therefore form an important component in the character of streets
- They should be of brick masonry construction and integral to the building (both in terms of construction and location)
- Working chimneys are preferred either providing a route for smoke or effluent from open fires or boilers or for mechanical ventilation, or acting as a termination of soil vent pipes
- They should be rectangular in form, located at the edge of the ridgeline and central to the gable
- They should project a minimum height of 1m above the ridgeline, with proportions relating to the overall scale of the host building and adjacent structures
- Windows or doors should not be located below a chimney
- Clay chimney posts should be used



Rectangular brick chimney at edge of ridgeline and central to gable, Bloxham



Rectangular brick chimney at edge of mid-terrace dwelling, central to gable, Adderbury

7.4.3 Doors and porches

Doors:

- All external doors should be in painted timber with a simple, well-proportioned design appropriate to the type and character of the property. For buildings of a formal character either four or six panelled design is appropriate, while timber ledge, braced or boarded designs are in keeping with a more informal, cottage style
- Large glass panels and mock fan-lights should be avoided
- Doors should be recessed into the wall by at least 50mm
- Door furniture should be simple, functional and in keeping with the character of the building
- Side lights to doors are discouraged



Flat porch, Adderbury

Porches:

- Porches should be in proportion with the building façade. Wide porches which cover an area larger than the front door itself will in most cases be unacceptable
- They should be open to the front and sides so that they are effectively just a canopy
- Simple porches should comprise a hood with a gabled or flat form projecting over the door, supported by timber brackets
- Larger porches should be supported by posts, but be in keeping with the size of building and context
- The height of porch roof eaves should line up with the top of the relevant door frame
- Blind walls to the street with entry to the side are not acceptable
- Pitched porch roof materials must match the main roof material
- No fibreglass, plastic or glass reinforced plastic to be used



Simple gabled porch, Chesterton



Unsuccessful example of plastic faux-tile porch, Banbury

7.4.4 Decoration

- Decoration is generally not acceptable on most buildings and is not characteristic of the simple vernacular architecture of the District
- Where decoration is used it must be traditionally detailed, functional and have a clear purpose
- Where decorative features are used on key buildings to emphasise their importance, these should take their design cues from the surrounding area

7.4.5 Services

- The visual impact of boxes, vents and flues should be considered at a layout stage to ensure these features do not negatively impact on the public realm
- Vents and flues should not be located on the front facade
- Electric and gas meters should, wherever possible, be located as close to the ground as possible on side or secondary elevations where they are not visible from the public realm. For terrace properties where this is not possible, boxes should be installed at a low level, preferably behind a wall or planting
- The choice of box colour should consider the walling material and location. It if is not possible to subtly match the colours, black should be the default



Subtle brick decoration



Simple hood mould decoration



Localised brick detail around doorways

8 INNOVATION AND SUSTAINABILITY



- 8.1 Sustainability and urban form**
- 8.2 Layout considerations**
- 8.3 Sustainable design and construction**
- 8.4 Sustainable technology**

CDC is a forward thinking Council which encourages innovations in design and construction to deliver higher levels of sustainability. The district has been leading the field in sustainability through the eco-town exemplar project at North West Bicester and is promoting the UK's largest self-build project at Graven Hill.

'Cherwell – safe, green, clean' is a priority of the Cherwell Business Plan 2017-18. There is a need to cut carbon, and since buildings make up 40% of carbon use, it is essential to use sustainable sources of energy and building technologies. New homes also need to be built to withstand less predictable and more extreme climatic conditions in the future. Other important considerations include water management, ecology, resource consumption and pollution, together with the wider social and economic aspects of sustainability.

Theme Three: Policies for Ensuring for Sustainable Development of the Cherwell Local Plan Part 1 2015 sets out the Council's strategy for ensuring that the impact of development on the District's environment is reduced, including taking steps to progressively reduce reliance on meeting energy needs from fossil fuels. Policies ESD 1 – ESD 17 deal with the Council's response to climate change including renewable energy and decentralised energy provision, sustainable construction, sustainable flood risk management and green infrastructure. Policy ESD 3: Sustainable Construction expects:

'All new residential development...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.'

This chapter provides further information on these topics but does not set out specific guidelines as to how you develop homes with higher levels of sustainability; this is a rapidly changing field and the principles vary depending on the type of development. Rather, this chapter provides overarching principles and inspiration, setting out key issues which must be considered by all developments in the District. It forms a precursor to the planned Sustainable Buildings in Cherwell Supplementary Planning Document.

New development in Cherwell should:

- Consider sustainability objectives at the masterplan, plot and building scale
- Incorporate innovation in a manner which reinforces the principles of good urban design
- Create robust places which can adapt to future changes in the way we live and use technology
- Create healthy buildings which provide a safe and comfortable environment for their inhabitants

New development should avoid:

- Incorporating innovations without fully considering the wider impacts on masterplan layout and character of place
- Ostentatious architecture that does not sit comfortably with its context
- Weakening the fundamentals of good urban design for the sake of innovation

Please refer to the following chapter for supporting information:

- **Chapter 2:** For a summary of the District's distinctive characteristics and character areas
- **Chapter 3:** For details of how site analysis should be undertaken to inform the masterplan
- **Chapter 4:** For details of how a robust masterplan structure should be established
- **Chapter 5-6:** For the fundamental urban design principles for street and plot design.

Further reading:

- **The Environmental Design Pocketbook (2nd Edition), 2016, Sofie Pelsmakers**
- **The Sustainable Building Bible: An Insiders' Guide to eco-renovation & Newbuilding, 2011, Tim Pullen**
- **Climate Change and Adaption Report – NW Bicester, 2012, R Gupta, H Du and M Gregg (Oxford Brookes University)**
- **www.greenspec.co.uk** – independent online resource promoting sustainable building products, materials and construction techniques.
- **www.bre.co.uk** – for details of BREEAM assessment criteria and best practice examples

8.1 Sustainability and urban form

Consideration of sustainability is integral to good masterplanning and architectural design. The fundamental principles of sustainability should be embedded in all build programmes in the District.

To deliver Local Plan policy objectives, it is expected that sustainability will be considered at all stages of the design process from masterplanning to detailing. Sections 8.2 – 8.4 summarise the key issues to be considered.

The majority of development schemes will be expected to closely follow the guidance of chapters 4-7 reflecting the vernacular tradition of Cherwell. Sustainable building technologies should be incorporated in a sensitive manner without detriment to the architecture or street scene.

CDC actively promotes schemes which deliver exemplary levels of sustainability as at Bicester Eco-town. CDC recognises that innovative, non-traditional architecture and street typologies may be an appropriate design response in these circumstances.

Where innovation leads to deviation from chapters 4-7 of the Design Guide, CDC will agree bespoke design solutions with scheme promoters which are nonetheless compatible with the wider character of the district and are of an exceptional urban, landscape and architectural design standard. Additional time and investment will be required to develop the design in consultation with the Council.

Non-traditional architecture should have a sense of belonging to Cherwell and should draw on the key characteristics of traditional streets and buildings in the district, such as:

- the use of a simple palette of local building materials
- simple, non-fussy architecture and building typologies
- the arrangement of buildings in a terrace providing a strong frame to the street

Modern architecture does not have to be ostentatious. While it is appropriate for landmark buildings and others which make a significant contribution to the fabric of a place to stand out, the majority of buildings should be polite and sit comfortably together. In all schemes, the core principles of good urban design must still apply. For example, CDC will expect layouts to follow the principles of the perimeter block (see section 6.3) with buildings fronting onto streets and spaces and a clear definition of public/private boundaries, regardless of the architectural character or street orientation.

Sustainable exemplars therefore can be more expensive to deliver both in terms of time spent developing the design in consultation with the council and the use of high quality materials and detailing creating a more expensive build cost. However, there are many long term benefits from this approach including increased fuel efficiency, balancing these costs over the life-cycle of a building.



Zero carbon terrace, Upton, Northampton

8.2 Layout considerations

The masterplan layout has a fundamental impact on the sustainability of the scheme.

Site location

A sustainable approach to site allocation is embodied in the policies of the Local Plan and tested through the Sustainability Appraisal process.

Environmental and climate factors such as flood risk, and the potential impact of development on biodiversity and landscape assets are assessed together with social and economic sustainability considerations.

The location of development has a significant impact on how a place will function in the future and the impact of development on the environment.

- Locating development in proximity to existing community facilities, town centres and employment areas assists in reducing the need to travel by vehicle for day to day activities, as does the creation of new places with sufficient scale and diversity to generate the need for new local centres and services
- Tying into existing public transport routes, walking and cycling networks also supports a shift towards more sustainable modes of travel and reduced energy consumption



Multi-functional green corridor.

Masterplan

Chapter 4 explains how the structuring principles of the masterplan should be established, following robust urban design principles to deliver new places which have long lasting sustainability. These principles should be followed by all new developments.

Where the vision is for a sustainable exemplar with high levels of energy efficiency, it is recognised that this will have an influence on the urban form of the masterplan and the design of individual buildings.

The key considerations for sustainability include:

Land use mix

- Providing a mix of different sizes and tenures of homes, and non-residential uses within walking distance to encourage social interaction and community cohesion, and to reduce the need to travel for daily essentials (see section 4.3)
- Avoiding urban sprawl by making efficient use of the site. Higher density schemes generate demand for public transport and local facilities. Terrace homes and apartments are inherently more energy efficient than detached homes. (see section 4.8)
- Creating flexibility within the masterplan for uses to change and places to adapt over time
- Considering the potential to use modern methods of construction to reduce waste arising from construction and improve the energy performance of homes. Implications should be considered at the masterplan stage, for example: modular construction may limit the available building typologies and their arrangement
- Considering the incorporation of sustainable energy strategies such as Combined Heat and Power and ground source heat pumps and the implications these technologies have on density and land use mix

Movement

- Creating a connected, permeable street layout which encourages walking, cycling and the use of public transport rather than use of private cars (see section 4.4-4.5)
- Connecting new places into the existing movement network of the surrounding area (see section 4.6)
- Providing appropriate levels of cycle parking and safe and convenient cycling routes to encourage cycling for medium length journeys (see section 5.4)

- Incorporating infrastructure for electric vehicles. Every home should have access to at least one electric charging point and 20% of spaces in public car parks should have electric charging points (see section 5.8) unless a car free development is proposed
- Considering the potential for low car or car free developments and the impact of these on street typologies and car parking arrangements including the use of car clubs
- Considering the implications of emerging transport technologies such as autonomous vehicles on street design and the provision of car parking



Electric vehicle charging point.



Green roof

Green infrastructure

- Retaining and incorporating existing hedgerows, trees and other landscape features as part of a connected blue-green infrastructure network across the site (see section 4.7)
- Planning sustainable drainage features early-on, to allow sufficient space within the masterplan and considering the implications for street design and character. For example: street swales will increase the width of the street and may need to be balanced by taller building to create an appropriate sense of enclosure (see section 4.7)
- Using sustainable methods to manage landscape features for example: using greywater collection for irrigation and solar energy for irrigation pumps

Microclimate - wind

- Avoiding exposure to strong north or north westerly winds or the creation of wind tunnels by careful consideration of street alignment and avoiding localised strong winds created by individual buildings which are much taller than their neighbours
- Using existing landscape features such as tree belts and hedges or the planting of street trees, tree belts, shrubs and grassland to provide shelter from strong winds and to moderate extremes of temperature through evaporative cooling

Microclimate - sun

- Considering the impact of street orientation and street proportions on the natural day lighting/shading and temperature of buildings, gardens and public spaces. Streets with a 1:1.5 to 1:3 height to width ratio allow for good natural daylighting and pleasing proportions (see section 5.3)
- Planting deciduous tree species to offer shading to buildings and public spaces in summer and allow sunlight in during the winter
- Considering the impact of street and building orientation on the potential to harness solar energy using photovoltaic panels. Orientating roofs within 15-20 degrees of due south maximises the potential for light and solar gain (see section 4.9). In sustainable exemplars this may be a key driver for the masterplan street layout
- Considering future changes in temperature and the impact this will have on choice of planting and materials within the public realm

8.3 Sustainable design and construction

Policy ESD 2: Energy Hierarchy and Allowable Solutions of the Cherwell Local Plan Part 1, 2015 sets out an ‘energy hierarchy’ to achieve carbon emissions reductions. At the top of the hierarchy is the need to reduce energy use, in particular by the use of sustainable design and construction measures.

Building form

The building typology and layout of homes has a significant impact on their performance, for example:

- Apartment and terrace buildings have a greater thermal mass than detached buildings and have reduced external walls area to floor area, which help to moderate temperatures fluctuations and minimise heat loss
- All homes should be designed to allow natural cross ventilation and cooling in summer, for example: dual aspect apartments with opening windows on front and rear elevations; higher floor to ceiling heights and the use of high level vents to allow hot air to rise and be expelled and cool air to be drawn in at low level
- The arrangement of rooms and windows should consider the path of the sun and prevailing winds to reduce the need for artificial lighting, heating and cooling, for example by locating living rooms

and larger windows on the warmer southern aspects, and minimising windows on cooler/exposed aspects

- Windows should be double or triple glazed and incorporate shutters or louvres to regulate solar gain and provide additional insulation
- Green roofs and walls should be incorporated where appropriate to provide insulation, water management and biodiversity benefits

Passivhaus

All schemes should consider the potential to deliver Passivhaus buildings. A Passivhaus is a super-insulated and airtight building, which does not need heating other than from solar gains, people using the building and appliances. It is fitted with a Mechanical Ventilation Heat Recovery unit (MVHR), which ensures there is always fresh air at room temperature. The MVHR can be fitted with an electric heater for top-up heat. Passivhaus use only 10% of the heating energy compared to conventional new builds. Windows can be opened and the buildings are known for high room comfort and good air quality.

Further information on Passivhaus specification and certification is available from the Passivhaus Trust at <http://www.passivhaustrust.org.uk/>.



Larch House, Ebbw Vale is the UK's first zero carbon (code 6), low cost, Certified Passivhaus.

Building fabric

The concept of embodied energy (or more specifically embodied carbon) considers the greenhouse gas emissions which are created during the life cycle of a material for example during extraction, manufacturing, transportation, installation and demolition.

In choosing building materials, embodied carbon should be considered (together with pollution impacts) alongside the carbon savings arising from the performance of the material in the home.

Considerations include:

- Re-using and refurbishing existing buildings, rather than demolition and new build
- The use of recycled and reused materials including locally reclaimed bricks, reclaimed roof slates and tiles, and recycling or reusing waste products arising from demolition and construction on site
- The use of locally sourced materials to reduce the energy expended in transporting materials, to support the local economy and to maintain the traditions of building in Cherwell (see section 7.3 for guidance on appropriate local materials)
- The use of cement substitutes in the manufacture of concrete blocks such as ground granulated blast furnace slag (GGBS) and recycled aggregate (RA) and recycled concrete aggregates (RCA) to replace quarried aggregate, or alternatives to concrete such as Ziegler clay blockwork to reduce embodied carbon
- The use of Modern Methods of Construction (MMCR) where elements (panels or 3D volumes) of the building fabric are manufactured off site in controlled factory conditions. The potential benefits include increased build efficiency, high energy performance products and quality assurance, reduced construction waste, construction time and impacts on site. MMCR covers a range of construction types including timber frame and Structural Insulated Panels (SIPS) which are lightweight but deliver high thermal performance
- Ensuring all timber used is from PEFC or FSC certified sources, ensuring responsible management of the world's forests



Modular construction factory, Ashford
(image courtesy of Brooke Homes)



Murray Street, London (source: Andrew Farrar, AJ Buildings Library)

8.4 Sustainable technology

The use of digital apps allowing users to control home heating while out of the home, and smart energy and water meters gives householders greater understanding and control over their daily energy and water consumption.

This smarter use of resources should be combined with the provision of energy in efficient and renewable forms, to deliver comfortable, low cost living environments.

CDC's energy hierarchy promotes the following strategies in the order listed below:

- Supplying energy efficiently and giving priority to decentralised energy supply
- Making use of renewable energy
- Making use of allowable solutions (further details of this are to be set out in the Sustainable Buildings in Cherwell SPD and Local Plan Part 2)

Decentralised energy

Local Plan Policy ESD 4 provides details of the use of decentralised energy systems either District Heating (DH) or combined heat and power (CHP) systems, to increase the efficiency of energy distribution. Scheme promoters should refer to The Renewable Energy and

Local Carbon Map, Local Plan Part 1 Appendix 5 for locations with potential for decentralised heat supply in the district.

Combined Heat and Power (CHP)

CHP systems utilise the waste heat produced when fuel is burnt to generate electricity, to heat homes and water. In conventional power generation large quantities of energy in the form of heat are wasted. By using this technique, the total energy conversion efficiency can reach 90%.

CHP can use renewable fuel sources such as biomass (energy crop or organic waste product) or be gas-fired (non-renewable).

Traditionally CHP has been used at the district or community scale, and most effective in relatively dense, mixed use developments. Micro-CHP serving individual homes is now becoming a commercially viable alternative to the traditional gas central heating boiler, while also providing electricity.

In the longer term fuel cell technology which generates electricity and heat directly through the combining of hydrogen and oxygen, could be used for micro-CHP.



Solar energy capture on homes of traditional and modern design, Villers Road, London (source: Architects Journal)

Renewable energy sources

Alongside biomass CHP, solar, wind and ground source heat pumps should be considered as potential sources of renewable energy.

Solar

Solar energy is captured using PV cells or solar water heating panels and require a south facing, unshaded roof.

- Photovoltaic (PV) cells use light to generate electricity and often directly feed electricity into the building. With the latest PV technology, cells can also be integrated into the roof tiles themselves, minimising visual impact. The cells can be grid connected, off-grid or hybrid and groups of solar PV cells can be added together to provide increasing levels of power
- Solar water heating panels uses the radiation from the sun to heat water which can supply that heat either as hot water or into a central heating system. If the system has been sized correctly, it can provide at least 40-60% of all household hot water requirements throughout the year. Unfortunately the demands on the central heating system are at their highest when the sun is weakest so a solar heating system will only contribute to part of a household's heating energy requirements

Wind

Wind turbines may be appropriate to generate electricity for individual or small numbers of dwellings in rural areas, subject to appropriate siting of the turbine away from dwellings and careful consideration of wider visual impact. In urban areas, they are unlikely to offer a viable form of energy generation.

Ground and Air source heat pumps

Ground source heat pumps utilise the constant below ground temperature and transfer heat from below the frost line into the building. They are effective in combination with low energy heating systems such as underfloor heating.

Air source heat pumps use the same principle but extract the heat from the air, rather than the ground. Their installation is much simpler and cheaper but the available heat is not constant and limited in winter months.

These systems require electricity to drive them, but in an efficient system where the heat gained is significant, one kilowatt of energy can generate three kilowatts of heat. The pumps have fewer mechanical parts than conventional heating systems, making them durable and more reliable. They also do not require external venting as fossil fuel systems do, so they do not pollute the air.

Water management

Use of water in the home from the mains should be minimised in all developments utilising approaches including:

- The fitting of low flow water goods
- Retention of roof water, for example through green roof systems and water butts
- Rainwater harvesting from roofs and grey water recycling which can be used for irrigation and toilet flushing, amongst other things
- Recycling of grey water through dual plumbing systems
- Recycling of black water is also an option through biological solutions



Street and roof orientation optimised for PV effectiveness, NW Bicester.

APPENDICES



Appendix A: Reading list

Appendix B: Local Plan Part 1, Policy ESD 15

Appendix C: List of Conservation Areas (2017)

Appendix D: Countryside Character Areas, settlement classification

Appendix E: Net density calculation

Appendix F: Residential Road Design Guide, OCC, Appendix A6

Parking standards for the City & Districts

Appendix G: Cherwell Design Initiative

Appendix A: Reading List

Building Research Establishment, www.bre.co.uk

Berks, Bucks and Oxon Wildlife Trust, <http://www.bbowl.org.uk/>

British Geological Survey, <http://www.bgs.ac.uk/>

BS 5837:2012, Trees in relation to design, demolition and construction, 2012, BSI

BS 5906:2005, Waste management in buildings. Code of practice, 2005, BSI

Building for Life 12, Design for Homes, 2012, Design Council

Car Parking, What Works Where, 2006, English Partnerships

Cherwell District Council Strategic Flood Risk Assessment, 2009, Cherwell District Council, <http://www.cherwell.gov.uk/index.cfm?articleid=4356>

Cherwell District Local Plan 2011-2031 Part 1, 2015, Cherwell District Council

Climate Change and Adaption Report – NW Bicester, 2012, R Gupta, H Du and M Gregg (Oxford Brookes University)

Countryside Design Summary, 1998, Cherwell District Council

Colour Palettes: Banbury, Bicester, Kidlington, 1996, Roger Evans Associates for CDC

Creating Successful Masterplans, 2004, CABE

Environment Agency, <https://www.gov.uk/government/organisations/environment-agency>

Essex Design Guide, 2005, Essex County Council

Greenspec, www.greenspec.co.uk

Historic Environment Record <https://www.oxfordshire.gov.uk/cms/content/historic-environment-record>, Oxfordshire County Council

Listed Buildings Register <https://www.historicengland.org.uk/listing/the-list>, Historic England

MAGIC www.magic.gov.uk

Manual for Streets, 2007, DfT/DCLG

Manual for Streets 2, 2010, DfT

National Planning Policy Framework, 2012, DCLG

Natural England, <https://www.gov.uk/government/organisations/natural-england>

Office for National Statistics, <https://www.ons.gov.uk/>

Oxfordshire Wildlife and Landscape Study (OWLS), <http://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home>

Parking: Demand and Provision in Private Sector Housing Developments, 1996, J Noble and M Jenks

Planning Policy Statement 3: Housing, 2010, CLG <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pp3/>

- Responsive Environments, A Manual For Designers**, 1985, Bentley, Alcock, Murrain, McGlynn, Smith
- Residential Road Design Guide**, 2nd Edition 2015, Oxfordshire County Council
- Sewers for Adoption**, 7th edition 2012, WRc plc
- Site layout planning for Daylight and Sunlight: a guide to good practice**, 2011, BRE
- Susdrain**, <http://www.susdrain.org/> CIRIA
- Sustainable Design and Construction SPD**, 2016, Barnet Borough Council
- The Environmental Design Pocketbook (2nd Edition)**, Sofie Pelsmakers, 2016
- The Residential Car Parking Research**, 2007, DCLG
- The SuDS Manual (C753)**, 2015, CIRIA, www.susdrain.org
- The Sustainable Building Bible: An Insiders' Guide to eco-renovation & Newbuilding**, Tim Pullen, 2011
- Traditional Dormer Windows - Design Guide**, 2003, Cotswold District Council
- Trees in Hard Landscapes: A Guide for Delivery**, 2014, Trees & Design Action Group
- Urban Design Compendium**, 2nd Edition 2007, English Partnerships
- Urban Design Compendium 2**, 2007, English Partnerships
- West Oxfordshire Design Guide**, 2016, West Oxfordshire District Council
- Written Statement to Parliament - Sustainable Drainage Systems**, 2014, DCLG <https://www.gov.uk/government/speeches/sustainable-drainage-systems>

Appendix B: Local Plan Part 1, Policy ESD 15

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. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- 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, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged (see chapter 3/ Conservation Area Appraisals)
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation (see chapter 3/ Conservation Area Appraisals)
- 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
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context

- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.
- The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.
- The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

Appendix C: List of Conservation Areas (2017)

Adderbury	Rousham (includes Lower and Upper Heyford)
Ardley	Shenington with Alkerton
Balscote	Sibford Ferris
Banbury	Sibford Gower and Burdrop
Banbury Grimsbury	Somerton
Barford St John	Souldern
Barford St Michael	South Newington
Begbroke	Steeple Aston
Bicester	Stratton Audley
Bletchinghamdon	Swalcliffe
Bloxham	Tadmarton
Bodicote	Wardington
Charlon-on-Otmoor	Weston on the Green
Chesterton	Wigginton
Cottisford	Williamscot
Cropredy	Wroxton
Deddington	
Drayton	
Duns Tew	
Fewcott	
Fritwell	
Hampton Gay, Shipton on Cherwell & Thrupp	
Hampton Poyle	
Hanwell	
Hethe	
Hook Norton	
Horley	
Hornton	
Islip	
Juniper Hill	
Kidlington: Church Street, High Street, The Rookery, Crown Road, Langford Lane Wharf	
Kirtlington	
Milton	
Mixbury	
Mollington	
North Aston	
North Newington	
Oxford Canal	
RAF Bicester	
RAF Upper Heyford	

Appendix D: Countryside Character Areas, settlement classification

Cherwell Valley

Claydon, Clifton, Cropredy, Great Bourton, Little Bourton, Lower Heyford, Middle Aston, Nethercote, North Aston, Northbrook, Somerton, Steeple Aston, Upper Heyford, Wardington, Willamscot.

Ironstone Downs

Adderbury, Alkerton, Balscote, Barford St John, Barford St Michael, Bloxham, Bodicote, Broughton, Burdrop, Deddington, Drayton, Duns Tew, Epwell, Hanwell, Hook Norton, Horley, Hornton, Lower Tadmarton, Milcombe, Milton, Mollington, North Newington, Shenington, Shutford, Sibford Ferris, Sibford Gower, South Newington, Swalcliffe, Upper Tadmarton, Wigginton, Wroxton.#

Ploughley Limestone Plateau

Ardley, Bainton, Bletchingdon, Bucknell, Caulcott, Caversfield, Chesterton, Cottisford, Fewcott, Finmere, Fringford, Fritwell, Godington, Hardwick, Hethe, Juniper Hill, Kirtlington, Little Chesterton, Middleton Stoney, Mixbury, Newton Purcell, Souldern, Stoke Lyne, Stratton Audley.

Clay Vale of Otmoor

Ambrosden, Arncott, Begbroke, Blackthorn, Bunkers Hill, Charlton-on-Otmoor, Enslow, Fencott, Gosford, Hampton Gay, Hampton Poyle, Horton-cum-Studley, Islip, Launton, Merton, Murcott, Noke, Oddington, Piddington, Shipton-on-Cherwell, Thrupp, Wendlebury, Weston-on-the-Green, Yarnton.

Appendix E: Net density calculation

Net density is calculated by including only those site areas which will be developed for housing and directly associated uses.

This would normally include the following uses:

- Access roads within the site
- Private garden space
- Car parking areas
- Incidental open space and landscape
- Children's play areas (where these are to be provided)

Net density normally excludes:

- Major distributor roads
- Primary schools
- Open spaces serving a wider area
- Significant landscape buffer strips

Appendix F: Residential Road Design Guide, OCC, Appendix A6 Parking standards for the City & Districts

A6.B – Cherwell Urban Areas Parking Standards

The parishes, which define the urban areas in Cherwell are:

- i. Banbury,
- ii. Bicester,
- iii. Kidlington,
- iv. Bloxham,
- v. Bodicote,
- vi. Adderbury,
- vii. Yarnton
- viii. Gosford & Water Eaton.

The car parking provision in new developments for the urban areas in Cherwell area are set out in Table A6.B1.

Number of bedrooms per dwelling	Number of allocated spaces	Number of spaces when 2 allocated spaces per dwelling are provided		Number of spaces when 1 allocated spaces per dwelling are provided		Number of unallocated spaces when no allocated spaces are provided
		Allocated spaces	Unallocated spaces	Allocated spaces	Unallocated spaces	
1	1	N/A	N/A	1	0.4	1.2
2	2	2	0.3	1	0.6	1.4
2/3	2	2	0.3	1	0.7	1.5
3	2	2	0.3	1	0.8	1.7
3/4	2	2	0.4	1	1.0	1.9
4+	2	2	0.5	1	1.3	2.2

Note 1: The rows in the table for 2/3 bedrooms and 3/4 bedrooms can be used when there are additional rooms in the dwelling which are not shown as bedrooms but where there is a high chance that they could be used as bedrooms.

Note 2: The Council will consider North West Bicester Ecotown as a special case provided that certain minimum criteria are met. If there is a full range of every day services provided within easy walking or cycling distance of the dwelling and convenient access to an efficient public transport system accessing a wider range of services including employment, one allocated car parking space per dwelling will be required, regardless of dwelling size or tenure. This may be on plot or off plot. Off plot provision may be grouped in a parking court provided the courts are small, close by, secure and conveniently accessed. Additional unallocated off plot car parking may also be provided according to the principles of this document up to a maximum of one space per dwelling. A lower standard of parking may be acceptable dependent upon the layout and accessibility to services and to other modes of transport in agreement with the Highway Authority.

A6.C – Parking Recommendations for all Other Areas in Oxfordshire (Other than Oxford and Cherwell Urban Areas)

Car parking provision recommendations for all other areas of Oxfordshire (other than Oxford and Cherwell Urban Areas) are set out in Table A6.C1.

Table A6.C1 Car parking Provision in New Developments for all Areas of Oxfordshire (Other than Oxford and Cherwell Urban areas)						
Number of bedrooms per dwelling	Number of allocated spaces	Number of spaces when 2 allocated spaces per dwelling are provided		Number of spaces when 1 allocated spaces per dwelling are provided		Number of unallocated spaces when no allocated spaces are provided
		Allocated spaces	Unallocated spaces	Allocated spaces	Unallocated spaces	
1	1	N/A	N/A	1	0.4	1.2
2	2	2	0.3	1	0.6	1.4
2/3	2	2	0.3	1	0.8	1.6
3	2	2	0.4	1	0.9	1.8
3/4	2	2	0.5	1	1.1	2.1
4+	2	2	0.6	1	1.5	2.4

Note: The rows in the table for 2/3 bedrooms and 3/4 bedrooms can be used when there are additional rooms in the dwelling which are not shown as bedrooms but where there is a high chance that they could be used as bedrooms.

Appendix G: Cherwell Design Initiative

The Design Guide is an important document in establishing a positive design agenda across the District. It cannot in isolation secure high quality design across the district, but needs to work in combination with other programmes if good quality design is to be secured. This includes:

- i. Design Training
- ii. Development Audit
- iii. Use of Design Review Panels
- iv. Use of Design Coding
- v. Use of Developers Briefs

i. Design Training of Planners and Elected Members

Equipping planners and members of the planning committee with the skills to confidently comment and negotiate on planning applications in the planning process is critical to the success of the Guide. Regular training will be provided to planners and elected members on key issues to ensure the optimal use of the Design Guide.

ii. Development Audit

The Guide has been written to promote high quality design principles, but also to reflect the development challenges that CDC face as a Local Planning Authority. A development audit will take place every two years to review the quality of development and consider whether changes to the Guide are required.

iii. Design Review

The use of Design Review Panels provides a forum where the design principles, masterplans and design details can be tested with a range of independent experts. Design review can help to achieve high standards, by testing the design principles that are embedded within the scheme, to ensure that these are fit for purpose and that the development is in the right place and responds well to its surroundings. Design review is referred to in paragraph 62 of the National Planning Policy Framework. This says that local authorities should have local design review arrangements and that they should give weight to the findings of design review panels.

Design review:

- Makes it easier to resolve design issues in the planning process
- Can help to improve the design of a project; identifying ways to make it function better and be more user-friendly
- Helps to achieve consensus around design objectives, and offers ways of engaging with interested parties e.g. highways officers, politicians and communities
- Offers a fresh perspective, providing solutions to seemingly intractable design issues
- Can help to address the viability question. In some cases projects can be simplified through more efficient design solutions or improved design can unlock higher sale or rental values

At CDC we have promoted the use of design review Panels on many schemes and the feedback has been positively received by developers, members and planners. One of its main benefits is its independence, supporting a dialogue which is isolated from the on-going negotiation between Officers and Developers. It helps all parties stand back from the development process to take stock. It has been a useful tool to help applicants and planners to promote good design and identify poor design.

There are three design panels that we use:

- BOB MK: small scale local residential schemes
- Design South East: strategic local plan schemes
- CABE: regionally important sites, such as exemplar and town centre regeneration schemes

We are currently investigating the option for a Bicester Design Panel, which will provide specific guidance relevant to the Bicester Garden Town Agenda.

In all cases, panel members are drawn from a variety of fields, including urban designers, town planners, architects, landscape architects, developers, engineers and chaired by an experienced practitioner who ensures that the review remains focused at all times and that everyone is given the appropriate opportunity to participate.

Timing

The point in the design process when design review should be undertaken will vary according to the scale and nature of the project. For the majority of developments this will be part way through the design process, when the strategic design approach has been established, but before the detail has been fully resolved.

This approach provides time for the review to become a constructive part of the design process and allow for any issues raised by the panel to be thoughtfully integrated before a formal planning application is submitted. With the smaller scale projects such as the public buildings and private houses it might be more appropriate to use design review at the later stages of the design process.

Strategic projects - Outline:

- Design workshop as part of pre-app process
- Design review of application when it is validated
- Design review of final scheme, where significant changes were required to proposals

Strategic projects – Full / Reserve Matters:

- Design workshop as part of pre-app process
- Design review of application when it is validated
- Design review of final scheme, where significant changes were required to proposals

Major Sites:

- Design review when application is validated

Other Sites:

- Rural exception sites
- On a case-by case basis

iv. Design Codes

The objective of design codes is to provide a clear framework for development that is supported by all parties. This is particularly important on sites with multiple land holdings or where the site is likely to be constructed by several developers / house builders over the life of the scheme.

Design codes are particularly relevant to strategic development sites (over 300 units) where the requirement for design codes is conditioned in the approval of the Outline Application. For sites identified in the Cherwell Local Plan, this requirement is set out within site specific policies in the Cherwell Local Plan.

The Council see design codes as being important to:

- Establish a long term vision and design led framework for the site
- Build upon the work established by the outline planning application and the design and access statement for the area
- Ensure overall coordination and consistency between development sites
- Provide a level of certainty to the Landowner, Council, Developer and the community
- Provide a clear guide for developers working on individual plots and sets the context for more detailed design work.

It will be important that the codes establish the design principles in five areas:

- Vision and development framework
- Streets / movement network
- Public realm
- Urban form and morphology
- Materials and details.

Establishing the level of prescription for the codes will be important and clear performance criteria should be established for each development area, setting out the level of prescription alongside desired and mandatory requirements.

Design codes need to convey a lot of information and can often be complicated and difficult to understand to a third party. It is important that the format of the codes is clearly thought through at an initial stage and that early pages set out how the codes should be used / navigated. Good design codes make extensive use of plans, sections and 3D illustrations to set out the objectives for each area. Simple illustrations can often explain much more than words and photos.

Stages of design code production:

1) Establishing a Vision and Development Framework

The first stage should build upon the work already undertaken for the site such as the Illustrative Masterplan and Design and Access Statement. Many of the key principles such as the movement network, building heights and density will have already been set out by the Design and Access Statement for the site.

The key aspects to focus on at this stage are:

- Define the character areas
- Define special conditions within character areas
- Define what the features / areas are that provide continuity through the site (e.g. Streets / public realm / landscape)
- Define the character cues which will differentiate the character areas. These should build upon the character of the existing site and it is anticipated that the cues will generally reflect the 20th and 21st century rather than traditional villages.

2) Streets / Movement Network

Streets and public realm form will be important in establishing a broad character for the site. Streets and open spaces will cross different character areas and will be important in providing continuity across the site. Streets should be designed as key aspects of the public space. The nature and form of the streets will vary according to their connectivity. The design of open spaces will vary depending on their location on site and their function.

The key aspects are likely to be:

- Scale and setting of the street
- The movement network should be designed to be pedestrian and cyclist friendly to maximise sustainable forms of transport. This relates both to the overall street hierarchy down to design and detail
- Parking should be carefully considered and is likely to vary depending upon the site location, density and housing typology
- SUDS and drainage
- Materials and details (with emphasis on materials which support a public realm approach)

3) Public Realm

The character of the public realm form will help to establish a broad character for the site that crosses different character areas. The design of open spaces will vary depending on their location on site and their function.

The key aspects are likely to be:

- Scale and character of open space. Some spaces, especially near the school and local centre are likely to be formal in character while other spaces, such as areas dominated by SUDS and ecological features are likely to have a less formal character
- Landscape and planting
- Front threshold detail
- Private gardens.

4) Urban form and morphology

The way that buildings relate to one another is one of the most important aspects that can be used to define an areas character. The proportion, massing, shape and layout of buildings will be important elements of character. Other cues such as defining building lines, eaves heights, ridge heights, alongside the rhythm / spacing between buildings will be important in establishing formal or informal character cues.

The key aspects are likely to be:

- Urban form (relationship of buildings to one another)
- Building typology (terrace, detached etc.)
- Density
- Building lines (consistent or varied)
- Height / enclosure
- Roofscape (Roof form, consistent or varied eaves / ridge heights)
- Scale and proportion and the buildings and its fenestration (important for both urban form and detail).

5) Building Material and Detail

The materials and details are likely to vary in different areas of the site. We would expect a simple palette of materials to be established that will vary according to the character area and condition. The Council would support innovative construction approaches that further a sustainable approach to the development.

- Building detail (window arrangement and proportions, balconies etc)
- Building materials (for roof and main building fabric. This can also include materials that will not be acceptable)
- Scale and proportion and the buildings and its fenestration (important for both urban form and detail).

v. Planning Briefs

Planning briefs aim to assist in the redevelopment of sites by acting as a 'stepping stone' between the matters that will need to be addressed in any application for planning permission and the local policies contained in the Cherwell Local Plan. These documents are used to set out the council's vision and requirements for the development of a site /collection of sites. Planning briefs vary according to factors such as: the nature of the site; the location; the ownership of the site; and the political context.

A planning brief is generally produced for strategic, complicated and sensitive sites which require more detailed planning guidance. It is anticipated that these documents will provide consistent, quality guidance to developers, and thus improve the planning process and the quality of the final development.

Planning briefs are used in Cherwell to:

- Provide site specific guidance for the development of strategically important sites
- Set out the vision for development of an area
- Improving the quality of development.
- Improve the efficiency of the planning and development process; and
- Help promote the development of a difficult site, with complicated constraints and / or land ownership patterns

A planning brief provides more detail of development options and issues than Local Plan Policies, but does not alter policies in the local plan. A good planning brief should help to provide clarity in the development process; making it clear what is likely to be acceptable and what is unacceptable; where there is flexibility and where requirements are firm.

At Cherwell, planning briefs typically contain information on:

Site constraints

- Heritage and archaeology
- Hydrology and flooding
- Existing movement network
- Land ownership
- Landscape
- Services

Context

- Urban form and character
- Landscape structure
- Streetscape and public realm

Urban Design Issues

- Framework plan
- Uses
- Heights and massing
- Landmark features
- Public realm

Appendix 14b
Adopted Developer Contributions

Developer Contributions Supplementary Planning Document (SPD)

February 2018

Cherwell District Council

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1. INTRODUCTION

Purpose of this Document

- 1.1. The purpose of this Developer Contributions Supplementary Planning Document (SPD) is to set out Cherwell District Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the District.
- 1.2. This guidance does not cover every possible circumstance and/or obligation that may need to be taken into account, but it provides a clear indication of the Council's essential requirements from new development in respect of the provision of infrastructure, community facilities and services. It will enable developers to understand planning obligation requirements and costs from an early stage in the development process and to make appropriate provision when formulating costs and undertaking financial appraisals.
- 1.3. Since the introduction of the Community Infrastructure Levy Regulations 2010 (as amended) ('CIL Regulations'), developers are expected to contribute towards the provision of infrastructure through a combination of mechanisms: paying a levy through CIL (if adopted at local level), S106 obligations, planning conditions and S278 highway contributions.
- 1.4. The CIL Regulations mean that since 6 April 2015 the use of Section 106 obligations has become more restricted, with the Council only able to pool a maximum of five separate obligations (entered into on or after 6 April 2010) for a specific infrastructure project or a type of infrastructure.
- 1.5. The CIL Regulations have recently been the subject of review by Central Government. The CIL Review Group was established by the former Communities Secretary and former Minister for Housing and Planning in November 2015. The purpose of the review was to *'Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government's wider housing and growth objectives.'* The report was submitted to Government in October 2016 and published in March 2017. It is anticipated that an announcement on the Government's response to this review will be made in 2018.
- 1.6. The timing and scope of the Government's review is outside the control of the Council. The guidance in this document is therefore provided within the parameters of existing regulations and adopted local plan policies. The Council will, however, undertake to

review this guidance should it introduce a CIL Charging Schedule (or other infrastructure tariff in accordance with new government legislation) in the future.

- 1.7. Appendix 16 details the types of infrastructure that will be covered by S106 planning obligations and what will be covered by CIL if a CIL charging schedule is adopted by the Council in the future.

What are Planning Obligations?

- 1.8. A planning obligation is secured by either a deed of agreement or a unilateral undertaking made under planning legislation (Section 106 of the Town and Country Planning Act 1990 (as amended)) in association with a planning permission for new development. It is normally applied to aspects of development that cannot be controlled by imposing a planning condition or by the use of other statutory controls. Planning obligations are legally binding and enforceable if planning permission is granted. They also run with the land. They can cover almost any relevant issue such as types of infrastructure or services and future maintenance.
- 1.9. Planning obligations should only be used where it is not possible to address the unacceptable impact of development through a planning condition (NPPF¹, paragraph. 203).
- 1.10. In addition, CIL Regulation 122 states that the use of planning obligations should only be sought where they meet all of the following three tests:
 - They are necessary to make a development acceptable in planning terms
 - They are directly related to a development
 - They are fairly and reasonably related in scale and kind to the development.

What is CIL?

- 1.11. CIL is a tariff charged on new development that the Council can choose to adopt to support the provision of infrastructure. Once adopted CIL is fixed, non-negotiable and enforceable.
- 1.12. To introduce CIL the Council must set a CIL rate or rates in a Charging Schedule, and follow two stages of consultation and an Examination in Public prior to adoption and implementation of CIL. The Council has consulted on both a Preliminary Draft and Draft CIL Charging Schedule. Work has however since been 'paused' on CIL pending

¹ National Planning Policy Framework

the outcome of the Government's review of CIL. Further guidance from the Government is awaited.

Relationship between CIL and Planning Obligations

- 1.13. The Government currently intends CIL to provide for infrastructure to support development rather than specifically to make individual development proposals acceptable in planning terms. Government guidance indicates that site specific mitigation will still be sought through the use of planning obligations.
- 1.14. CIL Regulations 122 and 123 place limits on the use of planning obligations and makes the planning obligations policy tests (paragraph 1.10 above) a statutory requirement. These two regulations seek to avoid overlaps between CIL and planning obligations and to limit the pooling of planning obligations towards infrastructure provision that could be funded by CIL. The Government's intention is for local authorities to operate CIL and planning obligations in a complementary way.

Planning Conditions

- 1.15. Planning conditions cannot require the transfer of land ownership or the payment of monies. They are attached to a planning permission and set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. They may also require further details to be submitted in order to make a proposal acceptable.
- 1.16. NPPF paragraph 206 states that planning conditions should only be attached to a planning permission where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Section 278 Agreements

- 1.17. Where a development requires works to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and Oxfordshire County Council under Section 278 of the Highways Act 1980². Examples of such works could be the construction of new access/junction improvement of the highway/junctions, or safety related works such as traffic calming or improved facilities for pedestrians and cyclists.

² Where works are required on a trunk road, Highways England will be party to the S278 Agreement.

- 1.18. The pooling restriction on planning obligations does not apply to S278 agreements. However, the CIL regulations prohibit CIL being spent on a highway scheme where a S278 agreement has been made.

2. POLICY FRAMEWORK

National Level

- 2.1. The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended); Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council will also have regard to the advice in the National Planning Policy Framework (NPPF), particularly paragraphs 203 to 205; and PPS1 Eco Towns Supplement.

Local Level

- 2.2. The statutory Development Plan for the District currently comprises:
- The adopted Cherwell Local Plan 2011-2031 (Part1)(adopted July 2015 & incorporating Policy Bicester 13 re-adopted in December 2016)
 - The retained saved policies of the adopted Cherwell Local Plan 1996
 - The adopted Minerals and Waste Local Plan (Part 1 – Core Strategy) (adopted September 2017)
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan 1996
 - Hook Norton Neighbourhood Plan 2014-2031
 - Bloxham Neighbourhood Plan 2015-2031
- 2.3. The adopted Cherwell Local Plan Part 1 contains the strategic policies covering the District and includes land allocated for housing and employment development at Bicester, Banbury and the former RAF Upper Heyford.
- 2.4. A Partial Review of the Cherwell Local Plan Part 1 is in preparation which seeks to contribute to addressing the unmet objectively assessed housing need from elsewhere in the Oxfordshire Housing Market Area (HMA), particularly from Oxford City. A proposed submission plan was published for public consultation on 17 July 2017 with comments invited until 10 October 2017. Work has also commenced on the production of Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites.
- 2.5. Other key planning policy documents include:

- Supplementary Planning Documents (SPDs). SPDs expand upon and provide further detail to policies in Development Plan Documents.
- The Infrastructure Delivery Plan (IDP). The IDP is a live document adjusted over time and contains the infrastructure required to support **Policy INF 1: Infrastructure** of the adopted Cherwell Local Plan Part 1. An IDP was appended to the adopted Local Plan. IDP updates can be found on the Council's website.
- The Oxfordshire Local Transport Plan (LTP). The LTP provides the strategic framework for transport in the County.

2.6. The Council's Local Development Scheme sets out the programme for the preparation of the key planning policy documents.

Bicester Garden Town

2.7. In 2014 the Government announced that Bicester had achieved Garden Town status after the Council had successfully demonstrated plans to meet the necessary criteria of providing affordable homes, schools and jobs while preserving the countryside.

2.8. Since then two grants has been awarded to fund the necessary feasibility studies and provide capacity for the implementation of the Garden Town as set out in the adopted Cherwell Local Plan Part 1.

Healthy New Towns

2.9. In 2015 the Government launched its Healthy New Towns Programme. This programme promotes innovative ways to encourage people to live more healthy lives, and the many opportunities for the built environment to support this objective.

2.10. In 2016 Bicester was successful in being selected as one of the 10 exemplar healthy new towns. The Bicester Healthy New Town Programme aims to enable people who live or work in Bicester to live healthier lives and to prevent ill health in the future. The two key priorities for the programme are:

- To reduce the number of people who are overweight or obese so they are less likely to develop chronic health conditions in the future and;
- To reduce the number of people who feel socially isolated as that will have an important positive impact on peoples' mental and physical health.

- 2.11. The built environment has a role to play in promoting health and well-being of communities in the whole of Cherwell District and it is a Council priority to ensure new developments supports this aim.

3. PROCEDURES

General Approach

- 3.1 The Developer Contributions SPD once adopted will comprise the Council's current approach to planning contributions.

- 3.2 Although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for:

- Affordable housing; and
- Infrastructure which is required to mitigate the direct impact of a development. 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 in to consideration when identifying infrastructure requirements.

Planning Obligations

- 3.3 The Local Planning Authority (LPA) will assess each application to determine if a planning obligation is needed and if so what it should address. It will do this in consultation with other public bodies responsible for infrastructure provision. Oxfordshire County Council, for example, is a major provider of services and infrastructure.

- 3.4 The LPA, and other key agencies, will use planning obligations to:
- Secure general planning requirements that are necessary to allow the development to be permitted and where this cannot be achieved by way of planning conditions;
 - Ensure that there is a satisfactory infrastructure to allow the development to proceed and that the infrastructure provided will be maintained; and
 - Offset relevant adverse impacts, for example, on the environment, education, social, recreational and community facilities and transport that arise from the development where the development might otherwise have been refused because of those adverse impacts.

Pre-Application Discussions

- 3.5 As part of any pre-application discussions the LPA will seek to agree the requirements and Heads of Terms for any planning obligation.
- 3.6 It is the Council's strong preference, where applications and associated planning obligations are more complex, that negotiations occur, and agreement on Heads of Terms is achieved, prior to the submission of a planning application. Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application.
- 3.7 It is a local validation requirement that draft Heads of Terms accompany any application that requires a planning obligation.
- 3.8 A planning performance agreement can be a useful tool to focus pre-application discussions on the issues that will need to be addressed throughout the course of preparing and determining a planning application, and the timescales and resources that are likely to be required.

Unilateral Undertakings

- 3.9 In cases where a planning obligation is only dealing with financial contributions the LPA will encourage developers to make a unilateral undertaking and to make the relevant contributions on the granting of planning permission and/or at different stages of development.
- 3.10 This approach allows applicants for small schemes to reduce the legal costs and avoid potential delays often associated with legal agreements. The Council provides a standard form for a unilateral undertaking and this can be found on its website.

Cross Boundary Applications

- 3.11 Where an application site falls partly in another local planning authority area the Council will, as far as possible, work to coordinate proportionate planning obligation requirements with that authority. If however, agreement cannot be reached, the Council will seek obligations for the portion of the site that falls within the District.

Viability

- 3.12 A key objective of this SPD is to alert applicants of the likely level of planning obligations that can be expected from proposed developments well in advance of any

planning application being submitted. The developer can then factor these requirements in to any potential land transaction and/or scheme as early as possible in the development process and certainly prior to any grant of planning permission.

- 3.13 The Council will ensure, in accordance with the advice in the National Planning Policy Guidance (NPPG) when seeking contributions that, their combined total impact does not threaten the viability of the sites and scale of development identified in the Development Plan.
- 3.14 The NPPG states that in making decisions, the LPA will need to understand the impact of planning obligations on a proposal. Where an applicant is able to demonstrate to the satisfaction of the LPA that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered prior to a decision being made on the acceptability or otherwise of such a scheme.
- 3.15 The NPPG goes on to state that assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 3.16 The LPA recognises that financial viability is a material consideration. In exceptional circumstances it may be necessary for the Council to prioritise the securing of particular developer contributions having regard to the Development Plan, the needs of the locality and the particular characteristics of the site and its locality. However, there may be circumstances in which the material Development Plan policies and/or the needs arising from proposed development are such that contributions will be sought even if a viability assessment accepted by the Council demonstrates that the development would not be viable with the required contributions.
- 3.17 Where a disagreement arises about financial viability and the planning obligations sought, the applicant will be expected to provide the Council with clear and transparent evidence to support their case. In most instances this will involve the Council reaching an understanding based on a detailed open book financial appraisal, undertaken by an independent assessor. Where there are significant financial issues arising for other public bodies responsible for providing infrastructure (including Oxfordshire County Council), the LPA will expect that body to be actively involved in

this assessment process and conclusions. The Council will require this evidence prior to the granting of planning permission.

3.18 Section 106 Agreements can deal with issues of viability. For example, a developer may set out their 'predicted profitability levels'. In exceptional circumstances and on the basis of an open book appraisal prior to the determination of an application, it can be a requirement of the S106 Agreement for there to be a second viability appraisal at some point during the course of the development. If the results of this second viability appraisal show, for example:

- That the predicted profitability levels have increased then the Council will have a right to an overage, i.e. a further payment/provision of infrastructure or affordable housing to that already secured in the S106 Agreement;
- That the predicted profitability levels have stayed the same, then there will be nothing further to do with the S106 Agreement;
- That the predicted profitability levels have decreased, then the Council will negotiate further with the applicant concerning planning obligations.

3.19 All costs incurred by the Council in financial appraisal and viability assessment are to be met by the applicant.

Security and Timing of Payments

3.20 Financial contributions (apart from legal costs, which are usually paid prior to the completion of the agreement, and standard administration charges) will need to be paid prior to the implementation of planning permission or in accordance with a programme of agreed staged payments.

3.21 Prior to the making of a Planning Obligation, the developer should note the financial contributions payable and the corresponding triggers or payment dates as specified in the agreement.

3.22 Approximately 21 days prior to reaching a trigger or payment date, the developer should notify the Council of their intention to pay the financial contribution. If the developer notifies the Council of their intention to pay the financial contribution after the trigger or payment date has elapsed then late payment interest will be charged at a rate of 4% above the standard base rate or as otherwise stated in the Planning Obligation. In such circumstances, the applicant may also become liable for additional monitoring and enforcement costs.

- 3.23 The Council will then calculate the total financial contribution payable including any interest and/or indexation due and will provide a copy of this calculation to the developer. This calculation will be valid for a period of 14 days from the date of issue unless otherwise agreed in writing. If the calculation has not been agreed within 14 days and is shown to be arithmetically correct following the resolution of any dispute, then late payment interest will be charged as per paragraph 3.22 above.
- 3.24 Once the developer has agreed the calculation, the Council will issue an invoice to the developer for the agreed sum. The invoice issued will be subject to the Council's standard payment terms.
- 3.25 The Council will not accept payment of any financial contribution unless accompanied by a valid invoice.
- 3.26 Upon receipt, financial contributions will be held in a specific account before being transferred to the relevant internal departments or third parties (e.g. other public sector body, parish council etc.) responsible for spending the contribution.
- 3.27 The S106 agreement will include a clause detailing how and when any unspent funds will be refunded. Given that a unilateral undertaking, necessarily, does not have the Council as a party, there cannot be any obligations on the Council to return any unspent monies.
- 3.28 All receipts and spending of financial contributions will be recorded and monitored by the Council's Senior Manager-Development Management.
- 3.29 Please note that financial contributions payable to Oxfordshire County Council (i.e. those relating to highways and education and relevant administrative and monitoring fees) will be subject to a different process and developers are advised to refer to OCC's Developer Guide (available online) or contact the Oxfordshire County Council Infrastructure Funding Team for further information.

