

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING STATEMENT TO ACCOMPANY AN
APPLICATION FOR:

***“FULL PLANNING PERMISSION FOR THE
ERECTION OF 2 DWELLINGS, ON LAND EAST
OF THE LEYS, ADDERBURY”***

ON BEHALF OF
MRS B BIGGAM

NOVEMBER 2021

PF/9614

CONTENTS

1.0 Introduction

2.0 Site and Surroundings

3.0 The Development

4.0 Planning Policy Considerations

5.0 Planning Assessment

- The Impact of the Proposed Development on Access and Highway Safety.
- The Impact of the Proposed Development on the Character and Appearance of the Area.
- The Impact of the Proposed Development on the Landscape and Visual Impact.
- The Impact of the Proposed Development on the Local Economy.

6.0 Conclusion

APPENDICES

APPENDIX 1 Title Plan

APPENDIX 2 LHA Response (27th August 2021)

APPENDIX 3 List of Documents and Plans Submitted

APPENDIX 4 APP/C3105/W/20/3255419 Land off Berry Hill Road, Adderbury

APPENDIX 5 APP/C3105/W/21/3271094 Land at Bretch Hill, Balmoral Avenue, Banbury

1.0 INTRODUCTION

1.1 This Planning Statement is prepared on behalf of Mrs B Biggam, in support of a full planning application for the erection of 2 dwellings on Land East of The Leys, Adderbury. The application description is:

“Full planning permission for the construction of 2 dwellings, on land east of The Leys, Adderbury”

1.2 This planning application follows the withdrawal of 2 separate planning applications for the erection of 3-dwellings (Ref: 19/00619/F and Ref: 19/02691/F) and a third withdrawal for a 2-dwelling scheme (21/00343/F). The first 3-dwelling application was withdrawn to address Adderbury Parish Council’s query on the ownership of the existing access road. The ownership issue has been addressed. The Title Plan at **Appendix 1** confirms the Applicants ownership of the access road.

1.3 The second 3-dwelling planning application was withdrawn to address; (i) concerns of the Case Officer relating to scale and massing, and the impact of the proposed development on the rural character of the surrounding; and (ii) Oxfordshire County Council (the Local Highway Authority (LHA)) concerns regarding the impact the proposed development would have on the local highway network. At this point the development was reduced from 3 dwellings to 2.

1.4 Since the withdrawal of the planning application in relation to a 2-dwelling scheme, the Applicant has undertaken Pre-application enquires with the Local Highway Authority. The LHA response can be found at **Appendix 2**. The LHA overall concluded:

‘I cannot see much of a risk to highway safety in this scheme. It will be a very slow speed environment with few vehicle movements’

1.5 Since the withdrawal of the 2-dwelling scheme, the planning context within Cherwell District Council has changed, in that the Council is unable to demonstrate a 5-year housing land supply. The latest Annual Monitoring 2020 (December 2020) sets the district’s housing land supply at 4.7-years.

1.6 Where a local planning authority cannot demonstrate a 5-year housing land supply, the presumption in favour of sustainable development at paragraph 11 of the National Planning Policy Framework 2021 (NPPF) is engaged. Footnote 8 of the NPPF confirms housing policies contained within the local plan are considered out-of-date, where a 5-year housing supply of deliverable housing sites, cannot be demonstrated.

1.7 Paragraph 14 of the NPPF states that where the presumption, at paragraph 11d, applies to housing, the adverse impact of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits. Paragraph 14 sets thresholds where this would not be the case (this is explained further in the planning policy section of this statement). In all other cases, housing policy in a Neighbourhood Plan would be considered out-of-date.

- 1.8 In light of the above, as the Adderbury Neighbourhood Plan (ANP) was adopted in July 2018, is over 2 years old, and does not allocate any housing sites, the housing policies in the ANP are considered to be out-of-date
- 1.9 The Applicant considers that the proposed development contributes to sustainable development and is in compliance with the development plan as a whole. The Council cannot demonstrate a five year supply of deliverable housing sites. The tilted balance is engaged and this planning application should be approved 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”* (para. 11d, NPPF)
- 1.10 The following sections of this Planning Statement, as an overarching document, demonstrates that when assessed against the policies in the NPPF as a whole, the proposed development will not result in any adverse impacts that would significantly and demonstrably outweigh the developments benefits. As such, the planning application should be approved.
- 1.11 **Appendix 3** lists the documents and plans accompanying this planning application.

