

Case Officer: James Kirkham

Recommendation: Approve

Applicant: Cala Homes (Chiltern) Ltd

Proposal: Reserved matters application for 19/00616/OUT - seeks approval of all reserved matters (excluding access as determined at the outline stage), namely, the layout, appearance, landscaping and scale for the development.

Expiry Date: 5 November 2021

Extension of Time: 31 August 2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of a small grouping of fields forming part of the open countryside on the eastern edge of Fritwell, south of Fewcott Road. The site is relatively flat with the boundaries delineated by varying densities of trees and hedgerows. The site contains some small informally arranged outbuildings in its northeast corner. A public footpath runs immediately to the south of the site which is separated from the site by a hedgerow and links through to Southfield Lane and on to East Street.
- 1.2. To the north of the site on the opposite side of Fewcott Road lies flat and expansive open countryside consisting of arable farmland. To the south and beyond the public footpath lies more paddock land, Lodge Farm and its associated farm buildings together with its fishing lakes. A track linking Lodge Farm with Fewcott Road passes down the eastern edge of the site. The 1990s residential development of Hodgson Close is located to the west where combinations of rear gardens and general amenity space border the site.
- 1.3. The site itself is not subject to any specific statutory or locally designated environmental or heritage constraints though the designated Fritwell Conservation Area lies to the south-west and incorporates not just buildings within the historic core of the village but also paddock land to the south-west of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks reserved matters for the construction of 28 dwellings on the site which would be accessed from the Fewcott Road as established under the outline planning consent. Reserved matters consent is sought for appearance, landscaping, layout and scale.
- 2.2. The proposal would consist of 26 two storey houses and 2 bungalows arranged in a number of perimeter blocks with housing facing out onto the roads. 10 Affordable units would be provided on the site.
- 2.3. The houses would be constructed of a mix of natural and reconstituted stone under slate roofs. A central green space would be provided with a retained mature tree. Other open space would be provided around the boundaries of the site

- 2.4. Through the course of the application numerous changes have been made to the design of the dwellings and also some more minor changes to the layout of the scheme to address earlier design concerns.
- 2.5. As part of the application the applicant also wishes to discharge conditions 5, 6, 7, 11, 12, 13 and 17 of the outline planning consent. Officers have made the applicant aware that in respect of conditions 5, 7 and 12 this must be done via a separate, discharge of condition application. In the case of conditions 6, 11, 13 and 17 these require the submission of details as part of the Reserved Matters and so can and should be assessed here. The conditions of the outline permission cannot be discharged under this reserved matters application, but if the details are considered acceptable those details would form part of any approval.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal:

19/00616/OUT - The erection of up to 28 dwellings and associated site access onto Fewcott Road - Approved

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **6 August 2021**, by advertisement in the local newspaper expiring **12 August 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **24 June 2022**.

- 5.2. Letter of have been received by 4 neighbouring properties. The comments raised by third parties are summarised as follows:

- Concerns over adequacy of sewage/waste water existing infrastructure to accommodate the new dwellings. Including this application and other permitted development in the village. What is Anglian Waters long term plan to mitigate need for tankers in the village.
- Concerns over amount of excess surface water during storm events. Storm events becoming more frequent. Will the SUDs solutions be able to cope with storm events. Who will be responsible for the management and maintenance.
- History of flooding in the village which will be made worse
- No more building should be allowed until the sewage issues are resolved.
- Red brick out of keeping with village
- Eco-credentials of the scheme woeful with use of gas.
- Loss of greenfield land, outside settlement boundary
- Not a sustainable location given limited services and reliance of car

- Dangerous access.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register (delete if not applicable).

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. FRITWELL PARISH COUNCIL: **Comment.** Concerns over ground water and sewerage. The sewerage capacity appears to have been met. Welcome CALAs support for the introduction of 20mph speed limit. Concerns over use of fossil fuels to heat homes. Concerns over safety of underground gas storage. Biodiversity off-setting should be achieved locally. Street lighting should be kept to a minimum. Lighting to the path should be low level and it should be appropriately surfaced. High speed broadband should not be provided. Request contribution to extend the Lynx bus service. Red brick is inconsistent with the village and local building materials should be used. Native planting should be used in the landscaping. Welcome other funding but dismissed no funding was provided to the primary school. EV charging provision should be made.