Fees

- 3.30 The Council's legal costs of preparing the Planning Obligation will be borne by the developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. The Council will therefore require developers to provide a 'cost undertaking' to pay for the Council's reasonable fees, prior to it being able to instruct its acting solicitors.

- 3.31 The Council's reasonable legal fees will need to be met even if the planning obligation is not completed.
- 3.32 Standard unilateral undertakings will be subject to an administration charge covering legal costs and if necessary the transfer of money to third parties.

Monitoring and Enforcement

- 3.33 The Council monitors all Planning Obligations and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. Monitoring fees may be charged in order to undertake such work, given that S106 Agreements/Unilateral Undertakings are made pursuant not just to section 106 of the Town and Country Planning Act 1990 (as amended) but also to section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
- 3.34 Where there is evidence of non-compliance with a Planning Obligation (such as the non-payment of financial contributions, failure to comply with an obligation, or failure to notify the Council of a due payment or event as required), the Council will seek to recover all reasonable administration costs incurred. This could include, for example, site visits, the recovery of any unpaid monies and/or correspondence.
- 3.35 If it is clear that matters within the planning obligation are not being complied with, the Senior Manager - Development Management will instruct the Council's Legal Team to take appropriate action to secure compliance. This could include for example, seeking a court injunction.

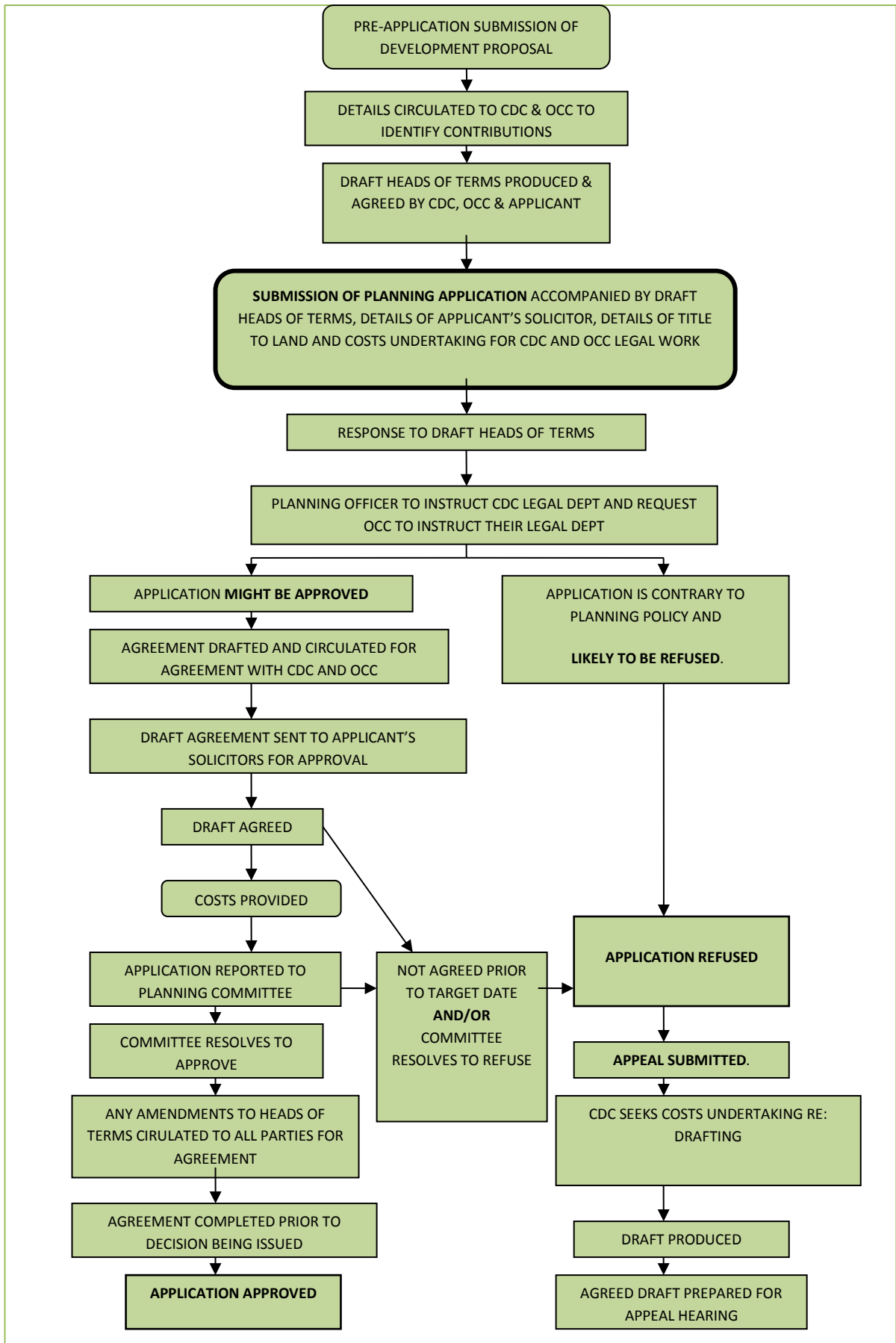
Indexation

- 3.36 Financial contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date and appropriate index to be applied will be set out in the legal agreement.
- 3.37 Where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation and are the sums required at the time of negotiation.
- 3.38 All payment levels will be subject to an inflation factor (often RPI or CPI) adjusted according to the fluctuations between the date of the obligation and the quarter period in which payment is due to the District Council. The County Council will also adjust payments to it but these might be subject to different measures of inflation.

Dispute Resolution

- 3.39 Changes introduced by the Housing and Planning Act 2016 will amend the Town and Country Planning Act 1990 (as amended) by inserting a new section 106ZA and Schedule 9A which will give the Secretary of State the power to appoint someone to resolve issues that are holding up the completion of a planning obligation. As at the date of the SPD, these provisions are not yet in force.
- 3.40 Figure 1 overleaf provides an overview of the Planning Obligation process

Figure 1: Planning Obligation Process



4. SPECIFIC PLANNING OBLIGATION GUIDANCE BY TYPE

- 4.1. This section gives specific advice for various types of infrastructure commonly required by the Council to support development. However, as stated previously, it does not cover every circumstance and/or obligation that may be needed to make a development acceptable in planning terms. In all cases the LPA will ensure that the infrastructure sought complies with the three tests in CIL Regulation 122.
- 4.2. Appendix 16 offers a guide to the types of infrastructure to be covered by S106 planning obligations and what may be covered by CIL (or a similar replacement infrastructure levy) if it is introduced by the Council in the future.

Affordable Housing

- 4.3. Cherwell District has a high level of need for affordable housing. The Council's Housing Strategy 2012-17 recognises the need for affordable homes, and aims to ensure that Cherwell is well-placed to maximise investment by registered providers and to respond to opportunities as they arise.
- 4.4. The NPPF defines affordable housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.
- 4.5. The various types of affordable housing can be described as follows:

Social Rented Housing

- 4.6. Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

Affordable Rented Housing

- 4.7. Rented housing provided by a registered provider of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents.

Intermediate Housing

- 4.8. Housing at prices and rents above those of social rent, but below market price or rents and which meet the criteria set out above but does not include affordable rented housing. These can include shared equity products or other low cost homes for sale such as:
- Shared Equity;
 - Shared Ownership;
 - Discount Sale.

Requirements & Thresholds

- 4.9. Policy BSC 3 of the adopted Cherwell Local Plan Part 1 requires the following provision:
- At Banbury and Bicester all proposed developments that include 11 or more dwellings (gross), will be expected to provide at least 30% of new homes as affordable homes on site.
 - 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.
 - Where there is a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.
- 4.10. The adopted Cherwell Local Plan requires all qualifying developments (ie those developments comprising 11 or more dwellings (gross)) to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate housing. 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.
- 4.11. In calculating any affordable housing contribution the Council will apply 'vacant building credit' to qualifying developments. Guidance on qualifying developments will be provided by the Council's Strategic Housing Team.

Housing Mix

- 4.12. Adopted Local Plan policy BSC4 sets out the Council's housing mix requirements. In general there is a need to provide a mix of housing to reflect the needs of an ageing population, a growth in smaller households and the demand for family housing.

- 4.13. In all qualifying developments the mix of housing will be negotiated having regard to the Council's most recent evidence and evidence from developers on local market conditions.
- 4.14. Extra Care Dwellings will be important in meeting the needs of an older population. They comprise self-contained accommodation for older and disabled people which enables independent living by providing a range of support facilities on the premises and 24 hour care services. Housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings as part of the overall mix. However, if the Council agrees that extra care housing would not be desirable in a particular location an equivalent amount of alternative specialist housing (use class C3) for older people will be required. All proposals will be expected to provide affordable housing in accordance with policy BSC3.
- 4.15. In some cases the Council may also seek to secure a small number of more specialist housing units which will provide accommodation for those with support needs. These will be sought in areas which are deemed to be appropriate and in discussions with applicants at an early stage.

Affordable Housing Standards

- 4.16. At present the Council' adopted local plan does not set out detailed policies on affordable housing standards, however, any registered provider will normally request that 50% of the affordable rented housing required will be built to Building Regulations Requirements M4(2) Category 2: accessible and adaptable dwellings. In addition, 1% of the affordable housing should be built to Building Regulation Requirement M4(2) Category 3: Wheelchair User Dwelling. This requirement will be assessed on a site by site basis in discussion with the developer.
- 4.17. It is expected that all affordable housing provided under a rented tenure will be built to the nationally described space standards. Intermediate housing which is deemed to be low cost home ownership should be built to the same or better space standards including garden sizes as the equivalent market housing on the site.
- 4.18. It is expected that where appropriate affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures with no contiguous boundary of the clusters. This is expected in the first instance and schemes should be developed with this in mind. However the Council will be flexible and pragmatic on this clustering approach when considering certain site constraints or scheme densities.

Viability

- 4.19. The Council will seek the provision of affordable housing on all qualifying developments in accordance with Policy BSC 3. However, if developers consider that the Council's policy requirements on affordable housing give rise to development viability issues they will need to fully justify their reasons. A detail of how the Council will assess viability issues is set out in Section 3 above.

Commuted Sum Calculations

- 4.20. Local Plan policy BSC3 states that only in exceptional circumstances will the Council accept commuted sums in lieu of on-site provision.
- 4.21. In the event that the Council accepts a commuted sum in lieu of on-site provision it will be calculated on the basis of the mix of tenures and sizes that the Council considers would have been appropriate for the site. The sum should be of a 'broadly equivalent value' of the developer/landowner contribution if the affordable housing was provided on site. The commuted payment will be based on a sum equal to the difference between an Open Market Value (OMV) and Affordable Housing Value (AHV).

Cherwell Local Plan 2011-2031: Partial Review – Oxford's Unmet Housing Need

- 4.22. In July 2017 the Council published its Proposed Submission Partial Review Plan. This is a focused Plan to provide Cherwell's share of the unmet housing needs of Oxford to 2031. It identifies a number of development sites with specific affordable housing requirements. Supported by a viability assessment the emerging policies in the Plan seek to meet Oxford City's requirements for 50% of its housing to be provided as affordable homes.
- 4.23. Oxford's Local Plan, its Housing Strategy and the Oxfordshire Housing Market Assessment (2014) describe the city's housing needs in detail. As Oxford's affordable housing need is so high the emerging Partial Review prescribes the mix of housing sizes needed for the defined 'affordable' element of the new housing supply. It also requires a higher level of affordable rent/social rented accommodation (80% of the total affordable housing requirement) than Cherwell's 70% requirement.
- 4.24. The affordable housing standards required by the policies in the Partial Review will be applied to section 106 negotiations once they have been adopted.

Further Advice

- 4.25. Detailed advice on the provision of affordable housing is available by contacting the Council's Strategic Housing Team.

Air Quality

- 4.26. Promoting sustainable development is a key focus of the adopted Cherwell Local Plan. The need to consider the effects of development on air quality, and how it can contribute towards improvements and mitigate against adverse impacts, is identified as a key challenge to ensuring sustainable development. Commuters in Cherwell travel relatively long distances and reducing travel by car and managing traffic congestion is a major challenge. Maximising the opportunity to shift from dependency on cars to sustainable modes of transport is also identified.
- 4.27. Policy SLE 4 includes a requirement for new developments to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 4.28. In March 2017 the Council approved an Air Quality Action Plan (AQAP) as part of its statutory duties required by the Local Air Quality framework. It outlines the actions to be taken to improve air quality in the District between 2017 and 2020.
- 4.29. There are four Air Quality Management Areas (AQMAs) in the District where air quality does not meet national air quality objectives for nitrogen dioxide. These concentrations are largely related to road traffic emissions.

Requirements and Thresholds

- 4.30. All new development within or immediately adjacent to Local AQMAs, or those with traffic routed through an AQMA may be subject to section 106 agreements which require the implementation of measures to offset increases in local pollutant emissions, and /or make an appropriate financial contribution towards improvement measures or air quality monitoring.
- 4.31. The following mitigation measures may be required

- Measures during the construction of new development including dust control;, site monitoring and plant emissions;
- Improved access to public transport;
- The provision of on and off site facilities for cycling and walking;
- The management of car parking;
- Traffic management;
- Road infrastructure;
- Green Travel Plans;
- Monitoring of air pollution.

4.32. The Council will calculate the contribution sought based on the scale of the development and the trip generation for different uses.

4.33. The list of the current Local AQMAs and the actions required are set out in the Council's AQAP which can be viewed on its website.

Apprenticeships and Skills

4.34. Paragraph 19 of the NPPF states the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth. Securing the economic future of the District is the main priority of the adopted Cherwell Local Plan Part 1 ('the Plan'). The main focus of the Plan is strengthening the local economy, job creation, inward investment and company growth, as well as building cohesive communities. In particular, the Plan notes that as relatively large numbers of people in Cherwell are without qualifications and basic skills the level of education and training needs to improve. The Plan contains five strategic objectives for developing a sustainable economy. Strategic Objective 3 (SO3) aims, amongst other things, to support an increase in skills and innovation. Furthermore, paragraph B14 of the Plan states that the Council will support proposals to strengthen the skills base of the local economy which will include the promotion of local training providers.

4.35. The need to increase the number of apprenticeships locally is picked up by both the Oxfordshire Local Economic Partnership (OxLEP) and the South East Midlands Economic Partnership (SEMLEP). OxLEP's Strategic Economic Plan 2016 is committed to delivering 1150 more apprenticeships to 2020 within Oxfordshire. The SEMLEP Strategic Economic Plan 2015-2020 is seeking just over 94,000 apprenticeship starts within the SEMLEP area. Of these, it is anticipating that 7017 will be created within the Cherwell District. It notes in particular that there is a shortage of skills and an ageing workforce in the construction sector across the SEMLEP area and that there are significant opportunities for jobs growth in these sectors.

- 4.36. The Council approved an Interim Position Statement on Planning Obligations for Construction Apprenticeships and Skills in April 2016. This document provided detailed advice and guidance on the Council's approach to securing construction apprenticeships and skills through the planning system. This guidance has now been updated and is included at Appendix 13.
- 4.37. It states that the Council will require the provision of a stated minimum number of new construction apprenticeships (or apprenticeship starts) as part of a required Employment, Skills and Training Plan (ESTP) for each proposal for new development. The ESTP will be secured by S106 agreement.
- 4.38. A second key area of employment, skills and training for which S106 agreements will be sought is the 'end user phase' of commercial and mixed use development. S106 agreements will be used by the Council to support/provide the training and skills needed by local people to access the new job opportunities created by the development's end user. The ESTP, referred to above, will therefore also be required to address this end user phase.
- 4.39. Appendix 13 sets out the type of development and the thresholds on development that will trigger this requirement. However, if proposed developments fall below these thresholds and developers still wish to provide new construction apprenticeships, the Council will support them in doing so.

Cemeteries

- 4.40. The adopted Cherwell Local Plan Part 1 highlights a key community challenge for both Banbury and Bicester as being the need to provide additional burial site provision. Policy Bicester 9 and Policy Banbury 13 both make provision for additional burial site provision in their respective settlements. Both policies also state that developer contributions will be sought from new developments in the towns towards the establishment of such a facility.
- 4.41. In terms of need, the Local Plan Inspector appointed to examine the submission Cherwell Local Plan observed in relation to Policy Banbury 13, that: *'This policy confirms the local requirement for new burial site provision in Banbury with contributions from major new housing schemes to provide funding to facilitate an extension to the existing cemetery, subject to suitable ground conditions being demonstrated. The evidence of need is unquestioned and therefore the policy is soundly based and requires no modification.'*

- 4.42. In relation to Policy Bicester 9 the Inspector stated *'This policy confirms the urgent local requirement for a new burial site of around 4has in Bicester. It is consistent with the current expectation that it can be provided as part of the Policy BIC 1 scheme, with funding contributions from other housing developments in the locality to help secure delivery. The evidence of need is clear and unquestioned and therefore policy is soundly based and requires no modifications.'*
- 4.43. At Bicester it is anticipated that a site will be provided within the North West Bicester development area (Policy Bicester 1). At Banbury an extension to the north of the existing cemetery at Southam Road was granted planning permission in 2015 (planning application reference 15/01194/F).
- 4.44. Requirements for additional cemetery space in the rest of the District will be identified in the emerging Partial Review of the adopted Cherwell Local Plan, and the Cherwell Local Plan Part 2.

Thresholds and Contributions

- 4.45. All new residential developments of 10 or more dwellings will be expected to contribute to the provision of new, or the expansion of existing, cemeteries and their maintenance where the need generated by the development cannot be met by existing provision and a scheme has been identified to meet that need.
- 4.46. At Banbury and Bicester the Town Councils in association with the District Council are pursuing schemes for new /extended provision. Specific costs will therefore be available for individual schemes.
- 4.47. Financial contributions will be sought for land acquisition, laying out; and future management and maintenance on a site by site basis where there is an identified need. The contributions sought will be dependent upon site circumstances (eg ground conditions) and commensurate to the need generated by the development.
- 4.48. In those limited cases where a development is of a scale that necessitates a new cemetery, developers will need to carry out consultation with the local population, and consider national guidance and best practice prior to design and implementation of cemeteries.
- 4.49. The methodology to be used in the calculation of contributions is as follows:
- a) Number of burial plots required to 2031 divided by the average number of plots per hectare = area of land required.

- b) Cost (including land purchase cost (unless land given free of charge), drainage, paths, landscaping, fencing and storage facilities) of cemetery provision multiplied by % attributable to population growth.
- c) Divided by population growth = cost per person
- d) Multiplied by the average occupancy per dwelling type (2.49) = per dwelling cost (1 bed, 2 bed, 3 bed, 4+ bed)

Community Hall Facilities

- 4.50. Policy BSC 12 of the adopted Cherwell Local Plan sets out the Council's overall approach to the provision of new or extended community hall facilities.
- 4.51. In 2016/2017 the Council commissioned a 'Cherwell Community Spaces and Development Study (CCSDS) to provide evidence and policy proposals to inform community development and community indoor space provision in relation to new housing developments. An interim CCSDS was published in January 2016 and the study was completed in 2017.
- 4.52. The CCSDS Study recommends a local minimum standard of provision for community hall facilities required to meet the needs of the residents generated by new development. This minimum standard is 0.185m² per person.

Thresholds and Contributions

- 4.53. The local planning authority will expect all residential developments of 10 or more dwellings to contribute towards the provision of new community facilities or the improvement/expansion of existing facilities where there is not enough spare capacity in existing appropriate facilities to meet the needs generated by the development. This may include financial contributions and/or the provision of land and buildings to enable new community facilities to be provided, or for existing facilities to be extended or improved.
- 4.54. Where on site provision is required, the LPA will expect the developer to design and gain the necessary planning consents to a specification agreed by the LPA. The developer will then be expected to build the facility in accordance with the approved scheme. A commuted sum for the future maintenance of the facility will also be sought.
- 4.55. The threshold for provision of community facilities on site is normally a population that supports a minimum community facility of 345m² to include a main hall, kitchen, toilets and adequate storage. (ie approximately 750 dwellings). Where new

development is taking place that demands a larger space then the opportunity should be taken to provide a range of spaces for a wider range of activities.

- 4.56. The Council's accessibility standard is 800m walking distance for facilities in urban areas, and a 15 minute drive time for residents in rural areas. On-site provision may therefore be sought for smaller developments depending upon the proximity of existing community centres. The size of the on-site provision will be commensurate with the scale of the development. This will be assessed on a case by case basis.
- 4.57. Where new development gives rise to a need for additional indoor community provision (but not a new freestanding facility) financial contributions will be sought for either off-site provision or the improvement/upgrading of existing facilities where appropriate schemes have been identified. Those needs will be assessed on a pro-rata basis using the standards set out in Appendix 11
- 4.58. The appropriate contribution is calculated by reference to the expected population in the development and the facilities required to support the population, multiplied by a standardised cost for the provision of the facility. Where contributions are sought for the expansion or improvement of existing facilities then the costs applying to the proposed improvements will apply.

Community Development

- 4.59. Community development is a key objective of the adopted Cherwell Local Plan. Strategic Objective SO10 seeks to provide sufficient accessible, good quality services, facilities and infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social and other community needs, reducing social exclusion and poverty, addressing inequalities in health, and maximising well-being.
- 4.60. Strategic Objective SO14 seeks to create more sustainable communities by providing high quality, locally distinctive and well-designed environments which increase the attractiveness of Cherwell's towns and villages as places to live and work and which contribute to the well-being of residents.
- 4.61. These objectives are further supported by the statement in paragraph B.86 that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.
- 4.62. Evidence gathered in preparing the 2017 Cherwell Community Spaces Development Study (CCSDS) strongly endorses the value of having a community development worker available at an early stage in a new development to 'kick start' the process of

bringing people together, developing new activities and putting in place the building blocks of a strong community.

- 4.63. The Council will therefore seek financial contributions towards the provision of a community activation fund and community development workers for major residential developments.

Thresholds

- 4.64. The threshold for contributions will generally be where a new community building is required to meet the needs of the new development, where the development is likely to give rise to a large new community, or where there may be issues of integration with existing communities.
- 4.65. Contributions will therefore not be sought from developments of fewer than 100 new dwellings unless they form part of a larger scheme.

Contributions

- 4.66. Contributions will be sought on a case by case basis to fund support from a community development worker. The levels of contributions sought are set out in Appendix 12
- 4.67. In addition to contributions towards a staffing resource, contributions will be sought towards a community development fund to enable community development workers to support the community through the provision of newsletters, events and activities as appropriate.

Community Safety & Policing

- 4.68. The supporting text to the adopted Cherwell Local Plan Part 1 states that the Council will ensure that new developments, area renewal and town centre expansions are safe places to live, work and visit by using tools such as 'secured by design' and by requiring provision of appropriate community safety and police infrastructure where required.
- 4.69. Thames Valley Police (TVP) is the police force that covers the Cherwell area. TVP operate a police model based upon the creation of Local Police Areas. At present the Cherwell Local Police Area has a population of approximately 141,900 made up of 56,700 households (source: 2011 Census). This population generates an annual total of circa 32,500 incidents that require police action. These are not necessarily all 'crimes' but are calls to the 999 handling centre which require a police response.

4.70. TVP have advised that the anticipated planned growth in the District will place a significant extra demand on existing resources. The Council will therefore require all residential (10 dwellings or more) and commercial developments, where required and where appropriate, to contribute towards the delivery of the following items of infrastructure to serve new developments and mitigate against their impact upon existing policing resources.

- Staff Set Up Costs – the cost of equipping and setting up new officers required to police new communities and neighbourhoods (not salary).
- Provision of New Vehicles and Bikes – the purchase of new fleet vehicles and bicycles.
- Premises – contributions towards the adaption/alterations or extension of existing premises for new officers to base themselves or work out of.
- Mobile IT – provision of suitable kit and equipment to enhance the mobility and flexibility of officers when working.
- Radio Capacity – additional demand will lead to an additional impact upon existing capacity of infrastructure.
- ANPR Cameras – Automatic Number Plate Recognition Cameras aid in detection but also prevent crime. Funding for the strategic placement of these cameras either in or close to new housing development will be sought where appropriate.
- Control Room and Police National Database Capacity – At present police control room handling is at capacity at peak times. Contributions towards improving the capacity of the existing infrastructure may be required.

4.71. Requirements and contributions will be assessed on a site by site basis when a specific need or item of infrastructure that is directly related to the development is identified.

4.72. The costs relating to the proposed infrastructure items or area-based initiatives will be applied proportionately to the size or the potential occupancy of the development.

4.73. Further advice on the level of contributions sought for community safety/CCTV provision by development type can be found in Appendix 14.

Education

(Including primary, secondary, pre-school, further education and special needs education)

4.74. The NPPF (paragraph 72) states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of

existing and new communities. This approach is further developed in the adopted Cherwell Local Plan Part 1 (Policy BSC 7) which seeks the provision of educational facilities throughout the District to accommodate population growth.

- 4.75. Oxfordshire County Council (OCC) has a statutory responsibility to ensure there are sufficient school and childcare places available for local children and young people living within the county of school age and whose parents wish their children to be educated by the state. It is important that these places are available within a reasonable travel distance for all those of school age occupying new residential development. OCC produces an annual Pupil Place Plan³ which sets out how school provision is expected to change over the next few years including anticipated requirements for new schools and school extensions linked to planned housing growth.

Planning Obligation Requirements

- 4.76. The LPA will expect all residential developments to contribute towards the provision of education infrastructure where there is not enough spare capacity in existing appropriate schools to meet the needs generated by the development. This may include financial contributions and/or the provision of land and buildings to enable new schools to be provided or for existing schools to be extended. A list of planned projects is set out in the Council's IDP which is updated on a yearly basis.
- 4.77. Developments which are of such a scale as to require the provision of a new school will be expected to fully fund the most appropriate size of school which would be sufficient to accommodate the projected pupil generation. Where a new school is serving the needs of multiple developments, the cost of the school will be shared proportionately across the relevant developments, subject to the constraints of the CIL regulations.
- 4.78. In some cases the most appropriate scale of new school may be less than the projected pupil generation, in which case the development may also be required to fund expansion of existing schools, where this is necessary.
- 4.79. Subject to approval by the Council and OCC the direct delivery of schools by developers may also be considered acceptable.
- 4.80. OCC's consideration of whether developer contributions towards education provision are required will be informed by the projected capacity figures. Empty places at a

³ www.oxfordshire.gov.uk/cms/content/pupil-place-plan

school do not necessarily equate to there being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity.

- 4.81. Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; however, where the proposed development would result in insufficient projected capacity, a contribution will be required. If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development.
- 4.82. It is in the interests of the developer and to potential residents to ensure that schools are able to accommodate the additional pupils generated by their development. It is recommended that developers contact the County Council's education team at the earliest possible stage in the process to ascertain whether there would be a requirement for additional education provision within the locality of their proposed development.
- 4.83. In circumstances where it is not possible to provide school places within a reasonable walking distance an additional contribution towards the cost of providing transport for children to school may be required. The contribution will reflect the cost of providing the transport for a defined period of time.
- 4.84. This requirement will apply to all urban and rural residential developments which are likely to generate demand for school places. Contributions will not be sought towards educational infrastructure from developments of studio or one bed dwellings, institutional accommodation exclusively for undergraduate students or from sheltered/elderly housing and other specialist housing developments where children will not live.
- 4.85. Further advice on the method of calculations and the expected costs are set out in Appendix 2 and Appendix 3 respectively. Reference should also be made to OCC's Developer Guide which is available on its website.

Flood Risk

- 4.86. There are extensive areas in the District that have been identified as being at risk of flooding. Flood risk arises from rivers, canals, sewers, surface water and ground water.
- 4.87. Policies ESD 6 and ESD 7 of the adopted Cherwell Local Plan Part 1 seek to manage and reduce flood risk by using a sequential approach to development. Developers will therefore need to demonstrate that account has been taken of flood risk from all

sources, and that the proposed development incorporates mitigation and management measures appropriate to the use and location. The Council also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs).

- 4.88. Flood defence measures that are deemed necessary to a development to mitigate specific impacts of that development, (including SUDs) will normally be sought through a planning condition. However, in certain circumstances a section 106 agreement may be required.

Health & Wellbeing

- 4.89. Policy BSC 8 of the adopted Cherwell Local Plan Part 1 sets out the Council's approach to securing health and well-being throughout the District. In addition, the Bicester Healthy New Town Programme aims to enable people who live or work in Bicester to live healthier lives and to prevent ill health in the future.
- 4.90. Improving public health, safety and individual wellbeing is also an overarching transport goal of OCC's LTP4. This will be achieved by increasing levels of walking and cycling, reducing transport emissions, reducing casualties, and enabling inclusive access to jobs, education, training and services.
- 4.91. New residential development will be expected to contribute towards the provision of additional health care infrastructure generated by its population growth where there is insufficient existing capacity, well located to serve the development. This may include financial contributions and/or the provision of land and buildings to enable the provision of doctor's surgeries and other health facilities to serve the local population, or the upgrading or extension of existing facilities in some locations.
- 4.92. An on-site new facility would not normally be required unless a need is generated by a patient population of 8,000 or more and only then if other nearby practices lack the capacity to expand. On smaller residential sites and where the new development increases demand on existing facilities, the need for new provision is likely to be replaced by extending existing facilities.

Contributions

- 4.93. The LPA will seek a financial or in kind contribution from developments of more than 10 dwellings towards the improvement and/or extension of existing primary medical care infrastructure where appropriate schemes are identified on a site by site basis.

- 4.94. Primary medical care infrastructure needs may include:
- Land on which to build either a new healthcare facility or an extension to an existing facility;
 - Building – either a new facility or an extension to an existing facility
 - ICT Infrastructure to support primary care expansion.
- 4.95. Contributions at an enhanced rate will be sought from developers of extra care housing, and care/nursing homes. This requirement reflects the much greater input and healthcare support required by the residents of such developments. Such contributions will be negotiated on a case by case basis.
- 4.96. Further detailed advice on the method of calculations and the costs of contributions can be found in Appendix 15.
- 4.97. As primary care practices are run as independent businesses an appropriate mechanism is needed to ensure that any facilities paid by developer contributions remain in community use for at least 15 years. As such any funds secured towards the provision of extensions/improvements or new facilities will be the subject of an agreement with the individual practices.
- 4.98. Any practice that benefits in this manner will be required to repay the funds if the practice does not continue for 15 years after the facilities have been provided.

Heritage

- 4.99. Policy ESD 15 of the adopted Cherwell Local Plan Part 1 seeks to protect, sustain and enhance designated and non-designated 'heritage assets'.
- 4.100. Where appropriate and assessed on a site by site basis the Council may require a S106 agreement which seeks to conserve and enhance the historic environment directly affected by a proposed development. Such projects could include:
- Repair, restoration or maintenance of a heritage asset and its setting;
 - Increased public access and improved signage to and from heritage assets;
 - Interpretation panels/historical information and public open days;
 - Measures for investigation, preservation and display of archaeological remains and sites;
 - Public realm obligations, including enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, and removal of street clutter.

Indoor Sport and Recreation

- 4.101. Policy BSC12 of the adopted Cherwell Local Plan Part 1 sets out the Council's overall approach to provision and enhancement of indoor sport and recreation.
- 4.102. The Council's PPG17 Indoor Sports and Recreational Facilities Assessment 2006 identified the current and future deficiencies in provision and contain recommendations as to how these deficiencies can be met.
- 4.103. The Council is currently undertaking a review of the District's indoor sport and recreation provision. If this additional analysis work results in amendments to the Council's standards, they will be updated in the Cherwell Local Plan Part 2. Once in place, Local Plan Part 2 standards will replace Appendix 9.
- 4.104. The PPG17 Assessment recommended local minimum standards of provision and these are set out in Appendix 9.
- 4.105. New development that generates a need for sport and recreation facilities that cannot be met by existing provision will be expected to contribute towards the provision of new facilities or the improvement/expansion of existing facilities.
- 4.106. Where on site provision is required, the LPA will expect the developer to design and gain the necessary planning consents to a specification, in accordance with Sport England requirements, and agreed by the LPA. The developer will then be expected to build the facility in accordance with the approved scheme. A commuted sum for the future maintenance of the facility will also be sought in the event that the facility is transferred to the Council.

Thresholds

- 4.107. The threshold for provision of indoor sport and recreation facilities on-site is a population that supports a 4 court facility or 683m² of floor space. i.e. 12648 people or 5080 dwellings if the average occupancy is 2.49 per dwelling. (based on the adopted standard of 0.315 badminton courts per 1000 population)

Contributions

- 4.108. If on-site provision is not possible, or appropriate, or where the development falls below the threshold, financial contributions will be sought for either off-site provision

or the improvement/upgrading of existing facilities where appropriate schemes have been identified.

- 4.109. Costs relating to the proposed improvements will be proportionate to the size or potential occupancy of the development. The levels of contributions will be reduced where the developer makes appropriate provision on-site of particular services or facilities.
- 4.110. The appropriate contribution is calculated by reference to the expected population in the development and the facilities required to support the population, multiplied by a standardised cost for the provision of the facility. Where contributions are sought for the expansion or improvement of existing facilities then the costs applying to the proposed improvements will apply.
- 4.111. Further detailed advice can be found in Appendix 9.

Nature Conservation & Biodiversity

- 4.112. Policies ESD10 and ESD11 of the adopted Cherwell Local Plan Part 1 sets out the Council's approach to the protection and enhancement of biodiversity and the natural environment, including Conservation Target Areas.
- 4.113. Relevant habitat and species surveys and their associated reports will be required to measure the biodiversity impact following the locally adopted Defra Offsetting Metrics and submitted to accompany planning applications which may affect a site of known, or potential, biodiversity value or the biodiversity/natural environment of the local area.
- 4.114. In addition to identifying biodiversity impacts, biodiversity surveys and reports should identify opportunities to deliver biodiversity enhancements.
- 4.115. Detailed advice for preparing a biodiversity survey can be found in OCC's guidance entitled 'Biodiversity and Planning in Oxfordshire' which is available on its website.
- 4.116. Where mitigation for the ecological impacts of a development can be achieved on-site, the LPA would normally secure this through a planning condition. Arrangements for the long term management and maintenance of this mitigation will normally be secured by a S106 agreement. In certain circumstances the LPA may seek a Local Ecological Management Plan, or equivalent, through a planning condition.

- 4.117. Thames Valley Environmental Records Centre has identified ten Conservation Target Areas (CTAs) in the District. They have been identified to focus work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK Biodiversity Action Plan (BAP) priority habitats.
- 4.118. General targets for maintenance, restoration and creation of habitats have been set for each area. These will be achieved through a combination of biodiversity project work undertaken by a range of organisations, agri-environment schemes and biodiversity enhancements secured in association with development. These targets are in the process of being made more specific in terms of the amount of each habitat type to be secured within each CTA.
- 4.119. Where on-site mitigation or compensation cannot be achieved contributions may be sought towards a scheme that closely offsets the impact of the development, and which also meets the aims of the Council's BAP.
- 4.120. The Council will generally seek to fund biodiversity enhancements via a S106 agreement. This is based on the Council's position that biodiversity offsets should not be classified as infrastructure⁴ because they do not enable the development to function, nor do they provide any facility to those living within or using the new development. This means that the pooling of 5 or more contributions towards one project or plan is possible.

Open Space, Play Facilities, Outdoor Sport & Recreation

- 4.121. Proposals for new development will be expected to contribute to open space, sport and recreation provision in accordance with Policies BSC10, BSC11 and BSC12 of the adopted Cherwell Local Plan Part 1.
- 4.122. The evidence base for these policies is the District's PPG17 - Open Space, Sport and Recreational Facilities Needs Assessment, Audit and Strategy 2006, the subsequent Green Spaces and Playing Pitch Strategies 2008 and the Open Space Update 2011. The Council has now commissioned studies to update this information. Should these studies result in amendments to the open space standards, these standards will be updated in the Cherwell Local Plan Part 2.

Local Standards and Thresholds

- 4.123. The Council's strategies referred to above establish the current and future deficiencies in open space, sport and recreation provision together with recommendations as to how these deficiencies should be met. The Strategies recommend local minimum

⁴ Defra communication to Warwickshire County Council (02/11/2015)

standards of provision and these are embodied in the adopted Cherwell Local Plan Part 1. They are set out in Appendix 4 for ease of reference. The Local Plan also includes qualitative standards of provision.

- 4.124. Obligations will be sought in cases where the proposed development will result in a net increase in demand for recreational facilities. If the development is for a purpose which is unlikely to generate demand then no contribution will be sought. The LPA may, however, seek contributions from applicants for commercial development as working population increases as a result of commercial development can add to demand for facilities. People travelling in to the District for work will often use facilities close to their place of work.
- 4.125. On-site provision will be sought, in the first instance, in accordance with the minimum standards set out in Appendix 4. Detailed guidance on the Council's specification and design requirements for different types of open space/facility can be requested from the Council's Street Scene and Landscape Services Section. Agreement will be sought with the relevant town or parish council on the equipment to be purchased.
- 4.126. If the proposed development results in an increase in demand for recreational facilities, and it is not practical to provide open space as part of the development, and there are identified shortfalls in the area, the LPA will seek a financial contribution towards off-site provision. This may include contributions to the improvement/enhancement of existing areas/facilities where appropriate schemes have been identified.
- 4.127. A list of deficiencies in open space, sport and recreation and priorities by Ward is set out in the Council's PPG17 Assessment – Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy 2006, the subsequent Green Spaces and Playing Pitch Strategies 2008, and the Open Space Update 2011. Updated information will be published by the Council as it becomes available.
- 4.128. Commuted sums for maintenance of the open space or play facility will also be sought. This sum will be based on the LPA's actual maintenance costs, to cover the future maintenance of open space, sport, and recreation and play facilities, together with a sum to cover management costs for a 15 year period. A multiplier is used to account for the costs which will vary over the 15 year period and the 'discount effect' of a lump sum up front. In some instances a capital sum contribution for the build out of provision may be deemed necessary. The Council's 2016/2017 commuted sum requirements are set out in Appendix 6. These are subject to annual updates. Further detailed information and specifications can be accessed by contacting the Council's Street Scene and Landscape Services Section.

Local Management Organisations for Open Space Management

- 4.129. It is the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in agreement with the relevant town or parish council with a commuted sum. The Council will only consider a local management organisation proposed by a developer if it meets the list of conditions set out in Appendix 8 and has the agreement of the relevant town or parish council.

Public Realm, Public Art and Cultural Well-Being

- 4.130. The 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. Public art and the quality of the public realm are important considerations in the design and layout of a development. Public realm relates to all those parts of the built environment, either publicly or privately owned, located between and within buildings that are publicly accessible such as all streets, squares, and other rights of way as well as open spaces and parks, watercourses and canals. High quality design and good management of the public realm is essential in creating successful and vibrant places and help to integrate new development in to the surrounding area. It can help to establish an identity for an area making it memorable and providing useful landmarks, particularly if it draws inspiration from local themes or associations.
- 4.131. One of the core principles of the NPPF is to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also advocates planning policies and decisions aimed at achieving places which promote, inter alia, safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourages the active and continual use of public areas.
- 4.132. The Government's Planning Practice Guidance (PPG) (paragraph 018) states that 'Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using'.
- 4.133. Policy ESD 15 of the adopted Cherwell Local Plan Part 1 states that the conservation of the historic environment and securing high quality urban design are very important

in protecting and enhancing the character of the District and ensuring that Cherwell is an attractive place to live and work.

- 4.134. Other adopted policies seek to support the District's town centres and to maintaining their vitality and viability and their associated infrastructure to create vibrant retail environments. In particular Policy Bicester 5 seeks to strengthen Bicester Town Centre. Similarly Policy Banbury 7 and Policy Kidlington 2 set out similar aims for Banbury and Kidlington respectively.
- 4.135. The adopted Banbury Masterplan SPD establishes a strategic vision for Banbury with a strong economy and vibrant and attractive town centre. It identifies areas for public realm, street, junction, environmental and public art improvements.
- 4.136. The adopted Kidlington Masterplan SPD establishes a strategic vision for the village in line with the adopted Local Plan. Key themes explored include opportunities to improve the public realm within the village centre, improvements to Oxford Road and the village gateways. Work is progressing on the Bicester Masterplan with one of its aims being to improve the character and appearance of the centre of Bicester and the public realm.

Contributions

- 4.137. Contributions will be sought towards the creation and/or enhancement of the public realm in the vicinity of new development where the proposed development will have a direct relationship with a public realm improvement scheme identified in the Council's IDP.
- 4.138. The level of financial contributions will reflect the character and scope of the works required and will be negotiated on a case-by case basis.
- 4.139. Financial contributions will be sought for public realm and public art projects listed in the Council's IDP which is updated on an annual basis.

Transport & Access

- 4.140. OCC is the local highway authority and is responsible for the management and maintenance of the adopted highway network within the District. OCC also produces the Oxfordshire Local Transport Plan, is responsible for traffic management and road safety and has further responsibilities in relation to public transport, school transport and public rights of way.

- 4.141. The Oxfordshire Local Transport Plan provides the strategic framework for transport in the County. It sets out likely transport infrastructure requirements and priorities for Cherwell aimed at tackling congestion, promoting sustainable travel, safer roads, improving public health and wellbeing, and improving the street environment. Specific schemes and projects are set out in the Council's Infrastructure Delivery Plan and the Oxfordshire Infrastructure Strategy (OxIS).
- 4.142. The Council's strategy, as set out in the adopted Local Plan, for managing growth is to locate development in sustainable locations and identify appropriate and deliverable measures to meet the transport needs of the District.

Planning Obligation Requirements

- 4.143. All new developments in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of the development. This will support delivery of the infrastructure and services needed to facilitate travel by sustainable modes. It will also enable improvements to be made to the local and strategic road and rail networks.
- 4.144. Where there is likely to be a transport impact the LPA will require the submission of a Transport Assessment. The type and level of any contributions towards transport infrastructure provision will be considered in the Transport Assessment and negotiated with the Highway Authority.
- 4.145. Detailed technical pre-application discussions with OCC on the transport assessment are essential for major developments.
- 4.146. Direct infrastructure provision, financial and other contributions (including those for bus services) towards mitigating measures will be included in a planning obligation. The implementation of any physical changes to the highway network required to accommodate, or mitigate, the effects of a proposal will be managed through a highways agreement with the Highway Authority. For major schemes it will be necessary to define the highways agreements at the time planning permission is granted. In such cases the highways agreement will be referred to in, and linked to, the planning agreement. This will ensure certainty and transparency of implementation requirements and costs for all parties.
- 4.147. In addition to local transport mitigation, S106 contributions will be required for strategic transport schemes (identified in the IDP) related to cumulative growth using the following formula (subject to the constraints of planning legislation):

X = Cost of Scheme(s)
Y = Held/Committed funding
Z = Alternative Funding
E = Expected Growth

$$\text{S106 Contribution} = (X - Y - Z) \div E$$

- 4.148. As denoted by 'E', where a scheme (to which a strategic transport contribution is requested) serves the needs of multiple developments, the cost of the scheme will be shared proportionately across the relevant developments (subject to any pooling restrictions).
- 4.149. The LPA may also require the preparation, agreement and implementation of a Travel Plan to mitigate the impact of the development on the transport system and environment. This will be a standard requirement for major developments and, depending on the nature of the development, the Plan may be secured by either a condition or planning obligation. Travel Plans for major development will normally include targets for modes of travel to and from the site and monitoring arrangements. There will be a need for financial commitments and incentives and/or penalties for non-compliance.
- 4.150. Further details on the above transport requirements can be found in OCC's Developer Guide.

Waste

Waste Collection Containers and Recycling Banks

- 4.151. The Council is committed to a strategy of minimising domestic waste sent for disposal through the development of recycling services and the reduction and reuse of materials. The Council will seek contributions for the provision of sorting facilities to deal with domestic waste at source. Each new dwelling will be provided with appropriate containers and the collected materials will be taken away to a recycling centre.
- 4.152. The Council's current waste collection service is currently working at full capacity therefore future new development will need capital investment to ensure the service to the customer meets all the requirements set out below.

- 4.153. Building Regulations 2000 (as amended by SI 2001/3335) H6 sets out the following planning requirement:
- Adequate provision shall be made for the storage of solid waste.
 - Adequate means of access shall be provided;
 - For people in the building to the place of storage and from the place of storage to the collection point.

Policy Framework

- 4.154. The NPPF paragraph 7 notes that planning has an environmental role, including the need to minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 4.155. The Cherwell Low Carbon Environmental Strategy, published in December 2011, seeks to deliver the objectives of the Cherwell Community Plan through the protection and enhancement of the local environment in terms of Waste minimisation, reuse and recycling.
- 4.156. Every residential dwelling requires (2017 prices):
- 1 X blue wheeled bin for the collection of dry recyclable material (£20) at the current size of 240 litre;
 - 1 X green wheeled bin for collection of residual waste (£20) at the current size of 180 litre;
 - 1 X brown wheeled bin for the collection of garden and food waste material (£20) at the current size of 240 litre;
 - 1 X brown kitchen caddy for the collection of food waste (£4) and transferral into the brown garden and food waste bin;
 - Capital investment in waste collection vehicles to service the new development (£42).
- 4.157. Where blocks of flats are proposed, waste collection should be through the use of communal collection containers or through provision of individual bins held in a communal location.
- 4.158. Communal bins stores should not be provided for groups of houses unless they are serviced by a private road. Communal bins should be housed in a covered storage area and the following issues should be taken into account: -
- Bin stores should be built to a specification that ensures they do not detract from the visual aspects of the local environment.
 - Stores should be no more than 5 metres from the kerbside or point where the vehicle would stop (vehicle access has to be proven rather than assumed)

- To provide sufficient space for residents to deposit their waste, a minimum of 1m must be provided in front of the containers
- Where more than one bin is to be placed in a storage area, the bins must be positioned so that they can be easily accessed without users having to move other bins. In short they must not be ranked or more than one deep
- A door or gate of a minimum opening of 1600mm should also be provided. Smaller doors for residents use can be provided in addition to this requirement
- Doors should open outwards, but not over the public highway or parking spaces
- A path leading from the kerbside to the bin store should be provided, with a minimum width of 1.5m. The path should be level or a gentle slope and should not contain steps
- Stores should not be behind gates or security barriers that would prevent them being emptied
- The structure must be robust enough to withstand everyday use
- Stores should not be behind designated parking bays or require the movement of containers past or through legally parked cars
- Communal bin compounds should be far enough away from housing units so as to reduce the impact of noise during bin use and collection but sufficiently close for easy use. Eliminating the need for collection vehicles to reverse will also assist in keeping noise to a minimum
- Dropped kerbs should be provided.

4.159 Bin storage areas should be a minimum 1.8 square metres per dwelling for houses/bungalows and 1.4 square metres per dwelling for flats or multi occupancy properties.

4.160. Local recycling banks or 'bring sites' shall be provided for recyclables not separated in domestic waste collection, such as glass and clothing. Recycling banks must include at least:

- 2 x Green glass banks
- 1 x Brown glass bank
- 2 x Clear glass bank
- 1 x Textile bank

4.161. Recycling banks (bring sites) are required to serve approximately every 500 dwellings. For residential developments a financial contribution towards the capital cost of providing collection banks shall be sought. Recycling banks (bring sites) currently

require the provision of 5 containers at a cost of £500 each. This equates to a cost of £5.00 per dwelling.

Size of Development	Contribution per dwelling
Developments between 1 and 199 dwellings	£106.00 for bin and collection vehicle provision. £5.00 towards recycling banks
Developments over 200 dwellings	£106.00 for bin and collection vehicle provision. £5.00 towards recycling banks. On-site provision of recycling bank including provision of land.

4.162 Where on-site contributions are required if this cannot genuinely be provided, a financial contribution equivalent to the cost of providing and equipping a local bring site shall be paid to the Council.

4.163 Waste and recycling bin contributions will be sought on occupation of new dwellings. The provision of recycling bring sites will be sought as early in the development as possible to serve the residents of the development.

4.164 The Council’s Environmental Services department will be able to provide further advice on the Council’s requirements.

Strategic Waste Management Contributions to Household Waste Recycling Centres

4.165 Oxfordshire County Council (OCC), as Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to provide Household Waste Recycling Centres (HWRCs). The Act requires that each HWRC is:

- Situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;
- Available for the deposit of waste at all reasonable times;
- Available for the deposit of waste free of charge by persons resident in the area.

4.166 Contributions will be required should there be a need to provide additional household waste recycling capacity resulting from new development. Further information on the developer contributions for these capital costs is available from OCC.

APPENDICES

Appendix 1: Population Figures

This appendix sets out the assumed population generation rates per dwelling for Oxfordshire. Based on figures derived from OCC's Survey of New Housing (2008) and the 2014 SHMA mix, the average occupancy rate per dwelling for the whole of Oxfordshire is 2.49. This assumes that an average development would contain 15% one bed dwellings, 30% two bed dwellings, 40% three bed dwellings, and 15% four bed dwellings. (Source: SHMA 2014).

Average Occupancy per Dwelling

Dwelling Type	One Bed	Two Bed	Three Bed	Four Bed
All Ages	1.28	1.85	2.88	3.96

(Source: OCC – based on OCC Survey of New Housing 2008)

It should be noted that these figures are subject to change. The results of an updated survey of new housing are currently being collated and are due to be published in 2018.

The above occupancy rates will be applied to all residential development proposals of 399 dwellings and below. For larger developments an excel based model known as POPCAL 10 will be used to calculate a detailed population profile associated with the proposed development.

Average Pupil Generation per Dwelling

School Category (Years)	One Bed	Two Bed	Three Bed	Four Bed
Nursery (2-3)	0.00	0.05	0.10	0.12
Primary (4-10)	0.00	0.17	0.39	0.51
Secondary (11-15)	0.00	0.09	0.23	0.35
Sixth Form	0.00	0.01	0.03	0.07

(Source: OCC – based on OCC Survey of New Housing 2008)

A reduction of 15% to the pupil generation rates has been applied to take account of pupils who will be educated in the independent sector. The sixth form rates have been discounted further to account for pupils leaving school before the sixth form.

Appendix 2: Indices used for Contributions Sought on behalf of OCC

Contributions sought on behalf of OCC will be index-linked to maintain the real value of the payments.

Indexation will be applied using the formula:

$$\text{Index Linked Contribution} = \text{Revised Index Value}^{**} \div (\text{Principal Amount} \times \text{Base Index Value}^*)$$

* A base date for contributions is established in this Guide and within the planning obligation. Using this base date a precise value within a particular index can be found.

** The date that the contribution is indexed to will be identified within the planning obligation. This will usually be the date of payment. Using this revised date a precise value within a particular index can be identified.

The table below sets out the indices that will be used.

Contribution Type	Index Name	Source	Notes
Transport contributions (excluding Public Transport Services)	Baxter	Made available through the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RCIS)	This index is a composite index comprising the following weighted indices from the Civil Engineering Formula '1990 Series' Index 1: Labour & Supervision (25%) Index 2: Plant & Road Vehicles (25%) Index 3: Aggregates (30%) Index 9: Coated Macadam & Bitumous Products (20%)
Public Transport Services Contributions	RPIX	ONS	RPIX is a measure of inflation in the UK. It is equivalent to the Retail Price Index (RPI) excluding mortgage interest payments.
All Other contributions	Tender Price Index of Public Sector Building (Non-housing) PUBSEC	Made available through the Building Cost Information Service (BCIS) of the Royal Institute of	The PUBSEC index is compiled from bills of quantities of accepted tenders forwarded from

		Chartered Surveyors (RICS)	Government Departments. The Index is an indicator of the trend in accepted tender prices for constructing public sector works in Great Britain. The results are published quarterly.
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Appendix 3: Education Infrastructure: Calculation of Contributions

Contributions for educational infrastructure will be calculated by multiplying the net increase in the forecast number of pupils (of the appropriate age) moving in to the new housing by the 'cost per pupil' of the required additional infrastructure.

Average Pupil Generation per Dwelling

School Category (ages)	One Bed	Two Bed	Three Bed	Four Bed
Nursery (2-3)	0.00	0.05	0.10	0.12
Primary (4-10)	0.00	0.17	0.39	0.51
Secondary (11-15)	0.00	0.09	0.23	0.35
Sixth Form	0.00	0.01	0.03	0.07

These rates are derived from the Oxfordshire Survey of New Housing (2008). Please note that survey updates may necessitate revised pupil generation figures.