2.0 SITE AND SURROUNDINGS

- 2.1 Adderbury is one of Oxfordshire's larger villages lying in the administrative boundary of Cherwell District Council. Adderbury has a population of around 2,400 people living in around 1,200 dwellings. Adderbury lies 3 miles outside of Banbury and 25 miles north of Oxford. The village straddles the Sor Brook, a tributary of the River Cherwell which divides the village into two neighbourhoods, East Adderbury and West Adderbury.
- 2.2 The main A4260 runs north-south through the village connecting it to Banbury to the north and to the south to Kidlington and beyond to Oxford. There are regular bus services to these towns. Kings Sutton train station is located 3 miles to the northwest, and Banbury station is 4 miles to the north, providing regular and frequent trains to London, Oxford, Manchester and Birmingham.
- 2.3 The residents of Adderbury have access to a range of everyday facilities and services including; a post office; Adderbury Stores; a range of public houses; library and Primary School. There are several public open spaces for residents to enjoy including, the Lucy Placket Playing Field and The Lakes nature reserve.
- 2.4 The application site is located to the rear of The Leys in Adderbury and comprises an area of unmanaged scrubland with occasional mature ornamental trees. The site has a gentle slope west to east. The existing railway corridor to the north of the site (outside of the site) comprises of an earth bund with entirely contained views of the site to the north. The land to the south and west (outside of the site) gently rises to Horn Hill Road and Berry Hill Road. There are several trees protected by Tree Protection Orders (TPO) across the Site.
- 2.5 The western boundary of the site is contiguous with the curtilage of the existing dwelling known as Leys House, with Leys Cottage and The Leys road corridor and dwellings beyond. The northern site boundary is defined by a concrete service road running broadly east to west that leads to the sewage treatment works. The eastern boundary extends further into scrubland with occasional mature trees. There is a derelict tennis court adjacent to the southern site boundary adjacent to the side curtilage of the neighbouring dwelling known as Culbone.
- 2.6 The sites western boundary lies contiguous with Adderbury Conservation Area (CA). A CA is an area of '*special architectural or historic interest, the character of which is desirable to preserve or enhance*'. The Adderbury CA follows an east-west axis through the village and comprises the historic village core, principally lying along both sides of the High Street, and its setting. The CA identifies 8 distinct areas within the village that have particular defining characteristics.
- 2.7 The Character Area known as The Valley Landscape is a parcel of land that runs to the rear of the built development within the CA and follows the Sor Brook that serves the village east and west. The Valley Landscape to the south includes The Lucy Plackett Playing Field and bounds

the dismantled railway landscaped bund. The adjacent recreation ground to the rear of the dismantled railway line bund allows classic views of the Church of St Mary over the open space.

- 2.8 The street's character includes The Leys, which has strong linear streets which retain strong building lines, with a mix of modern and historic dwellings. This area has a rural ambience but has elements of suburban character such as wall mounted street lights. The topography creates a distinctive character of varying roof lines. The plots are spacious with large front gardens.
- 2.9 The CA to the south east of Adderbury and The Leys is mainly made up of modern infill dwellings. The Grade II listed Leys Cottage is located on the corner of The Leys.
- 2.10 The CA Appraisal includes a visual analysis which identifies significant features, such as landmarks, important green spaces, and positive views. Important landmarks include the Grade I listed Church of St Mary and the Grade II Listed Adderbury House. The important green spaces include The Lucy Plackett Playing Field and green space adjacent to New Road, both contribute to positive views of the Church of St Mary.