STATUTORY CONSULTEES

- 6.3. LEAD LOCAL FLOOD AUTHORITY: No objections
- 6.4. ANGLIAN WATER: **No comments** as the proposal does not propose surface water discharge to their assets.
- 6.5. THAMES WATER: **No objections.** With regard to sewerage and sewage treatment this comes under the area covered by Anglian Water. Request condition requiring method statement for piling near water main
- 6.6. CDC LAND DRAINAGE: **No objections.**
- 6.7. OCC HIGHWAYS: **No objection** subject to conditions. The principle of the access was secured at outline stage and is secured by the legal agreement. The cycle and car parking is as agreed at outline stage and is acceptable. Request that further consideration is given to the provision of car club places. Since the outline application was approved, the Oxfordshire Electric Vehicle Infrastructure Strategy has been adopted (March 2021), the site therefore needs to be in line with the adopted standards and a condition has been included.
- 6.8. A swept path analysis for the refuse vehicles accessing the site has been provided, this shows the vehicles which will be the largest accessing the site (11.6m long) needing to use the whole width of the access when turning in/out. Due to low speeds and adequate visibility at this point this is considered acceptable.

NON-STATUTORY CONSULTEES

- 6.9. CDC ENVIRONMENTAL PROTECTION: **No objection.** Further works are required and will need a supplementary report and a remediation strategy.
- 6.10. CDC ARBORSIT: **No objections.**

6.11. CDC BUILDING CONTROL: **No objections**

6.12. CDC ECOLOGIST: **No objections** to the submitted layout and landscaping information. The applicants intend to achieve a net gain for biodiversity (as measured by a BIA) through an off site scheme via a third party (TOE). This is acceptable if carried out as proposed and fully secured under the terms stated as per the email sent on by TOE. The layout on site includes a paddock which is not proposed to be developed but is also not listed as managed in any way. Any LEMP should make it clear what this paddock is to be used for and how it will be managed as part of the overall scheme for example whether it is envisaged as amenity use.

6.13. The layout shows close board fencing throughout the development and it should be ensured that hedgehog highways are included in plans to ensure the possibility of foraging movement is maintained. Any LEMP should also ensure it includes integrated enhancements for biodiversity within the dwellings (CDC seeks an equivalent of a minimum of one bat/bird provision per dwelling albeit these may be best clustered on appropriate aspects).

6.14. CDC LANDSCAPE: Originally raised a number of issues and matters of clarification. Following receipt of additional info raises **no objection** to the proposals.

6.15. STRATEGIC HOUSING: **No objections**. Originally raised concerns over tenure blindness of the scheme and clarification on tenure. Sought clarification on NDSS and accessibility standards. This has now been provided and is considered to be acceptable. Provision of rented bungalows would have been preferred. Affordable housing mix and market housing mix are considered to be acceptable. Consider that the rented affordable dwellings should be provided as social rent unless there is adequate justification for affordable rent to be provided.

6.16. THAMES VALLEY POLICE: Request a lighting plan be conditioned.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

MID-CHERWELL NEIGHBOURHOOD PLAN 2018-2031 (Feb 2019)

- PD1 – Development at Category A Villages
- PD4 – Protection of Important Views and Vistas
- PD5 – Buildings and Site Design
- PD6 – Control of Light Pollution
- PH1 – Open Market Housing Schemes
- PH3 – Adaptable housing
- PH5 – Parking, garaging and storage
- PC2 – Health Facility at Heyford

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

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES ('CLP 1996')

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2018
- Cherwell Residential Design Guide SPD 2018
- Developer Contributions SPD 2018
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

8. APPRAISAL

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

- Principle of development
- Layout and design
- Residential amenity
- Highways
- Open space
- Housing mix

Principle

- 8.2. The principle of development on the site for up to 28 dwellings and the access from Fewcott Road has been accepted under the outline permission and are not for consideration in this application. The matters for consideration in this application are the 'reserved matters'. Third party objections have been raised relating to the principle of developing the site and the site access; however, these are not for consideration in the application and have already been determined as acceptable under the outline application.

Layout and design

Policy context

- 8.3. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 9.5. The NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- 8.4. Policy ESD15 of the CLP 2015 states that: *“New development proposals should:*

- a. Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- b. Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

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

- a. Cause undue visual intrusion into the open countryside;*
- b. Cause undue harm to important natural landscape features and topography;*
- c. Be inconsistent with local character;*
- d. Harm the setting of settlements, buildings, structures or other landmark features;*

e. Harm the historic value of the landscape.”