A reduction of 15% to the pupil generation rates has been applied to take account of pupils who will be educated in the independent sector. The sixth form rates have been discounted further to account for pupils leaving school before the sixth form.

Based on the current percentage of pupils being educated in Special Educational Needs (SEN) schools in Oxfordshire 1.1% of the total pupils generated by the development will need to be educated in a SEN school (the majority of pupils with a statement of special educational needs are educated in 'mainstream' schools).

The table below sets out the standard cost per pupil of providing an extension to an existing facility. These standard costs will be used unless there is a specific scheme cost or where a new school is required. The figures are from the Department for Education (DfE) and have been adjusted for Oxfordshire using the DfE published location factors.

Table 1: Cost per pupil for extensions to existing facilities

	Total Cost per Pupil for Extensions (Cost base for indexation4Q16)
Nursery	£13,901
Primary	£13,901
Secondary	£21,033
Sixth Form	£22,454
SEN	£38,751

To give an indication of the contributions which may be necessary to address the impact of proposals the cost per pupil for extensions to existing facilities is multiplied by the pupil generation rates per dwelling to reach the contributions per dwelling shown below.

Table 2: Contribution per dwelling

	1 Bed	2 bed	3 Bed	4+ bed
Nursery	£0	£695	£1,390	£1,668
Primary	£0	£2,363	£4,948	£6,471
Secondary	£0	£1,893	£4,415	£6,718
Sixth Form	£0	£225	£615	£1,434
SEN	£0	£115	£277	£396

If a development creates all or part of the need for a new school a different level of contribution reflecting the actual estimated cost for the new school or part thereof will be applied. Where the development substantially necessitates a new school, developers will be expected to provide at nil cost to the education provider a suitable site (both in terms of size and location) which is fully serviced, fully decontaminated and remediated.

The Tables below give an indication of the likely costs of new educational infrastructure:

Cost of New Build Primary Schools

Size of School	Number of pupils accommodated		Cost (Excluding Land & Abnormals)	Cost Base
	aged 2-3	Aged 4-10		
1 Form Entry + nursery	60	210	£ 7,212,015	4Q 16
1.5 Form Entry + nursery	75	315	£9,166,019	4Q 16
2 Form Entry + nursery	90	420	£ 10,952,913	4Q 16

Cost of New Build Secondary Schools

Type of School	Number of Pupils accommodated	Cost (Excluding Land & Abnormals)	Cost Base
Secondary (11-16)	600	£ 17,847,000	4Q 16
Secondary (11-16)	900	£ 24,338,000	4Q 16
Secondary (11-16)	1200	£30,932,000	4Q 16
Secondary (11-18)	700	£21,438,000	4Q 16
Secondary (11-18)	1100	£30,288,000	4Q 16
Secondary (11-18)	1500	£39,145,000	4Q 16

Appendix 4: Local Standards of Provision – Outdoor Recreation.

Type of Provision	Quantitative Standard	Accessibility Standard	Minimum Size of Provision	Threshold for On-Site Provision
General green space (parks & gardens/natural semi-natural/amenity green space)	2.4ha per 1000 urban dwellers	5 minute walk (amenity open space) (400m)	200sqm	10 urban dwellings
	2.74ha per 1000 rural/urban dwellers	15 minute walk other (1200m)		6 rural/urban edge dwellings
Play space (combining provision for younger and older children including MUGAs)	0.78ha per 1000 people	5 minutes walk (400m) except for NEAPs 15 minute walk (1200m)	LAP – 100sqm activity zone; 400sqm including buffer	10 dwellings (for a LAP)
			LEAP – 400sqm activity zone; 3600sqm including buffer	50 dwellings (for a LEAP and LAP)
			NEAP – 1000sqm activity zone; 8500sqm including buffer	100 dwellings for a NEAP and LEAPs/ LAPs
			NB: In some cases a combined all-age area of play will be preferable to provision of LAPs/LEAPs/NEAPs.	
Outdoor sports provision (combining tennis courts, bowling greens, golf courses and playing pitches) (to be accompanied by changing facilities where appropriate)	1.13ha per 1000 people	Football, rugby, cricket: 10 minute walk (800m) urban areas, 10 minute travel time (8km) rural areas Tennis courts: 15 minute walk (1200m) urban areas, 15 minute	0.12ha	65 dwellings

Type of Provision	Quantitative Standard	Accessibility Standard	Minimum Size of Provision	Threshold for On-Site Provision
		travel time (12km) rural areas Bowling greens, golf courses: 15 minute travel time (12km) Hockey: 20 minute travel time.		
Allotments	0.37ha per 1000 people	10 minute walk (800m)	0.2ha	275 dwellings

Appendix 5: Summary of demand for open space, sport and recreational facilities by development type

Type of Green space	Houses	Flats	Bedsits	Hostels	Sheltered Accom	V. Sheltered accom	Care homes	Student accom
Parks and gardens	yes	yes	yes	yes	yes	no	no	yes
Natural/semi natural green space	yes	yes	yes	yes	yes	no	no	yes
Amenity green space	yes	yes	yes	yes	yes	no	no	yes
Play provision	yes	yes	no	no	no	no	no	no
MUGAs	yes	yes	no	no	no	no	no	yes
Tennis courts	yes	yes	yes	yes	no	no	no	yes
Bowling greens	yes	yes	yes	yes	yes	no	no	yes
Golf courses	yes	yes	yes	yes	no	no	no	yes
Allotments	yes	yes	yes	yes	yes	no	no	yes
Pitches	yes	yes	yes	yes	no	no	no	yes

Appendix 6: Commuted Sums for Children's Play Space, Sports Pitches, Public Open Space

The commuted sums for capital infrastructure are based on current contractor costs. The landscape maintenance rates are taken from the annually updated competitive rates of the Council's landscape maintenance contract. (quoted sums from 2016/2017)

Each provision is multiplied by the current multiplier to commute the payment over a 15 year period

Current Inflation Figure = CPI 0.5%

Current Multiplier - 15

Play Areas – Maintenance Provision	Total Cost (£)
LAP – Equipped (400m ²)	27501.52
LAP – Free Play Zone (400m ²)	12394.26
LEAP (3600m ²)	108761.69
LEAP/LAP Combined (4000m ²)	121492.13
NEAP (9500m ²)	249994.49
NEAP/LEAP Combined (13100m ²)	350435.88

Play Areas – Capital Provision	Total Cost (£)
LAP – Equipped (400m ²) Local Area for Play (fencing, furniture, surfacing & signage)	20779.15
LAP – Free Play Zone (400m ²) Local Area for Play (fencing, furniture, path surfacing & signage)	10882.91
LEAP (3600m ²) Local Equipped Area for Play (play equipment, fencing, furniture, surfacing & signage)	60783.45
LEAP/LAP – Combined (4000m ²) Local Equipped Area for Play (play equipment, fencing, furniture, surfacing & signage)	74723.30
NEAP (8500m ²) Neighbourhood Equipped Area for Play (play equipment, MUGA, fencing, furniture, surfacing & signage)	240326.82

Outdoor Sports Facilities – Maintenance Provision	Total Cost (£)
Tennis/netball/basketball court	27468.25
Bowling Green	173303.86
Cricket Square	53197.08
Football Pitch - Senior	70195.95
Football Pitch - Junior	61589.12
Synthetic Pitch – 400mm 3G (130m x 90m)	111638.94
Pavilions	
2 changing room – Tennis & Bowls	43164.75
2 changing room – Football – 1 pitch	41338.67
4 changing room – Football – 2 pitches	55084.05
6 changing room – Football – 3 pitches	71871.57

Outdoor Sports Facilities – Capital Provision	Total Cost (£)
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Tennis/netball/basketball court	40903.50
Bowling Green	122449.20
Cricket square	43267.93
Football pitch - Senior	77647.64
Football pitch - Junior	62670.80
Synthetic pitch – 40mm 3G (130m x 90m)	582900.00
Pavilion	
2 changing room – Tennis & Bowls	431648.51
2 changing room – Football – 1 pitch	413392.68
4 changing room – Football – 2 pitches	550840.50
6 changing room – Football – 3 pitches	718715.70

Green Infrastructure – Maintenance Provision	Total Cost (£)
Public Open Space (cost per hectare)	93222.18 (per m ² – 9.32)
Hedge Maintenance (cost per 1000 Lnm)	14354.42 (per m ² – 14.35)
New Woodland Area Maintenance (cost per 1000m ²)	23233.59 (per m ² – 23.23)
Mature Woodland Area Maintenance (cost per 1000m ²)	4629.23 (per m ² – 4.63)
Mature Tree Management (cost per 10 trees)	3348.23

Green Infrastructure – Capital Provision	Total Cost (£)
Public Open Space (cost per hectare)	110829.85
Hedge Planting (cost per 1000Lnm)	6051.91
New woodland planting (cost per 1000m ²)	6545.57

Water Feature – Maintenance Provision	Total Cost (£)
Pond maintenance (per 500m ²)	21904.28 (per m ² – 43.81)
Ditch maintenance (per 500 m ²)	16290.05 (per m ² – 32.58)
Stream Maintenance (per 500m ²)	8969.63 (per m ² – 17.94)
Balancing Pond maintenance (per 500m ²)	5812.92 (per m ² – 11.63)

Allotments – Maintenance Provision	Total Cost (£)
Allotment Areas (cost per hectare)	42190.84 (per m ² – 4.22)
Allotments – Capital Provision	
Allotment Areas (cost per hectare)	255713.11

Off- Site Contributions	Total Cost (£)
In lieu of Children’s Play Facilities – Developments (10+ dwellings)	23068.62 (per dwelling – 2306.86)

Developer Contributions SPD - Appendices - February 2018

In lieu of Sports Pitch provision- Developments (10+ dwellings)	20170.30 (per dwelling- 2017.03)
In lieu of Open Space Provision- Developments (10+ dwellings)	14262.65 (per dwelling- 1426.27)

Appendix 7: Open Space, Sport and Recreation: Process and Procedures for Applications where On-Site Provision is Required.

Pre-application

The LPA will identify the on-site open space, sport (indoor/outdoor), recreation and play provision required, and the planning obligation (including commuted sums/rates) that is required.

The LPA will identify requirements in consultation with the appropriate Parish and Town Councils. Normally Town and Parish Councils are the preferred custodians and providers of open space, play, sport and recreation facilities and they will be expected to take ownership or adopt the facilities. In exceptional cases Town and Parish Councils may not be willing or able to take ownership or adoption and in these cases the LPA will proceed on the basis that the District Council will be generally be responsible for the long term ownership, management and maintenance after transfer.

Where possible any options for off-site provision will be identified at this stage.

Application

The same procedure for Pre-application applies. At this stage the LPA will seek the agreement of Parish and Town Councils to the concept and layout, and /or landscaping being undertaken, of the open space, sport (indoor/outdoor), recreation and play provision prior to the granting of planning permission. Their commitment to future ownership or adoption will also be expected.

At application stage specific proposals must be identified and defined to support preparation of planning obligation documents.

Approval of Submitted Open Space, Sport, Recreation and Play Proposals (Construction Details)

Conditions and planning obligations will require the developer to submit detailed proposals to the LPA for approval. These proposals must include detailed drawings, specifications, guarantees (transferable) and maintenance specifications to BS/EN standards. The LPA will provide formal approval to the developer once internal consultations are completed, or seek amendments to the open space, sport, recreation and play proposals, as necessary.

Approvals will be managed as follows:

- The LPA will discharge the conditions/obligations when open space, sport, recreation and play provision details are deemed acceptable by the Council.
- It is important to note that the development must not commence until there has been submitted to and approved by the LPA a scheme (including a phased programme [on large developments]) for the laying out, hard and soft landscaping and equipping of the open space, sport, recreation and play provision including, supporting changing accommodation.
- The planting, turfing and seeding to the open space, sport, recreation and play provision is to take place during the first planting season following the commencement of development [or phase of development]. The setting out of the landscaping and equipping of the open space, sport, recreation and play provision is to be in accordance with the approved scheme to the satisfaction of the LPA.

- The Developer is required to notify the LPA on the commencement and completion of the open space, sport, recreation and play provision, and must maintain the provision to its original standard for a period of twelve months following its completion, as certified by the LPA, replacing items (including surfaces) which are defective in the opinion of the LPA in accordance with the approved details contained in the scheme, and replacing any trees or shrubs which may die, are removed or become seriously damaged or diseased with others of similar size and species to the satisfaction of the LPA, The Developer is to carry on maintaining the open space, sport, recreation and play provision and supporting changing accommodation until these facilities are transferred, and to give access to the LPA's officers to enter to the area/s to carry out inspections.
- The LPA is to be notified by the developer on the commencement and completion of the open space, sport, recreation and play provision and supporting changing accommodation and the LPA will inspect the development at the following stages:
 - a) setting out,
 - b) drainage,
 - c) equipment installation,
 - d) surfacing; and
 - e) planting (including grass / wildflower seeding)

The developer is to ensure that a report is to be provided by a recognised body certifying that the construction is adequate for the intended use and submitted to the LPA.

Monitoring Development

The Developer is to provide an indicative timetable of on-site operations including indicative dates for the stages of construction and completion of the open space, sport, recreation and play provision to the LPA for the Council's coordinated monitoring of the open space, sport, recreation and play provision and supporting changing accommodation. It is necessary for the Developer to advise the LPA when the laying out of the open space, sport, recreation and play provision is taking place.

The LPA will monitor the commencement of development, compliance with conditions and planning obligations.

The LPA will endeavour to carry out inspections within 5 working days of notification by the developer at the stages listed above with the aim of ensuring that works are satisfactory, to identify remedial works when necessary and areas completed in accordance with the approved plan. Records will be kept on monitoring sheets of all inspections, and minutes of site meetings.

Enforcement (before practical completion)

The LPA will take enforcement action on conditions and obligations, should it be necessary, and will ensure good record keeping as evidence and provide expert witness statements, if required.

Practical Completion

The Developer must arrange for satisfactory Royal Society for the Prevention of Accidents (RoSPA) inspections and the subsequent reports to be forwarded to the LPA. They must also obtain transferable

guarantees for equipment which must also be sent to the LPA. For natural sports pitches or courts a satisfactory post completion 'fit for purpose' report from a recognised body, such as the Sports Turf Research Institute (STRI) or a member of the Sports and Play Construction Association (SAPCA), will be required. The Developer is to provide two sets of as-built drawings for the LPA. The LPA will carry out inspections of the completed open space, sport, recreation and play provision and inform the Developer of any defects in writing. The Developer must correct the defects as soon as possible and inform the LPA's planning department when the defects have been remedied, as early as possible. The LPA will then issue certificates of practical completion, detailing outstanding items of work, copies of which to be provided to the Developer and contractor.

The Developer is to confirm to the LPA that remedial works to defects are complete. Once the LPA has inspected the remedial works and found them to be satisfactory the LPA will then confirm that all works are complete in accordance with the approved plans and the open space, sport, recreation and play provision is acceptable for adoption.

The LPA will check and revise commuted sum calculations, if required (in cases where a schedule of rates was given by the District Council and shown in the planning obligation).

The Developer must ensure that the play areas/MUGAs are opened for use once practical completion is granted. Insurance cover must be provided by developer until formal transfer by the District. The developer should provide signs at each facility providing contact details for the public to report any defects. Joint monitoring of the open space, sport, recreation and play provision by the Developer and the Council is necessary to ensure the sites are safe for use. The LPA will consider any proposed change to the twelve month liability period by the Developer and agree to any changes in writing, if appropriate.

A twelve month maintenance period is required for open space and play provision to ensure that landscape features become established prior to the areas being transferred.

On sports pitches a minimum of two years is required before transfer from the date of seeding and completion to allow for establishment of the pitches.

Final Completion

The LPA will undertake an inspection of the open space, sport, recreation and play provision one month before the expiry of the twelve month defects period. The developer is to bring the space, sport, recreation and play provision up to the adoptable standard. The developer shall also provide the LPA with a post installation inspection and safety audit from a RoSPA -approved expert for play areas and informal open space. For sports pitches or courts a satisfactory post completion report from a recognised body such as STRI or SAPCA member will be required.

If all areas are satisfactory the LPA will issue certificates of final completion to the Developer.

Transfer

The Developer will start the legal transfer to the LPA, accompanied by an appropriate contribution towards its maintenance after adoption. This contribution will normally be in the form of a commuted sum, to cover 15 years maintenance, secured through a planning obligation document.

The LPA's finance section is to set up a new accounting code for each commuted sum. This will be specifically linked to the planning application reference number. All payments are to be made to the

LPA (by cheque or BACS) under the designated code with details of the application reference number and accompanied by a breakdown of capital and maintenance contributions.

The receiving LPA's Legal Team will complete the transfer of the open space, sport, recreation and play provision to the LPA on receipt of the commuted sum. On completion of the legal transfer the LPA will take over the maintenance responsibility. The LPA will then proceed to transfer or lease the provision to the relevant town or parish council along with any commuted sum balances.

Developer Responsibilities for maintenance of open space, sport, recreation and play facilities.

The long term maintenance of open space, sport, recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. In the case of new housing developments, the developer will be required to make provision for the appropriate amount and type of open space, sport, recreation and play provision, plus supporting changing accommodation.

The developer is to submit to the LPA management plans and maintenance schedules to ensure that the soft/green areas of open space, sport, recreation and play facilities are established successfully for the benefit of the community and biodiversity. The maintenance specification is to be written and implemented in accordance with the relevant EN/BS standards.

Maintenance of Sports Pitches

The Developer's Contractor will be responsible for the maintenance of the grass sward for 2 years from the date of practical completion. A maintenance specification is to be submitted to the LPA. This maintenance specification must comply with industry best practice.

Maintenance of Play Areas and MUGAs

The Developer's Contractor will be responsible for the maintenance of the play areas and MUGAs for 12 months from the date of practical completion. A maintenance specification is to be submitted to the LPA and must comply with industry best practice.

Maintenance of Open Space and Recreation Areas

The Developer's Contractor will be responsible for the maintenance of open space and recreation areas for 12 months from the date of practical completion. A maintenance specification is to be submitted to the LPA and must comply with industry best practice.

Appendix 8: Local Management Organisation Requirements for Public Open Space, Outdoor Sports Pitches and Play Areas

NOTE: It is the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in conjunction with the relevant town or parish council with a commuted sum. The Council will only consider a local management organisation proposed by a developer if it meets the list of conditions set out below and has the agreement of the relevant town or parish council.

- Provide a method statement of how the funding will be provided to the Management Company to cover maintenance costs in perpetuity.
- Provide a method statement of how capital funding for replacement items/unforeseen costs will be generated.
- The Council's twice yearly inspection costs will be paid as a commuted sum for the first fifteen years for monitoring the management company's maintenance standards.
- Confirmation that the standards of maintenance will be identical to the standard set out in the Council's Technical Specifications for Landscape and Cleansing Operations.
- Confirmation that a diminishing bond will be put in place to cover the Council's costs of maintenance and management of the site, to be available for the council to draw upon if standards delivered by the management company do not match those set out in the Council's Technical Specifications.
- Confirmation that the Council has the step in rights if the management company let standards drop below the standards set out in the Council's Technical Specification along with the rights to recover costs.
- Confirmation that at no point will the service charges levied on residents increase the rents for affordable housing above 80% of the open market rents as published by the Home and Communities Agency (HCA), where affordable rents are in place.
- Confirmation that all public open space, outdoor sports pitches and play areas remain accessible and usable by the general public in perpetuity.
- If the management company goes in to administration, confirmation that title deeds of all public open space, outdoor sports or play areas transfer to the Council as the provider of last resort.

Appendix 9: Local Standards of provision – Indoor Recreation

Facility Type	Local Quantity Standard per 1000 Population
Sports Hall	0.315 badminton courts
Swimming Pool	9.31 m ²
Squash Courts	0.059 courts
Health & Fitness	5.28 stations
Indoor Bowls	0.045 rinks
STPs	0.046 pitches
Athletics Tracks	0.0012 8 Lane facility
Community Centre	185m ²

Sports Hall

There is a need for 0.315 badminton courts (sports hall) or 53.78m² per 1000 people (or 0.054m² per person). This figure is based on the area of a four court hall plus circulation, reception and changing space (683m²). The cost of construction is £2251 per m² plus land costs and VAT (at 2016). The cost per person for sports hall provision is therefore £121.56 plus land costs and VAT.

Swimming Pool

There is a need for 9.31m² of swimming pool area per 1000 people or 0.0931m² per person. The cost of construction of a new build swimming pool, using average of Swim 25 commercial product and RICS Building Cost Information Service construction costs, would be £2,296 per m² plus land costs and VAT (at 2010). The cost per person for swimming pool provision is therefore £213.76 plus land costs and VAT.

Appendix 10: On-Site Community Facilities and Indoor Sport Provision: Process and Procedures

The LPA will identify the on-site indoor sport and/or community centre provision required and will provide the developer with a specification for the floor space and the facilities that need to be provided on site. At application stage specific proposals must be identified and defined to support the preparation of planning obligation documents.

Conditions and planning obligations will require the developer to submit detailed proposals to the LPA for approval. These proposals must include detailed drawings, specifications and guarantees (transferable). The LPA will provide formal approval to the developer once internal consultations are completed, or seek amendments to the proposals as necessary.

The developer will construct the building/facility in accordance with the approved details and ownership of the building/facility will be transferred to the Council following a satisfactory final inspection. The Council may subsequently transfer the ownership to the relevant parish authority or a suitable community association. In exceptional circumstances the Council may accept alternative management arrangements for the facility. These circumstances will be assessed on a case by case basis.

The timing of provision of the facility will be negotiated on a case by case basis but the size of the development and proximity to existing facilities will be a determining factor. In the case of the community hall provision of a suitable temporary facility should be available to the residents on completion of the 100th dwelling.

Appendix 11: Community Hall Facilities

In accordance with the recommendation of the 2017 CCDS Study a required community hall facility standard of 0.185m² per person will be applied.

Capital Cost Estimates for Provision of New/Extended Community Hall Facility

	Capital Cost	Capital Cost/m ²	Cost per person
1 storey	£1,600,000	£2,315	£428
2 storey	£1,820,000	£2,633	£488
Hard landscaping	£331,000		£89
Soft landscaping	£10,000		£3
TOTAL			£520 (1-storey)
			£580 (2-storey)
Horizontal extension to existing community hall		£2,920	
Refurbishment of existing community hall		£2,482	

Costs are correct at 2017

Calculations are based on the construction of a 691sqm building.

The cost estimates are inclusive of main contractor preliminaries, overheads and profit, project/design team fees and client contingencies.

Contributions towards the maintenance of the facility will also be sought. This will cover a 15 year period following the transfer of the facility to the LPA (or community association). A list of typical maintenance tasks and costs is set out below:

Annual Costs (Repeated Each Year)	One off costs
Fire alarms and extinguishers	Electrical testing
Intruder alarms	Internal decoration
Boiler service and gas safety	Replacement boiler/water heaters
Water monitoring and legionella	Replacement extract fans
Emergency light maintenance	Replacement external lighting
Lift maintenance	Replacement shower fittings
Miscellaneous repairs	Replacement light fittings
Business rates	
Water rates	
Insurance	
Gas	
Electricity	

Guide Estimate for Commuted Sum for maintenance = £298.88 per m² (2017)

(Cost estimates are based on existing maintenance cost for community hall facilities in the District. However, actual commuted maintenance costs required from the developer will be assessed on a site by site basis).

Appendix 12: Community Development

On development sites in excess of 100 new dwellings, developers are expected to provide the costs of employing a community development worker as follows:

100>250 homes: 0.4 FTE for 1 year

250> 500 homes: 0.4 FTE for 2 years

500> 1000 homes: 0.8 FTE for 2 years

1000+ homes: 0.8 FTE for 2.5 years.

Community Development Workers should be in place once a certain threshold of new homes have been built. This threshold will be established on a case by case basis.

Appendix 13: Apprenticeships & Skills

Draft Cherwell District Council Interim Position Statement on Planning Obligations for Construction Apprenticeships and Skills, April 2016

1.0 Background

- 1.1 The Government has made a commitment to 3 million new apprenticeship starts in England between 2015 and 2020¹. Apprenticeships are full time paid jobs which incorporate on and off the job training. A successful apprentice will receive a nationally recognised qualification on completion of their contract. Public sector bodies will be required to employ apprentices and set targets to increase apprenticeship numbers². There are over 200 different types of apprenticeship currently available in England, through existing apprenticeship frameworks. Apprentices can receive qualifications ranging from that equivalent to 5 GCSE passes to that equivalent to a degree.
- 1.2 Cherwell District Council (CDC) has pledged during 2016-2017 to “continue to support skills development, apprenticeships and job clubs in order to help support local employment and reduce the number of young people not in education, employment or training”³. In particular CDC is keen to increase the number of apprenticeships and related skills that come forward through the construction of new development areas in the District. This aspiration is in line with the latest report from the Construction Skills Network which forecasts that in the south east region alone, 1730 construction jobs are expected to be created every year over the next 5 years, but skill shortages are beginning to emerge⁴.
- 1.3 Oxfordshire in general and the Cherwell District in particular, are experiencing a large increase in construction to provide new homes and jobs for the area. However there is a shortage of skilled construction workers to support this growth. The table below shows the trends over the last four years. Construction apprenticeships are decreasing. They made up 6.6% of the total in 2011/12 and falling to 4.1% in 14/15. Furthermore labour market information gathered by the Oxfordshire Local Enterprise Partnership (OXLEP) has shown that within the local construction sector, it is the elementary construction occupations that are most in demand⁵.

Construction, Planning and the Built Environment	2011/12	2012/13	2013/14	2014/15, Q4 provisional
Count of construction apprenticeship starts	300	250	170	180
% of all apprenticeships	6.6%	5.6%	4.4%	4.1%

Source: Economy and Skills, Oxfordshire County Council.

- 1.4 The need to increase the number of apprenticeships locally is picked up by both the Oxfordshire Local Economic Partnership (OxLEP) and the South East Midlands Economic Partnership (SEMLEP). OxLEP’s Strategic Economic Plan is committed to delivering 1150

¹ Apprenticeships Policy, England 2015: House of Commons Library Briefing Paper 03052, 20 January 2016 page 3

² Op. cit. page 3

³ Cherwell District Council Performance Pledges 2016-2017

⁴ Construction Skills Network South East Report 2016-2020

⁵ Oxfordshire Labour Market Information Summer 2014, Oxfordshire Skills Board Page 39 more apprenticeships

to 2020 within Oxfordshire⁶. The SEMLEP Strategic Economic Plan is seeking just over 94,000 apprenticeship starts within the SEMLEP area between 2015 and 2020. Of these, it is anticipating that 7017 will be created within the Cherwell District⁷. It notes in particular that there is a shortage of skills and an aging workforce in the construction sector across the SEMLEP area and that there are significant opportunities for jobs growth in these sectors across the SEMLEP area⁸.

- 1.5 Cherwell District Council's Economic Development Strategy (CDCEDS) identifies the provision of apprenticeships as one way to help people into employment⁹. In essence, the growth envisaged in the Cherwell District Council Local Plan Part 1 (July 2015) will both benefit from a healthy supply of construction apprentices as well as providing an ideal environment to support the training of new entrants to the construction trades. In respect of North West Bicester, the CDCEDS seeks to implement the NW Bicester Economic Strategy as one of the means to provide, encourage and support skills needed to develop NW Bicester and cites local apprenticeships as an outcome of this initiative¹⁰.
- 1.6 This note will set out the national and local planning policy context before describing the approach to be taken in the negotiation of construction (and related trades) apprenticeships for planning applications for certain categories of new development by Cherwell District Council. It is intended that this note will operate as informal guidance which will eventually help inform a relevant policy within the Cherwell District Council Local Plan Part 2 and the Planning Contributions Supplementary Planning Document, which are currently in the early stages of preparation.

2.0 National Planning Policy Context

2.1 The National Planning Policy Framework March 2012 (NPPF)

The Framework is predicated on ensuring that the planning system promotes sustainable development. The Framework notes that there are 3 dimensions to sustainable development and that the planning system should correspondingly perform an environmental role, a social role and an economic role¹¹. In terms of the economic role, the NPPF notes that pursuing sustainable development involves "making it easier for jobs to be created in cities, towns and villages."¹² It further notes that "plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas."¹³

- 2.2 Under the heading "Building a strong, competitive economy" the NPPF states that "the Government is committed to securing economic growth in order to create jobs and prosperity..."¹⁴ It continues by stating that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that

⁶ OxLEP Strategic Economic Plan March 2014, page 42

⁷ SEMLEP Strategic Economic Plan 2015-2020, Table B SEMLEP Apprenticeship Data, Page 25

⁸ Op cit. paragraph 2.5.19, page 26

⁹ Economic Development Strategy for Cherwell, North Oxfordshire 2011-2016, Cherwell District Council, pages 32, 45

¹⁰ Op Cit. page 47

¹¹ NPPF (March 2012) paragraph 7

¹² NPPF (March 2012) paragraph 9

¹³ NPPF (March 2012) paragraph 10

¹⁴ NPPF (March 2012) paragraph 18

planning should operate to encourage this. It concludes the paragraph by stating that significant weight should be placed on the need to support economic growth through the planning system.¹⁵

2.3 In terms of how apprenticeships can be delivered through the planning system, CDC proposes that this is achieved through planning obligations attached to planning consents, whichever is the most appropriate depending on the individual circumstances of each application and site. In drafting conditions and agreements, CDC will take account of the NPPF and Planning Practice Guidance.

2.4 Eco Towns Supplement to Planning Policy Statement 1 July 2009 (SPPS1)

The SPPS1 specifically applies to the North West Bicester site. In a similar way to the NPPF, there are no explicit references to the provision of apprenticeships in the Supplement. However section ET10 Employment states that an economic strategy should be produced to accompany planning applications *for eco towns that demonstrate how access to work will be achieved. One of the supporting documents accompanying the NW Bicester Masterplan submitted by A2 Dominion is the NW Bicester Economic Strategy (21 March 2014) which contains a commitment to apprenticeships. This will be explored in more detail in the section below which deals with the local planning policy context.*

3.0 Local Planning Policy Context

3.1 The Cherwell Local Plan 2011-2031 Part 1 (adopted July 2015)

Securing the economic future of the District is the main priority of the Local Plan¹⁶. The main focus of the Plan is strengthening the local economy, job creation, inward investment and company growth, as well as building cohesive communities.¹⁷ In particular, the Plan notes that relatively large numbers of people in Cherwell are without qualifications and basic skills, so the level of education and training needs to improve¹⁸. The Plan contains 5 strategic objectives for developing a sustainable local economy including SO5 which aims to “.....support an increase in skills and innovation....¹⁹”. The Plan notes that “there will also need to be promotion of local training providers, an improvement of the relationships between companies and schools, colleges and the universities....²⁰”. However there are no strategic policies that deal with the provision of apprenticeships / increasing skills in the workforce as these are detailed policy areas more appropriately covered in the Cherwell Local Plan Part 2.

3.2 However the supporting text to Policy Bicester 1: North West Bicester Eco-Town states that an economic strategy will be required and there should be local sourcing of labour, including providing apprenticeships during construction²¹. Policy Bicester 1 itself repeats the requirement for an economic strategy to be prepared to support planning applications for the site and amongst other matters, to demonstrate how access to work will be achieved.

¹⁵ NPPF (March 2012) paragraph 19

¹⁶ CDC Local Plan 2011-2031 Part 1, July 2014, paragraph ix Executive Summary.

¹⁷ Op cit. paragraph 1.66

¹⁸ Op cit. paragraph A14

¹⁹ Op cit. page 31

²⁰ Op cit. paragraph B14

²¹ Op cit. paragraph C39

3.3 North West Bicester Supplementary Planning Document (adopted February 2016)

The North West Bicester Supplementary Planning Document amplifies Policy Bicester 1 of the Local Plan Part 1. Under Development Requirement 5- Employment, it states that employment proposals for NW Bicester will be required to “support apprenticeship and training initiatives”. In Section 6 Delivery, the SPD states that “employment opportunities and facilities to support job creation providing a mix of uses and access to job opportunities” should be taken into account to deliver the masterplan vision through the submission of planning applications. It further states that contributions towards local employment, training and skills will be required through legal agreements from developers²².

3.4 NW Bicester Masterplan: Economic Strategy (March 2014)

In line with Section ET10 of the PPS1 Supplement and Policy Bicester 1 of the Cherwell Local Plan this Economic Strategy has been prepared by SQW on behalf of the promoters of the NW Bicester site to support the NW Bicester Masterplan. Figure 3-2 sets out the contribution the NW Bicester site will make to local economic objectives. It states that “NW Bicester will support the expansion of education and training opportunities in Bicester by increasing demand and the sponsorship of apprenticeships, for example in eco construction”. It notes that NW Bicester will create a long term (20+ year) demand for local skills relating to eco construction.

3.5 Paragraph 5.6 of the Economic Strategy states that “training programmes, including apprenticeships, will be provided to ensure local residents and firms can acquire the necessary skills for NW Bicester, but that these skills will also be in increasing demand elsewhere as construction standards improve and retrofit programmes are rolled out”.

3.6 Finally, Table 6-1 Economic Development Action Plan consolidates all of the above statements by setting out that OCC and CDC will develop a Bicester wide apprenticeship strategy for all the development in Bicester of which NW Bicester is a part. It further states that apprenticeship schemes will be agreed with developers, the local colleges and other suitable local training providers.

4.0 How this Guidance will be applied

4.1 Approach

Cherwell Council will seek to apply this Guidance across its entire administrative area. It will seek the provision of a stated target number of new construction apprenticeships (or apprenticeship starts) as part of a required Employment, Skills and Training Plan (ESTP) for each proposal for new development, to be secured via S106 agreement as explained in paragraph 2.3 above. CDC is keen that the submission of ESTPs should not be unduly onerous for developers, hence an ESTP framework is provided for information at Appendix A to this Document. This can be reproduced by developers and completed by filling in the relevant numbers.

4.2 This Guidance will apply to the types of new development and subject to the thresholds set out in the table below. However if proposed developments fall below these thresholds but developers would still like to provide new construction apprenticeships, then the Council will

²² North West Bicester Supplementary Planning Document (adopted March 2016), page 54.

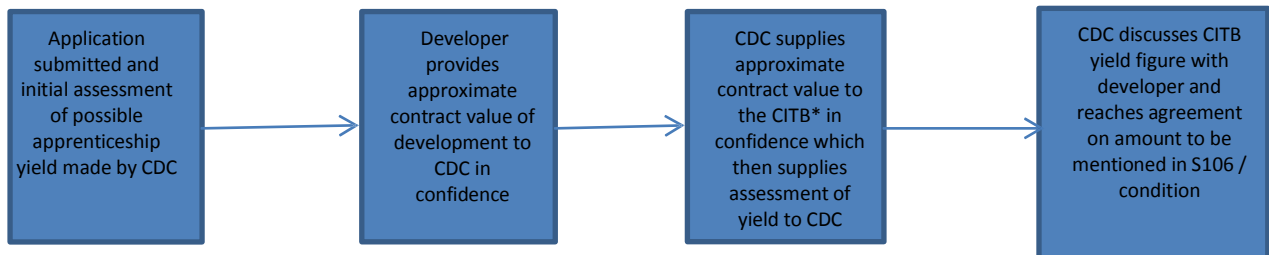
encourage and seek to support them in doing so. As the number of stated new apprenticeships will be expressed in planning obligations as a stated target to be achieved, if developers and / or their contractors are able and willing to exceed these, then the Council will encourage them to do so.

Type of Proposed New Development	Threshold	Indicative number of apprenticeships to be achieved
Housing (Use Class C3)	50 units	2.5 apprenticeships per 50 units
Non-residential uses	1000 sq m of floorspace	3 apprenticeships per 1000 sq m of floorspace
Utilities and highways infrastructure applications	None	Subject to discussion with developers on a case by case basis

4.3 In essence, while Cherwell District Council is keen to achieve an increase in new construction apprenticeship opportunities in the District through the planning system, it also considers that such arrangements need to be arrived at through discussion and agreement with developers, rather than imposed in a top-down fashion. It will be counter-productive if the numbers of construction apprenticeships required by CDC are unrealistic because they are actually unable to be achieved.

4.4 Process

The purpose of the information in the above table is to provide guidance for developers and will be the starting point in discussions with developers about the amount of apprenticeships each application could yield. This is because the Council understands that each site’s circumstances will vary and that apprenticeship yield largely relates to development cost / contract value. CDC envisages the approach to agreeing the apprenticeship yield from each relevant application could follow the process such as the one set out in the diagram below:



* CITB = Construction Industry Training Board

4.5 This process has already been piloted successfully with planning applications which form part of the NW Bicester development.

5.0 Approach to S106 Agreements

5.1 S106 Agreement Clauses

S106 agreements will require applicants (or their successors in title) to submit an Employment Skills and Training Plan in line with the specimen framework attached to the

agreement (and included as Annex A of this document) before implementation of the development. S106 agreements will require this to be approved by CDC in writing prior to implementation and for the applicants (or successors in title) to be guided by the contents.

- 5.2 S106 agreements will also require that the ESTP sets out the arrangements by which the applicants will provide the stated target number of agreed construction (and related trades) apprenticeships and will support the applicant to use The Apprenticeship and Training Company Ltd or other equivalent approach. Apprenticeship Training Agencies (ATAs) are organisations that directly employ apprentices and operate as the apprentice's day-to-day workplace manager. They coordinate the apprentice's training and pay the associated training costs. The host employer (i.e. where the apprentice will have his/her on-site placement) pays a fee which covers the cost of their salary (which will be at least the National Minimum Wage Rate), plus a management fee to cover the ATA's costs (which includes HR and payroll provision and the management of the off-site training provision). Therefore ATAs support businesses who want to take on apprentices by dealing with the administration associated with hiring or employing an apprentice. Appendix B of this Guidance provides further information about The Apprenticeship and Training Company Ltd (to be finalised).
- 5.3 S106 agreements will require that all of the apprenticeship opportunities secured through these means are initially advertised within the administrative area of the District Council and if there are no such suitable persons, to people residing in Oxfordshire and then the surrounding locality (e.g. Milton Keynes, Aylesbury, Northamptonshire).

6.0 Conclusion

- 6.1 Increasing the number of new apprenticeships in England is a high profile Government objective. Cherwell District Council supports this aspiration. The amount of new development taking place in the District over the next 20 years or so, coupled with the evidenced shortage of construction skills provides both an incentive and opportunity to secure the provision of new construction related apprenticeships through the land use planning system. Although the national planning policy guidance does not refer to apprenticeships specifically, it makes it clear that it is the business of the planning system to promote and support economic growth through the provision of jobs and that significant weight should be attached to the need for the planning system to support sustainable economic growth.
- 6.2 The Cherwell District Council Local Plan Part 1 as well as CDC's Economic Strategy contain strategic aspirations relating to the need to support an increase in skills and training within the District. These are expressed in more detail in Local Plan Policy Bicester 1 and the NW Bicester Eco Town SPD which both specifically refer to the need for an economic strategy to support NW Bicester and that it should contain provisions to support apprenticeship and training initiatives - which it does so. This guidance anticipates the further detailed policy approach to be contained in Local Plan Part II which will relate to new development sites across the District.
- 6.3 CDC is anticipating that developers will generally support the approach being promoted in this Guidance as an important and progressive initiative designed both to increase the number of local skilled construction operatives available to support the building industry, as well as promoting the construction trades generally as a valuable future career path for young people.

Appendix 14: Community Safety/ CCTV Provision

Table 1: Levels of Contribution Sought

Priority	Level of Contribution
Priority 1	Seeking on-site provision of an appropriate number of CCTV cameras to monitor areas considered to be of high risk.
Priority 2	Relevant permissions to erect infrastructure, such as aerials, to facilitate transmission of images.
Priority 3	To install ducting to facilitate self-provide fibres
Priority 4	Where predominantly retail to contribute an agreed sum to monitoring and maintenance.
Priority 5	New development will be expected to contribute towards the provision of additional on-site infrastructure for at least a period of 10 years.

Crime impacts all development, however, retail and evening leisure uses usually have the greatest impact. Table 2 illustrates the measures likely to be considered appropriate for the type of development proposed.

Table 2:

Development Type	Priority/ Measure
Large Retail	1,2,3,4,5
Drinking Establishments	1,2
Nightclubs	1,2
Hot Food Takeaway	1,2
Local Retail	1,2,3
Large scale public open space	1,2,3

Table 2 is indicative only. Developments may include all, or only part of these elements. Specific requirements are therefore subject to negotiation following impact assessments by the police and partners.

Table 3: Guidance on Costs

Priority	Level of Contribution	Costs
Priority 1	Seeking on-site provision of an appropriate amount of CCTV cameras sufficient to monitor areas considered by police and partners to be of high risk as part of new development.	Cameras = £3,000 approx. This includes brackets and aerials
Priority 2	Relevant permissions to erect infrastructure such as aerials	Subject to planning permissions

	to facilitate transmission of images.	
Priority 3	To install ducting to facilitate self-provide fibres	Insignificant as ducting can be provided early in the construction process.
Priority 4	Where predominantly retail to contribute an agreed sum to monitoring and maintenance	Monitoring can range from £1,000 to £2000 per camera per annum. Where there are a large number of cameras the fee is negotiable. Maintenance would be approximately £300 per camera per annum.
Priority 5	New development will be expected to contribute towards the provision of additional onsite infrastructure for at least a period of 10 years.	The longevity of the provision is dependent upon the figures in Priority 4 being extended for at least 10 years.

APPENDIX 15: Health & Wellbeing – Calculation of Contributions

The following calculations are based on the formula and approach adopted by Oxfordshire Clinical Commissioning Group in July 2017.

Calculation of cost = occupancy x number of units in the development x £360 (as set out in the table below)

Size of Unit	Occupancy Assumptions based on size of unit	Health need/sum requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

Where the unit sizes are not specified (ie in outline applications) an average occupancy of 2.4 persons will be used to indicate the initial costs required until such time as the size of units are confirmed.

Indicative square meterage calculations historically used to determine the core General medical Services (GMS) space required for a practice.

No. of patients	2,000	4,000	6,000	8,000	10,000	12,000	14,000	16,000	20,000
Type of Premises	A	A	B	B	B	B	B	B	B
Gross Internal Area Allowance (sqm)	199	333	500	667	833	916	1,000	1,083	1,250

Type A assumes a single storey premises

Type B assumes a two storey premises with one staircase and one lift

Source: NHS Property Services Demand Assessment Tool

Appendix 16: Guide to Funding Mechanisms by Infrastructure Type

NOTE: The Council is not currently (October 2017) proceeding with the introduction of a CIL Charging Schedule. This table therefore only gives an indication of the appropriate funding mechanisms *should* the Council adopt CIL in the future.

Type	CIL	S106	Condition	S278
Housing				
Affordable Housing		✓		
Commuted offsite payments for the provision of affordable housing		✓		
Extra Care Housing		✓		
Transport (includes PRow)				
Site specific Highway and Access Impacts		✓		✓
Non-site specific Highway improvements	✓	✓		
Site specific sustainable transport		✓		✓
Non-site specific sustainable transport	✓	✓		
Highways Depots	✓			
Education				
On site Education (Primary, Secondary, 6 th Form, Special Educational Needs)		✓		
Education (Primary, Secondary, 6 th Form, Special Educational Needs)	✓	✓		
Onsite early years and childcare provision		✓		
Early years and childcare provision	✓	✓		
Skills and Training				
Apprenticeships		✓	✓	
Utilities				
Sustainable Urban Drainage Systems		✓	✓	
On site provision of Refuse bins, recycling banks/'bring in' sites		✓	✓	
Off-site provision of Recycling banks/'bring in' sites	✓			
Strategic Waste Management (WRC)	✓	✓		
Strategic Flood Defence	✓	✓	✓	
Enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers (*)	✓		✓	
Fire and Rescue	✓	✓		
Community safety and policing				
Onsite provision of community safety and policing infrastructure		✓		
Off-site Community safety and policing infrastructure	✓			
Health				

Type	CIL	S106	Condition	S278
Onsite provision of health infrastructure		✓		
Off-site provision of health infrastructure	✓			
Air Quality				
Measures during construction of new development including dust control, site monitoring and plan emissions		✓	✓	
Measures for implementation of the Air Quality Action Plan	✓	✓	✓	
Indoor sport, recreation and community facilities				
Onsite Community centre/hub		✓		
Offsite Community centre/hub	✓			
Community Development Funding	✓	✓		
Site specific Indoor Sports		✓		
Indoor Sports	✓	✓		
Integrated Youth Support Service	✓			
Libraries	✓	✓		
Day care Provision for the Elderly	✓			
Adult Learning	✓	✓		
Museum Resource Centre (MRC)	✓	✓		
Open space recreation and Biodiversity				
Site specific Open space, play space, outdoor sport, allotments, recreation and landscaping		✓		
Country parks, open space, play space, outdoor sport, allotments, recreation and landscaping	✓	✓		
Cemeteries	✓	✓		
Onsite Nature Conservation and Biodiversity		✓	✓	
Nature Conservation and Biodiversity	✓	✓		
Sustainable Construction		✓	✓	
Public Realm				
Site specific Public Art & Public Realm		✓	✓	
Heritage				
Archaeology			✓	
Heritage-related projects	✓	✓		

Appendix 15
Local Development Scheme

LDS March 2020

**CHERWELL DISTRICT COUNCIL
LOCAL DEVELOPMENT SCHEME
March 2020**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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1. Introduction

The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council prepares and maintains an LDS.

The LDS must specify:

- the local development documents which are to be development plan documents;
- the subject matter and geographical area to which each development plan document is to relate;
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee;
- the timetable for the preparation and revision of the development plan documents; and
- such other matters as are prescribed.

Development Plan Documents must be prepared in accordance with the LDS.

This LDS was approved by the Council's Executive on 2 March 2020 and revises that previously approved on 3 December 2018. It updates the programme for the production of the Council's key planning policy documents.

2. Key changes since the last LDS

Key changes since approval of the last LDS in December 2018 include:

- significant progress on the Partial Review of the Cherwell Local Plan (Oxford's Unmet Housing Needs);
- the Mid Cherwell Neighbourhood Plan was made 14 May 2019;
- work on producing an Oxfordshire wide Joint Statutory Spatial Plan – the Oxfordshire Plan 2050 – has progressed.

These changes have informed preparation of this LDS.

3. Existing Development Plan

As at March 2020, the existing statutory Development Plan comprises:

- the Cherwell Local Plan 2011-2031 (Part 1) adopted in July 2015 (incorporating the re-adopted Policy Bicester 13);
- the saved policies of the adopted Cherwell Local Plan 1996 that have not been replaced (see Appendix 7 of the 2015 adopted Local Plan);
- the Hook Norton Neighbourhood Plan formally 'made' on 19 October 2015;
- the Bloxham Neighbourhood Plan formally 'made' on 19 December 2016;
- the Adderbury Neighbourhood Plan formally 'made' on 16 July 2018;
- the Mid Cherwell Neighbourhood Plan formally 'made' on 14 May 2019;

- the Oxfordshire Minerals and Waste Local Plan (Part 1 – Core Strategy) (adopted by the County Council on 12 September 2017);
- the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996 (adopted by the County Council) that have not been replaced.

The **Cherwell Local Plan 1996** was adopted in November 1996 and policies were saved from 27 September 2007.

The **Cherwell Local Plan 2011-2031 (Part 1)** was completed and adopted by the Council on 20 July 2015. It incorporates Policy Bicester 13 re-adopted on 19 December 2016. The Plan presently comprises the main strategy document containing strategic development sites and policies.

The **adopted Policies Map** – a map of Cherwell which illustrates geographically the application of the policies in the adopted Development Plan (other than Minerals and Waste policies prepared by the County Council). An Interactive Adopted Policies Map is available on-line at www.cherwell.gov.uk.

4. Existing Supplementary Planning Documents

Supplementary Planning Documents (SPDs) provide further detail to Local Plan policies. They are statutory documents but do not form part of the Development Plan. The following SPDs have been completed to add further detail to the adopted Cherwell Local Plan 2011-2031:

- North West Bicester SPD – adopted on 22 February 2016
- Banbury Masterplan SPD – adopted on 19 December 2016
- Kidlington Masterplan SPD – adopted on 19 December 2016
- Developer Contributions SPD – adopted on 26 February 2018
- Cherwell Residential Design Guide SPD - adopted on 16 July 2018

5. Non-Statutory Local Plan

The Council also has a Non-Statutory Cherwell Local Plan 2011 which has not been withdrawn nor fully replaced. Originally produced as a replacement for the adopted Local Plan 1996, the Plan was subject to first and second draft deposit stages and pre-inquiry changes were incorporated. However, the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process before the Public Inquiry. To avoid a policy void the Non-Statutory Cherwell Local Plan 2011 was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. Over time, its policies are being superseded by new planning documents.

6. Statement of Community Involvement

The Council's Statement of Community Involvement (SCI) sets out how communities and stakeholders can expect to be engaged in the preparation of planning documents and in the consideration of planning applications. The SCI was consulted upon from 29 January to 11 March 2016 and adopted by the Council on 18 July 2016.

7. Annual (or Authorities) Monitoring Reports (AMRs)

These are produced each year to monitor progress in producing Local Plans and Supplementary Planning Documents; on the implementation of policies; in meeting the district's housing requirement; and on the making of Neighbourhood Plans. They must include up-to-date information collected for monitoring purposes and, where relevant, include information on any applicable

Community Infrastructure Levy and cooperation with prescribed bodies. AMRs are published on-line and supported by the publication of additional monitoring information as required.

8. Potential Neighbourhood Development Plans

Neighbourhood Plans can be produced by Town or Parish Councils or other relevant bodies to set out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular, specified neighbourhood area. They are not prepared by the District Council but are submitted to it ahead of independent examination and a referendum. They are not legally defined as Development Plan Documents but do become part of the statutory Development Plan once they have successfully passed a referendum.

In addition to the 'made' Hook Norton, Bloxham, Adderbury and Mid Cherwell Neighbourhood Plans (see section 3), the following Parishes presently either have designated Neighbourhood Areas, have made applications for an area to be designated, or are actively preparing plans:

- Deddington
- Shipton on Cherwell and Thrupp
- Weston-on-the-Green
- Bodicote
- Stratton Audley
- Merton.

9. Planning Policy Documents to be prepared by the Council

Planning policy documents that the Council is or will be working on are as follows:

1. **Partial Review of Cherwell Local Plan 2011-2031 (Part 1)** – prepared to meet a commitment in the adopted Local Plan to help Oxford with its unmet housing need. Submitted to Government for examination on 5 March 2018. Consultation took place on an Issues Paper from 29 January 2016 – 11 March 2016, on an Options Paper from 14 November 2016 – 9 January 2017 and on a Proposed Submission Document from 17 July 2017 to 10 October 2017. A preliminary hearing took place on 28 September 2018 and main hearings were held between 5 and 13 February 2019.

The Inspector's Post-Hearing Advice Note was received 13 July 2019. The Inspector advised that one major change was required to make the Plan sound. A Schedule of Proposed Main Modifications to address the concerns of the Inspector were consulted upon between 8 November 2019 and 20 December 2019 with a view to making a formal submission to the Planning Inspectorate

Upon adoption by the Council the Partial Review will become part of the statutory Development Plan.

2. **Oxfordshire Plan 2050** – a new countywide strategic plan being prepared jointly on behalf of the five district local planning authorities, with the support of the County Council, under Section 28 of the Planning and Compulsory Purchase Act 2004. Preparation is overseen by the Oxfordshire Growth Board. In 2018 a Draft Statement of Common Ground was published and a Project Board established. A first stage of public consultation was undertaken during February/March 2019. It is intended that a second stage of public consultation will be held in June/July 2020. Consultation on the proposed submission draft is scheduled for November/December 2020, followed by final submission in March 2021. The Plan is expected to be adopted in March 2022. Upon adoption by the Council it will become part of the statutory Development Plan.

3. **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan to ensure key planning policies are kept up to date, to assist implementation of the Oxfordshire Plan and to replace the remaining saved policies of the 1996 Local Plan.
4. **Supplementary Planning Documents (SPDs)** – Banbury Canalside SPD – to be re-commenced supplemented by a delivery plan. This will provide additional detail to assist the implementation of Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031.
5. **Community Infrastructure Levy (CIL) Charging Schedule** – CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. Consultation on a preliminary charging schedule was undertaken from 12 February to 25 March 2016. A draft charging schedule was consulted upon from 14 November 2016 to 9 January 2017.

Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published. New work on CIL is now programmed to align with preparation of the Cherwell Local Plan Review.

The programme for preparing these documents is set out in the schedules below. The Council is expected to produce documents in accordance with the schedules. If significant changes in circumstances occur, the LDS will be reviewed.