3.0 THE DEVELOPMENT

- 3.1 The proposed development consists of the erection of 2 x 5-bedroom dwellings, each with a double garage. Each dwelling has a separate 'drive' accessed off the adjacent access road. The drive facilitates internal vehicular turning areas and family and visitor car parking.
- 3.2 The dwellings have been carefully located within their plots to ensure that the significant trees within the site can be retained. The dwellings will have a contemporary appearance, with stone walls under a tiled roof. Modern building materials and techniques will allow for large glazed areas on the ground floor with single opening side hung windows on the first floor.
- 3.3 Access to the dwellings will be off the existing service road. The radii at the junction of the service road and The Leys has been increased to improve manoeuvrability and vision. The access road at the junction The Leys will be slight widened to allow 2 cars to pass. A footpath will run alongside the dwellings, and extends from the corner of the access road and The Leys until it reaches the eastern boundary of Plot 2.
- 3.4 The existing Public Right of Way (PRoW) will be diverted to run parallel to the southern boundary of The leys garden and then on an east-west alignment along the service road.

4.0 PLANNING POLICY CONSIDERATIONS

4.1 This section of the statement identifies the planning policy context in which the application will be assessed. The national context, which includes the implication of the National Planning Policy Framework (NPPF) and other relevant national documents is discussed first, followed by local planning policy and context.

National Planning Policy Framework 2021 (NPPF)

4.2 The National Planning Policy Framework (NPPF) (2021) sets out the Government's planning policies for England and how they should be applied. Where a local planning authority cannot demonstrate a 5-year housing land supply, the presumption in favour of sustainable development at paragraph 11 is engaged. For decision making this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.3 Paragraph 14 of the Framework further states that where the presumption, at paragraph 11d, applies to housing, where in the circumstances where a Local Planning Authority cannot demonstrate a 5-year housing land supply, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

4.4 The following sections of the Framework contain policy guidance that is relevant to this proposal.

- Section 6: Building a strong, competitive economy;
- Section 9: Promoting sustainable transport;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment; and,
- Section 16: Conserving and enhancing the historic environment.

Local Plan Policies

- 4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.6 In this instance the development plan consists of the saved policies of the Cherwell Local Plan (adopted 1996) and the Cherwell Local Plan 2011-2031 (adopted July 2015). The following planning policies are most relevant to this application.

Adopted Local Plan 1996

- C8: Sporadic development;
- C28: Layout, design and external appearance of new development; and,
- C30: Design Control.

The Cherwell Local Plan 2011-2031(Adopted July 2015)

- PSD1: Presumption in Favour of Sustainable Development;
- Villages 1: Village Categorisation;
- ESD1: Mitigating and Adapting to Climate Change;
- ESD3: Sustainable Construction;
- ESD7: Sustainable Drainage System (SuDS);
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment;
- ESD1: Conservation Target Areas;
- ES13: Local Landscape Protection and Enhancement; and,
- ESD15: The Character of the Built and Historic Environment.

Adderbury Neighbourhood Plan (2014-2031)(ANP)

- AD1: Adderbury Settlement Boundary; and,
- AD2: Green Infrastructure.

Saved Policies of the Local Plan 1996

- HS18: New Dwellings in the Countryside.

- 4.7 Development plans contain broad statements of policy. It is important when considering the merits of a particular planning application to establish whether there is any ‘dominant’ policies whose provisions are most relevant to the proposals. The following policies, Policy Villages 1 (PV1), Policy Villages 2 (PV2) of the CLP 2031 and policy H18 Dwellings in the Countryside (H18) are the dominant policies most relevant to this planning application.
- 4.8 PV1 sets out the hierarchy for development within the rural areas and groups villages into three categories (A, B and C). Adderbury is identified as a Category A village, which are identified as the most sustainable settlements within the rural area of the District based on; population size; number and range of services; accessibility (travel time and distance) of the village to other services and urban areas by private car and public transport; and accessibility in terms of walking and cycling, and local employment opportunities.
- 4.9 PV2 of the CLP 2031 considers the rural housing allocation and allocates 750 dwellings within the plan period to be delivered within Category A settlements (over and above minor windfall developments). This policy allows for development on the edge of the village that is compliant with the Local Plan as a whole. The policy does not restrict the proportion of the 750 dwellings referred to that may be built in one village, nor controls the phasing. PV2 sets a number of criteria that residential development in the rural areas will be assessed against.
- 4.10 Saved Policy H18 of the Cherwell Local Plan 1996 restricts development outside the built-up limits of settlements except in a number of defined circumstances.
- 4.11 Adderbury Neighbourhood Plan Policy AD1: Adderbury Settlement Boundary identifies a settlement boundary at Appendix 1 of the Plan. The policy allows infill development, within the development boundary, and goes on to state that developments outside the settlement boundary will not be supported unless it is demonstrated that... *‘they will enhance or at least not harm, local landscape character’*.
- 4.12 Cherwell District Council is unable to demonstrate a 5-year delivery of housing sites as set out in the 2020 Annual Monitoring Report and further confirmed in the appeal decision for 40 dwellings on Land off Berry Hill Road, Adderbury¹. Paragraph 13 of the appeal decision notice states that *‘The Council sets out that this is in the light of the change in housing land supply requirement in Oxfordshire from three to five years, as per the Ministerial Land Supply Update Statement (LSUS) on 25 March 2021, and to be consistent with Council Planning Officers’ emergent views on housing proposals elsewhere in the district, for example at Deddington and Hook Norton’ (Appendix 4)* (where the policies relating to housing delivery were considered out of date, and the ‘tilted balance ‘ was engaged – authors note).
- 4.13 The Planning Inspector in his Planning Balance and Conclusion at paragraph 37 stated that *‘In the light of the LSUS, the Council confirms that it cannot demonstrate a five year supply of deliverable sites’*.