- 8.6. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development would contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.
- 8.7. Saved Policy C28 of the CLP 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 and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.
- 8.8. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 8.9. Policy PD5 of the MCNP states that new development is required to high quality and reflect the guidance and principles set out in the Heritage and Character Assessment accompanying the Neighbourhood Plan. It goes on to state proposals should include appropriate landscape measure to mitigate impacts and be in keeping with the rural character of the village.
- 8.10. The general layout of the scheme is considered to be appropriate with the provision of a series of perimeter block structures with back to back relationships, which allows for active frontages and which create a permeable and legible layout to the scheme. The legal agreement on the outline consent requires a new pedestrian access to footpath 219/6 to the south of the site and works to improve the existing footpath which links back to the village. The link to this footpath within the application site is shown on the reserved matters plans to the front of plots 9 and 10 and is considered to be acceptable and suitably integrated into the development. The full details of the works to the existing right of way (such as surfacing and lighting as raised by the parish) would be secured through the provisions of the S106 on the original application. This matter has been raised with the applicant.
- 8.11. The development includes a public open space to its centre which incorporates a mature retained tree and provides an attractive focal point to the development of the site. The development is generally set off the boundaries with existing hedgerows retained and with the more important trees also being retained in the layout. The Council's Arborist has raised no objection to the proposal and the trees and hedgerow will need to be protected in accordance with the submitted Arboricultural Method Statement which can be conditioned. Other open space is provided to the north and east of the site to help provide a buffer to the open countryside beyond and will maintain the existing planting. Part of the frontage hedgerow to the east of the proposed access would need to be removed to allow for adequate visibility splays to be provided along Fewcott Road to the east; however, this would be replanted with a native hedgerow and specimen trees further into the site which will help mitigate this impact to some extent.
- 8.12. In terms of the arrangement of the dwellings, they create active frontage to the existing road and also to the new roads through the site. Windows are provided on the side elevations of buildings where they face the public realm to provide surveillance and active frontage. Officers did request that plot 1 be reorientated so that it faced onto Fewcott Road; however, the applicant has not done so, suggesting that this could have potentially conflicted with the retained trees on this frontage and create a weaker frontage onto the road into the site. Officers do not necessarily agree with the applicant, potentially re the latter point. The primary objective is for the development to integrate with its surroundings; having a front elevation face into the development and not addressing the main road does help the development to

integrate with its surroundings or help mitigate the impact on the village of the size of the development. However, on balance, given the frontage provided by plots 24 to 28, the proposal is considered acceptable in this regard.

- 8.13. During the course of the application significant revisions have been made to the house types, materials and details. The scheme now provides a more locally distinctive design solution with the use of simpler flat frontages, shallower gable depth properties with rear gable projections and the use of chimneys throughout the scheme. The materials have been negotiated to remove red brick (which is not used much in the village) and now includes a mix of natural stone (17) on the prominent areas of the scheme and reconstituted stone (11 plots) on the remainder of the plots. Variation to the dwellings' appearance has been introduced through a variety of window types and styles and other subtle variations (such as cills, lintels, porches) however the simple form of the dwellings is retained. Overall, the appearance of the dwellings is now considered to be appropriate and responds satisfactorily to the local guidance in the SPD and Neighbourhood Plan.
- 8.14. The boundary treatments within the scheme have also been amended during the course of the application so that in the more prominent locations low stone walls and frontage hedging are used which is more characteristic of the village than the open frontage dwellings that were originally proposed. Again, this has drawn on advice in the Neighbourhood Plan Character Assessment. Tree planting is also provided in the street to add to the rural character of the scheme.
- 8.15. Overall, the design changes are now considered to result in an acceptable scheme which more appropriately responds to the local context and the constraints of the site. It picks up on characteristics in the Neighbourhood Plan Character Assessment and the new Cherwell Residential Design Guide. Therefore, the development is considered to comply with the relevant design policies and is acceptable in this respect.

Residential amenity

- 8.16. Policy ESD 15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.17. As with any development of a greenfield site the proposed development will substantially alter the outlook from the neighbouring properties which currently face over the undeveloped land. However, there is no right to a view in planning law and the Council's Residential Design Guide SPD sets out expected separation distances to provide a guide on acceptable levels of overlooking and loss of outlook to existing properties to maintain a good standard of amenity. The proposal would be in excess of the minimum separation distances from those existing properties in Hodgson Close and in many cases would also be separated by existing planting. Whilst there would be some loss of privacy and outlook to these properties, given the distances involved this is not considered to be significant in a planning context and would adequately protect their amenity.
- 8.18. The separation distances between the proposed properties in the scheme are also considered to be acceptable and would generally comply with the standards in the SPD. The size of the dwellings and garden sizes are considered to provide a good standard of amenity for future residents.
- 8.19. Overall, the development is therefore considered to be acceptable in these respects.