Schedule 9.1	Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford's Unmet Housing Needs	
Strategic or Local Policies	Strategic Policies	
Subject Matter	Partial Review of Part 1 of the adopted Cherwell Local Plan 2011-2031 to help meet the identified unmet housing needs from elsewhere in the Oxfordshire Housing Market Area and arising infrastructure requirements. Builds upon countywide joint working and follows the 'Post SHMA Strategic Work Programme' agreed by the [then Shadow] Oxfordshire Growth Board on 20 November 2014. On 26 September 2016, the Oxfordshire Growth Board approved an apportionment of Oxford's unmet housing need (approximately 15,000 homes) to the Oxfordshire District Councils. Cherwell was asked to accommodate an additional 4,400 homes (2011-2031).	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	Agreed Countywide Post-SHMA work programme	20 November 2014
	Formal Commencement (adoption of Local Plan Part 1)	20 July 2015
	District Wide Issues Consultation (Regulation 18)	29 January 2016 – 11 March 2016
	Countywide working on identifying the unmet need and apportionment	Completed 26 September 2016
	District Wide Options Consultation (Regulation 18)	14 November 2016 – 9 January 2017
	Preparation of Proposed Submission DPD	January 2017 to July 2017
	Consultation on Proposed Submission DPD	17 July – 10 October 2017
	Submission (Regulation 22)	5 March 2018
	Examination (Regulation 24)	March 2018 onwards
	Examination Hearings (Regulation 24)	28 September 2018; 5 - 13 February 2019.
	Submission of Main Modifications	25 February 2020 (TBC)
	Receipt and Publication of the Inspector's Report (Regulation 25)	April 2020 (estimate)
	Adoption (Regulation 26)	May 2020 (estimate)
		Notes: Programme following hearings subject to confirmation from the Planning Inspectorate.
Management Arrangements	<ul style="list-style-type: none"> • Planning Policy, Conservation and Design Manager reporting to • Assistant Director - Planning and Development reporting to • Corporate Director - Place & Growth • Reports to Executive and Council 	
Resources Required	Planning Policy team, input from other Council services, neighbouring authorities and consultees; consultancy support as required; Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

Schedule 9.2	Oxfordshire Plan 2050 <i>(note: programme reflects the timeline endorsed by the Oxfordshire Growth Board at a meeting on 24 September 2019 available at: http://democratic.southoxon.gov.uk/ieListDocuments.aspx?Cid=330&Mid=2473&Ver=4 - Item 25)</i>	
Strategic or Local Policies	Strategic Policies	
Subject Matter	Countywide spatial plan to manage development to 2050. Will provide strategic planning policies including for housing, employment, transport & infrastructure, biodiversity and responding to climate change.	
Geographical Area	Oxfordshire	
Status	Joint Development Plan Document (DPD)	
Timetable	Formal commencement	31 January 2018
	Initial Consultation (Regulation 18)	February/March 2019
	Consultation on Preferred Strategy (Regulation 18)	June/July 2020 (TBC)
	Consultation on Proposed Submission Draft Plan (Regulation 19)	November/December 2020 (TBC)
	Submission (Regulation 22)	March 2021 (TBC)
	Examination (Regulation 24)	June - September 2021 (estimated)
	Receipt and Publication of Inspector's Report	December 2021 (estimated)
	Adoption (Regulation 26)	March 2022 (subject to examination)
	Notes: Examination dates and subsequent programme subject to confirmation from the Planning Inspectorate and views of Inspector.	
Management Arrangements	A joint Plan by the five district Local Planning Authorities with the support of the County Council. Overseen by the Oxfordshire Growth Board - a joint committee of the six local authorities, together with key strategic partners. CDC Input: <ul style="list-style-type: none"> • Planning Policy, Conservation and Design Manager reporting to • Assistant Director - Planning and Development reporting to • Corporate Director - Place & Growth • Reports to Executive and Council 	
Resources Required	Oxfordshire Growth Board: <ul style="list-style-type: none"> • Central Plan Team: <ul style="list-style-type: none"> • with consultancy support as required • advised by district officer Liaison Group • advised by Members' Advisory Group • reporting to Project Board (Heads of Planning) • reports to Growth Deal Programme Board & Growth Board • Growth Deal capacity funding CDC <ul style="list-style-type: none"> • input from Planning Policy, Conservation and Design service • input from other Council services on internal working group • consultancy support as required 	
Monitoring and review mechanisms	Oxfordshire Plan monitoring report & CDC Annual Monitoring Report	

Schedule 9.3	Cherwell Local Plan Review	
Strategic or Local Policies	Strategic and Local Policies	
Subject Matter	Planning policies to manage development and meet local priorities, to review & keep up-to-date existing planning policies, and to support implementation of the Oxfordshire Plan 2050. Will include the identification and delivery of strategic and non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses.	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	Commencement	April 2020
	District Wide Issues Consultation (Regulation 18)	July - August 2020
	District Wide Options Consultation (Regulation 18)	February – March 2021
	Consultation on draft Plan (Regulation 18)	October - November 2021
	Consultation on Proposed Submission Plan (Regulation 19)	July– August 2022
	Submission (Regulation 22)	November 2022
	Examination (Regulation 24)	November 2022 – June 2023 (TBC)
	Examination Hearings (Regulation 24)	February/March 2023 (TBC)
	Receipt and Publication of the Inspector's Report (Regulation 25)	June 2023 (TBC)
	Adoption (Regulation 26)	July 2023 (TBC)
		Notes: Hearing dates and subsequent programme subject to confirmation from the Planning Inspectorate
Management Arrangements	<ul style="list-style-type: none"> • Planning Policy, Conservation and Design Manager reporting to • Assistant Director - Planning and Development reporting to • Corporate Director - Place & Growth • Reports to Executive and Council 	
Resources Required	Planning Policy, Conservation and Design service, input from other Council services, neighbouring authorities and consultees; consultancy support as required. Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

Schedule 9.4	Banbury Canalside Supplementary Planning Document (SPD)	
Subject Matter	Expands upon and provides further detail to Local Plan policies for the development area of Canalside, Banbury. To be supported by a delivery plan.	
Geographical Area	Canalside including part of Banbury town centre	
Status	SPD	
	Continued Preparation & Engagement	March – September 2020
	Formal Consultation on draft SPD (Regulation 12/13)	September – October 2020
	Adoption (Regulation 14)	December 2020
Management Arrangements	<ul style="list-style-type: none"> • Planning Policy, Conservation and Design Manager reporting to • Assistant Director - Planning and Development reporting to • Corporate Director - Place & Growth • Reports to Executive and Council 	
Resources Required	Planning Policy, Conservation and Design service; input from other Council services, neighbouring authorities and consultees; consultancy resource.	
Monitoring and review mechanisms	Annual Monitoring Report	

Schedule 9.5	Community Infrastructure Levy Charging Schedule	
Subject Matter	The purpose of CIL is to raise funds to deliver off-site infrastructure that will support the development proposed within Cherwell. This could include open space, leisure centres, cultural and sports facilities, transport schemes, schools among other requirements. The charging schedule providing the basis of the Levy and must be informed by an assessment of an infrastructure funding gap and the viability of different levels of Levy. There will be consultation and a public Examination.	
Geographical Area	Cherwell District	
Status	Levy	
	Re-commencement	March 2021
	Focused consultation on Draft Charging Schedule	October - November 2021
	Formal consultation on Draft Charging Schedule (Regulation 16)	July – August 2022
	Potential Submission of Charging Schedule (Regulation 19)	November 2022 (subject to Council decision)
	Examination (TBC)	November 2022 – June 2023
	Examination Hearings (TBC)	February/March 2023
	Receipt and Publication of the Inspector's Report (Regulation 23) (TBC)	June 2023
	Approval (TBC)	July 2023
	Notes: Examination and Hearing dates yet to be confirmed. Aligned to Local Plan Review.	
Management Arrangements	<ul style="list-style-type: none"> • Planning Policy, Conservation and Design Manager reporting to • Assistant Director - Planning and Development reporting to • Corporate Director - Place & Growth • Reports to Executive and Council 	
Resources Required	Planning Policy team; input from other Council services, neighbouring authorities and consultees; consultancy support as required. Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

Appendix 1: LDS Timetable

Document	2018												2019												2020																							
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D												
1 Partial Review of the Local Plan (Part 1)			S					H							H																																	
2 Oxfordshire Joint Statutory Spatial Plan (JSSP)	C							IC							FC	FC																																
3 Local Plan Review																																																
4 Banbury Canalside SPD																																																
5 Community Infrastructure Levy (CIL)																																																

Document	2021												2022												2023																							
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D												
1 Partial Review of the Local Plan (Part 1)																																																
2 Oxfordshire Joint Statutory Spatial Plan (JSSP)			S				H	H																																								
3 Local Plan Review																																																
4 Banbury Canalside SPD (Adoption in Dec 2020)																																																
5 Community Infrastructure Levy (CIL)																																																

- C** Commencement
- IC** Initial Consultation
- FC** Further Consultation
- S** Submission
- H** Hearings (Public Examination)
- A** Adoption / Approval
- R** Re-commencement
- In Progress
- Paused

Appendix 16

OGB Covid-19 Impact Report

To: Oxfordshire Growth Board

Title of Report: Impact of the COVID-19 Pandemic on the Oxfordshire Housing and Growth Deal

Date: 2 June 2020

Report of: Bev Hindle, Growth Board Director

Status: Open

Executive Summary and Purpose:

The purpose of this report is to update the Growth Board on the early impact that the COVID-19 pandemic has had on the delivery of the Oxfordshire Housing and Growth Deal, including a recommendation to revise the Oxfordshire Plan 2050 Timeline. Officers will continue to monitor impact, reporting to future Growth Board meetings any actions necessary to mitigate impact over time. This report will be considered by a virtual online meeting of the Growth Board as a result of the recommended social distancing measures.

Recommendations:

That the Growth Board:

1. Notes the early impact of the COVID-19 Pandemic on the delivery of the Oxfordshire Housing and Growth Deal, and in considering this;
2. Endorses a revised timeline for the Oxfordshire Plan 2050, as set out in this report, for officers to take forward in discussion with MHCLG.

Introduction

1. As the first deal of its kind, the Oxfordshire Housing and Growth Deal ('the Deal') was successful in securing £215m of Central Government investment to advance housing delivery and boost economic productivity in the area. Within the deal are four distinct workstreams.
2. The Homes from Infrastructure Programme (Hfi) within the Deal is a £150m investment in infrastructure to support the acceleration of already planned housing in Oxfordshire over a five-year period from 2018/19 to 2022/23. The Infrastructure projects include road, rail, cycle routes and footpaths, as well as social infrastructure such as schools. Similarly, The Affordable Housing Programme is a £60 Million investment over three years to support the delivery of at least 1322 additional affordable homes, using a range of tenures including social rent, affordable rent, shared ownership by March 2021.

3. Through the Deal, the Oxfordshire authorities agreed to develop a county wide Strategic Development Plan, known as the Oxfordshire Plan 2050, to support a more coordinated approach to long term spatial planning across the County. This is supported by additional time limited planning freedoms and flexibilities for local authorities to protect against unplanned development.
4. The fourth workstream within the Deal is Productivity which sits alongside the other work streams, led by the Oxfordshire Local Enterprise Partnership (OxLEP). At the centre of this work is an ambitious Local Industrial Strategy for Oxfordshire. It is the role of the Oxfordshire Growth Board to oversee and monitor delivery of the Deal and its workstreams.
5. The COVID-19 pandemic has had an unprecedented impact on populations globally, nationally and locally. Each of the Oxfordshire Councils are investing significant resources into managing local response efforts. This report however focusses on the impact that the pandemic is having on local delivery against the Deal programme; specifically, the Housing delivery, Infrastructure, Oxfordshire Plan 2050 and Productivity workstreams.
6. It is critical to note that this report provides an update on the early impacts of the pandemic only, and secondly that the fast-changing nature of the situation may render many comments in this paper out of date soon after publication. Forthcoming quarterly progress reports will reflect on the impact of COVID-19 and the actions taken in response on an ongoing basis as necessary.

Impact of COVID-19 on the Oxfordshire Housing and Growth Deal and the Housing Market

7. Prior to the COVID crisis, a picture was emerging in Oxfordshire of a housing market delivery trajectory that was slipping due to issues such as local plan delays and the beginnings of weakening developer confidence in certain areas of the Oxfordshire housing market. Within that overall picture however those sites that were supported by the Housing and Growth Deal through infrastructure investment were generally maintaining their delivery trajectory, partly because the infrastructure investment supported developer confidence and because these sites are the ones with the most robust demand profile and could withstand market movements more robustly.
8. Nationally, it is estimated that around 75% of housing sites closed due to the COVID crisis.¹ In Oxfordshire, all the major sites halted production because of COVID-19 and are now returning to work (May 2020). However, there will be on-site working practice restrictions in place that are likely to mean full productivity will not be possible whilst staff and contractors adapt to this new working environment. Some of the smaller development sites in Oxfordshire did not close, but capacity was limited as contractors were isolating or ill.

¹ Building.co.uk. 2019: Available at: <https://www.building.co.uk/news/coronavirus-stops-work-at-75-of-uk-housing-schemes/5105579.article>

9. There is also an issue of supply chains drying up and putting workers onto the Furlough Scheme, affecting the ability to develop.² However, there is evidence that these firms are also returning to work. In April for example, a major brickmaker Mickelmersh announced they would be returning to work.
10. Costs of construction will also be an issue affected by COVID-19. The market was already experiencing an increase in labour costs due to the effects of Brexit and this may well be compounded by the crisis. Coupled with the point made above that developers will not be able to run sites at full capacity due to the need for physical distancing, this will therefore impact upon the efficiency of sites and therefore costs.
11. Because of the slowdown, councils can expect housing delivery trajectories, both Deal related and more generally to be impacted. At the time of writing this report however officers have yet to complete the revised delivery trajectories for either Housing from Infrastructure or the Affordable Housing Programme. The former is being completed by partners and is expected to be available from late June, whilst the latter is being completed to an agreed deadline of the end of May.
12. Outside of the market slowdown, an added delay reported is the interruption to the planning process. Developers advise that where schemes are in feasibility stages work is progressing, but where either a consultation or decision point has been reached delays are inevitably occurring, although this is now reducing as an issue.
13. Looking to the longer-term impact on the housing market outside of the Deal timeframe market intelligence from Savills suggests that the housing market could see a 50% dip in activity in this financial year with the sharpest dip being in the second quarter. This is important because of the strong link between market activity (demand) and house prices. Accordingly, Savills suggest that house prices could fall as much as 10%, although they conclude it is too early to say whether the market will then re-adjust, or this will be a longer-term reduction.
14. Council partners will be aware of the government advice to councils to consider allowing SME developers to delay S106 commitments in a bid to support them through the crisis. For affordable housing this could take the form of either re-phasing or perhaps pressure to reduce the obligations, perhaps by remodelling or grant funding from government. This government advice has the potential to materially impact both the Deal and councils own affordable housing delivery trajectories as S106 accounted for 49% of all affordable housing delivered in 2018/19.
15. Developers will be concerned about any trend of slowing market housing activity and in particular shared ownership sales, which is seen as a softer market and more prone to economic cycles. This is because often the shared ownership client is usually on a lower quartile income for home ownership and the concern is that some of the potential purchasers may have had to use their

² Inside Housing, 2020. Available at: <https://www.insidehousing.co.uk/news/news/housing-associations-warn-supply-chain-failures-caused-by-covid-19-could-hurt-development-plans-66156>

deposit savings for other needs, whilst others may not be able to access mortgages now due to a change of employment situation.

16. Developers have advised that the attitudes of banks will be central to their future performance as they rely upon loan funding for their development activities, funded from sale receipts. This is especially true if the sales market does not pick up as loan finance is often secured against built stock. There is for example already some evidence that finance against shared ownership is being temporarily stopped by some lenders
17. In terms of the role of the Housing and Growth Deal, the Board will be aware that current Deal finance restricts expenditure to either infrastructure that accelerates planned housing or grant for additional affordable housing. Post COVID however there is perhaps a wider role for the Deal in enabling sites that have stalled to progress, thus accelerating housing that would otherwise have stalled. A discussion about this wider role for the Deal will be an ask of Government as we discuss how the Deal can aid recovery in the housing market.
18. Within this overall housing development picture, the Housing and Growth Deal Affordable Housing Programme (OAHP) has inevitably slowed. The Board will be aware that the programme was experiencing challenges in the second year and these challenges have been exacerbated by the COVID crisis. The immediate impact was that a proportion of the schemes that were programmed to reach the relevant milestone to qualify for grant at the end of year two failed at the last minute as staff were off sick or contractors were not available. There were also several schemes where the COVID crisis led the Registered Provider of social housing (RP) concerned to reflect upon whether their development contract and the penalties it contained for exceeding costs or timescales is one they could sign up to.
19. These last minute delays could have reduced the grant payment from government; fortunately it was agreed with MHCLG that all the schemes that had been programmed for year two would have the grant paid over to OCC as the accountable body and that grant then passed on to the relevant district council for payment to the RP when the payment milestone was achieved.
20. Looking at the impact of the COVID crisis on the OAHP moving forward, feedback from RPs on the Oxfordshire affordable housing market is that they are typically building a 6-9-month delay into their initial revisions of development business plans (as of April 2020) but sense these could be optimistic assessments. RPs also expect pressure for contracts to be renegotiated to reflect expected increased costs, force majeure claims and a perceived inability to accept compensation clauses for delay.
21. Whilst also being developers, and therefore subject to the pressures other developers face, RPs have a strong financial position due to their asset base and rental income to support that. They recognise that this position and their ability to access government grant means they can play a crucial role in housing market recovery. For example, by land purchase from developers as a recovery tool to ease developer cash flow. This could be just holding an option

on the land for developer buyback or it could be a tool for a greater intervention in the housing market with subsequent development by the RP.

22. There is also a potential role for the OAHP in driving recovery in the final years of the programme, for example by working with RPs and local authority development companies to:
 - Assist with developer cash flow issues caused by slow market sales through the bulk purchase of units. These units would then be converted to affordable rented housing using OAHP grant. This is a proven method of assisting the market that was successful in the last housing market slump in 2009;
 - Converting shared ownership properties to affordable or social rented housing using OAHP grant funding. At present this is not permitted by the OAHP but will be an ask of government as we discuss how the Deal can assist in the housing market recovery.
23. It is important that the potential of the OAHP to assist with housing recovery is maximised in the final year of the programme and officers are discussing with Homes England revised terms for the OAHP to enable that to happen. The OAHP will need to reflect the new Oxfordshire housing market in these discussions, for example by the potential to grant fund social rented housing at lower rents to address issues of affordability for local people that will be brought into sharper focus by any economic downturn.

The impact of COVID 19 on Infrastructure delivery in Oxfordshire

24. The unprecedented circumstances present a challenge at the time of writing to say with any certainty what the overall impact of COVID-19 will be on infrastructure delivery related to the Housing and Growth Deal. This programme is delivered through Oxfordshire County Council's Capital Delivery Programme and much of its infrastructure programme will be impacted in the same way. There is no precedent to help understand what the potential future impacts are, coupled with limited information available on when restrictions may end and the details of future working arrangements (as of May 2020). There are also major questions being asked of the need and demand for particular infrastructure projects planned before COVID-19 e.g. national push for more cycle infrastructure.
25. A more granular understanding of the impacts will be developed over the coming months. However, what is clear now is that staff are continuing to work but in a very different way. Where schemes are in design, work has continued where possible and the impact is not thought to be significant. Site visits are expected to have been impacted, and where surveys are required, it is expected that there will have been an impact on the programme, and some surveys being seasonal this could have a significant impact. Schemes in construction are also expected to be impacted by the pandemic owing to changes to methods of working and travel limitations.
26. Contractors and consultants have measures in place to deal with change, such as project continuity plans, and these are being adapted to tackle COVID-19.

The supply chain has been impacted, and their operational situation is under constant review as it is changing regularly. This is a similar challenge across other workstreams within the Housing and Growth Deal. There is a risk of supply shortages, interruptions and delays due to closed factories, logistics challenges, and some smaller suppliers may even be closed and no longer in business. There may also be an impact on the cost of materials, but this is still unclear. The need to mitigate health risks for onsite staff may further impact delivery programmes.

27. Officers will continue to review projects to determine what measures can be in place in preparation for a shift in our ways of working. Each scheme will require an updated risk analysis for active projects and ongoing monitoring of the situation. A further impact analysis will need to be undertaken, together with a project resourcing plan to be best placed for future working arrangements. This will also need to factor in compliance with new and changing government guidance on construction work safety standards.
28. The Housing & Growth Deal Infrastructure Programme will play a vital role in Oxfordshire's post COVID recovery, and officers are working with our HM Government partners to explore flexibilities to the terms of the Deal. This also provides an opportunity to reflect on what our priorities are.

The impact of COVID on the Oxfordshire Plan 2050

29. The partner councils are working collectively on a strategic, long term statutory Plan for Oxfordshire. The intention is that the Oxfordshire Plan 2050 will be a strategy-led Plan and an opportunity to be transformative, adding real value to the typical Local Plan approach. The Plan will look beyond current and emerging Local Plans and will identify the number of new homes, the level of economic growth, and related infrastructure that is needed across Oxfordshire to 2050. This will set the scene for a future round of Local Plans where the Local Planning Authorities will subsequently establish detailed planning policies and site allocations at a local level.
30. The recent focus of work by the Oxfordshire Plan team has been on:
 - building up the evidence base
 - stepping up member briefing
 - developing the spatial strategy and options for the Plan
 - planning for the launch of the Oxfordshire Open Thought exercise
31. Since the start of the Covid-19 restrictions, the Team has been working hard to assess the impact on the overall programme. Many of the consultants involved in developing the evidence base have reassured us that much of their work can continue as planned. We are working with them to ensure that work on the evidence base incorporates where appropriate consideration of the changing economic and social circumstances of the Covid-19 situation and any possible longer-term impacts of those.
32. There are some significant challenges with other aspects of the programme. In particular, the required officer and member meetings to approve emerging work

during the Summer, and a series of special Council meetings that were planned for September, will now likely be dominated by the Covid-19 response and recovery, limiting consideration of the Plan.

33. There are also technical limitations when attempting to brief all district and county councillors and answer their questions on the project remotely; these would likely have less success than face-to-face briefings. In some areas, additional duties have been reprioritised in the short term to enable the Oxfordshire Plan and Growth Board Teams to support the Covid-19 response effort.
34. Considering the unprecedented circumstances, it is recommended that the Growth Board requests from MHCLG a minimum seven-month extension to the current timeline we are working towards. This must be considered as a minimum extension as the full effects of COVID-19 are yet to be known. Two key changes in the revised programme for the next year would be to:
 - Move the Regulation 18 (Part 2) consultation approval process through each council back from September 2020 to December 2020, adding 3 months and consequentially:
 - Moving the Regulation 19 (Draft Plan consultation) back to September 2021.
35. As was previously planned, a series of special Council meetings will need to be held in a co-ordinated way (preferably during the same week) which would now be held in December to approve the Regulation 18 (Part 2) consultation plans. This means the 6-week consultation would be launched in January 2021. This would have a knock-on impact on the subsequent Regulation 19 consultation, which would naturally move to after the May 2021 elections.
36. By extending our timeline by the recommended seven months (measured by adoption date), this should ensure that there is still a window for early (through the Summer if restrictions allow, or the Autumn) face-to-face engagement opportunities with councillors. This timeframe would also allow more time for the non-statutory engagement work through the “Oxfordshire Open Thought” concept to gather public feedback to help inform discussions.
37. Oxfordshire Open Thought will be an open online platform for people to have their say on the future of their county as part of the Oxfordshire Plan 2050. It will tap into the wealth of knowledge and expertise within our communities to help find ideas and solutions to some of the big issues that affect our lives and the environment over the coming decades. This is a new initiative that won't replace previous consultations and responses.
38. The extension would allow more time to shape the strategy and consultation document with the Oxfordshire Plan Advisory Sub-group. This group continues to meet virtually every month. A recommended revised timeline for the development of the Oxfordshire Plan 2050 is set out below which incorporates the impact of the circumstances set out in this report.

Oxfordshire Plan Stage	Growth Board Sep 2019 Milestones	Proposed Milestones
Further engagement (Oxfordshire Thought)	Nov/Dec 19	May 20 & Sept 20
Consultation on spatial options (scale and broad locations) (Reg18 part2)	June/July 20	Jan 21
Consultation on Draft Plan (Reg 19)	Nov/Dec 20	Sept 21
Submission	March 21	Jan 22
Examination	June-Sept 21	Apr 22
Inspector's Report	December 21	July 22
Adoption	March 22	Oct 22

39. The extra time granted through the recommended timeline would allow us to take greater account of the long-term spatial framework that is being developed to support strategic planning across the Arc. This is a real opportunity to better align our work with wider sub-regional ambitions and feed into that process, and we will have more time to develop that conversation with Government. Some flexibility in the programme to allow for a greater level of engagement and opportunity for consensus building and briefing will result in a better plan, shaped by a wide variety of voices; and a stronger case to made to the Planning Inspector who will examine it.
40. Production of the Oxfordshire Plan will mean the development of a sound long-term strategy for the future of the county. This will be even more important post Covid-19; a clear strategy with consensus across the partnership can provide clarity and leadership for the community, and greater certainty for the market and service providers which will help with business planning.

Productivity

41. Productivity is an integral component of the Oxfordshire Housing and Growth Deal and sits alongside the other work streams, led by the Oxfordshire Local Enterprise Partnership (OxLEP). The headline commitment under the Productivity workstream invited Oxfordshire to be one of three 'Trailblazer' areas to take forward the ambitions set out by Government in its Industrial Strategy White Paper. This is in the form of an ambitious and transformational, long term *Local Industrial Strategy (LIS)*, and involved close working with Whitehall departments in the development of the Strategy. Following a review meeting during Year One of the Deal with the Government's Cities and Local Growth Unit, officials proposed that the focus for all elements of the productivity stream moving forward needed to be built around the LIS. The productivity workstream does not have a specific funding allocation within the Deal.
42. Between November 2019 and March 2020, work has progressed in translating the ambitions set out in the LIS and across the 25 policy areas detailed in the Strategy, into a coherent programme of delivery which can attract the necessary investment from Government and the public and private sectors to realise the vision for Oxfordshire to be a top three global innovation ecosystem. The Investment Plan is over a medium-term horizon and anticipates a mixture of proposals which can be developed and ready for investment in the first 1-3

years of the LIS strategy. This also includes a mixture of medium to longer term projects which will have a 10-year runway to be fully developed out but will require critical work being undertaken in the first 12-24 months of the Strategy in order to be moved forward at pace. A wider range of engagement activities are being deployed to shape the plan and assess areas of common interest across the Oxford to Cambridge Arc.

43. In light of the pandemic, the LIS Steering Group has considered the potential economic impact of the virus on the emerging investment programme. The past months (up to May 2020) have shown the remarkable world leading capability of the region's innovation ecosystem with Oxfordshire academics, research organisations and businesses consistently being at the vanguard of national and international efforts to respond to the emergency. It is important to recognise that this leadership role in the UK economy will become even more clear as we move from the respond and recover stages, and into rebuild and renew.
44. The guiding principles of the LIS are an important reference point for this process and continue to be highly relevant in a post-COVID environment:
 - a) **Invest in Oxfordshire, deliver for the UK:** As one of three net contributors to the exchequer, Oxfordshire will deliver economic growth and manufacturing and supply chain opportunities for the rest of the UK.
 - b) **Oxfordshire – The UK's Innovation Engine:** Oxfordshire has a world-class innovation ecosystem with a concentration of global assets and strengths unrivalled by anywhere else in the UK. This, along with our strengths in research and talented workforce, make Oxfordshire a great place to invest and drive R&D and innovation in new technologies, markets, products and services.
 - c) **Global Oxfordshire, Global Britain:** Many of Oxfordshire's industries already compete on a global level, and in new emerging markets. Investing in Oxfordshire will support us in our international potential and winning new market share in technologies of the future.
45. Each project sponsor under the Investment Plan is reviewing the current status of their respective business case to consider and adjust their proposals in light of COVID-19 and identify both the economic risks but also the market opportunities which could be harnessed. This is particularly illustrated by projects which are focused around the health and life sciences sectors and energy and zero carbon. OxLEP are also looking at those projects which would be accelerated in their development considering the impact it can have for areas of the economy which have been impacted disproportionately by the pandemic such as the creative and cultural industries.
46. The LIS Investment Plan will sit alongside an expected Oxfordshire Economic Recovery Plan (ERP), whose focus will likely be about short-term measures to stabilise the economy and interventions to stimulate economic activity. These will be necessarily complementing the detailed programme coming through the LIS investment Plan and be prepared through the Joint Oxfordshire Business

Support Group (JOBS), which is a bronze level cell feeding into the established Silver and Gold structures already in place for the County.

47. Based on the market intelligence that has been gathered since the pandemic started, there are reasonably three broad areas of ERP interventions that can be progressed: financial capital support; business support, restructuring and market development; and labour market support to help people back into work. These measures will need to be aligned to, and avoid duplicating, interventions already put in place by Government.

Conclusion

48. This report provides a high-level overview of the early impacts that the Covid-19 pandemic is having on the Housing and Growth Deal. It is expected that the impacts will continue and expand as we start to see what the pace of recovery will look like. We will continue to monitor our programme closely as well as develop actions and strategies to help address the impacts as they emerge and become better understood. We expect to bring forward to the next Growth Board a further assessment of impact and a detailed update on the mitigation strategies we have or would wish to employ. Some of these measures would have been needed pre-COVID-19 to address some of the market and deal issues we were already facing.
49. Notwithstanding the relative short-term shut down of local development sites, and the wider economic restrictions, the impact will be considerable across all workstreams within the Deal. Learning from this pandemic, and adapting our ways of working, will be critical to ensuring that Oxfordshire partners are best positioned to support an effective recovery. Officers supporting the Housing and Growth Deal across the various programmes have adapted their ways of working from the start of this crisis to ensure that where possible, business continues as normal, notwithstanding the market impacts that the pandemic has had on site delivery.
50. Discussions with Homes England over the possibility of adjusting the parameters of the Housing and Growth Deal to use it as a tool for recovery have commenced and officers are working closely with OxLEP to ensure that there is a consistent and robust Recovery Strategy for Oxfordshire, of which the Housing and Growth Deal programme can play a major part. An initial contact has also been made with MHCLG to alert them to the potential impacts on the various workstreams of the Deal.
51. It will be important going forward for the Deal to take account of the new policy landscape and economic context. Delays caused across the various programmes provide an opportunity to re-evaluate priorities and milestones within the Deal, informed by the local and national recovery response. Flexibility to adapt delivery ambitions and working arrangements to match shifts in policy will be crucial in ensuring the Deal can continue to deliver for local people.
52. The Growth Board is asked to note the current impact the pandemic has had on the Housing and Growth Deal workstreams, and to endorse the revised timeline for the Oxfordshire Plan 2050, as set out in this report, for officers to take forward in discussion with MHCLG.

Background Papers

53. None

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Appendix 17

Telford and Wrekin BC v Secretary of State for Communities and Local Government

Borough of Telford and Wrekin v (1) Secretary of State for Communities and Local Government (2) Gladman Developments Limited



No Substantial Judicial Treatment

Court

Queen's Bench Division (Administrative Court)

Judgment Date

1 December 2016

Case No: CO/2639/2016

High Court of Justice Queen's Bench Division Planning Court

[2016] EWHC 3073 (Admin), 2016 WL 06989200

Before : MRS JUSTICE LANG DBE

Date: 1 December 2016

Hearing date: 17 November 2016

Representation

Timothy Jones (instructed by Telford & Wrekin Council) for the Claimant.
Tim Buley (instructed by the Government Legal Department) for the First Defendant.
Jonathan Easton (instructed by Irwin Mitchell) for the Second Defendant.

Approved Judgment

Mrs Justice Lang :

1. The Claimant applies under [section 288 of the Town and Country Planning Act 1990](#) ("TCPA 1990") to quash the decision of the First Defendant, made on his behalf by an Inspector on 15 April 2016, in which he allowed the Second Defendant's appeal against the Claimant's refusal of planning permission for a housing development at land north of Haygate Road, Wellington, Shropshire ("the Site").

2. The Site comprises some 15.2 ha of gently undulating agricultural land, principally in arable use, with some trees and hedgerows. It lies adjacent to the settlement edge of the market town of Wellington, which has become part of Telford. There are built-up areas to the east and south of the Site and there is open countryside to the north. Orleton Hall (a Grade II listed mansion) lies to the west of the Site. It is set in 25 ha of park and gardens, which are on Historic England's Register of Historic Parks and Gardens. The Wellington Cricket Club has its ground and pavilion in the park. A public right of way runs across the Site, but there is no public access to the Site beyond that.

3. The Second Defendant (hereinafter "the developer") applied for outline planning permission for a development of up to 330 dwellings, with a new vehicular access, public open space and green infrastructure.

4. The Claimant (hereinafter "the Council"), which is the local planning authority, resolved to grant planning permission in May 2014, at a time when it considered that it did not have a 5 year supply of deliverable housing land. The grant was subject to completion of an agreement under [section 106](#) TCPA 1990, and before it was concluded, the Council decided to re-consider its decision, in the light of a new expert assessment that it could demonstrate a 5 year supply of deliverable housing land. The developer then appealed to the First Defendant on the grounds of non-determination. Shortly after lodging its appeal, the developer submitted a second application for planning permission at the Site for a development limited to 290 dwellings.

5. The Council gave putative reasons for refusing the first application in September 2015, and refused the second application in December 2015. In summary, its reasons for refusal were as follows:

- i) The proposal represented unacceptable encroachment into the open countryside and the loss of an extensive area of high quality agricultural land and would adversely affect the character and appearance of the area which has historic and sensitive value. Accordingly, the proposal was contrary to adopted Core Strategy (CS) Policies CS1, CS3, CS7, CS11, CS12, CS13 and CS14, saved Policies H9, OL6 and HE24 of the Wrekin Local Plan (WLP) and the National Planning Policy Framework (NPPF).
- ii) The proposal would adversely affect the setting of the adjacent listed park at Orleton Hall and the impact upon this heritage asset would adversely affect the character and appearance of the area. Accordingly, the proposal was contrary to adopted CS Policies CS1, CS3, CS7, CS11, CS12 and CS14, saved WLP Policies OL6 and HE24 and the NPPF.

6. The Inspector conducted a site visit and an Inquiry lasting 7 days. He identified the main issues as:

- i) The weight to be given to relevant policies for the supply of housing, and whether the Council could demonstrate a 5 year supply of deliverable housing land.
- ii) The effect of the proposed development on the character and appearance of the surrounding area, and on the setting of Orleton Hall Registered Park and Gardens.
- iii) Whether the appeal proposal should be seen as representing sustainable development, in terms of the NPPF.

7. **Main issue (i)** . The Inspector concluded that certain housing policies, namely, CS1, CS3 and CS7 were not in conformity with the NPPF and were out-of-date. Therefore they should not be given full weight when assessed, applying NPPF 215, and the proposed development fell to be considered under the fourth bullet point in NPPF 14. The Inspector did not reach a final conclusion as to whether the Council could demonstrate a 5 year housing land supply, for the purposes of NPPF 49, although on the evidence before him, he doubted whether it could do so.

8. In **Ground 1** of this application, the Council challenged the Inspector's reliance upon the Council's support for the decision to grant planning permission for a Sustainable Urban Extension ("SUE") outside Telford as a factor supporting his conclusion that the policies on settlement boundaries were out-of-date. Under **Ground 5** of this application, the Council challenged the Inspector's conclusion that policy CS7 was not in conformity with the NPPF.

9. **Main issue (ii)** . Under the heading 'Heritage Issues', the Inspector concluded that the impact of the development upon the setting of the Park would be less than substantial but the harm would be lessened dramatically if the development was limited to the smaller 290 dwellings scheme, and did not extend up to the appeal site's western boundary.

10. Under the heading 'General landscape matters', the Inspector concluded that saved WLP Policy OL6 dealing with Open Land was not applicable to the Site, and so not relevant. The Council challenged this conclusion in **Ground 2** of this application. The Inspector accepted that the policy in NPPF 112 had to be applied as the Site comprised best and most versatile ("BMV") agricultural land, but he rejected the Council's submission that NPPF 112 was a policy which indicated that "*development should be restricted*" within the meaning of NPPF 14. The Council challenged this conclusion in **Ground 3** of this application. After a lengthy analysis of the other policies and the objections raised by the Council and local people, the Inspector concluded that the proposed development would not have an unacceptable impact on the character and appearance of the surrounding area, and would not be at odds with the relevant development plan policies.

11. **Main issue (iii)** . The Inspector concluded that the proposed development was sustainable in terms of its economic and social impacts, but the environmental aspect had to be weighed in the planning balance.

12. Under the heading 'Planning balance and overall conclusions', the Inspector said:

"137. In accordance with guidance contained in the Framework, there are 2 separate balancing exercises which need to be undertaken in this case, both of which have to take account of benefits which would arise from the appeal proposal. The first is the balance relating to paragraph 134 of the Framework, which requires any "less than substantial" harm to the significance of a designated asset to be weighed against the public benefits of the proposal.

...

141. Weighing these benefits against the harm to the designated heritage asset is, in my assessment, a fine balance, with clear and distinct differences between the 2 proposals. Although I am satisfied that the harm to the setting of the Park should be classed as less than substantial in the case of both the 330 dwelling and the 290 dwelling schemes, I consider it very important to retain some open views of the Park from Haygate Road to retain the significance of this aspect of its setting, and this increases the weight I feel I need to ascribe to the harm in the case of the 330 dwelling scheme. Because of this I am drawn to conclude that the harm to the significance of the Park would be outweighed by the public benefits in the case of the 290 dwelling scheme, but not in the case of the scheme for a maximum of 330 dwellings. In other words the proposal passes the "paragraph 134" test in the up to 290 dwelling scheme, but not in the up to 330 dwelling scheme.

142. Referring back to paragraphs 126 and 127 of this decision, I therefore conclude that the scheme for up to 330 dwellings would not satisfy the environmental role of sustainable development, whereas the scheme for up to 290 dwellings would. Accordingly, I further conclude that the proposed development can be considered as representing sustainable development, but only if the maximum number of dwellings is restricted to 290, and the development proceeds in general accordance with Development Framework Plan reference 5644-L-03-Rev N.

143. I now turn to the second balancing exercise which needs to be undertaken, In view of my earlier conclusions that development plan policies referred to in the putative reasons for refusal are out-of-date and should carry less than full weight because of inconsistencies with Framework policies, this is the weighted balance set out in the second bullet point of the decision-taking section of the Framework paragraph 14. This indicates, under its first limb, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The second limb of this bullet point relates to the situation where specific policies in the Framework indicate development should be restricted, such as where designated heritage assets are concerned, and I have already addressed this matter, above.

144. From the conclusions I have already reached on the main issues I consider that the proposed development would result in some adverse impacts, but that these would be limited. My reasoning is set out fully in the appropriate paragraphs, above, but in summary there would firstly be a loss of just over 15 ha of BMV agricultural land. But as much of the agricultural land surrounding Telford is of BMV status, and as it is clear that this has not prevented the Council from recently granting planning permission for a scheme at Priorslee which will result in a much greater loss of BMV land than here, I can only give this impact a modest amount of weight.

145. Insofar as impact on the Registered Park is concerned, by not seeking to provide development on the southernmost part of the site, adjacent to Haygate Road, the scheme for a maximum of 290 dwellings would only result in a low level of "less than substantial" harm to weigh against the proposal.

...

147. Turning then to the benefits of this proposal, I have already detailed, above, that there would be substantial benefits arising from the provision of up to 290 new dwellings, including up to 73 new affordable homes. I give significant weight to this provision of both market and affordable housing. I also accord significant weight to the economic and social benefits which the scheme would give rise to, and which have already been detailed above. In addition, I have concluded that modest weight should be given to the gains arising from increased public access to the appeal site, and to the highway improvements which would arise from the proposal.

Overall conclusion

148. I am required to determine this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. I have identified some conflict with development plan policies under both the first and second main issues, but have concluded that these policies are out-of-date and should carry less than full weight because of inconsistencies with policies in the Framework. Because of this, and having regard to my findings on all 3 main issues, my overall conclusion is that the adverse impacts of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development."

13. Dove J. granted permission to apply for a statutory review on Ground 3, but refused permission on Grounds 1, 2, 4 and 5. The Council renewed its application for permission on Grounds 1, 2 and 5 which was listed to be heard at the same time as the substantive hearing on Ground 3. Ground 4 was abandoned.

Legal framework

Section 288 Tcpa 1990

14. Under [section 288](#) TCPA 1990, a person aggrieved may apply to quash a decision on the grounds that (a) it is not within the powers of the Act; or (b) any of the relevant requirements have not been complied with and in consequence, the interests of the applicant have been substantially prejudiced.

15. The general principles of judicial review are applicable to a challenge under [section 288](#) TCPA 1990. Thus, the Claimant must establish that the Secretary of State misdirected himself in law or acted irrationally or failed to have regard to relevant considerations or that there was some procedural impropriety.

16. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker and not for the Court: *Seddon Properties v. Secretary of State for the Environment (1978) 42 P & CR 26* . As Sullivan J. said in *Newsmith v. Secretary of State for the Environment, Transport and the Regions [2001] EWHC Admin 74, at [6]* :

"An application under [section 288](#) is not an opportunity for a review of the planning merits of an Inspector's decision."

17. An Inspector's decision letter must be read (1) fairly and in good faith, and as a whole; (2) in a straightforward down-to-earth manner, without excessive legalism or criticism; (3) as if by a well-informed reader who understands the principal controversial issues in the case: see Lord Bridge in *South Lakeland v. Secretary of State for the Environment [1992] 2 AC 141, at 148G-H* ; Sir Thomas Bingham MR in *Clarke Homes v. Secretary of State for the Environment (1993) 66 P & CR 263, at 271* ; *Seddon Properties v. Secretary of State for the Environment (1981) 42 P & CR 26, at 28* ; and *South Somerset District Council v. Secretary of State for the Environment (1993) 66 P & CR 83* .

Determining an application for planning permission

18. The determination of an application for planning permission is to be made in accordance with the development plan, unless material considerations indicate otherwise: [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) , read together with [section 70\(2\) Town and Country Planning Act 1990](#) .

19. In *Tesco Stores Limited v. Dundee City Council [2012] UKSC 13* , the House of Lords held that the proper interpretation of planning policy is ultimately a matter of law for the court, and a failure by a planning authority to understand and apply relevant policy will amount to an error of law. However, as Lord Reed explained at [19]:

"... many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (*Tesco Stores Ltd v. Secretary of State for the Environment [1995] 1 WLR 659* , 780 per Lord Hoffmann)."

20. Whether or not a particular consideration is material is ultimately a matter for the court to determine: *Tesco Stores Ltd. v. Secretary of State for the Environment [1995] 1 WLR 759* , per Lord Keith at 764A. Subject to *Wednesbury* unreasonableness, however, it is a matter for the decision maker to decide the weight (if any) to be attached to a material consideration: *Tesco Stores*, per Lord Hoffman at 780F-H.

21. In principle, any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration which falls within that broad class is material in any given case will depend on the circumstances, and whether it is relevant to the question whether the application for planning permission should be granted or refused.

National Planning Policy Framework (Nppf)

22. The Court of Appeal has recently given guidance on the NPPF in *Suffolk Coastal District Council v. Secretary of State for Communities and Local Government [2016] EWCA Civ 168; [2016] 2 P & CR 1* where Lindblom LJ said as follows:

"9. The Government's commitment to a "plan led" planning system is apparent throughout the NPPF. Paragraph 2 in the "Introduction" acknowledges the statutory presumption in favour of the

development plan in [s.38\(6\) of the Planning and Compulsory Purchase Act 2004](#) , and the status of the NPPF as another material consideration:

"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The [NPPF] must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions."

There are several other references to the "plan-led" system: for example, in para.17, which sets out 12 "core land-use planning principles" that "should underpin both plan-making and decision-taking". The first of these "core" principles is that planning should be "... genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area". It adds that "[plans] should be kept up-to-date ..." and "should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency."

12. Under the heading "The presumption in favour of sustainable development", para.12 acknowledges that the NPPF "does not change the statutory status of the development plan as the starting point for decision making". It says that "[proposed] development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise". It adds that "[it] is highly desirable that local planning authorities should have an up-to-date plan in place". Paragraph 13 confirms that the NPPF "constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications". Paragraph 14 explains how the "presumption in favour of sustainable development" is to be applied:

"At the heart of [the NPPF] is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted. [Here there is a footnote, footnote 9, which states: "For example, those policies relating to sites protected under the Birds and Habitats Directives ... and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of

Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion."]

For decision-taking this means [Here there is a footnote, fn.10, which says: "Unless material considerations indicate otherwise"]:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted. [Here footnote 9 is repeated.]"

39.Footnote 9 explains the concept of specific policies in the NPPF indicating that development should be restricted. The NPPF policies it gives as examples relate to protected birds and habitats, Sites of Special Scientific Interest, the Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks, the Broads, heritage assets and locations at risk of flooding or coastal erosion (see [12] above). For all of these interests of acknowledged importance—some of them also subject to statutory protection—the NPPF has specific policies. The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out-of-date". This does not mean that development plan policies that are out-of-date are rendered up-to-date by the continuing relevance of the restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle.

40.Paragraph 215 is one of a series of paragraphs in Annex 1 to the NPPF dealing with the implementation of the policies it contains. These are, essentially, transitional provisions. They do not affect the substance of the policies themselves. Under para.214 there was a period of 12 months from the publication of the NPPF—until 27 March 2013—within which decision-takers "may" continue to give full weight to policies adopted since 2004 even if they conflicted with the policies in the NPPF. After that, under para.215, "due weight" was to be given to relevant plan policies, "according to their degree of consistency" with the policies in the NPPF. These provisions for the implementation of NPPF policy do not touch the interpretation of such policy, including the policies for the delivery of housing in Paras 47 To 55 and the policy explaining the "presumption in favour of sustainable development" in para.14...."

42. The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory "presumption in favour of the development plan", as Lord Hope described it in *Edinburgh City Council v Secretary of State for Scotland* [1997] 1 W.L.R. 1447 (at 1450B–G). Under s.70(2) of the 1990 Act and s.38(6) of the 2004 Act, government policy in the NPPF is a material consideration external to the development plan. Policies in the NPPF, including those relating to the "presumption in favour of sustainable development", do not modify the statutory framework for the making of decisions on applications for planning permission. They

operate within that framework—as the NPPF itself acknowledges, for example, in para.12 (see [12] above). It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal. Because this is government policy, it is likely always to merit significant weight. But the court will not intervene unless the weight given to it by the decision-maker can be said to be unreasonable in the *Wednesbury* sense.

46. We must emphasise here that the policies in paras 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (see the speech of Lord Hoffmann in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 W.L.R. 759 at 780F-H). Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or dis-applied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.

47. One may, of course, infer from para.49 of the NPPF that in the Government's view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy—such as the protection of a "green wedge" or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in para.49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment (see [70]–[75] of Lindblom J's judgment in *Crane*, at [71] and [74] of Lindblom J's judgment in *Phides*, and [87], [105], [108] and [115] of Holgate J's judgment in *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government and Mid-Sussex DC* [2015] EWHC 1173 (Admin))."

Ground 1

23. The Council submitted that the Inspector erred in law treating the Council's grant of planning permission for a SUE outside Telford (Priorslee) as a material consideration supporting his conclusion that the policies on settlement boundaries were out-of-date. The Inspector treated it as a precedent, whereas each planning application ought to be considered on its individual merits. Moreover, a planned SUE, designed to maximise sustainability, was a very different matter from an *ad hoc* speculative development.

24. The Inspector said:

"25. There is no firm evidence before me to indicate that the settlement boundaries applicable in 2006 are still appropriate today and are consistent with the Framework's objective of boosting significantly the supply of housing. Indeed, as became apparent at the inquiry, the Council's current 5 year housing land supply contains a number of sites which fall outside existing settlement boundaries. Moreover, the Council has recently granted planning permission for a major, mixed-use development which includes the provision of some 1,100 houses on a site outside the existing

boundary of Telford at Priorslee, a matter to which I return shortly. These points indicate to me that the former settlement boundaries cannot be viewed as inviolable and that this policy does not reflect Framework guidance."

"34. The Council clearly recognises that development will have to take place outside existing settlement boundaries, as referred to in paragraph 25 above and as evidenced by its recent grant of planning permission at Priorslee, also referred to above. The Priorslee site lies outside the existing boundary of Telford and this indicates to me that Policy CS3 cannot be considered up-to-date. It is also the case that the Priorslee proposal is in conflict with TWCS Policy CS7, but whilst I understand that this area is being promoted as a Sustainable Urban Extension in the emerging TWLP, I have already noted that only limited weight can be given to this emerging plan at this stage. It appears that the sustainable nature of the development at Priorslee and its good connectivity to the major services at Telford weighed in its favour in that case, and overcame any conflict with Policy CS7. It seems to me that similar circumstances exist in the case of the appeal proposal."

25. In my judgment, the Inspector was entitled to have regard to other grants of planning permission in the recent past in determining the question whether the policies on settlement boundaries were out-of-date. It was plainly a relevant consideration as it supported the contention that current housing needs could not be adequately met within the settlement boundaries identified in the policies. The weight to be given to this consideration was a matter of planning judgment for the Inspector, not this court.

26. The Inspector mistakenly stated that the Council had decided to grant planning permission, whereas in fact at the time of his decision, the Council had only resolved to grant planning permission, and it only granted planning permission at a later date. However, it was accepted by the Council that nothing turned on this mistake.

27. The Council also challenged the Inspector's reliance upon the Priorslee development at Appeal Decision ("AD") 86 and 144, when reaching his decision on the application of NPPF 112 on the use of BMV agricultural land. I deal with this aspect under Ground 3.

Ground 2

28. The Council submitted that the Inspector erred in his approach to the WLP when he concluded that Policy OL6 was not intended to provide protection for large areas of agricultural land in the countryside, such as the appeal Site.

29. The Inspector found:

"65. Saved WLP Policy OL6, dealing with Open Land, is cited in both putative reasons for refusal, although I note that it did not feature at all in the original Officer's Report to Committee of May 2014. This policy seeks to protect from development "locally important incidental open land

within or adjacent to built-up areas" where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat. The Council contends that this policy applies in the current case, and would be breached by the appeal proposal.

66. However, whilst there is no specific definition of "locally important incidental open land" within the policy or its supporting text, I find it very difficult to accept that the original purpose of this policy was to provide protection for large areas of agricultural land in the countryside, such as the appeal site. If that had been the case, there would clearly have been no need for WLP Policy OL7, which dealt specifically with Development in the Open Countryside and which, amongst other matters, stated that the Council will protect the open countryside from any development that is likely to have an adverse effect on its character or quality.

...

68. I share the appellant's view that it is unreasonable and unacceptable to seek to reintroduce a blanket protection of open countryside through use of Policy OL6, as appears to be the Council's intention here. With these points in mind, I am not persuaded that WLP Policy OL6 is applicable or relevant in this case. In these circumstances there can be no breach of this policy by the appeal proposal. Albeit for a different site, I note that Inspector Hand reached a similar conclusion in the Muxton appeal."

30. Saved Policy OL6, and its supporting text, provided:

" OL6 OPEN LAND

Throughout the District, the Council will protect from development locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat.

8.3.21. Open land without any special designation can often make a valuable and important contribution to the character of an area and can help to define the setting of surrounding development and adjacent buildings. It can relieve the sense of congestion and pressure that might be felt, particularly in the older traditional urban areas of the District. These areas can provide green space, visual variety and very local recreational opportunities. The Council considers the retention of these sites to be most important.

8.3.22. Many of the sites to which the above policy will apply are within Newport. Important area of open land within Newport, including those marked on the proposals map, need protecting from inappropriate development. The Council may seek, through negotiation, planning benefits in order to fulfil the potential of open land where that land is an important and integral part of a development.

8.2.23. The character of many of the villages within the District is defined by the open land and spaces between and around individual properties. Playing fields and children's play areas are also important features in a number of villages and once lost to development may be difficult to replace in the locality."

31. Policy OL7 (now expired) and its supporting text provided (so far as it material):

" OL7 DEVELOPMENT IN THE OPEN COUNTRYSIDE

The Council will protect the open countryside from any development that is likely to have an adverse effect on its character or quality and will protect the rural setting of settlements, buildings or features within the open countryside. In particular, the Council will not permit development which would contribute to the amalgamation of settlements.

8.3.24.