¹Appendix 4 APP/C3105/W/20/3255419 Land off Berry Hill Road, Adderbury – allowed September 2021.

- 4.14 The Council's 5-year housing land position is further confirmed in the appeal decision for up to 49 dwellings at Bretch Hill, Banbury² (**Appendix 5**). At paragraph 4 the Planning Inspector notes:

'The Council refused the application for five reasons in which they cited conflict with policies of The Cherwell Local Plan 2011-2031 (LP). The National Planning Policy Framework (NPPF) requires the Council to maintain a supply of land for housing "...sufficient to provide a minimum of five years' worth of housing against their housing requirement...". In a Statement of Common Ground (SoCG) dated 4 May 2021 it is stated that "...it is accepted that the Council cannot do so". Consequently, by virtue of paragraph 11(d) of the NPPF and Footnote 7 on page 6, and as stated in the SoCG, the aforementioned LP policies "...are 'out-of-date' and this appeal can only fail if the Council can demonstrate that any adverse effects of the proposal would significantly and demonstrably outweigh the benefits...". It is also stated that "The Council accepts that it cannot demonstrate this and that this appeal should be allowed". The Council has, in effect, withdrawn the five reasons for refusal of the application'.

- 4.15 As a result of this shortfall of deliverable housing site, the most important planning policies in relation to this planning application, as set out above, are PV1, PV2 and H18, relating to housing provision are out of date.
- 4.16 Consequently, the tilted balance, under the terms of paragraph 11 of the Framework is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Other Material Considerations

- 4.17 The following are other material considerations are relevant to this planning application.
- Planning Practice Guidance;
 - Adderbury Conservation Area Appraisal 2012 (ACAA); and,
 - Cherwell Residential Guide SPD (2018).

²Appendix 5 APP/C3105/W/21/3271094 Land at Bretch Hill, Balmoral Avenue, Banbury – allowed June 2021

5.0 PLANNING ASSESSMENT

- 5.1 The following section assesses the likely impact of the proposed development to demonstrate that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development.

The Impact of the Proposed Development on Access and Highway Safety

- 5.2 This planning application is accompanied by a Transport Technical Note (TTN). The TTN noted the rural character of the local highway network in Adderbury, the limited carriageway widths, absence of road marking with no dedicated footways. The nature of the road network being such that slow traffic speeds of a round 10mph, with vehicles giving way to each other or reversing over short distance being a normal occurrence.
- 5.3 The TTN concludes that a safe site access can be created for both proposed dwellings and that local highway network is characterised by slow speeds and low vehicle movements. The LHA response to the Pre-application agreed, and commented:

'I cannot see much of a risk to highway safety in this scheme. It will be a very slow speed environment with few vehicle movements'