Highways

- 8.20. The Local Highway Authority (LHA) has raised no objection to the proposed development and the access was considered to be acceptable at outline stage. The Section 106 agreement with the outline approval secures the provision of the new access and other works including Vehicle Activated Signage, footway links, speed limit changes, gateway provision and other works.
- 8.21. Condition 12 of the outline consent only requires details of the principal means of access to be submitted with the application. The LHA has assessed these details and is satisfied with the internal layout of the site and the provision of parking for residents and visitors. A number of dwellings rely on garages to be used for parking so a condition restricting their use is required. Whilst the tracking plans showing larger vehicles accessing the site are not ideal as they need to use the width of the road, the LHA considers this to be acceptable. As noted above, however, a separate discharge of condition application will be required in relation to the conditions of the outline permission.
- 8.22. The LHA has raised concerns that no car club spaces are provided within the scheme. However, this matter does not relate to any of the reserved matters for consideration and the introduction of a car club to serve the development would have had to be secured on the outline planning permission. Likewise, the provision of electric vehicle infrastructure was considered at outline stage and condition 19 requires a scheme for ducting to serve EV charging points or a scheme for EV charging points to be provided under a later submission. This would therefore be secured by this condition. Cycle parking provision is also secured under condition 23 of the outline planning consent.
- 8.23. The Parish Council has requested a contribution to a local bus service; however, this would need to have been secured at was not secured or deemed necessary at outline stage where it would have needed to be secured.

Open space provision

- 8.24. A plan showing the areas of public open space has been submitted with the application. This shows 0.291ha of green space, which complies with the minimum standards of provision outlined under Policy BSC11 and Table 7 of the CLP 2015. The open space is considered to be acceptable, and the landscape officer has raised no objection to the typologies of open space. No Local Area of Play is provided on the site (which would normally be required on a development of this scale) as an off-site commuted sum was agreed as part of the S106 to the outline application, at the request of the parish council, to enhance other play provision in the village.
- 8.25. Detailed landscaping plans have been submitted and further to the receipt of additional information and amendments the landscape officer raises no objection. There is the use of trees in the street to comply with the NPPF requirement for tree lined streets.

Affordable Housing and Housing Mix

- 8.26. Policy BSC3 of the CLP 2015 states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing being for rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.

- 8.27. Policy PH1 of the MCNP relates to the housing mix of proposed market houses on development sites. This states new market should favour homes with a smaller number of bedrooms and states housing mix will be determined on the basis of the Strategic Housing Market Assessment (SHMA) or more up to date published evidence. It also goes on to state that regard will also be had to the characteristics of the site. On the basis of the SHMA, development of 10 dwellings or more should have the following indicative mix: 30% 1 or 2 bedrooms, 46% 3 bedrooms and no more than 24% with 4 or more bedrooms.
- 8.28. Policy PH3 of the MCNP seeks to favour development which provides dwellings which are designed to enable residents to live there through different stages of their life. It also offers support of new homes to be built to accessible standards (wheelchair adaptable or wheelchair accessible) and dwellings on a single level suitable for older people and those with disabilities.
- 8.29. As part of the outline application a condition was imposed on the consent that 2 plots on the scheme to be bungalows to meet M4(2) accessible and adaptable standard. These are provided through this planning application (plots 15 and 21) and their provision can be further conditioned.
- 8.30. The Council's Housing Officer is now satisfied with the affordable housing mix (10 units – 2 x 1 bed, 6 x 2 bed and 2 x 3 bed). The applicant has clarified that the relevant affordable units comply with the relevant space and accessibility standards required by the S106. Whether the rented properties would be delivered as affordable rent or social rent is still unclear however this is not a matter to be considered at reserved matters stage and would be considered under the provisions of the legal agreement which requires the affordable housing tenure mix to be agreed. The housing officer's comments have been provided to the applicant to ensure they are aware of them in discussions with Registered Providers. The distribution of the affordable housing through the scheme is considered to be acceptable and the AH dwellings are now tenure blind being a similar in design to the market dwellings.
- 8.31. In terms of the market housing mix the following mix is proposed:

Unit Type	Proposed market Housing	Proposed %	MCNP %requirement
2 Bed	5 (incl 2 x bungalow)	28%	30%
3 Bed	8	44%	46%
4/5 Bed	5	28%	24%
Total	18	100%	100%

8.32. This is considered broadly in compliance with the requirements of the policies outlined above and is considered to provide an acceptable mix of dwellings.