8.3.25. National advice, currently set out in PPG7, is that the countryside should be safeguarded for its own sake. Therefore as Telford, and to a lesser extent the other settlements around Telford, continue to develop, it is important that the undeveloped, rural 'gaps' between them are protected. Any development that could result ultimately in the coalescence of settlements will be strenuously resisted in order to help preserve the individual character that they each display.

8.3.26. The land around Telford is generally of good visual and agricultural quality. Some of the surrounding settlements are relatively close, and, although development will be directed towards the reuse of brownfield sites within urban areas, there is still likely to be pressure for development in fringe areas and in the "gaps" between settlements. Any proposals will be considered with great care."

32. In my judgment, the Inspector correctly interpreted Policy OL6, and applied it appropriately to the facts of this case. Policy OL6 protected " *incidental open land* ", in and around built-up areas, which was of importance and value to the local community, even though it had no special designation. Illustrations were provided in the supporting text. Although this Site was adjacent to a built-up area, it did not come within the natural meaning of the words "incidental open land" with no special designation, as it was a large tract of agricultural land, in use for that purpose. Moreover, the nature and character of this Site did not bear any resemblance to the illustrations in the supporting text. The public did not have access to it, other than along the public footpath, though naturally local residents appreciated the view and the sense of openness which it afforded. As part of the interpretative exercise which he had to undertake, I consider that the Inspector was entitled to take into account that the Site fell much more readily within the scope of Policy OL7, since it was " *open countryside* " beyond the settlement boundary of Telford. As the supporting text demonstrated, Policy OL7 was designed to protect the land around Telford which was " *generally of good visual and agricultural quality* ", and to guard against development of fringe areas and gaps between settlements.

33. The Council rightly submitted that the Inspector's observation in AD 66 that, if large areas of agricultural land in the countryside fell within Policy OL6, then there would have been no need for Policy OL7, mistakenly overlooked the fact that OL6 was limited to land within or adjacent to built-up areas. Policy OL7 would still have been required to protect countryside situated away from built-up areas. However, I do not consider that this mistake undermines his interpretation of the policy, which was correct for the reasons I have given.

34. The Council did not argue at the Inquiry that parts of the Site which were situated close to areas used by members of the public, such as the cricket ground or the footpath or the residential roads, could be subject to Policy OL6, and it is not open to the Council to seek to attack the Inspector's decision for failing to consider this point. In any event, it is difficult to see how the policy could be applied in such a manner.

Ground 3

35. The Council submitted that the Inspector erred in law in rejecting the Council's submission that NPPF 112 ought to be treated as a policy which indicated that "*development should be restricted*" within the meaning of the second limb of the second bullet point on "*decision-taking*" in NPPF 14.

36. NPPF 112 provides:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

37. The Council relied upon the case of *Forest of Dean District Council v. Secretary of State for Communities and Local Government [2016] EWHC 421 (Admin)*, where Coulson J. held, at [23] – [42], that NPPF 134¹ was a policy which indicated that "*development should be restricted*" within the meaning of the second limb of the second bullet point under 'decision-taking' in NPPF 14. He treated the list of policies in footnote 9 as illustrative rather than exhaustive, but in any event, heritage assets were included in the list. He considered that the term "*restricted*" should be given a "*relatively wide meaning*"; in particular, "*restricted*" should not be interpreted to mean "*refused*", which was not the word used in the policy. The inclusion of NPPF 114² in the list of examples of restrictive policies indicated that "restricted" could encompass a policy, such as NPPF 134, which identified a situation in which the presumption in favour of development did not apply.

38. I agree with Coulson J.'s interpretation of the NPPF, but upon applying it here, I have concluded that NPPF 112 cannot be characterised as a policy which indicates that "*development should be restricted*" within the meaning of NPPF 14. I accept the Defendants' submissions that the policy is simply an instruction (i) to "*take into account*" the economic and other benefits of the best and most versatile agricultural land which does not confer any particular level of protection and (ii) to "*prefer*" the use of poorer quality land if significant development of agricultural land is necessary, which applies to all agricultural land, not just BMV land. It is not a prohibition on the use of BMV agricultural land, nor a restriction on development in principle; it does no more than to encourage the relocation of proposed development onto poorer quality agricultural land if available. The permissive language of NPPF 112 is very different to the language used in the "*specific policies*" of restraint identified in footnote 9, as Mr Buley demonstrated in his helpful table.

39. The Inspector's reasoning was at AD 85 & 86, where he said, inter alia:

"85. there is no internal balancing exercise required by paragraph 112, nor is there any suggestion that planning permission should be refused if BMV land is to be lost. Rather, the loss of agricultural land is just one of the matters which has to be taken into the overall planning balance when a proposal for development is being considered.

86. That is how the Council approached this matter when it recently granted planning permission for the aforementioned major development at Priorslee, involving the loss of over 60 ha of

agricultural land, some 24.5 ha of which is classed as high quality BMV agricultural land. Presumably the Council also adopted this approach insofar as TWCS Policy CS13 is concerned, as the loss of BMV agricultural land did not prevent the grant of planning permission. I have regard to this matter in undertaking the planning balance, later in this decision, but in view of the points detailed above I do not share the Council's view that loss of BMV land is a matter covered by footnote 9 to Framework paragraph 14."

40. Although I agree with Coulson J. that the correct test is "*restricted*" not "*refused*", I consider that the Inspector's ultimate conclusion was correct.

41. In my judgment, the Inspector was entitled to take into account the Council's approach to NPPF 112, when resolving to grant planning permission at Priorslee, in support of his interpretation of NPPF 112 and NPPF 14. The Council's decision to grant planning permission notwithstanding the loss of BMV agricultural land was capable of being a material consideration which the Inspector was entitled to take into account in assessing the planning balance and deciding whether to grant planning permission. Previous decisions raising the same or similar issues were potentially relevant. I refer to my reasoning under Ground 1 above.

42. The Inspector applied NPPF 112 in the overall planning balance, at AD 144, which is set out at paragraph 12 above, and accorded only "*a modest amount of weight*" to the impact of the loss of BMV agricultural land. Much of the agricultural land surrounding Telford was BMV; no alternative site comprising poorer quality land was put forward. So even if the Inspector had treated NPPF 112 as a policy which restricted development under NPPF 14, and applied it without the weighted presumption in favour of the grant of permission, it seems unlikely that, in the exercise of his planning judgment, he would have refused planning permission for that reason. So he would have then gone on to consider NPPF 112, together with the other relevant factors, as part of what he described as "*the second balancing exercise*" in AD 143, applying the weighted presumption in favour of granting permission as the development plan policies were out-of-date, just as he did in the decision under challenge. So, either way, the outcome would likely have been the same.

43. I consider that this two stage approach (which the Inspector adopted in respect of the restrictive policy in NPPF 134) was appropriate, even though somewhat repetitive. In a case such as this, with multiple factors and policies to be considered, it was an effective way of applying the differing requirements in NPPF 14. Support for such an approach was expressed in *R (Watermead Parish Council) v. Aylesbury Vale District Council [2016] EWHC 624 (Admin)*, where HH Judge Waksman QC (sitting as a Judge of the High Court) considered the application of NPPF 14 to development in "*locations at risk of flooding or coastal erosion*", cited in footnote 9 as an example of policies which indicated that development should be restricted. The NPPF policies are at NPPF 100 – 108. The Judge held, at [45] – [48], that the presumption weighted in favour of granting permission for development, set out in the second bullet point, should be initially dis-applied, as it would run contrary to the presumption against development contained in the restrictive policy. However, if after application of the restrictive policy, the outcome was in favour of development, then the weighted presumption in favour of development "*resurfaces and can be applied*".

Ground 5

44. The Council submitted that the Inspector erred in concluding that Policy CS7 on development in rural areas did not conform with the NPPF and so was not up to date. It avoided the absolute restrictions in the policy which preceded it, WLP Policy H9. It adopted a three tier approach, focusing growth in three sustainable villages; allowing limited development in other villages, and imposing strict controls (but not an absolute ban) on development in the open countryside.

45. Policy CS7 provided, so far as material, as follows:

" CS7 Rural Area

Development within the rural area will be limited to that necessary to meet the needs of the area. It will be focused on the settlements of High Ercall, Tibberton and Waters Upton. New housing development will be expected to deliver affordable housing to the level of 40% of all such development. Outside of these settlements development will be limited and within the open countryside will be strictly controlled."

46. The Inspector said:

"32. It is against this backdrop that I have to consider whether TWCS Policies CS1, CS3 and CS7 can be considered up-to-date and, if not, what weight should reasonably be given to them. I agree with the main parties that Policy CS1 is out of date as it refers to housing figures which were based on now-revoked Regional Guidance. The relevance of Policies CS3 and CS7 to the current proposal is that they seek to restrict development to existing urban areas, in particular Telford. Policy CS7 deals explicitly with the rural area, stating that development within that area will be focussed on the same 3 settlements which feature in saved WLP Policy H9, but goes on to say that outside these settlements development will be limited and, within the open countryside, will be strictly controlled.

33. However, this latter point, in itself, demonstrates that this policy is not up-to-date and in conformity with the more recent planning policy context established by the Framework, where there is no blanket protection of the open countryside and where there is a requirement to boost significantly the supply of housing. I consider it also of relevance that although the appeal site does lie outside the current settlement boundary, there was general agreement between the parties that, if allowed, the proposed development would function as an urban extension to Telford, and would not be considered as a rural settlement...

35. In view of all the above points, and notwithstanding the fact that the TWCS remains part of the statutory Development Plan, I have to conclude that Policies CS1, CS3 and CS7 are out-of-date, and should not be given full weight in this appeal, when assessed alongside the guidance in paragraph 215 of the Framework. Insofar as this conclusion differs to that reached by Inspector Hand, I have set out my reasons, above. Overall, these matters lead me to conclude that the appeal proposal should be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework, regardless of whether the Council is able to demonstrate a 5 year supply of deliverable housing land."

47. In my judgment, the Inspector did not err in law in concluding that Policy CS7 was not in conformity with the NPPF and so was out-of-date. It is a core planning principle, set out in NPPF 17, that decision-taking should recognise "*the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*". This principle is

reflected throughout the NPPF e.g. policy on the location of rural housing (NPPF 55); designation of Local Green Space (NPPF 76); protection of the Green Belt (NPPF 79 – 92) and Section 11, headed "Conserving and enhancing the natural environment" (NPPF 109- 125). However, NPPF does not include a blanket protection of the countryside for its own sake, such as existed in earlier national guidance (e.g. Planning Policy Guidance 7), and regard must also be had to the other core planning principles favouring sustainable development, as set out in NPPF 17. The Inspector had to exercise his planning judgment to determine whether or not this particular policy was in conformity with the NPPF, and the Council has failed to establish that there was any public law error in his approach, or that his conclusion was irrational.

Conclusions

48. Despite Mr Jones' excellent submissions, permission is refused on Grounds 1, 2 and 5 and the Council's application to quash the decision on Ground 3 is refused.

Footnotes

- 1 "134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."
- 2 "114. Local planning authorities should ...maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to an enjoyment of the coast."

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Appendix 18

Colman v Secretary of State for Communities and Local Government

Anita Colman v Secretary of State for Communities and Local Government, North Devon District Council, RWE Npower Renewables Limited



Positive/Neutral Judicial Consideration

Court

Queen's Bench Division (Administrative Court)

Judgment Date

9 May 2013

Case No: CO/12831/2012

High Court of Justice Queen's Bench Division Administrative Court

[2013] EWHC 1138 (Admin), 2013 WL 1904172

Before: Mr Justice Kenneth Parker

Date: 09/05/2013

Hearing dates: 19 April 2013

Representation

David Cocks QC and Zack Simons (instructed by Richard Buxton) for the Claimant.
Richard Honey (instructed by The Treasury Solicitor) for the First Defendant.
John Litton QC (instructed by Burges Salmon) for the Third Defendant.

Judgment

Mr Justice Kenneth Parker:

Introduction

1. This is a claim under [section 288 of the Town and Country Planning Act 1990](#) . The Claimant, **Anita Colman**, seeks the quashing of the decision of the Inspector, Mr R W N Grantham BSc(Hons) MRSC MCIWEM, appointed by the Secretary of State for Communities and Local Government, the First Defendant, contained in a decision dated 22 October 2012. The Inspector held an inquiry over 15 days from June to September 2012 and undertook both accompanied and unaccompanied site visits.
2. The Inspector granted planning permission for the construction of nine wind turbines of 103m in height to blade tip on land at Batsworthy Cross, Knowstone, North Devon. Planning permission had been refused by the North Devon District Council, the Second Defendant, in July 2011.

The National Planning Policy Framework (March 2012) (“the NPPF”)

3. Prior to the public inquiry, but after the Council had considered and refused the Applications, the Secretary of State published the National Planning Policy Framework (March 2012) (“the NPPF”) setting out the Government’s planning policies for England and guidance as to how it expects those policies to be applied. However, paragraph 2 of the Introduction to the NPPF makes clear that –

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions... ” (Footnotes omitted)

4. Paragraphs 11, 12 and 196 of the NPPF reiterate the approach required by [s. 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) (“the 2004 Act”), namely that a proposed development which is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused “unless other material considerations indicate otherwise”. Paragraph 13 identifies the guidance in the NPPF as a material consideration to be taken into account in determining applications for development.

5. Paragraph 14 of the NPPF refers to a presumption in favour of “sustainable development” as a central feature of the NPPF in relation to both plan-making and decision-taking. In the context of decision-taking, the presumption in favour of sustainable development is given expression in two ways. The first is by approving development proposals that accord with the development plan. The second is to grant permission where the development plan is absent, silent or where relevant policies are “out-of-date” unless any adverse impacts of granting permission for the proposed development “would significantly and demonstrably outweigh the benefits, when assessed against the policies in the [NPPF] taken as a whole”. Paragraph 211 in Annex 1 to the NPPF makes clear that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

6. Transitional provisions in Annex 1 to the NPPF permit decision-takers, for 12 months from the date of publication of the NPPF, to continue to give full weight to relevant policies in development plan documents adopted since, and in accordance with, the 2004 Act even if there is a limited degree of conflict between those development plan policies and the NPPF (see paragraph 214). However, where relevant policies are contained in development plan documents which have not been adopted in accordance with the 2004 Act (or the policies have been adopted under the 2004 Act but there is more than a limited degree of conflict with the NPPF) the weight to be given to them depends on the consistency of those policies with the NPPF, with greater weight being given to development plan policies which are consistent with the NPPF’s policies (see paragraph 215).

7. The policies relevant to determination of the appeals considered by the Inspector were not in development plan documents adopted in accordance with the 2004 Act. Any inconsistency between those policies and the NPPF would render them out of date and cause the approach set out in paragraph 14 of the NPPF to be engaged. In that case the decision-taker would be required to consider whether any adverse impacts of granting planning permission for the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The Inspector’s Decision

8. At paragraph 19, the Inspector set out the planning policy context for the determination of the appeals noting that (a) the NPPF was a material consideration which could be given considerable weight if the relevant policies in the development plan were not adopted in accordance with the 2004 Act; and (b) the weight to be given to the NPPF would increase according to the degree of inconsistency between the relevant development plan policies and the NPPF (see paragraphs 214 and 215 of Annex 1 to the NPPF).

9. At paragraph 20, the Inspector identified the development plan as including RPG10 and the saved policies of the Local Plan (LP) and the Devon Structure Plan (SP) but noted that the development plan policies were not adopted in accordance with the 2004 Act. The Inspector stated that it was therefore necessary to consider the consistency of the individual relevant development plan policies with the policies of the NPPF for the purpose of deciding how much weight to give the development plan policies and those in the NPPF in his assessment of the merits of the development.

10. At paragraph 21, the Inspector noted that the NPPF replaced much of the previously published national planning policy guidance but that certain of the companion guides to those policy statements remained extant. At paragraph 22, he referred to the approach to be adopted in the assessment of on-shore wind farms in the context of the extant Overarching National Policy Statements for Energy (EN-1) and for Renewable Energy Infrastructure (EN-3).

11. At paragraph 23 the Inspector referred to the Government's commitment to reducing greenhouse gas emissions and increasing energy supply from renewable sources, including from on-shore wind farms. The Inspector also mentioned that not all renewable energy developments are sustainable and that the impacts of such developments (e.g. on the landscape) have to be taken into account.

12. At paragraph 26, the Inspector identified the main issues in relation to the wind farm as being the impact of the proposed development on the landscape, cultural heritage, living conditions of local residents, bats and highway safety and whether any impacts would be outweighed by the benefits of the scheme.

13. At paragraphs 30 – 214 the Inspector assessed the impacts of the proposed development against the identified issues in the context of the relevant development plan policies and arrived at his conclusions in relation to each of the relevant issues.

14. In addition to the impacts identified above, the Inspector considered the benefits of the scheme at paragraphs 215 – 229 and concluded that –

- i) On-shore wind was essential to meeting the UK's need for energy security and reducing greenhouse emissions (paragraph 219).
- ii) The savings in CO2 emissions were likely to be substantial and valuable over the lifetime of the scheme (25 years) (paragraph 227).
- iii) There would be economic benefits from employment during construction and operation of the wind farm with possible expenditure of more than £1 million to the local economy (paragraph 228).

15. At paragraphs 230 – 236, the Inspector weighed the harmful impacts against the benefits of the proposed development and concluded as follows –

“234. Some employment would be generated by the development, but this would be mostly during the construction phase. However, the benefits of reduced greenhouse gas emissions would be long lasting and the need for new renewable electricity generating projects is urgent. Whilst the CO2 savings which this wind farm would achieve would not be as great as anticipated, they would nevertheless be valuable and, as such, would outweigh the limited harm which the scheme would cause.

235. Development plan policies which seek to promote renewable energy schemes provide no direct support for these proposals. This is because they only allow for the benefits of the scheme to be balanced against the harm, if the energy generated would contribute towards meeting the county's 2010 target of producing 151MW of electricity from renewable sources. That target no longer applies and the development plan's approach is outdated when considered against the Framework's presumption in favour of sustainable development.

236. This is not a case where the harm caused would significantly and demonstrably outweigh the benefits. Indeed, subject to putting suitable controls in place, the impact of the Batsworthy Cross Wind Farm would be acceptable and, on that basis, permission should be granted for the Appeal A proposals.”

The Grounds of Challenge

16. For reasons that are apparent from the foregoing analysis it was common ground at the inquiry and in this appeal that the Inspector had first to identify and analyse the relevant policies in the development plan and, secondly, to determine the extent, if any, to which a relevant policy was consistent with the NPPF. The central ground of challenge in this appeal is that the Inspector failed properly to analyse a number of relevant policies and also reached conclusions on consistency that were wrong. Also the challenge was presented under two separate heads. The points are closely interlinked, and I shall deal with them together. I shall look in turn at the relevant policies.

A. Landscape Character

17. At paragraph 60 the Inspector stated:

“The impact would also be limited to a period of 25 years, or less. Although this is a matter to be considered in the overall balance, it does not reduce the degree of harm or alter my conclusion that the proposals run contrary to LP Policy ENV1 and SP Policy CO1. However, the Framework requires a judgment to be made as to whether an adverse impact, such as this, would be outweighed by the scheme's benefits. This approach is unlike that set out in Policies ENV1 and CO1; it therefore carries substantial weight.”

18. Given the background and earlier references it was plain that the Inspector was in the above paragraph concluding that relevant policies LP Policy ENV1 and SP Policy CO1 were significantly inconsistent with the NPPF and to that extent the overall “cost/benefit” approach of the NPPF was to be preferred.

19. Mr David Cocks QC, on behalf of the Claimant, submitted that there was no significant inconsistency between the relevant policies. At first sight that is a curious submission, given the express terms of the relevant policies. For example, SP CO1 expressly provides:

“Policy SP CO1

Landscape Character and Local Distinctiveness

The distinctive qualities and features of Devon's Landscape Character Zones, illustrated in Map 5, should be sustained and enhanced ... Policies and proposals within each part of Devon should be informed by and be sympathetic to its landscape character and quality .” (My emphasis)

20. The supporting text to Policy SP CO1 also refers to “conservation” and “maintenance”.

21. LP Policy ENV1 states:

“Policy ENV1 (Development in the Countryside) Development in the countryside will only be permitted where:

A rural location is required.

It provides economic or social benefits to the local community: and

It protects and enhances its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value.”

22. These policies are, in my view, on their own express terms very far removed from the “cost/benefit” approach of the NPPF. The policies as such do not permit any countervailing economic or similar benefit to be weighed in the scales. A submission that such benefits may be implicitly taken into account would be immediately rejected as running directly contrary to both the language and rationale of the relevant policies. Mr Cocks QC sought to meet this formidable objection by submitting that such benefits, recognised as central to the NPPF, would always constitute a “material consideration” relevant to the grant of development permission, and should, therefore, be “read into” the relevant policies.

23. I reject that argument on two grounds. First, the NPPF in referring to “relevant policies” is plainly directing the mind of the decision maker to the express terms of the relevant policies and requiring the decision maker to compare, for consistency, the express terms with the “cost/benefit” approach of the NPPF. Secondly, and perhaps more importantly, it is a fundamental and long established principle of planning law that something identified as a “material consideration” (such as the putative economic and environmental benefit in the present context) is conceptually distinct from considerations identified in the development plan and does not *ceteris paribus* carry the same weight as an aim or consideration identified in the development plan itself. It is, therefore, essential, both analytically and in policy terms, to separate objectives or considerations specifically set out in the development plan from something else that can count only as another “material consideration”. Mr Cocks'

argument confounds elements that fall within different relevant categories, and which have a different character for planning purposes, and it cannot rescue the inconsistency that is obvious on its face between the relevant policies and the NPPF.

24. For these reasons I conclude that the Inspector properly directed his mind in the present context to the relevant policies and correctly analysed the inconsistency between those policies and the NPPF.

B. Historic Buildings and Ancient Monuments (Cultural Heritage)

25. SP policy CO7 is as follows:

“Historic Settlements and Buildings

The quality of Devon's historic environment should be conserved and enhanced . In providing for new development particular care should be taken to preserve the historic character of settlements, the character and appearance of conservation areas, the historic character of the landscape, listed or other buildings of historic interest and their settings and parks and gardens of special historic interest and their settings.” (My emphasis)

26. LP policy ENV17 is as follows:

“Policy ENV17 (listed buildings)

Development affecting a listed building will only be permitted where it preserves the architectural or historic interest of the building and its setting.” (My emphasis)

27. The relevant development plan policies are, therefore, expressed in very restrictive terms. Any harm, or anything less than preservation of the status quo, should lead to permission being refused. The policies admit of no express exceptions. They leave no room to accommodate harm without breaching the policy. Any development which did not at the least preserve the status quo would run counter to the relevant development plan policies.

28. On cultural heritage, the NPPF states that planning should “conserve heritage assets in a manner appropriate to their significance ”. (My emphasis; paragraph 17; paragraph 126).

29. The NPPF also applies a threshold of “substantial harm” and provides different tests where the impact of a development is above or below that threshold. Harm or loss can be allowed where there is clear and convincing justification (paragraph 132). Substantial harm should be exceptional (paragraph 132) but can be allowed where it can be demonstrated either that it is “necessary to achieve substantial public benefits that outweigh that harm” or where certain criteria apply (paragraph 133). Where there is less than substantial harm, the “harm should be weighed against the public benefits of the proposal” (paragraph 134).

30. The NPPF also provides that it is necessary to “avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal” (paragraph 129; my emphasis added).

31. It is clear from the foregoing that, unlike the highly restrictive relevant development plan policies, the NPPF takes a far more balanced approach, allowing an analysis of the significance or, where appropriate, of the substantiality of harm to the identified cultural interests, and a weighing of the identified harm against the actual benefits that could be expected to result from the benefits. Again I reject, for the reasons given above, the argument that the inconsistency that emerges from

an evaluation of the express terms of the relevant development policies, as against the balanced approach of the NPPF, can be rescued by seeking to “read into” the relevant policies a corresponding balance as a “material consideration”.

32. The Inspector summed up the position at paragraph 99 of the decision as follows:

“Development plan policies simply seek to protect the setting of listed buildings, and of scheduled monuments, against harm, whatever the circumstances. There is no suggestion here that such harm would be substantial, in terms set out in the Framework. Considerable weight therefore attaches to the Framework's requirement that any harm should be balanced against the public benefits of the proposals; a matter that I return to later.” (Footnotes omitted)

33. In the light of the matters that I have set out at length above, I endorse that summary as a fair and accurate statement of the position, and entirely reject the Claimant's criticisms of it.

Renewable Energy Developments

34. The main relevant policies of the development plan on renewable energy developments are SP Policy CO12 and LP Policy ECN15.

35. Policy CO12 states:

“Renewable energy development

Provision should be made for renewable energy developments, including offshore developments, in the context of Devon's sub regional target of 151MW of electricity production from land based renewable sources by 2010 , subject to consideration of their impact upon the qualities and special features of the landscape and upon the conditions of those living or working nearby.” (My emphasis)

36. Thus the Policy's support for renewable energy developments had to be assessed against the background of the target referred to which would determine whether permission would be granted.

37. Policy ECN15 states:

“Provision should be made for renewable energy developments to contribute towards Devon's sub regional target of 151MW of electricity production from renewable sources by 2010. In considering proposals for renewable energy, the benefits of the developments in meeting this target will be balanced against the impact on the local environment. A proposal for the generation of energy from a renewable source will be permitted where:—

The proposal, including any associated transmission lines, access roads and other related works does not adversely affect the visual character of its surroundings ; it does not significantly affect

the living conditions of the occupants of residential properties or the amenities of other users of the locality .” (My emphasis)

38. Accordingly, the relevant development plan policies not only supported renewable energy development only against the background of the 2010 target, but also expressly provided that planning permission should be refused where there was significant harm to important identified interests, including visual character, living conditions and landscape character. The central aim of the policies was to avoid such significant harm.

39. By contrast, the NPPF's policy is that the development of renewable energy is to be encouraged (paragraph 17) and supported (paragraph 93). The NPPF states that “this is central to the economic, social and environmental dimensions of sustainable development” (paragraph 93).

40. In particular, the NPPF says that policies should:

“maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily , including cumulative landscape and visual impacts.” (My emphasis)

41. The NPPF states that when determining planning applications a decision-maker should “approve the application if its impacts are (or can be made) acceptable” (paragraph 98).

42. In the same way, the Overarching National Policy Statement for Energy (EN-1), (applied by footnote 17 to paragraph 97 of the NPPF) provides at paragraph 5.9.12 that it is necessary to “judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project ”.

43. As already mentioned, the Inspector noted the approach of the NPPF to renewable energy developments at paragraphs 22-23, including the encouragement for renewable energy, the requirement that the impact need only be “acceptable” and that the delivery of renewable energy infrastructure was central to the presumption in favour of sustainable development.

44. At paragraph 235 the Inspector stated:

“Development plan policies which seek to promote renewable energy schemes [LP Policy ECN15 and SP Policy CO12] provide no direct support for these proposals. This is because they only allow for the benefits of the scheme to be balanced against the harm, if the energy generated would contribute towards meeting the county's 2010 target of producing 151MW of electricity from renewable sources. That target no longer applies and the development plan's approach is outdated when considered against the Framework's presumption in favour of sustainable development.”

45. Given the context, as explained above, the Inspector was in this paragraph making two separate points. First, policies ECN15 and CO12 are drafted so as to relate to the 2010 target of 151MW. As the Inspector noted, that target no longer applies. Secondly, “the development plan's approach is outdated when considered against the Framework's presumption in favour of sustainable development”.

46. Mr Cocks QC submitted that the Inspector in the present context did not have regard to all the relevant policies in the development plan, did not analyse these policies correctly and wrongly concluded that the policies were inconsistent with the NPPF and/or outdated. I reject that submission. It is clear from the foregoing that at a number of points in the decision the Inspector identified the relevant development plan policies. It would have been astounding if he had not done so: they were central to the relatively lengthy inquiry and were referred to, particularly in closing submissions, by the experienced advocates at the enquiry. Furthermore, there is nothing in the Inspector's description or analysis of the relevant policies that points to any misunderstanding by the Inspector. The 2010 target was no longer applicable. The whole thrust of the relevant development policies was restrictive, intended to ensure that any significant harm to important identified interests was avoided, and to that extent they were in substance discouraging; by contrast the NPPF encouraged and supported the development of renewable energy schemes, so long as any adverse impacts could be “addressed satisfactorily” and were “acceptable” – a wholly different framework.

47. The inconsistency that is plain between the relevant development plan policies and the NPPF cannot again be avoided by an appeal to any implicit limitation that could be read into the relevant policies (see paragraphs 22-24 above).

The second principal ground of challenge: the application of paragraph 14 of the NPPF was irrational/unlawful

48. This ground of challenge is closely related to the first principal ground of challenge.

49. Mr Cocks QC submitted that the Inspector:

“failed to observe the presumption in favour of the development plan and failed to give individual policies that conflicted with the proposal their proper weight.”

50. The high point of this submission was that the Inspector did not specifically mention [section 38\(6\)](#) of the 2004 Act. There was no legal requirement for him to do so: see *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2013] EWHC 11 (Admin), paragraph 64. The test is one of substance, namely, whether the Inspector failed to apply the approach that is mandated by [section 38\(6\)](#).

51. In this case the Inspector began, as he was required, with the relevant policies set out in the development plan. As explained above, he assessed the planning application in respect of each of the main issues against the relevant policies. However, as

also explained above, he correctly concluded that in material respects some of the relevant policies were inconsistent, indeed strikingly inconsistent, with the NPPF and were to that extent also out of date.

52. Where relevant policies of the development plan are outdated, paragraph 14 of the NPPF provides that planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There is a valuable and recent consideration of paragraph 14 by Males J in *Tewkesbury BC v SSCLG* [2013] EWHC (Admin). The learned judge observed at paragraph 13 that the weight to be given to a development plan would depend upon the extent to which it was up-to-date and at paragraph 19 that paragraph 14 of the NPPF provides for what should be done when an existing plan was out-of-date. The result in practice would be that the relevant policies would be regarded as carrying little weight, and there would be a presumption in favour of granting permission (see paragraphs 20, 29 and 49).

53. Lest it be thought that the approach in paragraph 14 represents some fundamental shift in planning law or policy, it is perhaps worth recalling some general and well established principles. In *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 WLR 1447, the House of Lords considered the approach to the development plan in equivalent Scottish legislation. Their Lordships contemplated that there could well be a departure from the development plan where that policy had become outdated because of more recent national planning policy.

54. Lord Hope said at 1450B-G that a planning decision-maker:

“is at liberty to depart from the development plan if material considerations indicate otherwise. No doubt the enhanced status of the development plan will ensure that in most cases decisions about the control of development will be taken in accordance with what it has laid down. But some of its provisions may become outdated as national policies change, or circumstances may have occurred which show that they are no longer relevant. In such a case the decision where the balance lies between its provisions on the one hand and other material considerations on the other which favour the development, or which may provide more up-to-date guidance as to the tests which must be satisfied, will continue, as before, to be a matter for the planning authority.”

55. And Lord Clyde said at 1458E-F:

“If the application does not accord with the development plan it will be refused unless there are material considerations indicating that it should be granted. One example of such a case may be where a particular policy in the plan can be seen to be outdated and superseded by more recent guidance. Thus the priority given to the development plan is not a mere mechanical preference for it. There remains a valuable element of flexibility. If there are material considerations indicating that it should not be followed then a decision contrary to its provisions can properly be given.”

56. If the decision is read fairly as a whole, there was no arguable legal flaw in the Inspector's approach. For the reasons already given, he was entitled to conclude that the relevant policies in the development plan were outdated and that the provisions of the NPPF should be given decisive weight.

57. In that context it is also worth recalling that, where the provisions of the development plan become outdated, “the balance between the provisions of the plan and the considerations pulling against it is for the decision-maker to strike”: *Cala Homes v SSCLG* [2011] EWHC 97 (Admin) at paragraph 48, my emphasis. In this case the Inspector followed the appropriate legal approach and his ultimate decision, which it was for him to make as an expert planning judgment, cannot be impugned as irrational.

The Third Principal Ground: the Inspector was wrong to conclude that the proposed development did not conflict with Policy CO2

58. This is a discrete ground of challenge. The Claimant contends that the Inspector was wrong to conclude that the development would not conflict with Policy CO2 in relation to the Exmoor National Park. In essence it is argued that because at paragraph 71 of the decision the Inspector found that “the turbines would have an impact in views from the National Park” there was a clear conflict with Policy CO2.

59. The proposed development lies outside the National Park by more than 7km. Policy CO2 provides that development outside Devon's National Parks should not be permitted if it would “damage the natural beauty, character and special qualities” of the Parks.

60. At paragraph 70 of the decision the Inspector found that the development site was outside the setting of the National Park and also that the ridge on which the turbines would be seen lay “beyond Exmoor's obvious influence”. The question was then whether in these circumstances any impact in views from the National Park would tend significantly to undermine users' enjoyment of the Park's qualities and so cause damage to the Park's “natural beauty, character and special qualities”. That value judgment called for a classical application of planning expertise, which could be impugned only on grounds of legal error or irrationality. In my view, there is nothing to suggest that the Inspector misunderstood the reach of the relevant policy or that he came to a conclusion on its application that was not rationally open to him. It might be conceded that for an individual user the impact on the view from the Park might reduce that user's enjoyment of the Park's qualities, but the Inspector had to consider the matter more broadly and to assess whether, on such a broader consideration, the impact was so significant as to damage the Park's special character.

The Fourth Principal Ground: the Inspector failed to apply section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (“the PLBCA Act 1990”)

61. This is a new ground of challenge, for which permission to amend the grounds of appeal is required. I shall first deal with the substantive merits of this new ground.

62. [Section 66\(1\) of the PLBCA 1990](#) provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, 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.”

63. Section 66(1) was recently considered in *East Northants DC and others v SSCLG and Barnwell Manor* [2013] EWHC 473 (Admin) where Lang J said at paragraph 39:

“In my judgment, in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to the “desirability of preserving ... the setting” of listed buildings when weighing this factor in the balance with other ‘material considerations’ which have not been given this special statutory status. Thus, where the section 66(1) duty is in play, it is necessary to qualify Lord Hoffmann’s statement in *Tesco Stores v. Secretary of State for the Environment & Ors* [1995] 1 WLR 759 , at 780F-H, that the weight to be given to a material consideration was a question of planning judgment for the planning authority.”

64. In fact the Inspector gave careful and detailed consideration to the effects of the development on the settings of listed buildings at paragraphs 98-115 of the decision. He noted that the SEI identified significant impact on five such buildings (paragraph 102) and he focussed his attention on these buildings and on three others and a SAM.

65. In respect of five listed farmhouses that are less than 2km from the appeal site, the development would have no material effect on the asset’s significance (paragraph 106). The Inspector found that the development would have “minimal impact” on the landscape in which the grade II* listed farmhouse at Shapcott Barton, 3km from the nearest turbine, was set (paragraph 108). The Inspector then closely examined the setting of the Church of St Michael, a listed grade II building, converted to a dwelling now known as All Angels. At paragraph 113 he concluded as follows:

“... the wind farm would be harmful to the rural valley setting of All Angels and thereby to the historic significance of this heritage asset. This would be contrary to LP Policy ENV17 and SP Policy CO7. Nevertheless that harm would be less than substantial in terms of the Framework’s requirements.”

66. In respect of other buildings he concluded that there would be no harm or that the harm would be minor (paragraphs 114-119).

67. At paragraph 231 under the heading “Balance”, the Inspector stated:

“There would also be some harm to the setting of designated heritage assets and, in particular, to the historic significance of All Angels in Creacombe, but this would be less than substantial.”

68. That conclusion has, of course, to be read against the detailed findings that, apart from All Angels, insofar as there was any harm at all, it was “minimal” or “minor”. It is also notable that the Inspector concluded that the overall harm that would arise from the development was “limited” (paragraph 234). In my view, the Inspector did give in this case “special regard” to the consideration referred to in [section 66\(1\) of the PLBCA](#) . He did so by carrying out a careful and detailed assessment of the impact on the setting of the listed buildings in question. In all instances but one there was no such impact or the impact was such that it could in effect be discounted in the decision making. The Inspector did have real concern about one listed building and found that the impact was significant. However, he was then required, first, to evaluate the extent of that impact and to weigh the negative impact against the substantial benefits of the development in accordance with the NPPF. The impact on the one building was less than substantial, and even if special weight were attached to that impact, the overall negative effects were limited and could not outweigh the benefits of the development.

69. I conclude, therefore, that the proposed ground relying on [section 66\(1\)](#) is without merit, and I refuse permission to amend for that reason. There was, furthermore, no good explanation for not including this proposed further ground in the original claim. Bearing in mind the strict time limit in [section 288](#) and the public interest in having claims of this nature dealt with expeditiously, I would in any event have been reluctant to allow the amendment.

70. For completeness there was an additional ground advanced in respect of alleged inadequacy of reasoning in the Inspector's decision. As is very apparent from this judgment, the Inspector addressed each relevant issue, set out the material considerations in relation to each issue and explained how he reached his assessment in each case. The Claimant can be in no doubt why the issues were resolved adversely to the arguments put by the Claimant, and was in a position to challenge, albeit unsuccessfully, both the reasoning and conclusions in the decision.

71. This claim is accordingly dismissed.

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Appendix 19

19-02341-F Committee Report

Case Officer: Clare Whitehead

Applicant: Churchill Retirement Living

Proposal: Redevelopment to form 30 No apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping

Ward: Kidlington East

Councillors: Cllr Maurice Billington; Cllr Carmen Griffiths; Cllr Ian Middleton

Reason for Referral: Major development

Expiry Date: 19 June 2020 **Committee Date:** 4th June 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

Full planning permission is sought for the redevelopment of the Kidlington Green Social Club site to create 30 apartments for older people (60 years of age and/or partner over 55 years of age) to replace an existing social club building. The proposal of 30 apartments comprises 19 x 1 bedroom units and 11 x 2 bedroom units. The development will also include a guest apartment, communal facilities, access, car parking and landscaping.

Consultations

The following consultees have raised **objections** to the application:

- Kidlington Parish Council

The following consultees have raised **no objections** to the application:

- CDC Arboricultural Officer, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection, CDC Health Protection, CDC Landscape Officer, CDC Legal Rights of Way Officer, CDC Planning Policy, CDC Recreation and Leisure, NATS Safeguarding, OCC Local Lead Flood Authority, OCC Highways, Thames Valley Police, Thames Water

7 letters have been received from third parties. Of these 2 are letters of objection, 1 is a letter of support and 5 offer comments only with no expression of objection or support

Planning Policy and Constraints

The site is not allocated but is an existing community facility within the built-up limits of Kidlington, a Category A village. There is a public right of way running along the full length of the northwest boundary of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a satisfactory S106 agreement including recreation and leisure, affordable housing and waste and recycling contributions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the centre of Kidlington and is currently occupied by the Kidlington Green Social Club with a small area forming part of the garden to 13 Green Road. The site measures approximately 0.43ha and is surrounded by residential properties on all sides.
- 1.2. It is accessed off Green Road to the south of the site and lies to the east of the busy Oxford Road and main thoroughfare through Kidlington.
- 1.3. To the southwest boundary are a number of mature and well established cypress trees. There are a number of existing trees on or adjacent to the site, some of which provide screening on the boundaries. To the northwest of the site public footpath no. 265/4/10 runs the full length of the boundary. It is separated from the site by fencing and some planting.
- 1.4. The site is largely flat and level with no unusual topographic constraints to development.

2. CONSTRAINTS

- 2.1. The application site is within the confines of Kidlington. A public right of way runs along the northwest boundary for its full length. The site is not located in a conservation area or any specially designated area. None of the trees are covered by preservation orders. There is an electricity sub-station adjacent to the access.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for the demolition of the existing social club building and the redevelopment of the site to provide apartments for

older people. The proposal provides 30 apartments for older persons aged 60 years plus (and partners aged 55 years plus). Of these apartments 19 are proposed to be 1 bedroom units and 11 to be 2 bedroom units.

- 3.2. The apartments would be sold by the applicant (Churchill Retirement Living) with a lease containing an age restriction which ensures that only people of 60 years or over (or those with a partner of at least 55 years) can live in the development. The applicant has stated that the average age of purchasers of their apartments is 80 years old and typically 70% of the apartments are single occupancy, more often occupied by a widow.
- 3.3. In addition to the apartments themselves a guest apartment is included, communal facilities including a lounge and outside space, refuse storage facilities, an area for mobility scooters and bicycles to be stored and charged, access off Green Road and parking for 15 vehicles including 1 disabled space.
- 3.4. The apartment building itself is designed to be mostly 2 to 2.5 storeys in height with the third floor accommodated in the roof. A secure gate is proposed to connect to the public right of way to the rear of the site. The existing cypress trees along the boundary of the site are to be retained.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

- 5.1. A pre-application submission was made by Kidlington Green Social Club for redevelopment of the site to form 9 dwellings and a social club (ref: 17/00301/PREAPP). Officer's considered that the two uses proposed on the site would not be compatible and the scheme was not pursued further.
- 5.2. In July 2019 another pre-application enquiry was submitted (ref: 19/01329/PREAPP) for the redevelopment of the site with apartments for older people. In summary, the officer stated that, subject to addressing the loss of the social club, it was considered that the site was suitable for the use proposed. The pre-application advice did however, raise a number of concerns regarding the scale and design of the building and the impact on visual and residential amenity which required more careful consideration.
- 5.3. In addition, comments were given about the relationship with the public footpath and the need to utilise this to provide links to the village centre and Oxford Road. The applicant was advised to enter discussions with the County Council as to whether any enhancements could be made (such as lighting, CCTV etc). It was also advised that the proposed flats themselves should provide surveillance through orientation and positioning of the building which may result in the building providing an active frontage to the public footpath.
- 5.4. In terms of the design concept, the advice given was that officers would be willing to consider something more contemporary in this location where the local vernacular is less well defined. The applicant wanted to pursue a more traditional approach and officers advised that this can sometimes be difficult to authentically achieve in a more suburban environment. It was commented that the current design (at pre-app stage) appeared a little confused and changes were required to window proportions, roof design, dormer design, more contemporary balconies alongside traditional features and materials. Advice was given during a pre-application meeting on how to refine this and the applicant was advised to consider the design further and provide

an explanation as to its concept within any submission for planning permission. Advice was also given on crime prevention and design.

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 **03 December 2019**, although comments received after this date and before finalising this report have also been taken into account.

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

- Overall the redevelopment of the site as a retirement complex is positive and would be beneficial to the local community.
- Provision of 15 parking spaces seems inadequate for 30 flats to include residents, visitors, staff and visiting services.
- Green Road has on street parking issues already and any likely additional on-street parking would cause a significant safety concern as well as being inconvenient for blocking driveways of local residents. Additional car park spaces within the complex should be provided.
- Contractors should not park on Green Road or leave mud and mess on the road during the construction phase.
- Working hours during construction should be restricted so as not to affect the neighbours.
- The height of the building is a concern. 2.5 storey high development would be out of character compared to the rest of Green Road.
- Reduction in neighbour amenity in terms of privacy and increased overlooking to gardens and rear facing windows due to the height of the new building.
- Request a reduction in height of the building.
- Additional information requested as to how contractors will minimise noise and disruption during the construction phase.
- Questions about maintenance of fencing and screening plans.
- Request that the conifer trees remain in situ.
- Swift bricks should be incorporated within the structure of the building (approximately 10 as recommended by Cherwell Swifts).

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: No objection in principle but **object** on the grounds of insufficient car parking spaces on site. The Parish Council also request that any off-site financial contributions should be retained to be used within Kidlington Parish Council.

CONSULTEES

- 7.3. CDC ARBORICULTURE: **Comments.** From Desk based assessment the Arboricultural plans appear to be considerate to trees on site. Removal of T1/T2 will not be detrimental to the sites amenity. Appropriate measures to protect retained trees during development appear to have been considered.
- 7.4. CDC BUILDING CONTROL: **Comments.** A building regulation application with an access statement and fire engineers design will be required.
- 7.5. CDC ECOLOGY: **Comments.** The ecological report is sufficient in scope and depth however it has insufficient detail in terms of any biodiversity enhancements.
- 7.6. Suggestions made for biodiversity enhancements include bat and bird boxes/bricks, invertebrate "hotels", swift bricks and hedgehog highways. A method statement for enhancing biodiversity on site should be submitted and approved prior to the construction reaching slab level. A condition is recommended to secure this.
- 7.7. The suggested landscaping is fine although the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone. A full landscaping and management scheme is required to ensure future management is appropriate and this can be secured by condition.
- 7.8. The net gain for biodiversity in terms of habitats is achievable at a reasonable level. An external lighting strategy will be needed.
- 7.9. CDC ECONOMIC DEVELOPMENT: **Comments.** Whilst the fabric of the building is now dated, the Kidlington Green Social Club and Institute Ltd has clearly provided a highly-valued community facility over many decades – supporting events and activities that contribute to society. The impact upon the wider local economy and community is unclear from the documents submitted. However, the content of the letter (Appendix C) from the Club's Agent illustrating the changing membership pattern and reduced viability of the operation/service is generally accepted. The desire to seek alternative premises locally to support the membership and, in so doing, to enhance the viability of this and potentially other such facilities is noted.

In terms of the long-term economic benefits of the proposed sheltered home development, it is expected that the development will - via its residents - generate additional expenditure in nearby shops and facilities as briefly indicated in the Design and Access Statement. It is unclear whether or not a limited number of employment opportunities on site may possibly also arise.

7.10. CDC ENVIRONMENT PROTECTION:

- Noise: **No comments**
- Contaminated Land: **Comments.** Due to the size and sensitive nature of the development (residential) the standard contaminated land conditions are recommended to be applied to any forthcoming consent.
- Air Quality: **Comments.** Measures should be in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. Ideally we would like to see EV charging points in place to allow for the uptake of EV's by visitors and residents to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.
- Odour: **No comments**
- Light: **No comments**

7.11. CDC HEALTH PROTECTION: **Comments.** The plans show a 'coffee bar' on the ground floor and if this is to be operated as a food business then the applicant must ensure compliance with relevant food safety and health and safety legislation.

7.12. CDC LANDSCAPE OFFICER: **Comments.** Landscape visual mitigation of this development is important for surrounding residences. The existing boundary hedges (SW and NW boundaries) will contribute to this goal. These hedges must be retained and protected during the construction period (under BS5837) and incorporated in with the landscape masterplan proposal. A minim maintenance height of 3 m will provide reassurance that resident's ground floor level/eyeline will be shielded. Obviously the development will be seen from 1st floor windows.

7.13. The building is somewhat out of scale with the surrounding residencies. The building footprint, the 'L'-shape, and orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The 'L' should be rotated 180 degrees, and the build footprint reduced, to ensure a sunny aspect courtyard for the retired residents, a reduced visual impact, and an appropriate 'fit' for the site.

7.14. Multifunctional garden spaces are proposed that include fruit, vegetation and herb growing in sunny areas, seating areas, and a water feature. The trees and shrubs proposed on the JBA plan Sept 2019 are generally acceptable. Once the layout is revised hard and soft landscape proposals are required for our consideration.

7.15. CDC LEGAL RIGHTS OF WAY OFFICER: **Comments.** The proposal will not require any diversion to the public footpath (265/4) which extends along the rear of the development site and which is being retained along its current alignment.

7.16. CDC PLANNING POLICY: **No objection** in principle. However, detailed consideration of the impact on surrounding residential properties, affordable housing provision and the loss of the social club is required.

7.17. CDC RECREATION AND LEISURE: **Comments.** As the new residents will not benefit hugely from using off-site outdoor sports provision no contribution for this is being sought. With regards to other contributions please refer to paragraph 9.110 of this report for details.

7.18. NATS SAFEGUARDING: **No objection** to the proposal.

- 7.19. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and an obligation to enter into a S278 agreement.
- 7.20. OCC LOCAL LEAD FLOOD AUTHORITY: **Objection.** Insufficient drainage, flood risk, SuDS usage data provided to enable a full technical assessment and audit of the proposal.
- 7.21. On receipt of further information the LLFA confirmed **no objection subject to conditions.**
- 7.22. THAMES VALLEY POLICE DESIGN ADVISOR: **No objection.** Offered advice on designing out crime and requires a standard condition for an application to be made for Secure by Design accreditation.
- 7.23. THAMES WATER: With regards to foul water **no objection.** As the application indicates that surface water will not be discharged to the public network Thames Water has no objection. However approval should be sought from the Lead Local Flood Authority. In regards to the water network and water treatment infrastructure capacity there is no objection.
- 7.24. CDC STRATEGIC HOUSING: **No objection.** Require a financial contribution in lieu of on-site affordable housing provision, recognising the proposed development is not suitable to accommodate affordable housing on site.

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 (CLPP1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC3: Affordable Housing
- 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
- ESD1-4: Relating to Sustainable Development
- ESD7: Sustainable Drainage System (SuDS)
- ESD13: Local Landscape Protection
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across Rural Areas

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP1996)

- C28 – Layout, design and external appearance of new development
- C30: Design control
- S29: Loss of existing village services

8.3. Other Material Planning Considerations

- Kidlington Masterplan
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2019)
- Developer Contributions Supplementary Planning Document (SPD) (Feb 2018)
- 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)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

Principle of Development (including loss of the social club)

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.

Housing - Policy Context

The Development Plan

- 9.3. The development plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan 2011-2031 – Part 1 (CLPP1). The Cherwell Local Plan was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for

the District to 2031. The policies important for determining this application are referenced above.

- 9.4. Policy BSC2 of the CLPP1 encourages the re-use of previously developed land in sustainable locations.
- 9.5. Policy BSC4 of the CLPP1 encourages the provision of extra care, specialist housing for older and/or disabled people and other supported housing for those with specific living needs in suitable locations close to services and facilities. Para B.121 states that there is a need to provide a mix of housing in Cherwell that reflects the needs of an ageing population.
- 9.6. Theme 2 of the Kidlington Adopted Masterplan is 'Creating a sustainable community' with an objective to "build a sustainable community with opportunities for all and access to housing, jobs and high quality community facilities". Opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.
- 9.7. Kidlington is classified as a Category A village in Policy Villages 1 of the CLPP1. The development proposed is within the village's built up limits. Paragraph C. 262 of the CLPP1 assists in gauging whether development can be considered to be minor. Criteria to be considered include the size of the village and level of service provision, the site context and the scale of development. Generally, Policy Villages 1 seeks to manage small-scale developments (usually of fewer than 10 homes). The current proposal does not comply with the type of development identified as being appropriate under this policy as it does not represent minor development being significantly over 10 dwellings.
- 9.8. Policy Villages 2 is therefore also of relevance. Policy Villages 2 identifies the Category A villages as being where planned development to meet District housing requirements to help meet local needs should be directed, subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question (given the category A settlements vary in size and sustainability) and an assessment of the suitability of the specific site proposed.
- 9.9. The intention of this approach is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas whilst recognising the need for some development. Policy Villages 2 advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and particular regard must be had to these criteria when considering sites, whether through plan making or the planning application process.

National Policy

- 9.10. The NPPF confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to sustainable development; economic, social and environmental. With regard to housing, the NPPF supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing.
- 9.11. The Council's 2019 Annual Monitoring Report (AMR), approved by Members at the Executive meeting on the 6 January 2020, confirms that the District can

demonstrate a 4.6 year housing land supply (for the current period 2019-2024) with a 5% buffer and a 4.4 year housing land supply for the next 5 year period (2020-2025).

- 9.12. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.13. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement (“WMS”) made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to.
- 9.14. Therefore in this case, the tilted balance set out by Paragraph 11d is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.

Housing - Monitoring and recent appeal decisions

- 9.15. The Council’s most recent AMR (December 2019) sets out that 953 dwellings have been identified for meeting the Policy Villages 2 requirement which are sites with either planning permission or a resolution to approve and are identified, developable sites. This is made up of 582 dwellings either complete or under construction, 333 dwellings with planning permission and 38 dwellings that are considered developable (this 38 is made up of two sites – one with a resolution for approval and one for which the planning permission has lapsed).
- 9.16. In recognition that not all sites will necessarily be developed or will not necessarily deliver the full number of dwellings granted, a 10% non-implementation rate has been applied to sites with permission but on which development has not yet started. This reduces the 333 dwellings (i.e. those with planning permission but not implemented) reported in paragraph 9.15 to 300 dwellings. This would give the number of dwellings identified under Policy Villages 2 either completed, under construction, with planning permission or developable as 920 dwellings. There was also a further resolution for approval granted for a site at Fritwell at the December 2019 Planning Committee for 28 dwellings, which would be additional to the 920 dwellings.
- 9.17. Five appeal decisions have been received over the past year which have considered the application of Policy Villages 2. These are for sites at Launton, Ambrosden, Bodicote, Sibford Ferris and Weston on the Green. The first four were allowed, and the numbers approved at those four sites are included within the figures. The key conclusions resulting from the Launton, Bodicote, Weston on the Green and Sibford Ferris appeals can be summarised as:
- The Policy Villages 2 number of 750 dwellings has not been ‘delivered’ yet.
 - The number of 750 has development management significance in terms of the Local Plan strategy.