- 5.4 The following paragraphs address the LHA comments from the previous withdrawn application and the Pre-application response. See the TTN for further details. There are 2 sections of The Leys Road; the main section that extends from Tanners Lane in a south-easterly direction and terminates at the end of the 'cul de sac' (referenced for ease as The Leys 1); and, the secondary section that runs perpendicular to the main section and extends to the existing access road to the application site (referenced for ease as The Leys 2).
- 5.5 *Access road and suitability.* In accordance with Manual for Streets, the TTN has confirmed a minimum width of 4.1m is required for two cars to pass. This is achievable in four separate locations along the access road (The Leys 2), with clear forward visibility from each place where passing is possible. Road widths are shown on Dwg no: 514.0002.001. The LHA pre-application response at bullet point 5 agrees, and concludes; *'Seems to be plenty of width in the section with the vegetation cut back'*.
- 5.6 *Visibility of the bend from the access road on to The Leys 1:* Although, not believed to be necessary because of the few vehicle movements and the slow speed of the traffic in this location; to address concern of the LHA (in the previous withdrawn application), it is proposed to widen a small section of the access road junction at The Leys 1 as shown on Dwg no: 514.0002.001. This demonstrates that cars will be able to pass on this junction, in order to prevent, in the unlikely occurrence that a vehicle may have to wait on The Leys 1, to allow a vehicle to leave via the application site's access road.

- 5.7 *Visibility of the bend at the corner of the access road and The Leys 2:* It is proposed to remove a tree located on the corner bend and to make a minor amendment to create an increased radius. This will have the effect of opening up this corner of the road and allowing forward visibility for vehicles entering or egressing from the access road, as shown on Dwg no: 514.0002.003.
- 5.8 The following bullet points address other comments contained within the LHA Pre-application response:
- The access road (concrete section) is within the ownership of the Applicant. The minor changes to the road can be achieved;
 - The minor widening of the road, at the junction of The Leys has no ownership title. In accordance with the Town and Country Planning Act, the planning application will be publicised in the Banbury Guardian;
 - Construction traffic details will be included in a Construction Management Plan secured by condition;
 - Refuse is collected from the access road for other residential properties. The proposed development includes the provision of a bin store adjacent to the access road and is considered to be appropriate;
 - As agreed with the Public Right of Way Officer, the existing public right of way will be diverted to run along the access road. A pedestrian footpath runs the length of the access road, where the proposed dwellings are located. This is an improvement on the existing arrangements; and,
 - The proposed chain link fence to the northern boundary will not impact the informal access to the recreation ground.
- 5.9 Each dwelling will have its own access from the adjacent access Road. A turning area within each plot allows safe access and egress. The double garage and external hard surface will allow for family and visitor parking.
- 5.10 Adderbury is considered a sustainable location, with access to a range of everyday facilities on the High Street, within easy walking (500m 10-minute walk or 3-minute cycle) of the site. Facilities include a range of coffee shops and eateries, grocery shop, post office and hairdressers. Christopher Rawlins Church of England School is located 800m to the east, with several GP surgeries within 2 miles of the village. There are 2 regular bus service from Adderbury to Oxford and Banbury (Stagecoach H4 and S4 Oxford to Banbury).
- 5.11 The proposed development will not adversely impact the local highway network and will generate a de-minimus increase in traffic. Adderbury is a sustainable location with a range of everyday facilities, that will encourage modes of travel, other than by the private car. The proposed development complies with Local Plan Policy SLE 4 and the Framework.

The Impact of the Proposed Development on the Character and Appearance of the Area.