Other matters

8.33. The parish council has raised concerns that no contributions were sought for the Primary School. These would have needed to be secured on the outline application

stage and were not requested by the Local Education Authority who are considered to be best placed to advise on the need for additional capacity in schools to serve new development.

- 8.34. Concerns have been raised regarding sustainable construction and the use of gas on the site. However, the application has to be assessed on the basis of the Council's planning policy. Whilst the use of gas fired boilers may be being phased out by Central Government this is not planning policy at the current time and the local planning authority is therefore not in a position to insist they are not provided. However, notwithstanding this it is noted that, following discussion, the applicant has now removed the underground gas tanks and it now appears the applicant intends to include air source heat pumps to serve the dwellings. Whilst this is not a policy requirement, in principle it is a welcome change, though details will be required as to where the air source heat pumps would be installed, in the interests of visual amenity and the character of the development. Furthermore, full details of how the proposal will meet the Council's carbon reductions standards will need to be provided under condition 16 of the outline consent at a later stage.

Conditions

- 8.35. As noted earlier in this report, the applicant wishes to discharge a number of conditions through this application. However, given this is a separate application to the outline, and a Reserved Matters application and not an application for planning permission, those conditions cannot be discharged here, but would require the submission of a separate, discharge of conditions application.
- 8.36. The conditions of the outline permission which remain applicable are numbers 5, 7, 8, 9, 10, 12, 14, 15, 16, 18, 19, 20, 23 and 24, which require the submission of a discharge of condition application, as well as statement conditions numbered 4, 21, 22.
- 8.37. Condition 6 – Requirement for 2 bungalows to be constructed to Building Regulations M4(2) standard - The accommodation scheme confirms the Plot 14 and Plot 21 will be bungalows and constructed to M4(2) standards for accessible and adaptable homes. The Strategic Housing Officer is satisfied with this. This can be conditioned to be provided.
- 8.38. Condition 11 – Surface water drainage strategy – A report prepared by Simpson TWS Consulting Engineers titled 'Condition 11 Report – Surface Water Drainage Scheme (Job no P18-654 – dated 25th February 2022) has been submitted in respect of this condition. The Drainage Strategy outlines that water will be discharged to the existing ditch to the south eastern boundary of the site. The surface water will be attenuated on site so that water runoff from the site will not exceed greenfield rates (with a further allowance for climate change) using a series of systems including an attenuation crate under the open space, a swale, and permeable block paving. The Drainage Strategy also includes a 'Drainage Implementation Management and Maintenance Plan' at Appendix F. A letter from Savills dated 10th June 2022 (ref: L 220610 JY - Update Submission to CDC) confirms that a management company will be responsible for future maintenance of the swale and surface water drainage systems along with the private roads. The adopting authorities (Water company and OCC) will be responsible for the remaining drainage systems.
- 8.39. The above information has been subject to consultation with the Lead Local Flood Authority (OCC) and the Water companies. They all raise no objection to the details submitted. The LLFA provides technical advice to the District Council on these matters and is satisfied with the proposal for surface water and that it will not

increase flood risk and is appropriate to the relevant standards. Whilst it is noted that a number of residents have raised concerns regarding the potential flooding and other flooding events that have occurred in the village, the role of the current application has to be considered on its own merits and cannot be required to resolve pre-existing problems. The maintenance requirements would be the responsibility of the management company established by the developer. Given there is no objection raised to these matters by any statutory or technical consultee the details submitted are considered to be acceptable.