- Not all dwellings approved might be delivered (hence the Council's inclusion of a 10% non-implementation rate in the most recent AMR)
- The number of dwellings proposed must be considered as to whether that number would undermine the strategy of the Local Plan
- There is no spatial strategy to the distribution of the 750 houses allocated in the rural areas under Policy Villages 2 beyond distribution to the Category A villages.
- Assessment of the sustainability of the settlement in question is required, and indeed this has been a primary consideration in a number of appeals relating to major housing development at Category A villages, with appeals at Finmere, Fringford and Weston on the Green having been dismissed, in each case the sustainability of the settlement being a key issue.

9.18. The Government aims to “significantly boost the supply of housing”; with there being a “critical” need to address the housing needs of older people. The recent update to the PPG (June 2019) states “where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need”.

Housing needs

9.19. The Council's Housing Strategy 2019-2024 notes that the life expectancy of people in Cherwell is higher than the national average and that the District is expected to see a substantial increase in the older person population. The age group that will see the greatest increase is people over 85, with an increase of 142%, resulting in a significant increase in the demand for accommodation that is suited to an older population and the need for associated care and support services. Oxfordshire as a whole is expected to see a substantial increase in the population of older people with the total number of people aged 55 and over expected to increase by 49% over 20 years.

9.20. The 2014 Oxfordshire SHMAA suggests that in Cherwell the 55+ population will increase by 58% - the highest of the Oxfordshire districts. Whilst the SHMAA suggests that one of the implications of this demographic change is likely to be a growing need for specialist older persons housing, such as sheltered or extra care provision, it is not specific about the types of specialist housing needed. It also recognises that there may be an option to substitute some of this specialist provision with a mix of one and two bedroomed housing aimed to attract ‘early retired’ older people which could be designated as age specific or not. Such housing could be part of the general mix of one and two bedroomed homes but built to Lifetime Homes standards in order to attract retired older people looking to ‘down size’ but perhaps not wanting to live in specialist retirement housing.

Housing Assessment

9.21. The proposed development falls to be considered in the above context. Kidlington is recognised as a ‘Category A’ village and is the largest settlement in the district after the towns of Banbury and Bicester. The application site is previously developed, surrounded by existing residential development and lies close to the village centre. There is a public right of way immediately to the rear which affords pedestrian access in either direction towards the village centre. This is a relatively short work on flat terrain. There are some local services (including the Parish Council offices and doctor's surgery) within a reasonable distance along Oxford Road. In addition,

there are bus stops nearby on Oxford Road affording travel both locally and further afield into Oxford.

- 9.22. Overall, Kidlington is considered to be the most sustainable of the Category A villages. The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015, as well as other material planning considerations.
- 9.23. The position with regards to the Council's Housing Land Supply and progress against Policy Villages 2 is outlined above. The proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 tspecified in Policy Villages 2. However, officers do not consider in this particular instance, given the scale of the development and its specific type of end user (i.e. it provides suitable accommodation for the elderly in the form of retirement apartments), and the sustainability of Kidlington, that the proposal could be regarded as a departure from the Council's housing strategy.
- 9.24. The criteria in Policy Villages 2 include consideration of whether the site is well located to services and facilities and also whether satisfactory pedestrian access/egress can be provided. The application site is located to the south of the village centre but within the existing built up area. It is close to a variety of local services and facilities as well as bus stops. It has good pedestrian connections with a public right of way running to the northern boundary. Improvements are proposed to the public right of way which are discussed in later sections of the report. The site is sustainably located within the built up area for the use proposed and the proposal assists with meeting overall Local Plan housing requirements.

Loss of the social club – Context

- 9.25. The site is occupied by a (currently) active social club and is therefore a brownfield site. The NPPF identifies at Paragraph 118(c) that decision makers should give "substantial weight to the value of using suitable brownfield land within settlements for homes". It is this context in which it is considered that the proposal complies with Policy Villages 2. The proposal is appropriate in relation to the size of the settlement and the level of service provision.
- 9.26. However, the loss of a community facility is also a consideration Policy BSC12 of the CLPP1 recognises the importance of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities. Policy S29 of the CLP 1996 states that "Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted". In addition, paragraph 83 of the NPPF seeks to retain accessible local services and community facilities and paragraph 92 seeks to guard against the unnecessary loss of valued services and facilities.
- 9.27. The planning application is supported by a Planning Statement which includes information regarding the social club, its finances and its future. According to the planning statement the social club is facing significant financial difficulty which means it is facing closure. According to the planning statement there are less than 1500 similar clubs across the UK with approximately 2 to 3 closures per month. At its peak the Kidlington Green Social Club had 700 members however in the current age the club has a membership level of approximately 200 members of which 30 are actively regular. This is not sufficient to support the financial demands of running the club from the current premises.

- 9.28. In 2013 the club was forced to close for a short period of time in order to sort out its indebtedness and it has lived “hand to mouth” ever since. The club has recently lost its Brewery Company because it was no longer fulfilling the barrellage commitments it gave in return for financial support and provision of equipment. The club cannot fulfil the barrellage commitments simply because of the drop-off in membership and attendance.
- 9.29. In addition, the premises are in a poor state of repair and are too large for the current membership. The club used to be used for weddings, birthdays and anniversary celebrations which all provided extra income. However, there is no longer such a demand, in part because the premises are no longer considered “fit for purpose” and also because of different venue choices and different aspirations from those who may have historically used such premises. The Planning Statement claims that the club is facing imminent and permanent closure at its current location.
- 9.30. The club aims to continue in premises more appropriate to the size of the current membership. However, no details of alternative premises have been put forward as part of the planning application as the applicants have not yet been able to secure such premises with no funds or a timescale to offer anyone any certainty at this stage. The proposal seeks to facilitate the future of the club by enabling its move to alternative premises by selling its existing asset; the land.

Loss of the social club – Assessment

- 9.31. Kidlington has a thriving town centre with many existing and well-established services and facilities for the community. It also has excellent connections to Oxford with regular bus services, cycle route connections and access via private motor vehicle. There are many more services and facilities in Oxford in addition to those provided in Kidlington. Considering the contents of the planning statement, including the letter from the social club’s representatives at Appendix C, officers are of the opinion that although the loss of the social club is regrettable, the intention to set up elsewhere is relevant and to enable this the applicant requires the land to be sold to be developed. Given the existing services and facilities available locally and the good access to further services and facilities in neighbouring areas, the loss of the social club does not outweigh the benefits the proposed development brings.

Conclusion

- 9.32. Overall, on balance, and having regard to the factors above it is considered that the principle of this scale of growth for retirement apartments could be acceptable in Kidlington in the context of the Council’s housing strategy. Regard also must be had to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

Visual amenity, design/layout and impact on the character of the area

Policy Context

- 9.33. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.34. 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 and complementing any nearby heritage assets.

- 9.35. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.36. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.

Assessment

- 9.37. The building has been designed to be 2-2.5 storeys in height with the second floor accommodated in the roof and the roof height kept as low as possible whilst complying with Building Regulations. The proposed building is at its highest points between 500mm to 800mm higher than the existing dwellings on Green Road. This is detailed on drawing no. 10105KT/PA09. Around the edges of the building the heights have been reduced to single storey in order to successfully reduce the scale, mass and bulk of the building overall. The landscaping officer has commented that the building is out of scale with the surrounding residences. However, it has been demonstrated (as stated above) that the careful design of the building mitigates the overall impact with a considered balance between the footprint and the overall height of the buildings. Reducing the build footprint would likely lead to an increase in height which would increase its impact in the surrounding area overall. The surrounding buildings are of a domestic scale where this is clearly not yet the visual impact from outside the site is not significant due to its positioning, orientation and screening from existing development and boundary trees. In addition, there is a requirement for a minimum number of units to make the scheme work. Considering the need for the communal lounge and spaces, the lodge managers office and back office spaces there needs to be around 30 units for the scheme to be deliverable.
- 9.38. A reasonable amount of screening of the site from Oxford Road is provided by the existing trees on the southern boundary. The trees are in the control of the landowners/developers and are proposed to be retained to ensure continued screening. A condition is recommended to retain the trees and to ensure a management and maintenance plan. This is not necessarily to ensure provision of screening of the building as its impact when viewed from Oxford Road is not considered significant, but more in relation to protection of residential amenity of neighbouring properties which is discussed in greater detail in following sections.
- 9.39. The landscape officer has recommended the building be rotated 180 degrees as the 'L' shape and proposed orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The landscape officer comments that the rotation as well as reduction in build footprint, would ensure a sunny aspect courtyard for the retired residents, reduced visual impact and an appropriate fit for the site. Planning officers do not share the same concerns and are satisfied with the proposal as it currently stands. The reorientation of the building would likely cause unacceptable levels of overlooking to the private amenity space of properties on both Green Road and Sterling Road. Furthermore, the provision of shade is also considered a benefit given that residents are most likely to want to utilise the garden in warmer, sunnier weather. The outside space is sufficient for different aspects of sun and shade and the provision of a south facing garden is not considered necessary in this instance.

9.40. In terms of the detailed design and style, this is considered appropriate considering the backland site and surrounding development. This is a suburban area with a mix of ages, styles and design of development included more contemporary and more suburban buildings. Since the preapplication proposal the detailed design has been improved by way of a more holistic approach, changes as follows:

- More symmetrical front elevation with centrally positioned main entrance emphasized by a projecting stone portico.
- Feature gabled bays are now rendered and help to break up the elevation by adding vertical emphasis.
- Elevation facing towards Oxford Road has also been broken up by projecting bays so it appears as 3 “detached” buildings.
- The palette of materials has been reduced and the previously proposed boarding has been removed.
- Flat roof dormers are proposed rather than pitch roof which reduces the size and visual impact.
- Where possible the dormers have been replaced with roof lights.
- Matching brick window heads and cills are used throughout.

9.41. The scheme as currently presented reflects the local distinctiveness by reflecting detailing, ridge and eaves heights and the existing palette of materials used in the area.

9.42. The majority of the proposed building is predominantly brick with render and orange brick accents. Dorset Red Stock is proposed as the main facing brick with Leicester Orange Stock used for the window head, cills and banding to create contrast and emphasise proposed detailing and help break up the elevations between floors. In terms of the roofing, the main roof will be Marley Ashmore Old English Dark Red and Marley Ashmore Smooth Grey to the lower roofs at either end of the development. Windows will be white UPVC throughout. Dormer window cheeks and roofs will be grey and white GRP with white UPVC windows. Render will be ivory. Balconies will be black painted metal with blue grey toughened glazing. The proposed materials throughout are acceptable and compatible with the surrounding development. The materials will be conditioned as per the submitted design and access statement.

9.43. The pre-application advice given requested that improvements to the public right of way to the north of the site be investigated and included in the proposal. The proposed building has been orientated as such to provide active surveillance from the majority of the rear elevation of the building from ground floor and upper floor windows and some external balconies. Amended plans were received during the course of the application to include a pedestrian door and a ground floor window facing northwest to improve the active surveillance to the public right of way and its access gate.

9.44. In addition, the communal outside space has been designed and laid out so it is on the northern side of the proposed building again to provide some surveillance to the public right of way. A balance needs to be achieved by the proposed landscaping and planting in providing privacy and security to the future occupants of the development whilst not creating an increased sense of enclosure to users of the public footpath. This is discussed further at paragraphs 9.61 and 9.67.

Conclusion

- 9.45. Whilst the proposed building is large and occupies the majority of the site, it has been sensitively designed and orientated to reduce its visual impact on the site and when viewed from the wider area. The detailed design and materials palette is appropriate for the backland suburban location. In summary, officers consider that the proposed development complies with the relevant plan policies as listed above.

Residential amenity

Policy Context

- 9.46. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.

Assessment

- 9.47. The building has been orientated and window openings located so as to minimise the impact on the residential amenity of neighbours. The proposed building is large and does cover the majority of the land available to it but where it is closer to shared boundaries with residential properties the building steps down in height to one and two stories with hipped roofs to reduce the impact. Window openings have been arranged so they are set away from boundaries and where elevations are closer to the private rear gardens they do not have clear window openings at the upper levels. In addition, the flat roof dormer windows have been kept away from the boundaries to reduce overlooking and the roof design reduces their size and visual impact. Where possible dormers have been removed and rooflights used instead.
- 9.48. The separation distances between the proposed building and surrounding existing residential properties meet the requirements of the Cherwell Design SPD with a minimum distance of 22 metres provided back to back between properties. There is a separation distance of around 28 metres to 30 metres between the very rear of the properties on Sterling Road to the north and the proposed windows facing them. The north-western side elevation is 16.8 metres away from the rear properties on Sterling Road which is greater than the minimum 14m required by the SPD. In addition, no upper floor windows are within 7 metres of any neighbouring property.
- 9.49. The private gardens to the dwellings on Green Road are all in excess of 28 metres in length. Although there are facing windows at the upper levels it is considered that due to the offset to the boundaries (19.5metres) and the length of the private rear gardens that residential amenity in terms of reduction in privacy and overlooking is not significantly adversely affected. The separation distances are approximately 47 metres or more elevation to elevation. This also applies in terms of the buildings size and scale and it is not considered to be overbearing to neighbouring occupiers due to the separation distances and size of private rear gardens to properties along Green Road. The closest section of the proposed building to a boundary is the north eastern elevation which faces the private rear garden of no. 13 Green Road. The dwelling itself is over 38 metres from the built development but the elevation is 2.6metres from the side boundary to the private rear garden. This elevation has been designed to minimise the impact upon this section of garden by reducing its height to two storey and then one storey in a gradual fashion as it moves closer to the boundary, no upper floor windows facing the direction of the garden and a hipped roof design. As such there is no significant adverse impact on the amenity of no. 13 Green Road as a result of the proposed development.

- 9.50. The properties to the north on Sterling Avenue are orientated so as to be slightly offset to the proposed building and in conjunction with the set back of the development from the boundary there will be no significant adverse impact upon the enjoyment of the private rear gardens or internal living spaces from overlooking.
- 9.51. The properties to the south and southwest are along Oxford Road. These also have reasonably large rear gardens over 25 metres in length. The separation distances between the dwellings and proposed building are around 40 metres which is almost double the requirement of the SPD. More so they are protected from overlooking and other amenity issues by the presence of the existing bank of trees on the site which are proposed to be retained and managed as part of the sites overall landscaping scheme. A planning condition is recommended to ensure the trees are retained and maintained and should they die be replaced with mature or semi mature native species to retain the screening element of the trees. There are no significant issues in terms of overlooking or reduction in privacy to the neighbouring residential properties on Oxford Road.
- 9.52. In respect of noise impact upon existing residents it is considered that the proposed use would have less of an impact than the existing use. Being a social club and having hosted celebrations and gatherings previously there is an increased potential for anti-social noise disturbance than with a residential scheme. There are no concerns about noise impact on residential amenity once the development is operational and the flats occupied.
- 9.53. A condition is recommended for the submission and agreement of a lighting scheme prior to the development being occupied in order to minimise light disruption to neighbours and contribution to further light pollution.
- 9.54. To minimise the impacts during the construction phase a condition is recommended for a construction management plan to include details of dust management during construction and demolition of the existing building, hours of operation, contractor parking and delivery hours. In addition, a standard condition restricting the hours of construction is recommended with no working on Sundays or bank holidays to protect the amenity of existing residents.

Conclusion

- 9.55. Overall it is considered that the proposal complies with policy ESD15 and no significant detrimental harm is caused to neighbour amenity by the proposed development. Furthermore, the amenity of future residents has been considered and is also safeguarded.

Highway safety, access and parking

Policy Context

- 9.56. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a transport statement if the development would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.

Assessment

- 9.57. The application is accompanied by a Transport Statement which has considered the existing use of the site as a social club. In order to do this the TRICS database has been reviewed for community centre uses in similar locations and when adjusting for the size of the Social Club building estimates vehicle trips as up to 10 two-way movements in the network peak hours and approximately 80 two-way movements daily. In comparison the same methodology has been used to estimate the number of vehicle movements associated with the proposed development which results in estimates of approximately 6 two-way movements in network peak hours and 60 daily movements. The Transport Statement further states that research suggests that Churchill developments have lower trip generation than suggested by the TRICS estimates. The proposed land use could have a different end user and so the future TRICS is considered more appropriate.
- 9.58. The Local Highways Authority (LHA) have assessed the submitted Transport Statement and are content with the conclusion that the proposed land use would generate a similar or slightly lower number of vehicle movements than the existing social club use.
- 9.59. Vehicle and pedestrian access is gained from Green Road. It is proposed for the access to be a shared surface and widened to a total of 6 metres with 1.2 metres provided as a footpath. The LHA has commented that the facilities for pedestrians are considered inadequate given this location. Pedestrians should be prioritised over other modes and a minimum of 1.8m should be provided to allow for wheelchair users. The LHA officer suggests that this could be accommodated with minimal amendments and be secured by planning condition.
- 9.60. As the proposed access is intended to be a shared surface all one level with no kerbing to separate vehicles and pedestrian, planning officers do not consider the widening to be strictly necessary. The use of the access will be lower and this is demonstrated by the submitted TRICS data. The likelihood of both pedestrians/wheelchair users and vehicles using the shared surface at the same time is lower because of the lower amount of hourly and daily movements along the access. In addition, there is a stretch of additional hard surfacing proposed as a passing place should the need arise. The grass verge as currently proposed is 0.9m in width and by widening the shared surface to provide 1.8metres of pedestrian access the grass verge will be reduced to 0.3metres. This is not an amount that is easily manageable for maintenance and would not likely survive or be retained as such the entire width of the access would be hard surfaced. This would have a detrimental impact upon the visual quality of the main entrance to the development which is not supported by officers. As such and on balance it is not deemed appropriate to request the widening of the access via condition and the proposal is satisfactory without causing detriment to highway safety as is currently presented.
- 9.61. A secondary pedestrian access is made from the public right of way to the North West which will be padlocked and opened on request for residents. Pre-application discussions were undertaken between the agent and the County Rights of Way Officer surrounding the public right of way. County Officers were approached by the agent as to potential improvements to the public right of way but no feedback was offered other than the suggestions were positive. These suggestions included designing the building to provide active surveillance and reducing the amount of hedgerow screening the length of the boundary. County Officers have made no other requests via the planning consultation period save for a recommended informative by the Local Highways Officer that the barriers be removed at either end of the public right of way as part of the highways works. This would come under a Section 278 agreement separate from the planning process.

- 9.62. In terms of parking, there are currently no parking standards for this particular type of use and so reference has been made to parking surveys undertaken at a number of other properties run by the developer which indicate a demand of 0.28 spaces per apartment. The proposed provision is higher than this with 15 non-allocated parking spaces (including 1 disabled space) allowing for 0.5 spaces per dwelling and so catering for staff, visitors and carers in addition. There is also a proposal for 6 electric mobility buggies and 2 external cycle spaces. The Local Highways Authority agree with the amount of parking provided given that the nature of this particular development means the level of car ownership is unlikely to be significant. A similar methodology has been used for the number of cycle parking spaces which has found a very low demand. Two spaces are to be provided which allows use by staff and residents. The likelihood of use of the electric buggies is considered higher on a site with this use and end user and so the provision for storage on site is welcomed.
- 9.63. Local residents have expressed concern about the quantity of parking provision on site and that this could lead to an increase in on-street parking which in this location could be problematic for highway safety. However, in the absence of an objection from the Local Highways Authority it is difficult for the planning authority to refuse the application on this basis. The Local Highways Officer comments that there is no evidence to suggest that the parking is likely to impact on local streets. Parking provision has primarily been based on surveys of other sites and the proposed figures fit with similar evidence from elsewhere. Given the location of this particular proposal is close to regular bus services, in walking distance of shops and other services then the requirement for additional onsite parking would be difficult to maintain and moving away from other wider strategies promoting sustainable travel options and reducing the reliance on the private motor vehicle.
- 9.64. In addition, strategies are in place to promote sustainable travel options and reduce the dependency on the private motor vehicle. Residents will be provided with a Travel Information Pack when they move in to the development which outlines the sustainable travel options for residents living in Kidlington. The Travel Plan provides details of local bus stops and routes as well as information on how to apply for a concessionary bus pass. In addition, the pack contains details on local train routes, senior railcards, taxi companies, walking routes as well as community transport options including Oxfordshire Comet, Bus Bartons and the Volunteer Community Connect Transport.
- 9.65. The Local Highways Authority do not object to the planning application on the grounds of parking provision, access arrangements or highway safety. The LHA request conditions for a Construction traffic Management Plan, pedestrian and vehicle visibility splays, provision of cycle parking and vehicle parking to be provided prior to occupation of the new development and that the development be restricted to retirement living only.

Conclusion

- 9.66. In respect of the issues discussed above, officers consider that the proposal as presented is acceptable on balance. The proposed use of the site and the nature and circumstances of the end user mean the requirements in terms of access and parking are slightly adjusted. Whilst the LHA requests the access be widened to better accommodate pedestrians, in this instance due to the low traffic rates, the proposed shared surface of the access and the impact that would have on the visual quality of the main entrance planning officers do not consider this necessary on the basis of highway safety. In terms of parking, the requirements are reduced due to the village centre location, access to services and the likely reduced car ownership rate due to the circumstances of the prospective residents.

- 9.67. The improvements to the public right of way to the rear of the site are welcomed and increase the likelihood of residents using walking as a mode to and from the development.
- 9.68. In summary, the proposed development complies with the relevant planning policies and there are no sustainable reasons for refusal on highway safety, access or parking grounds.

Trees and Landscaping

- 9.69. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 9.70. The proposal will result in the loss of two small trees located on the eastern side of the existing access driveway. The arboricultural report advises that all the significant boundary tree cover will remain intact and no moderate quality trees need to be removed. The report outlines the precautions taken to protect retained trees during the construction period. The Arboricultural Officer confirms that the report and plans are considerate of the trees on site and that the removal of the two small trees will not be detrimental to the sites amenity.
- 9.71. For these reasons officers conclude that the proposed development would not cause an unacceptable impact on tree health or the contribution of tree character to the wider setting. Provided the adequate precautions to protect the retained trees as specified in the report are implemented then the development proposed will not cause an unacceptable or adverse impact on the long-term viability of the retained trees and therefore the character and appearance of the area.
- 9.72. Policy BSC11 states that 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 the size of development proposed and the community needs likely to be generated by it. The policy guidance requires the provision of open space for a development of the scale proposed (over 10 urban dwellings). The site provides a small area of open space in the form of the private amenity space for the retirement flats. However, given the nature of the proposed use and the potential end user it is considered that the community needs for this publicly accessible open space is not high and so the provision of the private amenity space is sufficient. The development of 30 residential units triggers the requirement for on-site play space however, once again, considering the nature of the proposal and the potential end user it is not deemed appropriate nor necessary to request this. The site does not exceed the threshold for the onsite provision of formal outdoor sports facilities or for allotments.
- 9.73. A Landscape Strategy Plan has been submitted as part of the planning application which is broadly acceptable. Officer's requested that the northern hedgerow bordering the public right of way be reduced in length and height to allow for active surveillance and this can be secured by condition. Details of the planting and maintenance of any shrubs and hedgerow along this boundary will be required by condition to ensure it remains well managed and the public right of way remains visible, open and appealing to potential users.

Ecological/biodiversity issues

Legislative context

- 9.74. 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.
- 9.75. 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.
- 9.76. 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.
- 9.77. 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.
- 9.78. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.79. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological

value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.80. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.81. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.82. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.83. 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.
- 9.84. 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.
- 9.85. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.86. In this case the site is brownfield with an existing building in current use. There are a number of trees and hedgerow within and to the boundaries of the site. There are few ecological constraints on site in terms of protected species and habitats. The application was supported by an Ecological Assessment (report no. 12532_R02_SB_MM) prepared by Tyler Grange. The Council's Ecologist has confirmed that the surveys within the assessment that have been carried out to date are satisfactory and permission should be granted.
- 9.87. However, whilst it appears a net gain for biodiversity in terms of habitats is achievable at a reasonable level there is insufficient detail contained within the

report to show where and what type of enhancements will be installed. The Council would expect at least some of the provisions to be integrated into the fabric of the new buildings which assists in their retention. In this location, swift bricks would be an ideal option given local records and the type of building proposed. Cherwell DC currently seek an equivalent of 1 integrated brick or box per residence. This should inform the Biodiversity Enhancement Plan which is required by condition.

- 9.88. In addition, the landscaping is generally acceptable although the Council's ecologist has suggested the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone to increase biodiversity rates. A full landscaping and management scheme is required by condition.
- 9.89. The Council's ecologist has recommended conditions to ensure the development is undertaken in line with the recommendations set out in the submitted Ecological Assessment.

Conclusion

- 9.90. Officers are satisfied, on the basis of the advice from the Council's Ecologist 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. As such, there are no objections to the proposal on the grounds of ecology and biodiversity.

Flood Risk and drainage

- 9.91. A drainage statement is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework. Given that the site is less than 1ha in area and is in Flood Zone 1 a Flood Risk Assessment is not required. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.92. Oxfordshire County Council have been consulted and once further information was submitted the LLFA confirmed no objections subject to conditions. On this basis Officers are satisfied that flood risk and drainage will be suitably addressed and there are no sustainable reasons for refusal on this basis.

Crime prevention and security measures

- 9.93. The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), 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'.
- 9.94. HMCLG's Planning Practice Guidance on 'Design', states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'
- 9.95. The application is supported by a Design and Access Statement which contains a section headed 'Security, Boundaries' but this does not adequately address all of

the crime prevention and security measures discussed with the applicant at pre-application state. Nor does it provide a commitment to achieving Secured By Design accreditation as recommended previously.

- 9.96. The Crime Prevention Design Advisor has not objected to the application but, to ensure that the opportunity to design out crime is not missed, has offered advice on how to achieve SBD accreditation and a condition requiring evidence of such an application. Conditions are also included which are linked to crime prevention including the requirement for a lighting scheme, details of the bin and buggy store and details of boundary treatments including the security of the rear access gate to the footpath.
- 9.97. In light of the above, and in the absence of an objection from the Crime Prevention Design Advisor, the application proposal is considered to be acceptable subject to conditions in terms of the security and crime prevention design aspects.

Sustainability and energy efficiency

- 9.98. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques as well as achieving reductions in water use. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 9.99. The application is not accompanied by a Sustainability or Energy Statement but sustainability is important with regard to how development adapts to future climate change. A section of the design and access statement addresses the relevant policies in the local plan and is outlined below.
- 9.100. Policy ESD1 Mitigating and Adapting to Climate Change: The proposed development will reuse a previously developed site rather than an undeveloped greenfield site. Its location is sustainable as defined in the Local Plan. The site is in walking distance to Kidlington village centre and close to shops and other community facilities as well as bus stops. The location of the proposed development is well placed to reduce the need to travel and encourages sustainable travel options including walking, cycling and public transport. A condition is recommended for the installation of electric vehicle charging points; this has been agreed by the applicants.
- 9.101. Policy ESD2 Energy hierarchy and allowable solutions and ESD3 Sustainable Construction: Churchill have confirmed that all their schemes are designed and built beyond the national minimum standards as set within Building Regulations with particular emphasis given to an energy efficient fabric first approach. The scheme will maximise the benefits of service technologies adopted therein. Inclusive of the building's design is the emphasis on reducing exposed external wall areas and consequently improving thermal efficiency.
- 9.102. The development seeks to maximise passive solar lighting and natural ventilation. In terms of water, the proposal seeks to achieve a higher level of water efficiency at 110litre per person per day through the installation of water saving and water restricting appliances in all apartments. All areas of the building internally and externally will be lit using low energy lighting and where applicable utilise appropriate daylight and movement sensor controls. A condition is recommended for an external lighting scheme to ensure the lighting is appropriate for the location and considering climate change issues.

- 9.103. ESD5 Renewable Energy: Ground source heat pump technology is proposed. A high efficiency heat pump can provide up to four times as much heat as an electric heater using the same amount of energy.
- 9.104. In terms of waste and recycling, Cherwell DC require 1.4sqm of bin space per property so for 30 flats 42sqm of space is required.
- 9.105. In the Design and Access Statement Churchill Retirement claims that retirement schemes in general have occupancy rates which are typically 50% lower than open market housing. As such Churchill Retirement propose a waste and recycling scheme which differs from Cherwell DC requirements. The typical waste requirements of the retirement schemes are as follows:
- Total waste generation rate of 100 litres per week for one bed apartments is 19 x 100L = 1900L
 - Total waste generation rate of 170 litres per week for two bed apartments is 11 x 170L = 1870L
 - Total capacity required would be 3770L.
- 9.106. Churchill proposes the provision of 6 x 1100L bins totalling a capacity of 6660L capacity which would be more than sufficient based upon Churchill's understanding of the waste requirements of retirement living. Two bins for mixed recycling, one bin for paper, one bin for glass, one bin for food waste and one bin for residual general waste. These will be stored in a communal refuse store on site. This is to be located externally to the main building, at ground level and close to the car park.
- 9.107. Garden waste will be managed by the management Team who also manage the upkeep of the grounds. The entrance drive has been designed to allow a refuse vehicle to easily enter and exit the site in a forward gear. No comments have been received from the Council's Waste and Recycling Team. As such, and considering the applicants detailed analysis of waste and recycling practices across their schemes, on balance the provision proposed is acceptable.
- 9.108. In summary, the proposed development is considered to comply with the relevant development plan policies in regard to sustainability and energy efficiency.

Developer contributions and affordable housing

- 9.109. Should the application be approved, improvements to local infrastructure will need to be provided in order to mitigate the impact of the development and make it acceptable in planning terms. A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport can be mitigated. This also includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and
 - Fairly and reasonable related in scale and kind to the development

9.110. The following are sought through this application:

- Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29. This is based on an occupancy rate of 38.4. This is towards improvements at Kidlington and Gosford Leisure Centre. The sports studies identified a need for increased pool space, fitness provision and additional sports hall space to meet the needs of residents as a result of the increased housing provision.
- Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20. This is based on an occupancy rate of 38.4 and the requirement for 0.185metre square of community space required per resident.
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106.00 per dwelling plus £5.00 per dwelling towards recycling banks. This based on an occupancy rate of approximately 38 people would total £4,218.00.

9.111. A contribution to off-side sports provision is not sought as it is considered that the new residents will not benefit from using facilities such as Stratfield Brake Sports Ground.

Affordable Housing

9.112. With regard to affordable housing, policy BSC3 requires development within locations such as at Kidlington to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership. Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

9.113. Officers accept that on-site provision is not suitable due to the management complexities and the potential unaffordability due to service charge costs. Strategic Housing Officers request a financial continuation in lieu of on-site provision of 40% of open market value for 35% of the units. This equates to £1,340,000. An affordable housing statement was submitted to accompany the application and sets out why the applicant supports the principle of the contribution, but in this instance claims the provision of a fully policy compliant affordable housing contribution would make the scheme unviable.

9.114. In terms of the proposed scheme, due to the fact that the affordable housing requirement is not met (on site or a contribution in lieu) the development is not technically policy compliant. A negotiated discussion and a thorough independent 'open book' analysis of the viability of the scheme has been undertaken by Bidwells. It is clear through the analysis of the viability of the scheme that officers are unable to secure a policy compliant scheme due to there not being enough funds to pay the full commuted sum. However, provided some contribution can be secured Officer's consider that the benefits of the scheme are enough to enable officer support. These benefits include redevelopment of a brownfield site, delivering much needed housing and retirement housing in one of the District's most sustainable settlements which is projected as highly relevant for the district and Oxfordshire area over the coming years, reduction in potential neighbour disturbances through a change of use from the social club and biodiversity net gain.

- 9.115. Following extensive negotiation, it has been agreed that a contribution of £348,147 is acceptable. This is based upon the money left available when a viable development is delivered. The agent and applicant are accepting of this requirement.
- 9.116. On this basis, Officers are minded to accept the proposed contribution of £348,147 as reasonable, taking into account the likely margins of viability for the proposed scheme.

Human Rights and Equalities

- 9.117. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.118. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.119. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties will be invited to the public meeting of the Planning Committee and have the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.120. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

Duty under The Equalities Act 2010

- 9.121. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.122. Officers have considered the application and resolved that none of the protected characteristics

10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 7 and 8 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways.

10.2. The proposed development will contribute to the economic objective through the creation of jobs and - via its residents - additional expenditure generation in nearby shops and facilities. Whilst the loss of the social club is regrettable, this has been justified and given the availability of other community facilities within the local area, is not considered to cause significant harm to the social objective. The provision of much needed specialist accommodation for older people in one of the District's most sustainable settlements is considered a significant benefit of the scheme and contributes to meeting the social objective. The development will meet the environmental objective as outlined in this report, with limited impacts on the amenity of neighbours. The Local Highways Authority is satisfied that the proposal is acceptable in transport and parking terms, with limited environmental impacts anticipated in this regard.

10.3. All in all, the proposal is considered to be sustainable development and is recommended for approval, subject to the completion of a satisfactory S106 agreement and the conditions detailed below.

11. RECOMMENDATION

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):

- a) Payment of a financial contribution towards affordable housing of £348,147.
- b) Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29 (index linked).
- c) Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20
- d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £111 per dwelling (index linked)
- e) Payment of the Council's monitoring costs of £3,819.46
- f) Improvements to the access (to be secured via a S278 agreement)

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans being drawing nos. 10105KT/PA10 received by the Local Planning Authority on the 22 October 2019 and drawing nos. 10105KT/PA01, 10105KT/PA02, 10105KT/PA03, 10105KT/PA04, 10105KT/PA05, 10105KT/PA06, 10105KT/PA07, 10105KT/PA08 all received by the Local Planning Authority on 17 February 2020 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 4.8 and 4.10 of the Ecological Assessment (reference 12532_R02_SB_MM) prepared by Tyler Grange and dated 14th October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS

4. No development shall take place until the existing tree(s) to be retained as identified on the 'Tree Protection Plan' drawing no. 19085-BT5 have been protected in accordance with the approved Tree Protection Plan and Arboricultural Assessment and Method Statement (reference 19085-AA2-PB) prepared by Barrell Tree Consultancy dated 4th October 2019 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 has been 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 that it is satisfied that no potential risk from contamination has been identified.

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

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

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

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

8. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;

- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in compliance with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development, a scheme for the provision of at least 10 vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

11. The external walls, dormers and roof(s) of the development shall be carried out in accordance with the schedule of materials and finishes referred to in the Design and Access Statement (page 30) prepared by Planning Issues and Churchill Retirement Living dated 12 February 2020 or in accordance with an alternative schedule of materials that have been first submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

12. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number,

sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the commencement of those works or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

14. Details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

15. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings and to include colonial provision for swifts and features for bats, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained 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 Section 15 of the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

16. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. A plan detailing the proposed parking and turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

18. Prior to the first use or occupation of the development hereby permitted, a minimum of 2 covered cycle parking spaces shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

19. Prior to first occupation of the development hereby permitted, vehicular visibility splays shall be provided in both directions at the point of access from Green Road in accordance with submitted drawing 536.0006.001 E (Appendix F to the Transport Statement by Paul Basham Associates Ltd dated October 2019). Thereafter, the visibility splays shall be kept permanently free from obstruction to vision above 0.6 metres in height over the whole of each visibility splay area.

Reason : To ensure that adequate visibility is retained in the interest of road safety in accordance with Government guidance in Section 12 of the National Planning Policy Framework.

20. Prior to first occupation of the building the bins stores as shown on the approved plans shall be provided in accordance with those approved details and permanently retained as ancillary to the development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity 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.

21. If remedial works have been identified in condition 6 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

22. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan. A stand-alone Management and Maintenance document to be submitted

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

23. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

24. None of the residential units hereby approved shall be occupied other than by a person of an age of 60 years or over (and partners aged 55 years plus).

Reason: In the interest of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

NOTES TO DEVELOPER

1. In relation to condition 9, development shall be based upon the principles as laid out in the CEP Drainage Statement V1.1 dated October 2019, reference 23247 and as per drawing Preliminary Drainage Strategy Plan DS 04. Discharge to be limited to 2l/s at the 1:100 + 40% Climate Change Factor. Additional information required:
- Pre and Post development overland surface water flow plan required.
 - Safe ingress/egress needs to be demonstrated.
 - Sacrificial areas in the event of exceedance should be considered.
 - Further thought needs to be given to maximising use of green space on site for SuDS incorporation.
 - All hardstanding should be of a permeable construction, where this is not

considered

- practical full explanatory justification to be provided.
- Justification as to whether 10% Urban Creep allowance has been applied required.
- Phasing – to be detailed on plan including descriptive methodology as to how
- surface water will be managed during construction, the mobilisation of sediments
- and any contaminants.
- Exceedence – justification as to how surface water will be managed on site in event of failure or exceedance event.
- Evidence of safe ingress/egress to be provided.
- Justification that damaged pipework as identified in the Utility Surveys Ltd CCTV survey will be replaced where appropriate and abandoned where no longer required.
- Fully detailed numbered pipe network plan to be provided for assessment against MicroDrainage calculations.
- Stand-alone Surface Water Management Strategy document to be submitted.

CASE OFFICER: Clare Whitehead

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Appendix 20

Launton Appeal Decision 3188671



Appeal Decision

Inquiry Held on 10, 11 and 12 July 2018

Site visit made on 12 July 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/C3105/W/17/3188671

Land off Blackthorn Road, Launton OX26 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes (Mr William Main) against the decision of Cherwell District Council.
 - The application Ref 17/01173/OUT, dated 24 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the development of up to 72 dwellings with associated large area of Public Open Space.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 72 dwellings with associated large area of Public Open Space at Land off Blackthorn Road, Launton OX26 5DA in accordance with the terms of the application, Ref 17/01173/OUT, dated 24 May 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by various plans and these are identified in the final signed Statement of Common Ground (CDC2) at paragraph 4. It was confirmed that the Feasibility layout, as it is referred to there (the drawing title on the plan is illustrative layout) was for illustrative purposes only to demonstrate one way in which the site could be developed.
3. During the conditions session it was also confirmed that JPP Consulting Plan T7866PM-01-A, from the Transport Assessment revision A, formed part of the plans for which permission was sought. The Council originally refused planning permission for five reasons; by the start of the Inquiry the Environment Agency and the Oxford County Council Drainage Officer withdrew their objections. This resulted in the Council no longer pursuing its objections on grounds of flooding or drainage. The Council confirmed that if a satisfactory obligation was provided to ensure the provision of infrastructure necessary to serve the development it would no longer contest that issue.
4. A completed and executed planning obligation in the form of a planning agreement pursuant to section 106 of the Town and Country Planning Act 1990

was provided by the close of the Inquiry. I return to the planning obligations secured below.

5. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and the parties were given the opportunity to comment on the relevance this will have on their case.
6. The Government published a Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. I have had regard to the Statement.

Main Issues

7. The main issues are:
 - Whether the location and scale of the proposed development would conflict with the development plan's strategy for the distribution of housing in the district; and
 - The effect of the proposed development on the character and appearance of the settlement of Launton and the surrounding area.

Reasons

8. The development plan for the area comprises the saved policies from the Cherwell Local Plan 1996 (CLP 1996) and the Cherwell Local Plan 2031 part 1 (CLP 2031 (part 1)).
9. The Council is in the process of a partial review of the CLP 2031 (part 1) to address the apportionment of Oxford's identified unmet need to the surrounding district Councils. The Council submitted the Local Plan Part 1 Partial Review (Oxford's Unmet Housing Need) to the Secretary of State on 5th March 2018. This has not been the subject of public scrutiny. Whilst the Council may have agreed the level of unmet need it is to receive from Oxford in terms of the proportionate apportionment in the context of this appeal the review carries only little weight at this point in time.
10. Reference is made in the CLP 2031 (part 1) to the Cherwell Local Plan 2031 part 2 (CLP 2031 (Part 2)) however this appears to be in the very early stages of preparation with an issues consultation paper being published in January-March 2016. I have no evidence before me of any further progress on that plan and therefore I am of the view it carries very little weight in the determination of this appeal.

Location and scale of development

11. Underpinning the CLP 2031 (part 1) is a spatial strategy for Cherwell District which focusses the bulk of the proposed growth in and around Bicester and Banbury. It limits growth in the rural areas, directs it towards larger and more sustainable villages and aiming to strictly control development in open countryside.
12. Policy BSC1 identifies that 22,840 dwellings will be provided for between 2011 and 2031; distributed between Bicester, Banbury and the Rest of the District. A significant proportion of the 'rest of the district' figure relates to a strategic allocation at RAF Upper Heyford, the remainder distributed through the categorisation of Villages in Policy Villages 1: Village categorisation and Policy Villages 2: Distributing Growth Across the rural areas. The plan seeks to alter

the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two main towns would be around a quarter of the overall plan total.

13. Launton is identified as a category A - service village in Policy Villages 1. Policy Villages 2 confirms that over the plan period a total of 750 homes will be delivered at category A villages. There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure. All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. This is consistent with the Framework's approach to significantly boost the delivery of housing.
14. The 2017 Annual Monitoring Report for the district identifies that a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement. By March 2017 there had been 103 completions on those sites. The proposed development would make provision for up to a further 72 dwellings taking the total to 736 (664 + 72). The 750 figure in the policy would not be breached. Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103, substantially below the 750 figure. As a matter of fact allowing this appeal would not breach this aspect of Policy Villages 2, I return to the criteria based aspects below.
15. My attention is drawn to the dismissal of an appeal in 2015¹ on the grounds that the provision of 95 homes in one location at that early stage of the local plan period would leave little scope for development in other category A villages either in terms of numbers or timing and would thus not be in accordance with the Plan's housing strategy. This was shortly after the plan had been adopted in 2014. Matters have moved on and information is available to consider whether performance across the rest of the district is meeting the aspiration of the strategy.
16. This proposition has been taken forward in more recent appeal decisions² however none of these have been the subject of the full scrutiny of Public Inquiry. Further, there are also significant site specific differences between those decisions and this appeal related to heritage concerns, sustainability and harm to character and appearance.
17. Whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. That equates to a delivery rate of some 34 units per annum based on the delivery since 2014. If that were continued the delivery would be too low to reach 750 in the plan period. The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding. The proportion of housing being delivered at the

¹ APP/C3105/W/14/3001612

² APP/C3105/W/16/3158925, App/C3105/W/17/3169168 and APP/C3105/W/17/3187461.

smaller villages is significantly less than half of delivery as was identified as a main driver for the development of the strategy.

18. The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached. Whilst the figure is moving towards the actual figure there is still some headroom available. Time has moved on and we are now further into the plan period, any permissions that are now granted will take time to produce the delivery of housing and therefore it is likely that the delivery of the units identified in this appeal would not arise until the plan was in the second half of its term. It is in my view no longer appropriate to characterise this as early in the plan period. The CLP 2031 (part 2) plan has the potential to review the implications of these policies or a formal review of the part 1 plan could come forward.
19. On the basis of the evidence before me I am satisfied that the proposed development would not lead to a breach of this aspect of Policy Villages 2 or the overall plan strategy.
20. In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy. Whilst I accept that the delivery of all of the level of housing anticipated through Policy Villages 2 could reduce the flexibility later in the plan period I have been provided with no evidence that the granting of permission here would prevent development at a more sustainable location in another Category A village.
21. Indeed it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village. The village contains a number of facilities including two pubs, a convenience store, farm shop, primary school, community hall and small business enterprises. It is categorised as a Category A village which are those villages in the district with the highest sustainability credentials in the rural area. The village is also well served by public transport. The additional demands placed on existing facilities would be addressed through the provision of the planning obligation. The scale of the development would not substantially detract from the character of the village as I conclude below. The increase in the number of new homes would not therefore result in materially harmful effects.
22. Any future developments at Category A villages in the future would need to be considered in the context of the circumstances pertaining at that time which would include, but not be limited to, matters such as whether the 750 figure had been materially exceeded, the specific needs for that development in relation to the village and the effect on the overall settlement strategy.
23. On the basis of the above conclusions I am satisfied that the location and scale of the proposed development would not conflict with the development plan's strategy for the distribution of housing in the district. The development would not conflict with policy BSC1, Policy Villages 1 or Policy Villages 2 and would

not undermine the overall strategy of the development plan, with which it would comply.

Character and appearance

24. The Council's reason for refusal alleges that the application contained insufficient information to enable it to assess the impact of the proposed development on its surroundings.
25. I have had regard to the advice in the Planning Practice Guidance with regard to Design and Access Statements (DAS) and to the two court cases³ submitted in Closing by the appellant to address the concern of the adequacy of the DAS. Given that the application is in outline with all matters reserved, other than access, much of the detailed layout, design and appearance are matters more properly considered at reserved matters stage. With the application before me the focus is on whether the scale and quantum of development could be satisfactorily accommodated on the site. As the PPG advises DASs are concise reports to provide a framework for applicants to explain how the proposed development is a suitable response to the site.
26. The PPG goes on to advise that the DAS must explain the design principles and concepts and demonstrate the steps taken to appraise the context and how the design takes that context into account. There is no prescriptive formulaic sequencing or ordering of steps that are to be undertaken or how these are to be ordered or reported in the final report. Given the outline nature of the application I am satisfied that there is sufficient depth and detail of analysis of the site and context and how the scheme has taken these matters on board in reaching its proposed outcome. The illustrative master plan is also just that, illustrative as one way in which the scheme could come forward, and is not set in stone.
27. The Council's witness Mr Stock confirmed under cross examination that he accepted that there was sufficient information before the Inquiry to enable me to make a proper assessment of these matters. I am satisfied that the amended DAS, the proofs of evidence of the various witnesses, the additional information submitted during the Inquiry including APP 8, along with my visits to the site and surrounding area enable me to come to an informed conclusion on the effect of the development on the character and appearance of the surrounding area.
28. Launton is a category A larger village in the rural area of the district. Its historic form was based on a linear settlement pattern focused predominantly along Station Road and West End. There was some consolidation of built form around the cross roads created by Blackthorn Road and Bicester Road. There remain a number of historic buildings fronting primarily onto Station Road and West End with a scattering along Bicester Road and a number at the junction of Blackthorn Road and Station Road. The historic core and buildings are identifiable and visible along the main roads and it is from these vantage points that the visual contribution the historic buildings make is most readily apparent. To the north and west Launton has significantly increased in density, depth of development and form which readily detaches the historic linear form

³ Two High Court Decisions: Michael Jonathan Parker v Secretary of State for Communities and Local Government and Rother District Council and Peter Bull [2009] EWHC 2330 (Admin). & [2011] EWHC 2325 (Admin) the Queen on the application of Bizzy B Management company Limited v Stockton-on-Tees Borough Council v Python Properties (A Firm).

of the village from the countryside and surrounding fields. Similarly to the south much of the physical relationship to the rural hinterland has been interrupted with more modern development.

29. The appeal site is located to the east and south of Station Road. The site is open fields. However the site is not readily appreciated or viewed from Station Road and there are limited views when the historic core and field pattern surrounding the village would be read in the same views. There have been some modern developments to the rear of these properties in Station Road including at The Green which further detaches the rural fields from the historic core of the settlement.
30. Approaching the village from the south along Blackthorn Road there is modern development on one side of the road up to the point where the entrance feature demarking the entrance to the village is located. On the opposite side of the road the land is also developed, in the form of a pumping station and water works. The proposed development would abut the built development of the edge of the village and provide for a significant area of retained open space. The site is reasonably well screened from the wider countryside, with significant areas of tree planting and hedge boundaries. In this regard I am satisfied that, designed with care, the proposed development would not be unduly assertive or excessively intrusive such that it would undermine the intrinsic character and beauty of the countryside at this location. A suitable layout arrangement could address Blackthorn Road in a manner consistent with the existing development fronting the road. The development would not, in my view, result in the appearance that the village boundary had appreciably extended into the open countryside as the development would be within the village entrance demarcation and would be well contained by landscape features.
31. The development is proposed with a single point of access. It would therefore be a cul-de-sac of some 72 units. The illustrative layout suggests this would be with a principle spine with roads off it. I saw a number of Culs-de-sac in the village. Whilst none contained as many dwellings as that proposed in this scheme, there were a number with a similar pattern (single point of entry and accesses off a central spine) and a comparable size, eg at Sherwood Close (57 properties) and Skinner Road and Ancil Avenue (46 properties). I do not consider that the scale of development would inevitably lead to an excessively complex road layout.
32. It is no part of the Council's case that the setting of individual listed buildings would be affected by the proposed development. Further, the Council does not object to the effect of the development on landscape character. The design and appearance of the buildings, the materials to be used, the layout of the scheme are all matters that would be considered at the reserved matters application. I have neither seen nor heard anything to suggest that a competent architect could not design a scheme that would be in keeping with its surroundings.
33. I am satisfied that the provision of a Cul-de-sac including development fronting Blackthorn Road could be made to reflect the character and appearance of the surrounding area and the village. There would be change, that is not in dispute; a field would be developed for housing but that would not in my view result in material harm to the character and appearance of the village. There is

no identified landscape harm and any residual impact can be addressed by condition, the reserved matters can ensure the design and appearance of the scheme is compatible with and reflects local distinctiveness.

34. For the reasons given above I conclude that the proposed development would not harm the character and appearance of the settlement of Launton and the surrounding area. Consequently the proposal would not conflict with policies ESD15 of Policy Villages 2 in the CLP 2031 (part 1) or policies C28 and C30 in the CLP 1996. The development would therefore comply with the development plan in these regards.

Planning Obligations

35. The appellant has provided a planning obligation in the form of a deed of agreement under section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
36. Overall the Obligations of the agreement are related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development where appropriate. The planning obligations therefore comply with the tests set out in the Framework, the advice in the National Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL). There is no conflict with CIL Regulation 123(3).

Other matters

37. At the outset of the Inquiry in my opening I identified whether the Council can demonstrate a five year supply of deliverable housing sites as a main issue to address. I dealt with housing land supply as a discreet topic and conducted this as a hearing style discussion session. I have taken account of the latest Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. However, given my conclusions in respect of the main issues above, if I accept the Council's position on its Housing Land Supply, my overall conclusion would be that the proposals accord with an up-to-date development plan. They would therefore benefit from the presumption in favour of sustainable development under paragraph 11 c of the Framework. This overall conclusion would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire. It is therefore not a matter on which my decision turns.
38. The proposed development would provide for market housing and affordable housing. The positive contribution to the supply and delivery of housing in the district given the Government's objective of significantly boosting the supply of homes (Framework paragraph 59) is a benefit of significant weight. The District has identified it has a high need for affordable housing. Securing the provision of affordable housing, through the planning obligation, therefore is also a significant positive benefit of the scheme.
39. The appeal scheme identifies a significant area of public open space the scheme would include details to enhance the biodiversity and conservation target area landscape qualities in the area. In this regard this would assist in fulfilling policy ESD11 and a minor benefit is derived from the scheme as a

result of the enhancements to biodiversity that could be secured through the development of the site.

40. The additional traffic generated by the proposed development would not result in material harm to highway safety. There is no objection from the Highway Authority and the design of the access has been accepted on the basis of the information submitted. There was no evidence to demonstrate that there would be significant inconvenience or hazard that would be caused by the proposed access location or the additional traffic that would pass through the cross roads in the centre of the village.

Conditions

41. A list of draft conditions was provided by the Council (CDC1) and updated during the Inquiry (CDC 6). I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions. A number of the suggested conditions are in effect informative or advisory indicating the content of future submissions under the reserved matters, or cover matters that fall squarely within the ambit of the reserved matters. Unless it is necessary to restrict the discretion of both applicant and local planning authority at this outline stage, I have not imposed such conditions, as the submission of details/reserved matters would be the subject of evaluation.
42. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these other than removing access as a reserved matter as that was the basis of the application. Conditions 4 through to 8 address matters related to access, parking and travel. They are required to ensure the development is satisfactorily accessed and that suitable parking provision (both car and cycle) is provided and maintained on site and to ensure that the site is accessible by a range of modes of transport.
43. Conditions 9 through to 11 are required to ensure that the development is safe from flooding and does not result in an increased risk of flooding elsewhere. Launton is not connected to mains gas. Conditions 12 and 13 are required to avoid an excessive proliferation of above ground fuel tanks that could compromise the design and appearance of the final development. It could be argued that this could be left to the reserved matters but it is an important design principle and the imposition of such a condition now will ensure this matter is properly addressed at an early point in the consideration of the design of the detailed scheme.
44. Condition 14 will ensure that adequate regard is paid to the potential for buried remains and condition 15 ensures that appropriate consideration is given to securing the biodiversity enhancements and on the basis of policy ESD11. A Construction Environment and Management Plan (condition 16) is required to ensure the site is safely accessed during development, to safeguard the living conditions of surrounding residents and to ensure the development is carried out in a neighbourly manner. The site includes previously developed land and conditions 18 through to 21 address the potential for the site to be contaminated and the necessary steps to be undertaken in the event contamination is encountered. Condition 22 requires the removal of an existing residential dwelling unit to ensure the satisfactory completion of the proposed development.