- 8.40. Concerns have been raised that the surface water/combined sewer system provided by Anglian Water is not adequate to accommodate the flows from the development and that flooding has occurred in the village with the use of tankers. However, it is not proposed to dispose of surface water to the sewers in this case. There is a condition on the outline permission which requires details of foul water drainage (condition 24) prior to any works above DPC. These details would be subject to consultation with Anglian Water.
- 8.41. Overall, based on the comments of the statutory consultees the details are considered to be acceptable.
- 8.42. Condition 13 – Footpath connection to public footpath to southern boundary. The site layout plans show the provision of a new footpath connection to the south of the site in front of units 09 and 10. The Planning Statement highlights this will be provided prior to the occupation of no more than 15 dwellings. This connection is considered to be acceptable and would provide a new link to some of the services in the village and lead to greater integration. As part of the S278 works secured under the S106 agreement on the outline planning consent there is a requirement to ‘open up pedestrian access from the site to public footpath 219/6’ and widen and surface the footpath. These matters outside the site would be covered by the legal agreement.
- 8.43. Condition 17 – Biodiversity enhancement - The Council’s Ecologist (CE) has no objection to the layout or landscaping proposals. The applicant has outlined that it is not possible to achieve a net gain in biodiversity on the site through the use of a biodiversity metric. The CE agrees this is the case and therefore in this case off-site provision is being made. The applicant has worked with a Trust of Oxfordshires Environment (TOE), an environmental funder, to provide an offsetting scheme in the village which includes grassland management and hedgerow planting. This would compensate for the loss of biodiversity on the application site. A management plan of this site has been provided and the Council’s Ecologist is satisfied with the proposal. In order to secure this a condition is proposed which requires the developer to provide evidence that they have brought the relevant credits from TOE to deliver this scheme. It would then be the responsibility of TOE and the other landowner to deliver the scheme on the ground with the funding provided by the applicant. Overall, in this specific case this solution is considered to be acceptable and will be delivered locally.
- 8.44. The biodiversity enhancement scheme does not include details of the location of built in features; however, these can be secured through a condition which has been agreed with the applicant.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The proposed development as amended is considered to comply with the relevant policies in the Development Plan and provide a high quality development. It is therefore considered to constitute sustainable development and it is recommended that approval of the reserved matters be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms, Arboricultural Method Statement (21-2173 V5 – June 2022), Ethos Biodiversity Net Gain Results May 2022, Condition 11 Report Surface Water Drainage Scheme (Job no: P18-654 Date 25.02.2022, Issue no 4), Accommodation Schedule and the following plans and documents:

PLN.01		LOCATION PLAN
PLN.02	P	ILLUSTRATIVE SITE LAYOUT
PLN.03	P	BLOCK PLAN
PLN.04	P	TENURE PLAN
PLN.05	A	PLOTS 1, 17, 28
PLN.06	D	PLOTS 2, 11, 14, 20
PLN.07	A	PLOTS 3 & 4
PLN.08	A	PLOTS 5 & 6
PLN.09	A	PLOTS 7 & 8
PLN.10 a	B	PLOTS 9 & 10
PLN.10 b	A	PLOTS 18 & 19, 25 & 26
PLN.11	A	PLOTS 12 & 13
PLN.12	A	PLOTS 15, 21
PLN.13	A	PLOTS 16, 22
PLN.14	A	PLOT 23
PLN.15	A	PLOT 24
PLN.16	A	PLOT 27
PLN.17	A	GARAGES
PLN.18	B	ILLUSTRATIVE STREET SCENES
PLN.19	P	OPEN SPACE PLAN

PLN.20	R	BOUNDARY TREATMENT PLAN
20-4772	V12	Detailed Landscape Design
20-4772	V12	Plant Schedule and Overview
20-4772	V12	Planting Specification
20-4772	V12	Detailed Landscape Design Inset 1
20-4772	V12	Detailed Landscape Design Inset 2
20-4772	V12	Detailed Landscape Design Inset 3
20-4772	V12	Detailed Landscape Design Inset 4
20-4772	V12	Detailed Landscape Design Inset 5
20-4772	V12	Detailed Landscape Design Inset 6
20-4772	V12	Detailed Landscape Design Inset 7
20-4772	V12	Hard Landscape Information
J32-3847-PS-006		Swept Path Analysis

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

- Notwithstanding the details on the approved plans the bungalows to be constructed on Plots 15 and 21 (as shown on drawing PLN.02 Rev P and PLN12 Rev A) shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes. The dwellings shall be provided on site to accord with this standard and shall be retained as such thereafter.