45. Conditions 4, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 22 are 'pre-commencement' form conditions, or include such elements, and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

Overall conclusions

46. I have concluded that the proposed development would accord with the strategy and objectives of the CLP 2031 (part1) and that there would be no conflict with policies BSC1 or Policy Villages 1 or Policy Villages 2 in that plan in respect of the scale and location of the development. Moreover, I have concluded that there would be no material harm to the character and appearance of the village or the surrounding area and therefore no conflict with policy Villages 2 or ESD15 in the CLP 2031 (Part 1) or policies C28 and C30 in the CLP 1996. On this basis I conclude that the proposed development would be in accordance with the development plan as a whole and as such would amount to sustainable development in the context of paragraph 11 of the Framework for which there is a presumption in favour of.
47. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
48. Even if I were to accept the Council's position in terms of its five year housing land supply, that there was a 5.4 year supply, that would not alter my conclusions in respect of the development plan, the presumption in favour of development or the section 38(6) position. The issue of housing land supply therefore is not determinant in this appeal.
49. The proposal accords with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. The scheme benefits from the presumption in favour of development as set out in the Framework. I therefore will grant planning permission without delay.
50. With the imposition of the above mentioned conditions and for the reasons given above, I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis	Counsel, instructed by Amy Jones, Solicitor Cherwell District Council
He called	
Yuen Wong BA(Hons) MA MRTPI	Principal Planning Policy Officer Cherwell District Council
Nathaneal Stock BA(Hons) DipTP MRTPI	Team Leader General Developments Team Cherwell District Council

FOR THE APPELLANT:

Paul Tucker (and Sarah Reid)	Queens Counsel, instructed by Huw Mellor
He called	
Huw Mellor BA(Hons) MRTPI	Partner Carter Jonas LLP.
Ashley Thompson BA(Hons) PGDip ARCH MA ARB RIBA	Director ATA (Architecture) Ltd.
Jacqueline Mulliner BA(Hons) BTP(Dist) MRTPI	Director and Head of National Planning Terence O'Rourke Ltd.

INTERESTED PERSONS:

Mr Robert Armstrong	Local Resident
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DOCUMENTS SUBMITTED BY CHERWELL DISTRICT COUNCIL (CDC)

CDC1	Draft List of suggested conditions
CDC2	Signed copy of the Statement of Common Ground
CDC3	Opening submissions on behalf of the Council
CDC4	Extract of Planning Supporting Statement by Barwood Strategic Land II LLP in respect of Land West of Bloxham Road, Banbury
CDC5	Home extensions and Alterations – Design Guide for Householder Applications March 2007 Cherwell District Council
CDC6	Updated Draft list of suggested conditions
CDC7	Update from Oxford County Council on its submissions in respect

- of Planning Obligations and compliance with Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010.
- CDC8 Copy of Developer Contributions Supplementary Planning Document (SPD) February 2018 published by Cherwell District Council.
- CDC9 Closing submissions on behalf of Cherwell District Council

DOCUMENTS SUBMITTED BY the APPELLANT (APP) – MANOR OAK HOMES

- APP1 List of appearances for the appellant
- APP2 Unsigned final draft of the Statement of Common Ground
- APP3 Draft of Final version of the Planning Obligation agreement
- APP4 Schedule of developer responses to the 2017 AMR comprehensive review of sites (on disputed sites only)
- APP5 Pack containing details of consultation on amended illustrative amended plan carried out by the appellant.
- APP6 Revised Flood Risk Assessment (Revision E: June 2018 R-FRA-T7866PM-01-E) by JPP Consulting.
- APP7 Opening submissions on behalf of the appellant
- APP8 Aerial photograph with existing Culs-de-sac and dwelling numbers identified.
- APP9 Extract from Planning Policy Guidance on Design and Access Statements.
- APP10 Letter from one of the site owners to confirm the tenancy arrangements related to the existing 'caravan' on site.
- APP11 Certified copy of the planning obligation by deed of agreement
- APP12 Closing submissions on behalf of the appellant (including two attachments of cited court cases).

Schedule of conditions for appeal APP/C3105/W/17/3188671

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby approved, full details of both 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.

The means of access shall also include:

- lengths of footway on the north side of Blackthorn Road in either direction from the site access
- two uncontrolled crossing points
- alterations to the existing traffic calming and village entry treatment

Thereafter and prior to the first occupation of the development, the means of access shall be constructed and retained in accordance with the approved details.

- 5) No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6) No dwelling shall be occupied until cycle parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
- 7) Prior to occupation of the first dwelling hereby approved, a Residential Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be operated and reviewed in accordance with details to be included in the agreed Travel Plan Statement.
- 8) Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every resident on first occupation of each dwelling.

- 9) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Proposed Residential Development, Land off Blackthorn Road, Launton, Bicester, Oxfordshire by JPP Consulting Civil and Structural Engineers, Revision E, June 2018 R-FRA-T7866PM-01-E and the following mitigation measures detailed within the FRA:

- There shall be no built development within the 1% annual probability (1 in 100) flood extent with 35% allowance for climate change; and
- Finished floor levels will be located a minimum of 150mm above the predicted flood level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings to which they relate and in accordance with the timing/phasing arrangements embodied within the scheme.

- 10) No development shall take place until a scheme for the provision and management of a minimum 10m buffer zone alongside the Launton Brook shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The buffer zone covered by the scheme shall be free from built development (including lighting), domestic gardens, footpaths and formal landscaping.

The scheme shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example native species);
- Details of the timing and implementation of the scheme;
- Details demonstrating how the buffer zone will be protected during development and maintained over the longer term including proposed financing, the body responsible for management and production of a detailed management plan.

- 11) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. . The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDs
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers

- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details

- 12) Prior to the commencement of development details of the services and energy infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
- 13) Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), No above ground fuel tanks to serve the proposed development shall be provided unless with the prior written approval of the local planning authority.
- 14) An archaeological investigation shall be completed in accordance with a Written Scheme of Investigation which shall first be submitted to and approved in writing by the Local Planning Authority prior to any demolition on the site and the commencement of the development.
- 15) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 16) Prior to the commencement of the development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1630. Thereafter the development shall be carried out in accordance with the approved CEMP.
- 17) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out 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 shall be 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 that it is satisfied that no potential risk from contamination has been identified.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 19) If contamination is found by undertaking the work carried out under condition 17, 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.
- 20) If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. 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.
- 21) 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.
- 22) No development subject of this permission shall commence until the mobile home that is the subject of certificate of lawfulness 09/01814/CLUE dated 18 March 2010, and associated structures, have been removed from the site.

END

Appendix 21a

Decision Letter - Ambrosden



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton
CW12 1LB

Date Registered: 28th November 2018

Proposal: 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

Location: Land North Of, Merton Road, Ambrosden

Parish(es): Ambrosden

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

Robert Jolley

**Assistant Director
Planning and Economy**

Date of Decision: 20th February 2019

Checked by: NS (Officer initials)

REASONS FOR REFUSAL

- 1 The development proposed, by reason of its scale and siting beyond the built up limits of the village, in the open countryside and taking into account the number of dwellings already permitted at Ambrosden as well as Cherwell District Council's ability to demonstrate an up-to-date five housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would lead to an over concentration of new housing development in Ambrosden, which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1. Thus, the proposal is unacceptable in principle and contrary to Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
- 2 The development proposed, by reason of its siting beyond the built up area of the village to the south west of the village, excessive scale and poorly integrated relationship with existing built development, would cause local landscape harm and a significant amount of harm to the character and appearance of the countryside, as well as cause considerable harm to the character and appearance of the area and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the significance of the Grade II* listed Church of St Mary and the harm stemming from the proposal is not considered to be outweighed by any public benefits. Thus, the proposal is contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
- 3 The Ecological Appraisal, by virtue of the lack of a sufficient biodiversity impact assessment, fails to provide acceptable detail as to whether a net gain in biodiversity can be achieved on the site. Furthermore, the Ecological Appraisal has not provided sufficient surveys in relation to Great Crested Newts therefore it has not been demonstrated that the development would not cause unacceptable harm to protected species. Thus, the proposal is contrary to Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
- 4 In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; delivering mixed and balanced communities by the provision of affordable housing; and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell District Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell District Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 14 February 2019 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any

directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 21b

Ambrosden Appeal decision 3228169



Appeal Decision

Inquiry opened on 20 August 2019

Site visit made on 22 August 2019

by Philip J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9th September 2019

Appeal Ref: APP/C3105/W/19/3228169

Land at Merton Road, Ambrosden, OX25 2NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Cherwell District Council.
 - The application Ref. 18/02056/OUT, dated 26 November 2018, was refused by notice dated 20 February 2019.
 - The development proposed is the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access, at land at Merton Road, Ambrosden, OX25 2NP in accordance with the terms of the application Ref. 18/02056/OUT, dated 26 November 2018, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by a Development Framework Plan¹ (DFP) which, it was confirmed at the inquiry, was for illustrative purposes only and which I have treated as such.
3. The Appellant submitted a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended) containing a number of planning obligations. As the awaiting of comments on this from the Council had prevented a signed version being submitted during the inquiry, I agreed to accept a completed UU within 14 days of its close. A signed and certified UU was duly submitted. I have taken the various obligations into account in arriving at my decision. These are discussed below.

¹ Drawing No. CSA/3888/103 Rev F

Main Issues

4. The Council refused permission for four reasons. The third reason related to the Council's concern that the Appellant's Ecological Appraisal had provided insufficient detail as to whether a net gain in biodiversity could be achieved by the proposed development. Further, it suggested that insufficient surveys had been carried out to demonstrate that the development would not cause unacceptable harm to Great Crested Newts, a protected species.
5. However, in its Statement of Case the Council indicated that its concern regarding a net gain in biodiversity could be dealt with by the imposition of a condition should planning permission be granted. Furthermore, the Appellant submitted to the Council additional survey information on Great Crested Newts, together with a mitigation strategy. A Statement of Common Ground (SoCG) between the Appellant and the Council confirms that the additional information submitted provides adequate detail to confirm that survey work has been completed and that the proposed mitigation strategy is adequate to meet Natural England's standard licensing requirements.
6. It is also agreed that the information submitted is adequate to confirm that the proposed development would not affect the favourable conservation status of the species and that with the application of the suggested mitigation methods a derogation licence from Natural England would be likely to be forthcoming. As a result, the Council agreed that the matters relating to the third reason for refusal had been resolved and that mitigation could be achieved through the imposition of a suitably worded condition.
7. As a consequence of the above and having considered all the evidence provided, I consider the main issues in this case to be:
 - whether the proposal would lead to an over-concentration of new housing development in Ambrosden which would undermine the Council's housing strategy and prejudice a more balanced distribution of housing growth, contrary to Cherwell Local Plan policy and policies in the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the character and appearance of the surrounding area and on the significance of the Grade II* listed Church of St Mary the Virgin through change in its setting; and
 - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development.

Reasons

Development Plan

8. The relevant development plan comprises the Cherwell Local Plan 2011 – 2031 (Part 1) (CLPP1), adopted July 2015, and saved policies of the Cherwell Local Plan 1996. In regard to the latter, the only policy referred to within the reasons for refusal is Policy C28. Amongst other matters this seeks to ensure appropriate standards of layout, design and external appearance. These are matters of limited relevance in respect of an outline application when they are reserved for subsequent approval. On behalf of the Council it was accepted at the inquiry that reliance is no longer placed on this policy in respect of impact on character and appearance.

9. Having regards to CLPP1, it was also accepted by the Council's planning witness that only those policies referred to within the reasons for refusal are relied upon and that it can be assumed no conflict arises with other policies.
10. The spatial strategy for the district underpinning CLPP1 is to focus the bulk of proposed growth in and around Bicester and Banbury. Growth within rural areas is to be limited, with this being directed towards the larger and more sustainable villages and with development in open countryside being strictly controlled.
11. CLPP1 Policy Villages 2 (PV2) concerns the distribution of growth across the district's rural areas. It indicates that a total of 750 homes will be delivered at Category A villages². This is in addition to the rural allowance for small site windfalls and planning permissions for 10 or more dwellings that existed as at 31 March 2014. Category A villages are 'Service Centres' listed under Policy Villages 1. These are considered to be the most sustainable villages, of which Ambrosden is one, which offer a wider range of services and are well connected to major urban areas, particularly by public transport.
12. In considering sites under this policy particular regard is to be given to a list of 11 specified criteria. Amongst these are: whether the land has been previously developed or is of lesser environmental value; whether significant adverse impact on heritage or wildlife assets could be avoided; whether development would contribute in enhancing the built environment; whether significant adverse landscape impact could be avoided; and whether the site is well located to services and facilities³.
13. Under Policy ESD 13 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, amongst other matters, they would cause undue visual intrusion into the open countryside, be inconsistent with local character, or harm the setting of settlements, buildings, structures or other landmark features. Policy ESD 15 indicates that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
14. The Council's fourth reason refusal referred to the absence of satisfactory obligations under s106 to secure a range of necessary infrastructure. It consequently listed a range of CLPP1 policies with which the development would conflict, and which aim to secure satisfactory provision in respect of matters such as affordable housing, public services / utilities, open space and recreation facilities, contributions to mitigate transport impact and adaptation measures to ensure more resilience to climate change. The Council accepts that the proffered s106 UU now addresses these matters.
15. The Cherwell Local Plan Part 1 Partial Review aims to help satisfy the unmet housing needs of Oxford over the period 2011 – 2031. This was submitted for Examination in March 2018 and hearing sessions into the Review were held in February 2019. It sets out policies to achieve the delivery of an additional

² The accompanying text to the policy makes it clear that this quantum would be made up from sites for 10 or more dwellings

³ It is only these particular criteria with which the Council considers that the proposal would conflict

4,400 dwellings within Cherwell district, with allocations being made as close to Oxford as possible. At the time of the inquiry no formal report on the Examination had been issued although the Inspector's preliminary conclusions support the 4,400-figure to be accommodated within Cherwell. There is agreement between the Appellant and the Council that the part of the district within which Ambrosden is situated is unaffected. The Appellant considers that the emerging Partial Review sits alongside, rather than interfering with, the CLPP1 strategy for the district.

First reason for refusal - housing strategy and distribution of housing growth

16. The 750 homes figure for Category A villages is a component of the overall provision made by CLPP1 Policy BSC1 to meet the district's housing requirement of 21,734 between 2014 and 2031⁴. The Council contends that it can demonstrate both a three-year and a five-year supply of deliverable housing land within the district. This is not contested by the Appellant for the purposes of this appeal⁵.
17. The overall housing strategy of the CLPP1 is to rebalance growth to concentrate it within Bicester and Banbury. In crude terms the strategy seeks to provide for about three quarters of new dwellings over the plan period in the two towns. This compares with a proportion of about half in the period leading up to the plan's adoption when the other half had taken place in smaller settlements, adding to commuting by car and road congestion at peak times.
18. The Appellant notes that if up to 84 dwellings were to be provided on the appeal site this would represent less than 0.4% of the district's requirement over the plan period. If the proposed scheme were to be added to the stock of planning permissions recorded in the Council's Annual Monitoring Report, some 82.7% of permissions identified would be in Bicester and Banbury (the figure being 82.2% if added to the stock of permissions identified in the Council's 2019 update).
19. The Council's table of the district's residential completions and planning permissions from 2011 to 31 March 2019 (with a baseline of the latter date) records that, of the 14,170 dwellings built or permitted, some 27% were in the 'rest of the district' with 73% located in the towns of Bicester and Banbury. The Council accepts that the overall strategy of the plan to deliver most housing to Bicester and Banbury is currently succeeding.
20. The Council's evidence notes that the totals of completed dwellings under PV2 (271) and those benefitting from permissions (479) add up to the 750-figure sought under the policy. It is not claimed there would be a current breach of the policy (since only 271 have been *delivered*). However, granting permission for up to 84 dwellings, which would be likely to be built out within a short time, together with the other 479 committed and deliverable dwellings, could give rise to a total of 834 dwellings being delivered several years prior to 2031, the end date of CLPP1.
21. There is agreement that the 750-figure is not a ceiling or cap. However, the Council has referred to previous appeal decisions where PV2 has been engaged.

⁴ The provision for the 'rest of the district' outside Bicester and Banbury is a total of 2,350 which is made up of the 750 plus the specific allocation of 1,600 at the former RAF site at Upper Heyford

⁵ SoCG on spatial strategy, August 2019

The Inspector in dismissing an appeal for up to 95 dwellings in Kirtlington in 2015 noted that "... any significant increase over and above 750 could lead to unconstrained growth which would result in non-compliance with the strategy for rebalancing housing growth away from the villages and rural areas"⁶. This was a conclusion shared by the Inspector dismissing an appeal for 26 dwellings at Weston on the Green⁷.

22. In granting permission for a housing development in Launton⁸ in September 2018, the Inspector noted that 750 was not an upper limit and that it would require a material exceedance to justify arriving at a conclusion that the policy was being breached. The Council considers that the addition of 84 dwellings would be a material exceedance of the 750, would therefore be contrary to PV2 and would weaken the strategy of the strong urban housing focus of the plan.
23. I am not convinced by the evidence provided by the Appellant's planning witness that the 750-figure has no development management significance. The Inspector determining the appeal against a residential development for up to 51 dwellings in Chesterton considered the use of figure of 750 in PV2 must have some form of constraining effect on total numbers, otherwise the policy would be meaningless in terms of its contribution towards the overall strategy of the plan⁹. Nevertheless, neither within Policy PV2 itself nor within CLPP1 as a whole is the term 'material exceedance' found. Even if to exceed the 750-figure by 84 units now at a point less than halfway through the CLPP1 plan period was to be regarded as a material exceedance, the question arises what planning harm would arise from such a breach? This is bearing in mind that such a quantum of housing would not be *delivered* until later in the plan period.
24. Policy PV2 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.
25. A concern of the Council is that to allow an exceedance of the magnitude envisaged could lead to unrestrained growth in Category A villages, although it was acknowledged at the inquiry that a precedent argument was not being advanced. However, I accept that there is force in the point advanced by the Appellant that the specific management criteria of Policy PV2 would seem to ensure that it is a self-regulating policy; if the point is reached where the number of dwellings granted in Category A villages is likely to undermine the Council's overall spatial strategy, a series of planning harms is likely to emerge. These might include the point where local infrastructure is unable to cope, land of higher environmental value is sought, or out-commuting and traffic congestion manifest themselves.
26. Further concerns of the Council are that allowing the proposal would lead to an over-concentration of development in Ambrosden and a disproportionate share of the PV2 housing provision. Existing recent housing developments in the village (Church Leys Farm and Ambrosden Court) permitted under Policy PV2

⁶ CD 6.03, APP/C3105/W/14/3001612, para 9. (The CD references are to Core Documents submitted for the inquiry)

⁷ CD 6.05, APP/C3105/W/16/3158925, para 17

⁸ CD 6.07, APP/C3105/W/17/3188671, para 18

⁹ CD 6.04, APP/C3105/W/15/3130576, para13

amount to 129 units, which is 17% of 750¹⁰. If allowed, the proposal would represent a 25% share of the increased total of 834.

27. In an appeal decision on a 54-dwelling proposal in the Category A village of Hook Norton, acknowledged as a relatively sustainable location, the Secretary of State took the view that it would be acceptable for the village to provide a relatively larger share of the 750 dwellings than the other villages listed in PV2¹¹. There are some 23 Category A villages which display a wide range of populations, facilities and locations. Whilst the Council categorises these as the more sustainable settlements it is apparent that, comparatively, some settlements are clearly more sustainable than others.
28. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250¹². It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery¹³. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester.
29. The CLPP1 allocates a considerable amount of land for employment uses on the southern and south-eastern outskirts of Bicester between the edge of the town and Ambrosden, with some development already in place. Whilst these areas are beyond what could be regarded as realistic daily walking distances for most people, they are within ready cycling distances. I address the more specific locational considerations of the appeal site in relation to village services and facilities below.
30. By comparison with the location and the range of facilities available in many of the other Category A villages, Ambrosden is one of the most sustainable settlements. There is agreement between the Appellant and the Council that this is the case. It is therefore unsurprising that recent housing schemes within the village have been permitted. On this basis, and against a background of no spatial apportionment of additional housing between Category A villages, and the intent of Policy PV2 that development should be enabled in the most sustainable locations, further development of the nature proposed would not be disproportionate.
31. The Council has expressed concern that allowing the proposal and exceeding the PV2 750-figure would make it more difficult for other Category A settlements to meet local housing needs within the second half of the plan period. However, no evidence has been provided as to the level of specific local housing need in any of the villages within the district and need is not disaggregated across different settlements. Policy PV2 does not contain a requirement to demonstrate a local housing need. Furthermore, should specific needs within villages be identified, Policies PV1 and PV3 would be relevant considerations to cater for this. Policy Villages 1 allows development within the built-up limits of villages, whilst PV3 provides for meeting specific identified

¹⁰ In addition, there is an 89-unit development at Springfield Farm that was permitted prior to 31 March 2014

¹¹ CD 6.13, APP/C3105/A/14/2226552, decision letter para 12

¹² This was a 2014 figure, so with more recent housing development in the village the figure is now likely to be higher

¹³ Evidence at the inquiry suggested that this was to close

housing needs through small-scale affordable schemes within or immediately adjacent to villages. The proposed scheme need not therefore pose any undue constraint on other villages to meet any specific or identified housing needs.

32. I have carefully noted views expressed by colleague Inspectors in the various appeal decisions to which reference was made during the inquiry. None of these decisions was made at a time when the 750-figure of delivered and committed dwellings had been reached. Concerns have been expressed in some decisions as to the possibility of contributing to unconstrained growth, as already noted¹⁴. But these decisions were made in the context of what were then hypothetical situations where the 750-figure might be breached.
33. I have not been privy to the evidence on which their decisions have been based, some of which were several years ago when the CLPP1 was in its very early years. It is not clear whether the decisions were informed by the examination of arguments which have been advanced in respect of the present proposal. Having regards to the detailed evidence provided in the present case, and for the reasons set out above, I do not consider that the Council has demonstrated how in its own right allowing the appeal would lead to the undermining of the Council's overall housing rebalancing strategy contrary to the intent of Policy PV2. The purpose of limiting growth within the rural 'rest of the district' is not an end in itself but is intended to ensure delivery of the rebalancing strategy of an urban focus of new development in Banbury and Bicester. I find that agreeing to the proposal need not make the maintenance of its strategy materially more difficult.
34. Part of the CLPP1's spatial strategy is to strictly control development in the open countryside. However, current national policy within the Framework does not couch protection of the countryside in terms of 'strict control'. It is also clear, and accepted, that in applying Policy PV2 locations on the edge of Category A villages would be used and are therefore likely to be in open countryside locations. I consider that should a proposal satisfy Policy PV2, if there was any inconsistency between it and one of the Council's objectives, such as strict protection of the countryside (which in itself could be considered to not be on all fours with the Framework's absence of a blanket protection of the countryside), the policy should take precedence. This was a point conceded by the Council.
35. Overall, I consider the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth.

Second reason for refusal

a) Character and appearance

36. The appeal site extends to about 4.12ha comprising part of a grassed field used for hay-making located at the south-western edge of Ambrosden. Whilst somewhat irregularly shaped, it has a hedged frontage to Merton Road from which vehicular and pedestrian access would be taken. To its north it has a short boundary with a densely vegetated low embankment to a railway line running from Bicester to the Ministry of Defence depot at Arcott. It is

¹⁴ For example CD 6.03, APP/C3105/W/14/3001612 and CD 6.05, APP/C3105/W/16/3158925

bounded to its north-eastern side by a residential curtilage and by paddocks, whilst reedy remnants of ponds associated with the former Ambrosden Hall, and further agricultural land, lie to the north-west.

37. Amongst the criteria of CLPP1 Policy PV2 to which particular regard should be given in assessing development in villages such as Ambrosden is whether significant adverse landscape impacts can be avoided. This recognises some development on the countryside edge of settlements is likely to be necessary. It is axiomatic and almost inevitable that some harm will result from the change from open countryside to built development.
38. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). Within the context of the appeal the Appellant's landscape witness carried out her own assessment of the landscape and visual effects of the proposal to be read in conjunction with the LVIA. Additionally, in respect of the appeal, the Ambrosden Parish Council commissioned its own review of the original LVIA. I have had regard to all these together with the evidence produced on behalf of the Council.
39. In terms of landscape character, the appeal site lies within the Clay Vale Landscape Character Type¹⁵, and the Clay Vale of Otmoor as defined in the Cherwell District Countryside Design Summary¹⁶. The site is part of what was originally parkland associated with the demolished Ambrosden Hall. The sinuous area of reed and marshy land to the immediate north-western side of the site is the remnant of former parkland ponds. However, the historic and landscape connections and appearance of parkland have long since disappeared and in my view the appeal site does not possess any readily perceptible associated landscape or visual qualities. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape.
40. The Council suggests that development on the site would conflict with the criterion of PV2 relating to the consideration of whether the land is previously-developed or is of lesser environmental value. It is not previously-developed and the term 'lesser environmental value' is a relative one. The Appellant suggests that reference to 'lesser environmental value' was plainly aimed at plan-making where a comparative exercise could be undertaken. However, as the CLP Part 2 does not exist such an exercise is not possible. By reason of the site's absence of specific landscape quality designations, and not being Best and Most Versatile agricultural land, it is reasonable in the present context to consider it as land of comparatively lesser environmental value.
41. The proposal, in whatever eventual form it might take, would clearly have a completely transformative effect on the site itself by reason of the introduction of residential development and its associated components into a currently open field. However, I have no reason to disagree with the view of the Council's landscape witness who concurred with the Appellant's LVIA assessment that the landscape character of the site and surrounding area has a medium sensitivity, as does the townscape of the adjoining area. Further, the effect of the proposal on landscape and townscape character of the surrounding area would be 'moderate adverse' on completion. There would be potential for this

¹⁵ Oxfordshire Wildlife and Landscape Study

¹⁶ Supplementary Planning Guidance, June 1998

- to decrease by year 15 with the maturation of landscaping and the weathering of the built development.
42. In terms of the landscape and visual impact evidence produced at the inquiry, the Council's concern centred on the visual aspects of the proposal. There is agreement as to the selection of viewpoints used within the LVIA. The relatively low-lying and well vegetated landscape near the site means that views are generally limited when seen from far- and middle-distance locations. Impact on the few possible far- to middle-distance views from the south would be negligible. Impact on views from closer at hand along bridleway 295/4, about 1.5km to the south-east, would in my judgement be only slightly adverse. This is as a result of distance, existing vegetative screening, that which could be incorporated into the development, and the already present appearance of roofscapes of dwellings within the village¹⁷.
 43. From along footpath 295/7, about 500m to the south-west, oblique views are possible across the site over field hedging for a length of about 80m. There are current views of the tower of St Mary's, which is seen in conjunction with the roofscape of housing. Although at the detailed design stage it may be possible to retain views of the church, the extension of built development closer to the viewer would, in my opinion, result in a moderate adverse impact even at year 15.
 44. When approaching Ambrosden from the south-west along Merton Road the site is screened by existing vegetation almost until it is reached, when there are direct oblique views across it. The DFP suggests the incorporation of a sustainable drainage system (SuDS), open space and a children's play area towards the site's frontage which would serve to maintain views of the tower of St Mary's from the road. There would be substantially adverse impacts on views in the early stages of development until landscaping matured and the proposal became assimilated.
 45. There would be impacts for residential receptors in Jasper Row to the opposite side of Merton Road who currently have views across the open farmland. However, separation and detailed design could ensure that, other than alteration of views for private individuals, there would be no detriment to overall living conditions.
 46. The development would result in a significant extension of the village to its south-western side beyond the single-track railway line that crosses Merton Road via a level crossing, pushing the built edge further into the open countryside. It is certainly the case that the part of Ambrosden to the south-western side of the railway line is currently less developed than the main body of the village.
 47. However, from my site inspections it is my view that the railway line does not represent a clear physical or visual demarcation or barrier that suggests further development beyond it would be ill-related or poorly connected to the overall village structure. Housing that presently exists to the south-western side of the line clearly has the appearance and feel of being an integral part of the village, with the railway line not forming a disjointing element. There has been the recent in-depth development of Ambrosden Court to the southern side of

¹⁷ Impact on views of the Church of St Mary the Virgin in terms of its setting are considered below

Merton Road and a recent permission for an additional five dwellings to the rear of Home Farm Close.

48. I am mindful of the comments of the Inspector who determined the appeal against the refusal of permission for the Ambrosden Court development¹⁸. In his decision allowing the appeal (which concerned an application that was in outline) he expressed the view that the proposal would cause a moderate amount of harm to the appearance and character of the countryside, and some local landscape harm. The Council subsequently approved the appropriate reserved matters and the development has been completed.
49. The development clearly appears as a new element in respect of which weathering and nascent landscaping have not had chance to soften its impact. Nonetheless, I consider Ambrosden Court has now to be viewed as an existing, appropriate and acceptably-designed component of the village. I have no reason to suppose that the Council would not be able to exercise similar appropriate control over the details of layout, overall design and landscaping for development on the appeal site. In this regard the Parish Council has criticised the nature of the landscaping as shown on the Appellant's FDP. However, this plan is for illustrative purposes only and as landscaping is a reserved matter the Council would have control over this should the development proceed.
50. In my view, the village is now as much defined in terms of its character by the development that has taken place in the second half of the 20th century and that which has occurred very recently. This is largely estate housing that has spread out from the historic village core near the Church of St Mary the Virgin. In terms of scale and nature, a development of up to 84 dwellings, complemented by appropriate landscaping and open space, would not be at odds with the overall character of the village. This is particularly bearing in mind the recent approvals at Springfield Farm (89 dwellings), Church Leys Farm (85 dwellings) and Ambrosden Court (45 dwellings).
51. The Council suggests that the abrupt and stark transition from what is described as an 'urban' to a rural environment at the south-western end of the village is part of local distinctiveness. I am not convinced that this is a particularly beneficial characteristic that necessarily needs to be respected by new development or one which would be undermined if the proposal went ahead. Nor do I consider that Ambrosden possesses any other particular individual element of distinctiveness with which the proposed development would materially conflict. Through detailed control, the opportunity exists to provide a development with an appropriate and fitting layout, appearance and landscaping.
52. I do not share the Council's concern that if developed in accordance with the illustrative DFP, with the likely set back of housing from Merton Road (to accommodate the SuDS, play area and the maintenance of views of St Mary's Church tower), this would be an uncharacteristic feature. It may not be a current feature of development to the south-western side of the railway line. Nonetheless, the set back of residential development behind open space is clearly an established element within Ambrosden as a whole and its replication therefore would not be an overtly alien feature.

¹⁸ CD 6.02, APP/C3105/A/13/2206998

53. The proposal includes both a vehicular and a separate pedestrian access from the site onto Merton Road, and the Council considers the site would have poor connectivity with the village. It is the case that all car, pedestrian and cycle traffic would be funnelled onto Merton Road to access the rest of the village and its facilities. There would be a need to provide improved footpath linkage from the site to the village. It is also suggested that a footpath could be provided to the south-west to link the site with the existing public right of way 295/7. This is considered further below. Through detailed design I have no reason to suppose that acceptable levels of permeability within the site itself could not be achieved. In general, I do not consider the degree of connectivity of the site represents a significant drawback of the scheme.
54. Overall, I conclude that whilst inevitably rendering localised change the proposal, subject to subsequent careful attention to layout, design, external appearance and landscaping, would not have any significant adverse impact on the character and appearance of its surroundings. Opportunity would exist to provide an acceptable, fitting and suitably mitigated development that could contribute positively to this entrance to the village. As such, it would not conflict with these relevant criteria of Policy PV2 to which particular regard should be given. Nor would there be conflict with Policies ESD 13 or ESD 15.

b) Impact on the significance of the Church of St Mary the Virgin

55. It is an agreed position that the Grade II* listed church is the only heritage asset which has the potential to be impacted upon by the proposed development. The church, dating in parts from the 12th, 14th and 15th centuries with restoration in the 19th, is stone-built with a three-stage tower to its western end. The proposed development would have no direct effect upon the church, being separated from it by over 300m. There would be no change in the experience and appreciation of the church from within its surrounding churchyard or from within Ambrosden.
56. However, it is an agreed position between the Appellant and the Council that there would be an impact on its significance as a result of change in its setting by reason of alterations of views of its tower from the south-west. There is further agreement that the proposal would result in less than substantial harm to the church's significance; the Council considering the harm to be minor whereas the Appellant considers the degree of harm to be very minor.
57. I consider that the heritage significance of the church derives principally from the architectural and historic interest of the physical fabric of the asset and the evidential, historic and aesthetic value contained as an example of a church originating in the early medieval period.
58. The church tower provides a landmark feature within the rural landscape. The Council considers its visibility reflects the social importance of religion in times past and the manner in which local communities used a prominent church tower to mark their presence in the landscape. At present there are clear views of the tower across the grassed appeal site when viewed from Merton Road on the approach to the village. It is also seen, as already noted above, from a limited stretch of footpath 295/7 to the south-west and, more distantly, from the bridleway 295/4. Whilst the agricultural surrounds to the village have some historic associative connection with the church, these connections are no longer discernible and make only a very minor contribution to the historic, evidential and aesthetic value of the heritage asset via setting.

59. The tower is currently seen rising above and between rooftops of housing to its western side and these comprise a major element of its setting, which has changed over time. The planning permission for five dwellings to the rear of Home Farm Close would introduce an additional foreground residential element. In order to maintain views of the tower on the approach into Ambrosden the FDP suggests the setting back of residential development within the site to form a visual corridor. This would be achieved through the imposition of a condition to ensure that this was secured at the reserved matters stage. Detailed design may also allow the positioning of dwellings to maintain some views from footpath 295/7.
60. I accept that the proposal would result in a more 'channelled' view of the church tower from Merton Road and this would be across a more developed foreground. However, any change that would be wrought would relate more to impact on its landmark significance rather than the heritage significance of the asset. I consider that the proposed development would result in a very minor impact on the overall heritage significance of the church as a result in change in its setting. Having regards to the Framework, this amounts to less than substantial harm and in my judgement would be at the lowermost end of less than substantial harm. In accordance with Framework paragraph 196, where there would be less than substantial harm this should be weighed against the public benefits of a proposal. This is carried out below in the overall planning balance and conclusions.

Third reason for refusal - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development

61. The signed s106 UU by the Appellant and landowners provides obligations to both the Council and to the County Council. Those to the Council include the provision of contributions towards: the extension / enhancement of Bicester Leisure Centre and the expansion and / or upgrade of the Whitelands Farm Sports Ground at Bicester; the improvements / expansion of the existing community facilities at Ambrosden Village Hall or towards the development of Graven Hill Community Centre; and waste and recycling bins for each dwelling. A further obligation would secure a scheme for the establishment of a Management Company Structure to be approved by the Council for the purposes of managing and maintaining the proposed open space and SuDS within the appeal site.
62. The UU secures the provision of 35% of the dwellings as affordable units through the need for the agreement of an Affordable Housing Scheme. This would include details of numbers, type, tenure, location and phasing of the housing, the arrangements for the transfer of the affordable housing to a Registered Provider, arrangements to ensure the provision is affordable for both first and subsequent occupiers, and allocation arrangements.
63. Provision is made to ensure that either a Biodiversity Offsetting Scheme is agreed and implemented or that a Biodiversity Contribution is paid. The former would be a scheme to ensure the development does not result in any biodiversity loss and would include a management plan for the provision and maintenance of offsetting measures for not less than 30 years. The latter would be towards the costs of enhancement and long-term biodiversity within the vicinity of the site.

64. Obligations to the County Council include the payment of financial contributions towards: improvement of the bus service between Oxford and Bicester, including increasing the frequency of service; capacity enhancement of the junction of Ploughley Road and the A41; the expansion of permanent capacity at the Five Acres Primary School in Ambrosden; and the costs of monitoring the Travel Plan, which is to be submitted pursuant to an attached condition, and the other obligations to the County.
65. The Council has submitted a compliance statement in respect of the obligations, which includes an appended compliance statement from the County Council. I am satisfied that the above obligations are necessary to make the development acceptable in planning terms. They are all directly related to the development, are fairly and reasonably related in scale and kind to it and are designed to mitigate the development where appropriate. The obligations therefore comply with the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and comply with the tests set out in paragraph 56 of the Framework and advice in National Planning Practice Guidance.
66. The Council's compliance statement notes that the Council's Developer Contributions Supplementary Planning Document expects residential development to contribute towards the provision of additional health care infrastructure generated by population growth where there is insufficient existing capacity, well located to serve the development. At the inquiry local concern was expressed about the future of the currently-limited opening of the doctors' surgery in Ambrosden. However, whilst the Oxfordshire Clinical Commission Group was consulted on the application, no comments were received from it. The Council indicates that, as such, it could not justify a request for contributions towards health care infrastructure in the locality.
67. The UU also includes a contribution of £40,000 towards the cost of provision of a footpath link between the appeal site and footpath 295/7 to the south-west of the site. This is to improve the site's connectivity to the existing public rights of way network, and countryside generally, for recreational purposes given that there is no existing footpath linkage alongside Merton Road from Ambrosden.
68. The County Council considers such a contribution fulfils the CIL tests. Cherwell Council considers this not to be the case. It is concerned that there are too many uncertainties regarding its delivery (given the 400m - 500m length of connection, the possible need for third party land, and the possible need for planning permission, which might be resisted because of fears of 'urbanisation'). Whilst I acknowledge these concerns, in the context of the appeal the Council has expressed concerns generally about the appeal site's connectivity.
69. In my view, the proposed link would be a necessary element to promote walking and recreational activity for occupiers of the proposed development. It would accord with the Framework's exhortations to improve sustainable modes of transport and recreational access. As such, I have taken this obligation into account and it too fulfils the requirements of the CIL regulations.
70. Given the above, I am satisfied that the proposal makes adequate provision for the necessary infrastructure arising from its development.

Other matters

71. Having regards to the site's location in relation to services and facilities, there is agreement between the Appellant and the Council that it is within walking distance of local facilities in what is a sustainable settlement. However, the Council's planning witness suggests that it is not *well* located as per the relevant criterion in Policy PV2. It is my view that certain facilities are within what, for most, would be ready and reasonable walking distances of the site (post office, hairdresser's, village hall, public house, parish church), whilst others are more distant but easily cyclable.
72. Walking distance from the centre of the appeal site to the nearest bus stops on Ploughley Road (to gain access to a wider range of services, facilities and employment) would be about 800m. However, the walk is level and through a generally pleasant village environment (as opposed to a potentially busier urban one where reasonable walk distances are generally assumed to be lower) that would make use of the bus a not unrealistic option as an alternative to use of the car. The proposal includes provisions to promote sustainable travel. These include the commitment to improve the footpath which would link the development back into the village, a contribution towards bus services, the provision of a Travel Plan and electric vehicle charging infrastructure. Overall, I consider the proposal to be in general compliance with the relevant PV2 criterion.
73. Traffic and transport-related matters did not form part of the Council's reasons for refusal, other than in regard to the absence of a mechanism for securing mitigation and the encouragement of use of sustainable modes of transport. However, these issues were a concern of the Parish Council and a number of local residents who submitted representations.
74. In response to detailed criticisms made on behalf of the Parish Council, the Appellant produced a Technical Note response. The Appellant's transport consultant also attended the inquiry to answer queries and requests by the Parish Council in respect of highways matters. The County Council, as highway authority, has reviewed both the details submitted with the original application, which included a Transport Assessment, and the Technical Note response. This resulted in the conclusion of a SoCG with the Appellant in which it is agreed that all transport and highways matters have been addressed and resolved. A separate SoCG with Cherwell Council also confirms the proposal would have no adverse impact on the safe and efficient operation of the highway network, subject to suitable conditions and obligations.
75. A particular raised concern is the nature of the footpath link along Merton Road into the village. The application plans provide for the footway to be extended from the site to join that existing adjacent to No. 66 Merton Road. The existing footpath to the northern side of Merton Road is of variable quality in terms of surfacing and width. However, as a result of the relatively low pedestrian flows along it, together with those which would be generated by residents of the proposed development, this is not an issue raised by the highway authority.
76. Nonetheless, as pointed out by certain residents, and as I saw on my visits, there exists a narrowing 'pinch point' in the footway adjacent to Holly Tree Cottage caused by the presence of telegraph poles. There is concern that these present difficulties for those with mobility aids and for pedestrians with pushchairs or prams.

77. In accordance with condition No. 12 attached to the permission Ref. 13/00621/OUT¹⁹, a scheme for their removal should have been submitted to the Council and should have been implemented prior the occupation of dwellings on what is now the completed Ambrosden Court development. The Council confirmed at the inquiry that this matter was the subject of enforcement investigations. This would seem to be the likely means by which this matter could be resolved. However, a similar condition to that which was imposed on the above permission could be included on a permission for the present proposal, subject to there being no necessity for a scheme for removal if this had already occurred prior to first occupation.
78. From the detailed evidence provided and subject to the provisions of the s106 UU, and the imposition of appropriate conditions discussed below, I have no reason to conclude differently to either the Council or the local highway authority that the proposed development would be acceptable in terms of highway capacity and safety.
79. Potential flooding and drainage issues are other matters of concern that have been raised by local residents. The application was accompanied by a detailed Flood Risk Assessment. A further Technical Note on flood risk and drainage issues was produced in the context of the appeal. A SuDS drainage scheme is proposed to manage excess runoff from the development and maintain runoff to pre-development rates, with surface water attenuation provided to accommodate a 1 in 100-year event plus 40% climate change allowance. Subject to appropriate mitigation the proposed development would be at minimal risk from flooding and would not increase flood risk elsewhere. The Council has agreed in a SoCG with the Appellant that drainage matters are capable of being controlled via approval of reserved matters, by condition and / or via planning obligations. I have no reason to disagree.
80. Concerns have been raised regarding increased light pollution. The Council's Environmental Health Officer has raised no objections to the proposal. A suitable condition could require the provision of an appropriate lighting design at the reserved matters stage. This could ensure that not only is extraneous light minimised but also that it would not be harmful to the local bat population.
81. I have noted the synopsis of the survey results amongst village residents carried out by the Parish Council. However, there is no detail as to who the respondents were and to what extent they are representative of the village population. The response rate of 66 is relatively low and not indicative of widespread concern about the proposal.

Conclusions and the planning balance

82. In terms of the Council's housing strategy and distribution of housing growth there would be no conflict with the thrust and intent of Policy PV2. There would be some limited degree of landscape and visual impact resulting from the transformative nature of development on this edge of settlement site. However, the proposal would not cause undue visual intrusion into the open countryside, would not be inconsistent with local character, or harm the setting of Ambrosden. It would therefore not conflict with Policy ESD 13. Control that

¹⁹ CD 6.02, APP/C3105/A/13/2206998

- could be exercised at the reserved matters stage could ensure there should be no conflict with Policy ESD 15.
83. Less than substantial harm would result to the significance of the listed church of St Mary the Virgin as a result of change to its setting. This would be very minor harm given the intention to maintain a visual corridor so that the church tower would remain visible on the south-western approach to the village. Nevertheless, considerable weight and importance should be attached to harm arising to listed buildings resulting from a change in their setting in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having regards to paragraph 196 of the Framework, when a development would lead to less than substantial harm to the significance of a heritage asset the harm should be weighed against the public benefits of the proposal.
84. Having regards to such benefits, the Appellant points to the scheme's provision of 35% (up to 30) of the proposed dwelling units as affordable housing. This follows from the requirement of CLPP1 Policy BSC3, the Local Plan noting that that Cherwell district has a high level of need for affordable housing²⁰. No evidence of a specific need for affordable housing in Ambrosden has been provided. Nonetheless, the need within the district should be seen within the context of a locally widening gap in the ratio of house prices to earnings.
85. Within the district the lower quartile house price is more than eleven times lower quartile annual earnings²¹. This is higher than for England as a whole (7.29) and greater than the South East region (10.51). The affordability ratio has increased more rapidly in the district than in Oxfordshire over the CLPP1 plan period and it is apparent that market housing is increasingly unaffordable for many. As such, even though the proposal would simply be policy-compliant in regard to the quantum of affordable housing, I give significant weight to this provision in helping to address what is clearly a district-wide need.
86. I accord moderate weight to the benefit of the market housing element of the proposal against the Government's national objective of significantly boosting the supply of homes²². More limited weight is also attached to the economic and financial benefits that would arise through construction spending and the direct and indirect job creation which could result, and the generation of household expenditure which would support the local economy.
87. Some local scepticism was expressed at the inquiry as to whether the additional residents of the proposal would contribute to sustaining the vitality of the village. However, it is my view that there would be some potential benefits arising from the support and additional spending and patronage of existing village facilities.
88. The appeal site has little present ecological value. Through the scheme's ability to provide open space and landscaping a positive contribution to biodiversity could result, as could the opportunity recognised in the Flood Risk Assessment for betterment in terms of runoff rates. I attach modest weight to these aspects.

²⁰ Paragraph B.104

²¹ Mortgages typically being capped at 4.5 times annual salary

²² Framework paragraph 59

89. Through the s106 obligations financial contributions would be made to bus service provision, highway improvements, education and community facility provision. However, as these directly stem from the proposal itself these are neutral benefits.
90. I consider that the potential benefits of the proposal outweigh the less than substantial harm to the significance of the heritage asset of St Mary's that would result from change in its setting. There would be accord with the relevant criterion of Policy PV2 in that there would be no significant adverse impact on this heritage asset.
91. Overall, the proposal would accord with the CLPP1 and would comply with the economic, social and environmental overarching objectives of sustainable development as set out in the Framework²³. For these reasons, and having considered all other matters raised, I consider the proposal to be acceptable and that the appeal should be allowed.

Conditions

92. The Appellant and the Council discussed draft conditions during the inquiry, culminating in an agreed set presented towards its close. I have considered these against the tests for conditions as set out in paragraph 55 of the Framework, amending where necessary for accuracy and consistency.
93. In addition to the usual conditions relating to the necessity for approval of reserved matters, and the specification of plans to which the permission relates, a condition is appropriate limiting the maximum number of dwellings to 84, for the avoidance of doubt and to ensure a satisfactory form and density of development. Also, to ensure a satisfactory form and standard of development compatible with the surroundings and one which is made secure, conditions are necessary limiting the ridge height of dwellings, the provision and implementation of a landscape management plan, and the need for an application for Secured by Design accreditation. For the same reason and as referred to above, I shall impose a condition in order to protect views across the site of the tower of St Mary's to preserve its significance as an important heritage asset.
94. In the interests of highway safety, a condition is required to ensure the access to the site is constructed before the first occupation of dwellings. I shall impose a condition requiring the submission of a scheme for the removal of telegraph poles adjacent to Holly Tree Cottage. This is to ensure the removal of the footway obstruction and improve pedestrian access. Submission of a scheme would only be required if the poles had not already been removed prior to the commencement of development. To promote sustainable travel choices the approval and subsequent operation of a Residential Travel Plan is required, as is a condition requiring that each dwelling is provided with ducting to allow for the future installation of electrical vehicle charging infrastructure.
95. A condition is necessary requiring the approval and subsequent implementation of a surface water drainage scheme, to ensure adequate drainage and sufficient capacity to accommodate the development. To ensure the protection of breeding birds a condition is required to time limit removal of trees and

²³ Framework paragraph 8

hedgerows, and a condition is needed requiring the agreement of a lighting strategy to prevent light pollution and to protect bats. Similarly, to safeguard the protected species of Great Crested Newts, a condition is needed to ensure mitigation measures identified in the Appellant's Great Crested Newt Mitigation Strategy are implemented.

96. To safeguard the recording of any archaeological remains within the site I shall impose conditions requiring the agreement and subsequent implementation of an Archaeological Written Scheme of Investigation. To ensure highway safety and the protection of residential amenity, agreement of a Construction Environment and Traffic Management Plan is required. Conditions relating to studies to identify whether there are potential contaminants within the site are required to minimise risk to those involved in construction and subsequent occupiers and in light of the past infilling of pond features.
97. Additional conditions have been suggested requiring details to be provided of services and energy infrastructure and the withdrawal of permitted development rights for the provision of above-ground fuel tanks. Having regards the former, I do not consider this to be necessary as such detail is covered by other legislation. In respect of the latter, I have been provided with no evidence to suggest that the exceptional withdrawal of this permitted development right under the Town and Country Planning (General Permitted Development Order 2015 is necessary.

Philip J Asquith

INSPECTOR

Schedule of Conditions

Reserved matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called '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.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following drawings:

Drawing No. CSA/3888/107 (Site Location Plan)

Drawing Number 18166-001 Rev A Access Design – Priority Junction & Emergency Access (Access Plan).

5. The number of dwellings hereby permitted shall not exceed 84.
6. No building on the site shall exceed 8.5m at ridge height, and no building at the edge of the development shall exceed 7.5 at ridge height.
7. Any reserved matters application relating to layout and / or landscaping shall maintain a visibility corridor that secures a view of the Church of St Mary the Virgin from Merton Road, in broad accordance with the illustrative Development Framework Plan Drawing No. CSA/3888/103/F.
8. As part of the reserved matters, a Landscape Management Plan, to include the timing of the implementation of the plan, long-term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscaped areas, other than privately-owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Landscape Management Plan shall be carried out in accordance with the approved details.

Highways and Travel Plan

9. Prior to the first occupation of the development hereby permitted, the approved means of access as detailed on Drawing No. 18166-001 Rev A (Access Plan) shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken. The visibility splays shall be kept permanently clear of all obstructions in excess of 0.6m in height.
10. Prior to commencement of development a scheme for the removal of the two telegraph poles from the footway outside Holly Tree Cottage shall be

submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full before the first occupation of any of the dwellings hereby permitted on the site. Such a scheme shall only be required if both poles have not already been removed prior to the commencement of development.

11. Prior to the occupation of the first dwelling of the development hereby permitted, a Residential Travel Plan, including a Travel Information Pack, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Travel Plan shall be operated and reviewed in accordance with the approved details. The approved Travel Information Pack shall be provided to each household on first occupation of each dwelling.

Drainage

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be retained as such thereafter.

Ecology

13. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the local planning authority has confirmed in writing that such works can proceed, or a recent survey (no older than one month) undertaken by a competent ecologist to assess nesting bird activity on site together with details of measures to protect the nesting bird interest on the site, has been submitted.
14. Prior to commencement of development, a lighting strategy for the publicly-accessible areas of the site, which includes details of light spill and which adheres to the Bat Conservation Trust Guidelines, 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 strategy.
15. The mitigation measures regarding Great Crested Newts identified in the Great Crested Newt Mitigation Strategy produced by FPCR, dated July 2019, shall be implemented in full prior to commencement of development, except where the timing is stated otherwise by the Great Crested Newt Mitigation Strategy, and maintained thereafter.

Design

16. Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation for the development hereby permitted. The development shall not be carried out other than in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
17. Each dwelling shall be provided prior to its first occupation with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

Archaeology

18. Prior to commencement of development, a professional archaeological organisation acceptable to the local planning authority shall prepare an Archaeological Written Scheme of Investigation relating to the application site which shall be submitted to and approved in writing by the local planning authority.
19. Following the approval of the Written Scheme of Investigation referred to in Condition 18, and prior to the commencement of development (other than in accordance with the Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.

Construction Management

20. Prior to commencement of development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of measures to be taken to ensure construction works do not adversely affect residential properties adjacent to the site, together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the local planning authority. The CEMP shall include a commitment to deliveries only arriving at or leaving the site between 09.30 and 16.30. The development shall be carried out in accordance with the approved CEMP.

Potential Contamination

21. Prior to commencement of development, a desk study and site walk-over to identify all potential contaminative uses on the site and to inform a conceptual site model, shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be 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 that it is satisfied that no potential risk from contamination has been identified.
22. If a potential risk from contamination is identified as a result of the work carried out under Condition 21, prior to commencement of development, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors, and to inform remediation strategy proposals shall be documented as a report undertaken by a competent person. This shall be in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be 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.

23. If contamination is found by undertaking the work carried out under Condition 22, prior to the commencement of development a scheme of remediation and / or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person 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 and / or monitoring required by this condition.
24. If remediation works have been identified as necessary under Condition 23, the development shall not be occupied until the remediation works have been carried out in accordance with the scheme approved under Condition 23. 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.
25. 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.

(End of the conditions schedule)

APPEARANCES

FOR THE APPELLANT

Jonathan Easton, of Counsel

instructed by Gladman
Developments Ltd

He called

Robert Barnes BA(Hons) MA MRTPI

Director, Planning Prospects Ltd

Simon Blinkhorne BSc CMIHT

Odyssey

Evidence also provided at the round table session by:

Silke Gruner BHons CMLI

CSA Environmental

Hannah Armstrong BA(Hons) MSc IHBC ACIfA

Pegasus Group

Dr Suzanne Mansfield MCIEEM CMLI

Senior Ecology Director, FPCR
Environment & Design Ltd

FOR CHERWELL DISTRICT COUNCIL

Richard Langham, of Counsel

instructed by the District
Solicitor, Cherwell District
Council

He called

Andrew Murphy BA(Hons) MSc MRTPI

Director, Stansgate Planning
Consultants Ltd

Evidence also provided at the round table session by:

Tim Screen BA(Hons) Dip LA CMLI AIEMA

INTERESTED PARTIES

Maureen Cossens

Local resident

Mark Longworth

Chairman, Ambrosden Parish
Council

Sheila Mawby

Local resident

Pam Newall

Local resident

Malcolm Cossens

Local resident

Trevor Furze

Furze Landscape Architects, on
behalf of Ambrosden Parish
Council

Dan Sames

Councillor, Cherwell District
Council, Ambrosden and
Bicester South Ward

For the round table session on obligations and conditions

Chris Nicholls

Oxfordshire County Council

Nathaniel Stock

Cherwell District Council

Tom Darlington

Cherwell District Council

DOCUMENTS (handed in at the inquiry)

1. Further draft Unilateral Undertaking
2. List of draft conditions
3. Complete copy of the Cherwell Local Plan 2011 – 2031
4. Appellant's opening statement
5. Council's opening statement
6. Mrs Cossens's statement
7. Schedule X: residential completions and permissions at 31/03/2019 (net)
8. Copy of the Appellant's transport response Technical Note
9. Copy of a letter from Mr Cossens, dated 18 June 2019
10. Compliance Statement in respect of planning obligations, Cherwell District Council
11. Statement of Common Ground on transport matters between the Appellant and Oxfordshire County Council
12. Copy of email dated 21 August from Simon Blinkhorne of Odyssey regarding position and qualifications
13. Copy of email from Mark Longworth regarding highway matters that Ambrosden Parish Council would wish to be taken into account should planning permission be granted
14. Updated list of draft conditions
15. Draft of suggested Condition No. 7
16. Updated draft Unilateral Undertaking and copy of Lasting power of attorney – property and financial affairs
17. Extract from a committee report on planning application 13/00344/Hybrid, land at Springfield Farm, Ambrosden
18. A3 bundle of photographs reproduced from Appendix C to Ms Gruner's proof of evidence
19. Council's closing submissions

20. Appellant's closing submissions

21. Copy of judgement; Bassetlaw District Council v Secretary of State for Housing EWHC 556 (Admin) [2019]

(Document submitted after the inquiry)

A. Signed and certified copy of a Unilateral Undertaking, dated 2 September 2019

Appendix 22a

Decision Letter - Bodicote

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Hollins Strategic Land LLP
c/o Emery Planning Partnership Ltd
Mr Stephen Harris
Units 2 - 4 South Park Court
Hobson Street
Macclesfield
SK11 8BS

Date Registered: 10th May 2018

Proposal: Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space

Location: Land At Tappers Farm, Oxford Road, Bodicote, Banbury OX15 4BN

Parish(es): Bodicote

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



Jim Newton

**Assistant Director for
Planning Policy and Development**

Date of Decision: 31st October 2018

Checked by: CF (Officer initials)

REASONS FOR REFUSAL

- 1 Taking into account the number of dwellings already permitted across the Category A villages and Cherwell District Council's ability to demonstrate a 5.4 year housing land supply, which exceeds the requirement for a 3 year housing land supply the proposal is unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.
- 2 In the absence of the completion of a satisfactory Planning Obligation under s106 of the Town and Country Planning Act 1990, the Local Planning Authority is not convinced that the necessary infrastructure directly required to mitigate the impact of this development will be provided. This would not be in the interests of delivering sustainable, mixed and balanced communities by providing affordable housing, appropriate public open space and its future maintenance arrangements, providing adequate health services and community and sports provision, meeting education needs and enhancing sustainable transport options. This would be contrary to Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the adopted Cherwell Local Plan (2011-2031) Part 1, the Council's Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018) and the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 25 October 2018 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 22b

Bodicote appeal decision



Appeal Decision

Hearing Held on 4 September 2019

Site visit made on 4 September 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/C3105/W/19/3222428

Land at Tappers Farm, Oxford Road, Bodicote OX15 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hollins Strategic Land LLP against the decision of Cherwell District Council.
 - The application Ref 18/00792/OUT, dated 4 May 2018, was refused by notice dated 31 October 2018.
 - The development proposed is an outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 52 no. dwellings, with associated works and provision of open space.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open space at Land at Tappers Farm, Oxford Road, Bodicote OX15 4BN in accordance with the terms of the application, Ref 18/00792/OUT, dated 4 May 2018, subject to the following conditions set out in the attached Schedule.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for the matter of access. I have determined the appeal on this basis.
3. During the course of the application, the number of units proposed was reduced from 52 dwellings as set out in the planning application form, to 46 dwellings. It was agreed at the hearing that the description should reflect this reduction in numbers, as such I have included this in the decision above.
4. The appellant submitted a draft agreement under s106 of the Town and Country Planning Act 1990 (as amended) at the hearing. At that time a number of amendments were being made and the agreement was unsigned. I agreed to allow 7 days for the submission of a signed and completed agreement, which has now been received. I have taken this agreement and the obligations therein into account when making my decision.
5. Prior to the hearing the Council highlighted that a number of the notification letters sent to interested parties did not contain the details of the date of the

hearing. At the start of the hearing I asked for the parties' views on this matter. The Council duly informed me that the correct details were sent with the notification letters and that it was only a saved office copy that lacked the details. The Council confirmed that the correct notification had therefore taken place. I was satisfied that interested parties had been notified and I proceeded with the hearing on this basis.

6. Since the close of the hearing the appellant has drawn my attention to a recent appeal decision. The Council has had the opportunity to comment on this decision. I am satisfied no prejudice has been caused and, as such, I have taken it into account when making my decision.

Main Issues

7. The main issues raised in this case are:
 - i) whether the development is acceptable in principle;
 - ii) the effect of the development on the character and appearance of the area; and
 - iii) whether the scheme makes adequate contribution towards the provision of infrastructure.

Reasons

Principle of development

8. The development plan for the area consists of the Cherwell Local Plan 2011 – 2031, Part 1 (the CLP 2011) and the saved policies of the Cherwell Local Plan 1996 (the CLP 1996). At the hearing, the Council agreed that only the policies referred to in the decision notice were being relied on, namely Policies Villages 2 (PV2) and ESD15 of the CLP 2011 and Policies C15 and C33 of the CLP 1996.
9. The spatial strategy as set out in the CLP 2011 directs most growth to locations within or immediately adjoining Banbury and Bicester. Growth within the remainder of the district is limited and directed towards the larger villages. It was acknowledged by the Council that the appeal scheme would not affect its overall housing strategy.
10. PV2 identifies that 750 homes will be delivered at Category A villages, of which Bodicote is one of twenty-three, as defined in Policy Villages 1 (PV1). It was highlighted at the hearing that Policy Villages 2 contains no requirements in respect of the distribution of housing across the Category A villages, as well as no timeframe or trajectory for their delivery. Both main parties agreed that the 750-figure provided in the policy is not a ceiling or limit. It is also noteworthy that the policy requires the delivery of 750 units, not just a requirement to grant planning permission for this number.
11. My attention has been drawn to a previous appeal decision in the district¹ in which the Inspector noted that it would require a "material exceedance" of the 750-figure in order to conclude that there would be any conflict with PV2. The Council stated that if this appeal were allowed, it would not trigger a material increase over 750 dwellings. Furthermore, the figure refers to dwellings delivered, not consented, of which according to the Council there are 271. There are also a further 425 under construction. Since March 2014, there has

¹ APP/C3105/W/17/3188671, decision date 18 September 2018

- been a delivery rate of 54 dwellings per year from PV2, which would result in the delivery of 750 homes by 2028, three years before the end of the plan period (2011-2031). This however assumes that the delivery of housing will continue at this rate and that all permissions that have been granted will not only be implemented but completed.
12. The appellant has suggested that a 10% lapse rate for sites should be applied in recognition that not all sites granted planning permission will necessarily come forward. The Council disagree with this point and contend that it is likely that all sites will be delivered. Whilst I acknowledge that the delivery rate has increased in recent years, this will undoubtedly fluctuate from year to year, as evidenced by the fact that the Council state that in 2014/15 only two homes were delivered. There is also reference to the Council's Annual Monitoring Report (2018) identifying that permission for 33 dwellings had either lapsed or not been issued, suggestive of some permitted schemes not being delivered.
 13. In my view, it is not realistic to expect that all dwellings that have the benefit of planning permission will, in fact, be delivered. I acknowledge the Council's opinion that there should not be a lapse rate applied, given that when undertaking reviews of permissions they liaise directly with developers and agents, the submission of applications to discharge planning conditions can be taken as an indication of intent to implement a permission and there is a good record of delivery. However, this does not account for any circumstances where a development may not come forward. As such, I do not consider it realistic to expect a 100% delivery rate for the permitted dwellings.
 14. Even if all sites were delivered, and as I state above, I am not convinced that they will be, it is accepted by the Council that the grant of permission for an additional 46 dwellings would not lead to a material increase over the figure expected by PV2.
 15. I note that reference is made to Bodicote having been subject to permissions for a number of developments which would deliver 99 new dwellings. However, there is no reference in PV2 to any distribution of new dwellings across the twenty-three Category A villages. Furthermore, given the close proximity of Bodicote and the appeal site to Banbury, together with good accessibility to larger settlements and the services that are within Bodicote itself, the site would be one of the most accessible locations, with access to services, for new residential development, which is reflected in its categorisation in PV1 as a Category A or "Service" village.
 16. The Council also has concern that allowing the appeal scheme would restrict the potential for a more even spread of housing across all of the Category A villages. However, PV2 does not require any spatial distribution. Moreover, the development is near to one of the main settlements, Banbury, which provides for access to a good range of services and with access to a range of transport modes.
 17. The appellant has drawn my attention to a recent appeal decision² in the district which allowed up to 84 dwellings under PV2. Notwithstanding the stance taken at the hearing, the Council now consider that this permitted scheme together with the appeal scheme would result in a material increase over the 750-dwelling delivery target. However, the Council are including 31

² APP/C3105/W/19/3228169, decision date 9 September 2019

dwellings for which there is a resolution to grant permission. Whilst this matter is noted, these are not schemes for which planning permission currently exists and until such time that a decision is issued on them, it is open to the Council to consider any subsequent change in circumstances that may occur.

18. The grant of permission for these 84 dwellings adds to the number of dwellings above 750 which have permission, but the number of dwellings that have currently been delivered falls far short of this figure (271 as referred to above). There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.
19. However, at this time, no evidence of such harm has been presented and, in my view, the allowing of this appeal for 46 dwellings would not harm the overall strategy of the development plan which is to concentrate housing development in and around Banbury and Bicester. This is particularly so given the specific circumstances of this site, including its close proximity to Banbury.
20. The Council contended that both policies PV1 and PV2 should be considered together. However, I find nothing to suggest that this is the case, and both appear to be discrete policies against which development proposals can be assessed. In any event, it is conflict with PV2 that the Council allege, and it is this matter which I have considered. There is no mention of conflict with PV1 in the Council's reason for refusal.
21. Accordingly, I am satisfied that the scheme would not result in a material increase over the target of delivering 750 dwellings and thus the principle of development is acceptable on this site in accordance with Policy PV2 of the CLP 2011.

Character and appearance

22. The site lies to the northern fringe of Bodicote and currently comprises of a grassed field with a number of buildings associated with a farm shop which operates at the site, together with associated external storage, with an area of caravan storage also. The site also contains several mature trees which are the subject of a Tree Preservation Order (TPO). Access to the site is gained from the adjacent White Post Road.
23. The site is enclosed along Oxford Road to the east by hedging which contains a number of trees. This boundary effectively screens the site from the majority of views from Oxford Road. To the north, along White Post Road, the site is enclosed by a mixture of hedging and post and rail fencing. There are however clear views into the site from this road where it appears as a field surrounded by existing development, particularly the existing farm shop buildings and the school located to the east. To its southern extremity, the site borders existing residential development, comprised of two-storey dwellings.
24. The Council contend that the site comprises the last undeveloped gap which provides separation between Bodicote and Banbury and as such is an important green space preventing the coalescence of these two settlements. It was also

stated at the hearing that when leaving Banbury and entering Bodicote, there is the feel of leaving the larger settlement and entering a village. However, in my view, this overstates the importance of the site, as a whole, as a separating feature. I observed there to be development on the other side of Oxford Road, extending northwards, which stretches beyond the appeal site. This existing development already diminishes the distinction between Bodicote and Banbury and the introduction of development on the appeal site would not materially worsen this.

25. There is an area of vegetation between the northern extremity of the site and the Bankside flyover at the southern edge of Banbury which provides a much stronger visual break between the settlements. This would be unaffected by the proposal. Moreover, the existing development that lines Oxford Road does not, in my view, result in a village feel or appearance to the area. Whilst I acknowledge that the whole of the eastern boundary of the site currently comprises hedging, it is located near to existing built development and is not reflective of a rural countryside location. Furthermore, the indicative layout submitted, shows that dwellings would be set off the eastern boundary, with the provision of a green corridor which would limit the visibility of dwellings from Oxford Road. As a consequence, the introduction of built development within the appeal site would not have an unacceptably urbanising effect.
26. The Council also refer to the area surrounding the site having a spacious and open feel. However, there is built development to the immediate south of the site, as well as to the east. This significantly limits any sense of spaciousness. Whilst a school lies to the west, with its associated playing fields, this does little to create a sense of spaciousness. I appreciate that the majority of the site is currently not covered by built development, however the proposed residential development would not be out of character with its context of nearby development.
27. Additionally, the indicative layout submitted with the application shows that proposed dwellings would not extend into the northern part of the site, which would be left open as amenity open space. This would re-enforce the visual break provided by the existing landscaping I refer to above and ensure that from viewpoints in close proximity to the site along White Post Road, an open aspect is retained to an acceptable degree, with buildings set back within the site. It would also provide a "green link" with the mature trees and landscaping to the west of the site, along Salt Way. Thus, a distinction between the two settlements would be maintained.
28. The matter of access is for determination at this stage and the submitted details show the creation of a new vehicular access to the east of the existing. Whilst it is likely that this will be a more formal and well-defined feature at this location, given the context of the site, in particular the appearance of the formal and engineered slip road onto Oxford Road and the Bankside flyover, this would not be unduly prominent or appear as a discordant element. The Council also express concern in respect of the prominence of the development in views from Sycamore Drive to the north west. However, these would not be close up views and where the development may be visible, it would be in the context of the amenity open space to the north and set back into the site. As such, I consider that any visual effect in this regard would be acceptable.

29. The mature trees within the site are the subject of a TPO and whilst there is no immediate concern over the removal of these trees, the matter of the future maintenance of the trees was raised at the hearing. In this respect, I note that the indicative layout of the site takes into account the existing trees and positions buildings around them. As such, whilst I appreciate that these details are indicative only, I have no substantive evidence before me to persuade me that the scheme would have an adverse effect on the future health of the protected trees, particularly in light of the matters of layout and landscaping being for future consideration.
30. Accordingly, I find that the scheme would not harm the character or appearance of the area and as such there would be no conflict with Policies Villages 2 and ESD15 of the CLP 2011 and Policies C15 and C22 of the CLP 1996. Together, and amongst other things, these policies seek to ensure that significant adverse landscape impacts are avoided, that new development reinforces local distinctiveness, that the coalescence of settlements is resisted and that important undeveloped gaps are preserved.

Infrastructure

31. The appellant provided a draft planning obligation by deed of agreement under section 106 of the Town and Country Planning Act 1990 (as amended), section 11 of the Local Government Act 1972 and section 1 of the Localism Act 2011. Subsequent to the hearing, the appellant has now provided a signed and completed agreement.
32. The agreement contains obligations following discussions with the Council, since the application was refused. Prior to the hearing, a table was provided outlining all of the requirements that the Council sought to be secured by way of the legal agreement. These include:
- Affordable housing
 - Open space and landscaping
 - Off-site sports and Community facilities
 - Primary medical care
 - Public transport services
 - Primary school provision
 - Refuse Disposal
 - Transportation and Highways
33. The submitted details outline the basis on which the contributions are sought, with reference to development plan policies and the adopted Developer Contributions Supplementary Planning Document (SPD) (2018). At the hearing, the appellant raised concern in respect of two of the required contributions as set out: Primary Medical Care (PMC) and Refuse Disposal (RD).
34. In respect of PMC, I note that the NHS Oxfordshire Commissioning Group highlights that North Oxfordshire, particularly the Banbury area, is mostly at capacity in terms of PMC and that housing growth will require additional or expanded infrastructure to be provided. I consider this to be reasonable, given the proximity of the site to Banbury where there is an identified shortfall in service provision. In regard to RD, the appellant initially had concerns that there was insufficient justification for a contribution in this respect, highlighting that facilities were ordinarily funded through Council Tax income. The Council clarified that the contribution would be towards bin provision for new dwellings, which is not funded by Council Tax. Following this, the appellant was satisfied

that the RD contribution was justified based on the SPD. I have no reason to disagree.

35. Having reviewed the details of the contributions, they are necessary to make the development acceptable in planning terms, directly related to the development as well as fairly and reasonably related in scale and kind to the development.
36. Accordingly, the scheme would comply with Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the CLP 2011. Together, and amongst other things, the policies seek to ensure development provides a proportion of affordable housing, that education needs are met, that schemes make adequate open space, outdoor sport, recreation and community facility provision, that infrastructure is provided to meet the District's growth and that the transport impacts of development are mitigated.

Other Matters

37. Interested parties have raised concerns in respect of the effect of the development on wildlife in the area, as well as on highway safety, in particular the effect of additional traffic and potential conflict with traffic in association with the adjacent school. However, I note that the Council do not object to the proposal on the basis of these matters. Furthermore, I have no substantive evidence to show that there would be any detriment in respect of these matters. As such, they have little bearing on my decision.
38. There has also been concern in respect of the effect on infrastructure in the area. The contributions secured by the legal agreement are intended to mitigate the effects of the proposal on such matters and as such the scheme would not result in any harm in this regard.
39. I note that concern has been expressed by interested parties in respect of the proximity of proposed dwellings to existing ones. However, the matter of the layout of the site is for later determination. There is also reference to the loss of the existing farm shop, as well as the use of the grassed area for events. The Council have raised no objection on this basis and in the absence of a policy basis for protecting these existing uses I find that I have no reason to find differently.
40. There was reference to the ability of the Council to demonstrate a three and five-year supply of deliverable housing sites. As I have found above that the scheme accords with an up-to-date development plan, this is not a matter which I need to consider further.

Conditions

41. A list of draft conditions was provided prior to the hearing and as set out in the Statement of Common Ground; these were agreed by both main parties. Nonetheless, there was a discussion on these suggested conditions at the hearing. I have considered the conditions in light of the advice of the Planning Practice Guidance and the six tests.
42. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. A condition is also required to ensure compliance with the submitted plans, but only in respect of access, as this is not a reserved matter.

43. Given the proximity of the site to Oxford Road, I have imposed a condition requiring details of measures to ensure that the living conditions of residents will not be adversely impacted on by noise. A condition is also imposed in respect of biodiversity enhancements, as required by Policy ESD10 of the CLP2011, as well as requiring that the development incorporate the recommendations of the Habitat Survey Report. In order to protect retained trees a condition in respect of an Arboricultural Method Statement is required.
44. In order to ensure the development does not adversely affect the natural environment and or the living conditions of nearby residents, I have included a condition requiring the submission of a Construction Environmental Management Plan. In order to ensure that any contamination of the site is satisfactorily dealt with, conditions are required in respect of site investigation and any necessary remediation, together with measures to deal with unsuspected contamination.
45. I have included a condition in respect of the construction details of the vehicular access, in the interests of highway safety. Similarly, a condition is required stopping up the existing vehicular access. In order to ensure the potential for buried remains within the site is properly addressed a condition is included requiring a written scheme of archaeological investigation. So that there is no conflict between residential properties and the existing farm shop, a condition is included requiring the demolition of all existing buildings prior to the occupation of any dwelling.
46. In the interests of sustainable transport and to ensure the site is accessible by a range of transport modes, conditions are included requiring travel plan statements and travel information packs to be provided to occupiers, as well as ducting to allow for the installation of electric charging points. I have also included a condition preventing occupation of any dwelling until necessary upgrades to the wastewater, surface water and water supply infrastructure have been completed. To facilitate communications infrastructure, a condition is necessary in respect of high-speed broadband facilities.
47. In the interests of biodiversity, I have imposed a condition requiring full details of external lighting to be submitted with the reserved matters application in respect of layout. Also, in this regard I have included a condition preventing site clearance or demolition of buildings during the bird nesting season.
48. A condition is recommended in respect of the reserved matters reflecting the principles set out in the submitted parameters plan, landscape strategy plan and indicative species list. However, only the matter of access is for determination at this stage and it has not been evidenced that the illustrative details submitted would be the only satisfactory way to develop the site. As such, I do not consider this condition is necessary.
49. To safeguard landscaping that contributes to biodiversity, a condition is recommended requiring a landscape and ecological management plan. However, as landscaping is a reserved matter it is not necessary to impose such a condition at this stage. Similarly, it is not necessary to impose a condition securing the implementation of landscaping or the retention of trees and hedgerows, as these are matters that should properly be dealt with under future reserved matters.

50. Conditions have been recommended in respect of the construction of internal roads and footways, vehicular parking areas and manoeuvring areas and provision of cycle parking facilities. Whilst access is for determination at this stage, this refers only to the means of access to the site. As such, these matters can be dealt with satisfactorily under a subsequent reserved matters application in respect of layout.

Conclusion

51. I have found that the scheme would not result in a material increase over the target of delivering 750 dwellings and therefore would not conflict with Policy PV2 of the CLP 2011. I have also found that the scheme would not result in harm to the character and appearance of the area. Furthermore, a completed legal agreement has been submitted securing the necessary contributions. The scheme therefore complies with the development plan.

52. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sarah Reid, of Counsel

instructed by Hollins Strategic Land
LLP

Stephen Harries BSc (Hons), MRTPI

Director, Emery Planning

Nigel Evers, CMLI

Director, Viridian Landscape Planning

FOR CHERWELL DISTRICT COUNCIL:

Linda Griffiths

Principal Planning Officer, Cherwell
District Council

Yuen Wong

Principal Planning Policy Officer,
Cherwell District Council

INTERESTED PERSONS:

Cllr Mrs Heath

Councillor, Cherwell District Council,
Adderbury, Bloxham and Bodicote
Ward

Zzazz Foreman

Bodicote Parish Council

Eileen Meadows

Local Resident

Matthew Case

Oxfordshire County Council

DOCUMENTS

- 1 Draft Section 106 Planning Agreement
- 2 Drawing Number IL1002 Rev C – Parameters Plan Final
- 3 Letter from Bovis Homes dated 29th August 2019
- 4 Letter from Emanuel Land & Real Estate dated 18th June 2018
- 5 Letter from the Land Team UK dated 6th June 2018
- 6 Extract of appellants closing submissions made at Inquiry in respect of Appeal ref APP/C3105/W/17/3188671
- 7 Addendum to CIL table

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing number 1608/01 (Proposed Site Access Arrangements White Post Road), dated April 2018.
- 5) The first reserved matters application shall be accompanied by a specialist acoustic consultant's report demonstrating that internal noise levels in habitable rooms within the dwellings and external noise levels for outdoor areas (including domestic gardens and recreation areas) will not exceed the criteria specified in the British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Where mitigation measures are required in order to achieve these standards, full details, to include any acoustic barriers, planting, glazing and ventilation requirements as necessary, shall also be included. The approved mitigation measures shall be implemented prior to the first occupation of the affected dwellings and the first use of the outdoor areas. The measures shall be retained as approved at all times.
- 6) The first reserved matters application shall be accompanied by a method statement for protecting and enhancing biodiversity on the site, to include all details of proposed bat and bird boxes and all integrated features within buildings, together with timings for their installation. The method statement shall also include details in respect of the implementation of the recommendations as set out in Section 6 – Conclusions and Recommendations of the "Extended Phase 1 Habitat Survey Report", prepared by REC, dated April 2018. The biodiversity protection and enhancement measures shall be carried out and retained in accordance with the approved details.
- 7) As part of the reserved matters application in respect of layout, a surface water drainage scheme for the site shall be submitted. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - SUDS (Sustainable Drainage Systems) (the suds features mentioned within Section 5.3 of the Flood Risk Assessment)
 - Maintenance and management of SUDs
 - Infiltration tests to be undertaken in accordance with BRE365 – Soakaway Design
 - Detailed drainage layout with pipe numbers
 - Network drainage calculations

- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details.

- 8) The reserved matters application in respect of layout shall include full details of all external lighting, including predicted lux levels and light spill and details showing that lighting avoids vegetation and site boundaries. The lighting shall at all times accord with the approved details.
- 9) No development, other than demolition, shall commence before an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include protective fencing specifications and details of construction methods close to retained trees and hedges; and shall be undertaken in accordance with BS: 5837:2012 (including all subsequent revisions). Thereafter, the development shall at all times be carried out in accordance with the approved AMS.
- 10) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall include details of:
- i) Construction traffic management measures;
 - ii) Measures to ensure construction works do not adversely affect biodiversity and protect habitats and species of biodiversity importance;
 - iii) Measures to ensure construction works do not adversely affect nearby residential properties, including any details of consultation and communication with local residents.

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

- 11) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

- 12) No development shall take place where (following the risk assessment required by Condition 10) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 13) No development shall take place, other than demolition, before full details of the means of access between the land and the highway, including layout, construction, materials, surfacing, drainage and vision splays have been submitted to and approved in writing by the local planning authority. The means of access shall be completed in accordance with the approved details prior to the occupation of any dwelling and thereafter retained as approved.
- 14) No development shall take place until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 15) Prior to the occupation of any dwelling hereby approved, all existing buildings as shown on Drawing Number S18-225 (Topographical Land Survey) shall be demolished and the resultant debris and materials removed from the site.
- 16) No dwelling shall be occupied before a Travel Plan Statement and Travel Information Pack have been submitted to and approved in writing by the local planning authority. The approved documents shall be provided to each dwelling on its first occupation.
- 17) No dwelling shall be occupied until a system of ducting to allow for future installation of electrical vehicles charging infrastructure has been provided to serve that dwelling.

- 18) No dwelling shall be occupied until written confirmation has been provided that either:
- i) all wastewater network, surface water network and water network upgrades required to accommodate the development have been completed, or
 - ii) a housing and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority, allowing properties to be occupied on a phased basis.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the approved details.

- 19) No dwellings shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband to serve that dwelling.
- 20) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 21) Prior to the first use of the access hereby approved, the existing access onto White Post Road shall be permanently stopped up by means of the installation of a verge and full-height kerb and shall not be used for any vehicular traffic whatsoever.
- 22) Any vegetation clearance and all works to demolish existing buildings shall take place outside of the bird nesting period (1 March to 31 August inclusive), unless a check for breeding birds has been undertaken by a suitably qualified surveyor within 24 hours of work commencing. If a nest (or a nest in construction) is found, a stand-off area should be maintained until the young have fledged.

Appendix 23a

Decision Notice - Sibford Ferris



DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Land & Partners Limited
c/o Land & Partners
Mr Harbottle
8 High Bois Lane
Amersham
HP6 6DG

Date Registered: 7th November 2018

Proposal: Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage

Location: OS Parcel 4300 North Of Shortlands And South Of High Rock, Hook Norton Road, Sibford Ferris

Parish(es): Sibford Ferris

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

Robert Jolley

**Assistant Director
Planning and Economy**

Date of Decision: 30th April 2019

Checked by: NS (Officer initials)

REASONS FOR REFUSAL

- 1 By reason of its scale and the relative sustainability of Sibford Ferris, and taking into account the number of dwellings already permitted across the Category A villages, and Cherwell District Council's ability to demonstrate a 5 year housing land supply, which exceeds the requirement for a 3 year housing land supply, the proposed development is considered to be unnecessary, disproportionate, undesirable and unsustainable development that would undermine the housing strategy in the Cherwell Local Plan Part 1 which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. This would be contrary to Policies ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
- 2 By virtue of its extension beyond the built limits of the village on a greenfield site and in an area of Grade 2 (very good) agricultural land and its visual impact on the rural character and appearance of the locality, the proposed development would cause unacceptable harm to the character and appearance of the area, open rural countryside and rural edge of village setting, failing to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 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.
- 3 In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 18 April 2019 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 23b

Appeal Decision - Sibford Ferris



Appeal Decision

Site visit made on 25 September 2019

by **Stephen Wilkinson BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/C3105/W/19/3229631

OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land and Partners against the decision of Cherwell District Council.
 - The application Ref 18/1894/OUT, dated 29 October 2018, was refused by notice dated 30 April 2019.
 - The development proposed is outline planning permission with all matters reserved for up to 25 dwellings, associated open space, parking and sustainable drainage.
-

Decision

1. The appeal is allowed and outline planning permission with all matters reserved for up to 25 dwellings, associated open space and sustainable drainage is granted at OS Parcel 4300 north of Shortlands and south of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire, OX15 5QW in accordance with the terms of the application, Ref 18/1894/OUT, dated 29 October 2018, subject to the conditions included in the schedule attached to this letter.

Procedural Matters

2. The application has been submitted in outline with all matters reserved and this is the basis on which I considered this appeal. At the start of the Hearing I sought clarification over the proposed 'parameter plan' as two different revisions had been included for my consideration. I accepted the revised plan no. 6426/ASP3/PP Rev D which included a typographical change to the legend and my decision has been made on this basis.
3. A draft agreement made under Section 106 of the Town and Country Planning Act 1990, as amended, agreed by all parties was presented to me during the Hearing. This has been completed and informs my conclusion on the third main issue identified below.
4. In the week following the Hearing the Government issued a National Design Guide. I wrote to the parties seeking their views on whether this Guidance had any bearing on their cases and my findings have taken on board their views.

Main Issues

5. There are three main issues in this Appeal which I define as follows:

- Whether the proposals comply with the housing policies of the development plan
- The effect of the proposals on the character and appearance of the settlement of Sibford Ferris and the surrounding area, and
- Whether the proposals include adequate provision for the necessary infrastructure directly required by this development.

The appeal site

6. The appeal site forms part of an arable field, classified as Grade 2, with a site area of about 3.7ha located on the southern edge of Sibford Ferris on the western side of Hook Norton Road. The site slopes down by approximately 10m to Woodway Road, a single track road which forms its western boundary. The site affords good views to the west of the Cotswolds Area of Outstanding Natural Beauty which lies approximately 1.5km away. The appeal site has hedges along each boundary apart from its southern side which is open to the remainder of the arable field.
7. Sibford Ferris is separated from its nearest settlements of Sibford Gifford and Burdrop by approximately half a mile across the steep valley of the River Sib. For this appeal I will refer to these settlements, collectively, as the 'Sibfords'. Together they have a population of approximately 1,000 residents. The valley sides are characterised by small wooded copses and paddocks laced with footpaths. The Sibfords have a range of services which include, doctors surgery, primary school, public house, food shop and post office. Sibford School, a private school lies opposite the site on Hook Norton Road. Limited bus services connect the Sibfords to Banbury and Stratford.

Reasons

Policy background

8. The development plan comprises the Cherwell Local Plan 2011-31, Part 1 (2015) (CLPP1) and 'saved' policies Cherwell Local Plan (1996). The Policies cascade from principles of sustainable development included in Policy ESD1 in line with the National Planning Policy Framework (2019) and seek to distribute growth to the most sustainable locations to ensure that amongst other matters, dependence on private transport is reduced.
9. Accordingly, the CLPP1 requires that the district wide housing target of 22,840 is delivered in the main centres of Bicester and Banbury. Outside these two centres the plan allocates 2,350 houses with 1,600 houses proposed for the former RAF base at Upper Heyford. The plan recognises the importance of sustaining rural villages and through Policy Villages 1 (PV1) defines categories of village by criteria which include their population, services/facilities, and accessibility. The focus of this policy is to 'manage' small scale development proposals which come forward within the built up limits of each village through minor development, infilling or conversions.
10. Policy Villages 2 (PV2) provides a rural allocation of sites of 10 or more dwellings at the Category A villages. This policy identifies that 750 houses will be delivered at Category A villages; this would be in addition to the 'rural allowance' of small site windfalls and planning permissions that existed at 31st March 2014. Underpinning this policy is a recognition of the need to deliver

housing growth evenly across the whole District at the larger villages. A range of criteria to guide new development in Category A villages is identified in policy PV2 covering matters such as the environmental qualities of sites, agricultural value, access to services and landscape impacts.

11. At the time of adoption of the CLPP1 the Council anticipated that it would prepare a CLP Part 2 which would have identified housing sites which would have informed policy PV2. This part of the Plan has not progressed because of the inception of the 'growth deal' for Oxfordshire.

Whether the proposal would be in accordance with the housing policies of the development plan

12. There are two issues underpinning the application of adopted policy to this site with the first concerning the total of 750 homes to be delivered at the Category A villages and the second on whether the proposed scheme accords with other housing policies.
13. The Council acknowledges that the 750 housing figure is not a target. A point reinforced by my colleague inspectors in recent appeal decisions. However, it should be regarded as a benchmark to govern future decisions on applications for housing development otherwise the integrity of the plan would be undermined. The Council can identify 5.2 years housing land supply in excess of the requirement for just 3 years required for the Oxfordshire Districts. Furthermore, it can demonstrate that 168 houses have been delivered against the PV2 target of 750 houses despite the Plan being only 4 years through its 16 years 'life'. The Council's statement identifies that across the District 7,455 houses were completed of which 2,765 are in the rest of the District and a further 6,715 houses are committed of which 1,129 are in the rest of the District.
14. The Council identifies that by 31st March 2019 planning permissions had been granted for over 750 houses on 18 large sites and to date 271 units had been built out on these sites in line with policy PV2. However, none of these have been permitted within the Sibfords. Evidence provided through the Annual Monitoring Report (AMR) acknowledges the accelerating rate of delivery since 2015 and the Council anticipate that the 750 homes will be built out by 2028.
15. During the Hearing both parties made references to a large number of appeal decisions involving similar housing schemes throughout the District. Underpinning many of these decisions is the issue of 'material exceedance', a term used to describe the extent to which decisions to allow development above the figure of 750 houses for the Category A villages would erode the basis of the CLPP1. Whilst I do not have all the evidence before me regarding each of these appeal decisions there was discussion during the Hearing of a recent appeal decision¹, which had been allowed for an additional 84 dwellings at Ambrosden, another Category A village within the District albeit with a much larger population and containing a broader range of services. Again the issue of 'material exceedance' had informed the decision to allow the Appeal.
16. I do not consider 'material exceedance' to be an issue for this appeal given the modest number of units proposed and the categorisation and size of the Sibfords. The Category A status of the village in the plan warrants further

¹ APP/C3105/W/19/3228169

- investment in housing. Although the plan period is only 4 years old I do not consider that a decision to allow this appeal would undermine the essential thrust of policy PV2 and by extension the local plan.
17. The second issue is the extent to which the proposals are acceptable against other housing policies included in the CHPP1.
 18. The principles of sustainable development, identified in the National Planning Policy Framework (2019) (the Framework), underpin policy PSD1 at several levels within the CLPP1. At a strategic level the policy seeks to ensure that development will be concentrated in the main centres, then outside those there is an allowance for development within the rural areas but concentrated within the Category A villages which are defined by their range of services and being located throughout the District would support a balanced pattern of growth. Finally, at another level within each village specific sites have to be 'sustainable' in how they function in their local context with regard to a range of criteria.
 19. The Sibfords are identified as a Category A village because of several factors including its population and range of services. These services are spread across each of the 3 settlements. I acknowledge that local connectivity between them via walking and cycling is restricted by the steep sided Sib valley but these services do exist within reasonable proximity of the appeal site. Given the spread of services across each settlement it is unlikely that the development of any site around the Sibfords would readily enable access by sustainable transport modes. This is an argument against the inclusion of the Sibfords as a Category A village but is not a matter before me in this Appeal.
 20. Policy PV2 identifies a broad range of criteria which would have informed the CHLPP2 allocations, not all of which are relevant to the issues concerning this appeal. However whilst the site does not comply with several of these I consider that the principle of some form of development on at least part of this site has been accepted. In addition, I accord moderate weight to the inclusion of the part of the appeal site in the Council's Housing and Economic Land Availability (HELAA 2018) for up to 10 houses.
 21. The scheme would provide for 35% affordable housing in line with policy. I understand that one of the reasons for the Council's decision resolving to grant permission for a scheme in 2014 was the inclusion of 6 affordable homes to meet local housing need following the Housing Needs Survey in 2010 and the Register of Interest in 2013.
 22. Part of the case presented by the Sibford Action Group (SAG) referred to the poor level of service provision in the Sibfords substantiating why further development should not occur. Whilst it is difficult to determine the exact impact that 25 new households would have on local services such as the local shop, it is a fair assumption that this is likely to be positive in supporting it.
 23. For the above reasons on this main issue I conclude that the proposals would be in line with adopted housing policies and in line with the Framework. The proposals are in line with policies PSD1, PSV1 and PSV2 of the CHPP1. They are not in conflict with 'saved' policy H18 given the status of the village defined by PSV1 and PSV2. The scheme would not amount to a material exceedance in breach of policy PV2 and would deliver housing in line with other policies of the Plan.

Character and Appearance

24. Sibford Ferris is a linear village extending northwards along Hook Norton Road before turning east above the Sib valley. The village's linear character means that its rural landscape prevails with the village being a subservient element. For example, the well treed Sib valley restricts views between the Sibfords reducing the impacts of the settlement pattern on landscape. Over the last 20 years new housing has been integrated into the existing settlement pattern in a sensitive way.
25. The appeal site's boundaries are formed by hedges on each side apart from the southern edge which is open to the remainder of the arable field. The site sits on top of a broad ridge above the Sib valley and further away, to the south the Stour valley. When viewed from the south and west across both valleys the appeal site appears as an extension to arable fields. The line of trees on the western edge of the Sibford School is a critical boundary to the edge of the settlement. The site has no statutory or non statutory landscape designations.
26. The adopted policies ESD 13 and ESD15 included in the CLPP1 seek to both protect landscapes and to ensure that new development responds positively to an area's character through creating or reinforcing local distinctiveness. These policies are underpinned by the 'saved' policy C28 of the Cherwell Local Plan (1996) designed to ensure that new development is sympathetic to its rural context and high value landscapes.
27. Where adherence to these policies is not possible proposals will not be permitted if they cause undue visual intrusion into the countryside, impact on its natural landscape and topography and be inconsistent with local character. These policies are consistent with several of the criteria included in policy PV2 which seek amongst other matters, to avoid adverse landscape impacts of new development and to avoid development on the best and most versatile agricultural land.
28. Although the site lies outside the Cotswolds Area of Outstanding Natural Beauty (AONB) its landscape context is shaped by this. Furthermore, the site lies in Character Area 13 of the Oxfordshire Wildlife and Landscape Study defined as an area of 'Rolling Village Pastures' and close to another landscape type, 'Wooded Pasture Valleys and Slopes'. The nature of this rolling landscape interspersed with hedgerows and copses means that views into the site from its immediate boundaries are limited compared to those from further away. For example, the proposed area of housing would be difficult to see from Woodward Road due to the slope the land and height of the hedge.
29. The appeal site would create a new pattern of development as an extension to the southern edge of the village. The indicative drawings identify that development would be set in the north east corner of the site with housing of 2.5 storeys which steps down towards the middle of the site to 1.5 storeys. Within the appeal site the extent of development would be limited and when set against existing development at Margaret Lane House (part of the Sibford School), it would extend the village envelope by only a small area. The suggested height parameters are important in reducing the visual impacts of the scheme from surrounding receptor points.
30. Whilst there are differences in approach to their respective landscape studies both the Appellants and the SAG identify a range of receptor points from which

to gauge the impact of the scheme on landscape and visual character. However neither study include montages of the proposed development or images of what the site could look like after 1 and 15 years – critical points in the 'life' of a development.

31. Having visited several of the receptor points and considered the views included in both reports in detail I conclude that potentially the two most sensitive receptor points are from the west from the Cotswolds AONB and from the south. From the former I consider that the integrity of the landscape would not be compromised by this development. This is in part because within the appeal site the dwellings would be set close to existing housing and only marginally extend the pattern of development to just south of Margaret Lane House which forms part of the Sibford School. Furthermore, the line of trees along the boundary of the Sibford School along Hook Norton Road would still be the dominant landscape feature when the site is viewed from the west. For these reasons I consider that the proposals would not have an 'urbanising effect' on the site and its surroundings as the Council have stated.
32. From my own observations I find that the appeal site is most prominent when viewed at just over 1km away from the south along D'Arcy Dalton Way. This is particularly important given that at this point the appeal site would not have a natural edge to its southern boundary. However, the scheme does include mitigation along this edge in the form of tree planting. The Appellants Landscape and Visual Appraisal recognises that the proposed scheme would be contained within the existing landscape. The concentration of development at the north east corner of the site and its relative low density would reduce its intrusiveness.
33. The National Design Guide 2019 builds on Chapter 12 of the National Planning Policy Framework (NPPF) 2019 which requires, amongst other matters, that new development reflects its landscape context and setting. Having viewed the site from a number of receptor points I consider that its low density combined with the extent of proposed planting belts would ensure that the proposal could be 'accommodated' within its context.
34. On this issue I conclude that the proposals would not cause unacceptable harm to the landscape setting of the Cotswolds AONB and the setting of Sibford Ferris. For these reasons I consider that the proposed scheme would not be in conflict with saved policies C28 of the Cherwell Local Plan (1996) and ESD 13, ESD 15 and PV1 and PV2 of the CHPP1.

Infrastructure provision

35. The completed section 106 agreement includes a range of provisions. These cover the requirement that 35% of the dwellings are 'affordable', provision of and commuted payments for local play area and public amenity space within the scheme, maintenance arrangements for onsite trees and boundary hedgerows, and a sustainable drainage system. Other provisions include a contribution to the provision of waste management facilities and community hall facilities and contributions to the local secondary school and the Sibford School for indoor and outdoor recreation opportunities. The agreement includes provisions made under section 278 for a new pedestrian footway, crossing and access into the site, bus shelter, local play and provisions for a traffic regulation order to ensure lower speed on Hook Norton Road as drivers approach from the south.

36. Overall, the obligations included in the agreement are related to the requirements of development plan policies and are necessary, directly related and fairly and reasonably related in scale and kind to the proposed scheme in line with paragraphs 56-57 of the National Planning Policy Framework 2019.

Other Matters

37. Interested parties raised issues regarding matters which I address in turn below.

Unsustainability of the Sibfords to take more development

38. The Sibfords are a Category A settlement included in the local plan. Although the Inspector at the local plan inquiry did consider that the hierarchy of settlement types was not set in stone this is a matter for a review of the local plan and not one for me to determine in this appeal. This categorisation of village types was based on the range of factors including local service provision. Whilst I acknowledge that journey times between the Sibfords would be hindered by the quality of the local highway network and the Sib valley potentially leading to more private transport use than would be normally expected a range of services consistent with Category A settlements does still operate in the Sibfords for the benefit of residents of the appeal scheme.

39. Many of the decisions of my inspector colleagues to dismiss appeals in other villages within the District can be distinguished from this case for several reasons. In some cases the scale of development was large compared to the size of the original village. For example, in Finmere, the appeal² was dismissed for 47 houses but the range of services was limited as the village had no shop or post office. The Sibfords do have a shop and other services. In other cases the appeal proposals would add to further development given extant permissions as in the cases³ of both Weston on the Green and Chesterton. The Sibfords have not experienced new development since the adoption of the Local Plan.

40. In other appeals other factors such as substantial harm to heritage assets prevailed. For example, in Kirtlington and Cropredy the impact of proposals on the setting of listed buildings and the character and appearance of a conservation area was cited respectively as reasons for dismissal⁴. These are not matters relevant to this appeal.

Traffic generation and congestion

41. The amount of traffic generation arising from the appeal scheme was not identified in the Council's reasons for refusal. Whilst representations from interested parties focused on the extent of additional traffic generation arising from the appeal proposal I did not receive other evidence to dispute the Appellants traffic survey which indicated that during the critical morning and evening peaks the amount of traffic generation would be between 10 and 12 vehicles generated an hour by the proposals.

42. I acknowledge the CRAILTUS survey completed in 2009 and its conclusions on the use of private transport in the Sibfords but this matter was considered as

² APP/C3105/WW/17/3169168

³ APP/C3105/W/16/3158925 and APP/C3105/W/15/3130576

⁴ APP/C3105/W/14/3001612 and APP3105/WW/17/3187461

part of the local plan which designated the village as a Category A village. Furthermore, although representations from SAG addressed concerns over the levels of congestion in the village caused by the amount of traffic passing through the narrow village roads, compounded by the 'school run' to the Sibford school I saw only limited examples of this during this critical time when I visited the village. Furthermore, during two visits to the village I observed that the amount of traffic on local roads was low. Although I acknowledge that bus services to the village have been reduced since the local plan's adoption in 2015 I still consider that the inclusion of new housing could go some way to sustaining the existing level of service provision.

43. Although the proposals would involve the loss of Grade 2 agricultural land this has to be balanced against the benefits which the proposals could make to the provision of additional housing.
44. Finally, a further objection referred to concerns over flooding. The site lies in the Flood Zone 1 and a Flood Risk Assessment submitted with the appeal identified that the risk of flooding was low. Furthermore, the scheme does include sustainable urban drainage.

Planning balance and conclusions

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) places considerable emphasis on sustainable development and highlights the delivery of new housing as a national priority.
46. The appeal proposals are consistent with the essential thrust of the housing policies included in the adopted CHLPP1. In particular, they are consistent with ESD1 and in line with policies PV1 and PV2. Set against this is the number of dwellings included in extant permissions in the Category A villages across the District which exceeds the 750 dwellings included in policy PV2. However, I do not consider that the appeal proposals represent a material exceedance to this figure given its modest size and they would not undermine policy PV2 and the basis of the local plan. Furthermore, the scheme includes a quantum of affordable units compliant with policy.
47. In addition, the scheme includes other features including a path across the site improving permeability, allotments and local play facilities. These key into some concerns identified in the non statutory Sibford Action Plan (2012) and are consistent with adopted policies in the CHPP1. I have already identified the obligations included in the completed section 106 agreement which through contributions would improve local highways, restrict speeds into the village along Hook Norton Road and support active lifestyles through contributions to the facilities of the local secondary school and the Sibford School. In addition, 25 new households would go some way to support local services.
48. Whilst the proposed schemes location on the edge of the village does form a limited extension to its current settlement pattern this must be seen in the context of this site set close to Margaret Lane House. The integrity of the landscape character is not compromised by the scheme. The character of the landscape means that the scheme's visual impacts are reduced. Its most sensitive southern boundary can be adequately mitigated through landscaping. The details of this can be determined at reserved matters stage.

49. Taking into account all these matters I conclude that the appeal is allowed and outline planning permission is granted subject to the conditions included in the attached schedule.

Conditions

50. During the Hearing there was a discussion between the main parties on the draft conditions. Having considered these further, I am making a series of small amendments to ensure full compliance with Planning Practice Guidance. I have imposed a condition specifying the timeframes for the commencement of development and for the submission of outstanding reserved matters as required by Sections 91 and 92 of the Town and Country Planning Act 1990, as amended. A condition is required to ensure that the development is carried out in accordance with the plans and documents submitted with the application to ensure adherence to the principle of the proposed development hereby approved. Other conditions require a Construction Traffic Management Plan and Construction Environmental Management Plan to ensure that the operational works to complete the scheme do not adversely impact on the living conditions of surrounding residential occupiers, avoid potential conflict with highway users and protect the environment and biodiversity.
51. A condition requiring a Landscape and Ecology Management Plan is required to identify the habitats to be created in the scheme including the requirement for bat and bird boxes in line with both local and national policy. A condition requiring an energy statement is required to ensure that the energy consumption is minimised during construction and on completion to deliver a low carbon development in line with both local and national policy. A condition is required to ensure archaeological investigations are completed in advance of works proceeding following advice received from the County Council.
52. Other conditions include a need for detailed drawings of the proposed access from Hook Norton Road to ensure highway safety. A condition is required to address contamination if this is found on site. Finally, a condition is required for a starter pack for new homes advising on sustainable modes of travel to ensure that the use of private transport is reduced.

Stephen Wilkinson

Inspector

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved and submitted plans and documents: Site Location Plan 1;2500 scale (Promap), Concept Schematic 6426/ASP3/PP – Rev D Parameter Plan and 6426/ASP4/LSP-Rev A-Landscape Strategy Plan, Design and Access Statement; Flood Risk Assessment; Arboricultural Impact Assessment; Ecological Impact Assessment; Archaeological Desk Based Assessment; Flood Risk Assessment and Drainage Strategy report and drawings labelled 3361.101.
- 5) Prior to commencement of the development hereby approved, full details of the means of access between the land and the highway shall be submitted to and approved in writing, by the Local Planning Authority. The access shall be broadly in accordance with the positioning indicated on the approved plan 3361.101-Concept Schematic,6426/ASP3/PP and include detail of layout and vision splays. Thereafter and prior to the first occupation of any of the development the means of access shall be constructed and retained in accordance with the approved details.
- 6) Prior to the first occupation of the development hereby approved a travel information pack shall be submitted to and approved by the Local Planning Authority. Thereafter and upon occupation the first residents of each dwelling shall be provided with a copy of the approved information pack.
- 7) Prior to commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
- 8) Prior to commencement of the development hereby approved, full details of a surface water drainage scheme for the site detailing all on and off site drainage works required in relation to the development which shall be broadly in accordance with the drainage proposals set out in the submitted flood risk assessment produced by JNP Group Consulting Engineers and which shall include a sewer modelling assessment shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme, until such time no discharge of foul or surface water from the site shall be accepted from the site into the public system. The scheme shall also include:
 - Discharge rates

- Discharge volumes
 - SUDS (permeable paving, soakaways, infiltration devices, attenuation pond, swales)
 - Maintenance and management of SUDS features to include a SUDS management and maintenance plan
 - Sizing of features – attenuation volume
 - Infiltration in accordance with BRE 365 (to include comprehensive infiltration testing and annual monitoring recording of ground water levels across the site).
 - Detailed drainage layout with pipe numbers
 - Network drainage calculations
 - Phasing
 - Flood flow routing in exceedance conditions (to include provision of a flood exceedance route plan).
- 9) Prior to the commencement of the development hereby approved, a landscape and ecology management plan (LEMP) showing how all habitats will be created managed and funded and to include details of a bat and birdbox scheme shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved LEMP.
- 10) Prior to the commencement of the development hereby approved, including any site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved CEMP.
- 11) If during development, contamination not previously identified is found at the site, no further development shall be carried out until full details of a remediation strategy detailing how the contamination shall be dealt with has been submitted to and approved by the Local Planning Authority. Thereafter, the remediation strategy shall be carried out in accordance with the approved details.
- 12) Prior to or as part of the first reserved matters submission, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement should:
- Be structured in accordance with the energy hierarchy in ESD2 of the Cherwell Local Plan 2011-31 Part 1 with information provided on each element of the hierarchy
 - Inform and be reflected in the reserved matters
 - Include a description of the development, number and type of residential units,
 - Demonstrate sustainable construction methods as per Policy ESD3 of the Cherwell Local Plan Part 1 2011-31, and
 - Consider the use of renewable energy to supply the development.

Thereafter, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

- 13) Prior to or as part of the submission of the first reserved matter a Written Scheme of Archaeological Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions:
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

APPEARANCES

FOR THE APPELLANT:

Jonathan Harbottle	Director, Land and Partners
Alex Dalton	Project Planner, Land and Partners
Tom Hutchison	Projects, Land and Partners
Dan Skinner	Land and Partners
Ben Wright	Director, Aspect Landscape Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Nathaniel Stock	Team Leader, Cherwell District Council
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INTERESTED PERSONS:

Duncan Chadwick	Partner, David Locke Associates
David Newman	Quartet Design
Ginny Bennett	Parish Councillor, Sibford Ferris
Roger Mallows	Parish Councillor, Sibford Gower
Roger Grimston	Local Resident
John Perris	Sibford Action Group

Appendix 24a

Decision notice- Weston on the Green