Reason: To provide a mix of dwellings as supported by Policy PH3 of the Mid Cherwell Neighbourhood Plan (2019), Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

- The surface water drainage strategy shall be provided, managed and maintained in accordance with the details in the report by Simpson TWS Consulting Engineers titled ‘ Condition 11 Report – Surface Water Drainage Scheme (Job no P18-654 – dated 25th February 2022), drawing number P18-654 SK01 P6 (contained within the report) and letter from Savills dated 10th June 2022 (ref: L 220610 JY - Update Submission to CDC). The scheme shall be provided prior to

the occupation of the site and shall thereafter be managed and maintain in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained and to manage the flood risk on or off the site resulting from the proposed development in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

4. The development shall be carried out in strict accordance with the details contained in the submitted Arboricultural Method Statement (Ref: 21-2173 – Version 5 dated June 2022). All tree and hedgerow protection measures must be in place prior to any development commencing.

Reason: To protect the existing trees on the site in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

5. No development shall commence above slab level on any dwelling to be constructed of natural stone until a natural stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and their garages shown to be constructed in natural stone on the submitted Accommodation Schedule shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area 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.

6. No development shall commence above slab level on any dwelling to be constructed of reconstituted stone until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and their garages shown to be constructed in reconstituted stone on the submitted Accommodation Schedule shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area 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.

7. Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, full details of the architectural details of the dwelling(s) and garages, including windows (including material, colour and recess from brick/stone face), doors, heads, cills, lintels, eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed

development and in the interests of the character and appearance of the area 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.

Note: All casement windows should have balanced casements with even sightlines. True sash windows should be provided. Glazing bars should be true glazing bars or external glazing bars.

8. A schedule of materials and finishes to be used in the external roof(s) of the dwellings/garages shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

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 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence above slab level until full details of the boundary treatments to the site and each plot, including the appearance and details of the materials (including details of the stone and coursing), have been submitted and approved in writing by the Local Planning Authority. The position and height of these shall be in accordance with drawing PLN.20 Rev P. The boundary treatments and means of enclosure shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwelling they serve and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of any dwelling, the means of access, parking and turning area serving that dwelling shall be provided, constructed and retained in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority under a separate discharge of planning condition. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and

Country Planning (General Permitted Development) Order 2015 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans (drawing number PLN.02 Rev P) serving plots 12 and 13 shall be retained for the accommodation of private motor vehicles and shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

13. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the car port(s) hereby approved to plots 3 and 4 (as shown on drawing number PLN.02 Rev P) shall remain open fronted at all times and shall not be enclosed by doors, gates, barriers or bars in any way unless otherwise approved in writing by the Local Planning Authority.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

14. The hard and soft landscaping of the development shall be carried out in accordance with the approved landscaping scheme shown on the approved drawings listed under condition 1 unless otherwise agreed in writing under a separate discharge of condition. The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of the soft landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the commencement of development or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for Tree Works.
b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and

approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this reserved matters permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

16. Prior to the occupation of the 15th dwelling the footpath connection to public right of way 219/6/10 Route number 6 to the south of the site shall be provided in accordance with the approved plans and shall be made available for public use. It shall remain available for public use and retained in accordance with the approved details thereafter and in perpetuity.

Reason: To provide a well connected development which links to the remainder to the village in an acceptable manner and provides permeability 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.

Planning notes: The developer is directed to the legal agreement relating to the outline planning application which requires a number of works to undertaken to this existing public right of way under a Section 278 agreement.

17. No development shall commence unless and until a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme totalling a minimum of 3.8 biodiversity units has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Offset Provider and provided to the Council. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.

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

18. The development shall be carried out and managed in accordance the details outlined in Ethos Biodiversity Net Gain Results May 2022 unless otherwise agreed in writing by the Local Planning Authority. The recommendations shall be incorporated into the Landscape and Ecological Management Plan (LEMP) to be submitted under condition 18 of the outline planning consent (19/00616/OUT)

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

19. Prior to any works above slab level full details of built-in enhancements for biodiversity, such as the provision of bird and bat boxes and hedgehog highways shall be submitted and approved in writing. The development shall thereafter be carried out in accordance with the approved details.

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

PLANNING NOTE:

Thames Water have advised they have assets in the vicinity of the site. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The developer is advised to read Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> . For further information please contact Thames Water. Email:developer.services@thameswater.co.uk

Informative Note:

The applicant is advised that conditions 5, 7, 8, 9, 10, 12, 14, 15, 16, 18, 19, 20, 23 and 24, which require the submission of a discharge of condition application, and 4, 21, 22, which are statement conditions, remain applicable and to be complied with.

Case Officer: James Kirkham

DATE: 25.08.2022

Checked By: Nathanael Stock

DATE: 31.08.22