- 5.12 The immediate locality is rural in character. The most significant contribution to the character of the site and immediate area are, the trees, the east-west sloping contour of the site, the steep landscaped railway embankment (outside the site) and the sites semi-enclosed feel.
- 5.13 An Arboricultural Report and impact assessment accompanies this application. The survey acknowledges that new developments can be greatly enhanced by the presence of appropriate trees, and the retention of trees can aid the integration of new development into an existing landscape and allow a degree of continuity for both people and wildlife alike.
- 5.14 The survey categorises trees as to their value, with Category A and B being the most valuable, down to G being the least, and U, being of no value. There are several trees covered by TPO on the Site.
- 5.15 The layout, particularly relating to the position of the built form and the access within the site has been carefully undertaken, to ensure that all the most valuable trees, (those with a TPO status and category A and B) that contribute positively to the character and appearance of the site are retained. There will be 14 trees removed to facilitate the development. All the trees to be removed are categorised 'C' or 'U', and do not significantly impact the green and verdant character of the site. The general clearing up of the site, the quality of the architectural design and place making will make a positive contribution to the site and the local area.
- 5.16 The NPPF (Section 12) acknowledges that good design is a key aspect of sustainable development. Good design creates better places in which to live and helps to make development more acceptable to local communities (paragraph 126). Planning policies and decision making should ensure the developments respond to its context, be visually attractive as a result of good architecture, layout and landscaping. These aims are echoed within Local Plan policies ESD 15 of the CLP 2031, CS28 of the CLP 1996 and the adopted Cherwell Residential Guide SPD.
- 5.17 The scale of the proposed development, and the architectural style reflects the immediate surroundings and sits comfortably aside the larger more modern homes along the southern most part of The Leys. The scale of the plots and ratio of the built-up part of the site to the undeveloped reflects the housing density of the immediate locality.
- 5.18 The proposed dwellings have a modern architectural style. To ensure that the dwellings respect the village location, they will be constructed of Cotswold stone (facing) under a tiled roof, with timber windows and doors.
- 5.19 The proposed dwellings will not appear alien in the immediate surroundings and integrates effectively within the immediate surroundings. The general clearing up of the site, the quality of the architectural design and place making will make a positive contribution to the site and

the local area. The proposed development is in accordance with the Framework and policy ESD 15 of the CLP 2031, CS28 of the CLP 1996 and the adopted Cherwell Residential Guide SPD.

The Impact of the Proposed Development on the Landscape and Visual Impact

- 5.20 A Landscape and Visual Assessment (LVA) accompanies this application. The appraisal assesses the principle of residential use of the site. The appraisal confirms that the internal features of the site, particularly the urbanising boundary treatments, and the immediate presence of residential development to the west and south, reinforces a settlement fringe character. The edge of settlement location further reinforces the strong relationship with Adderbury.
- 5.21 The LVA concludes that the sensitively designed plot layout will not introduce new or alien features that do not already exist within the site or within the locally perceived landscape. The successful integration of the design and retention of significant trees and other landscape will ensure that the proposed development will be viewed within a mature vegetated setting, against the existing settlement edge of Adderbury.
- 5.22 The LVA has assessed the proposed development from 6 viewpoints; two (Viewpoints A and B) from within the site, and five (Viewpoints 1-5) from outside the site. The appraisal concludes that views from the wider countryside, Viewpoints 4 and 5, from Public Right of Way (PRofW) and viewpoint 3, from the Lucy Packet Playing Field, will be limited, as a result of intervening and the site's heavy landscaping and vegetation. This further illustrates the enclosed nature of the site. The mature intervening vegetation and the dismantled railway corridor further illustrates the strong degree of containment for the site.
- 5.23 The LVA concludes that the residential development of the site could be successfully integrated into the receiving landscape. Table 1 of the appraisal describes how the proposed development respond to the landscape related policy in the ANP. Table 2 of the appraisal describes how the proposed development respond to the landscape related policy within the adopted Cherwell Local Plan.
- 5.24 It is considered that the site is able to be developed for residential use without any adverse harm to the immediate or local character or landscape quality. The proposed development is in accordance with the Framework and ESD15 of the CLP Local Plan.

The Impact of the Proposed Development on the Amenity of Neighbouring Properties

- 5.25 The Leys terminates to the south in a 'cul de sac' of three dwellings with long rear gardens. The southern boundary of the site is contiguous with the boundary of the dwelling known as Culbone on The Leys. In response to representation made by the occupier of this dwelling, Plot 1 has been relocated 5m further into the site, increasing the separation between Culbone and Plot 1 to c35m, and Plot 2 separated by c47m. This separation, together with the existing

boundary landscaping and trees will mitigate the impact of the proposed development on neighbours.

- 5.26 It is concluded that the proposed development will have no adverse impact on the ability of its neighbour to enjoy their properties, and will provide a good standard of amenity for future occupiers. The proposed development is in accordance with the Framework and policy ESD15 of the Local Plan.

The Impact of the Proposed Development on the Biodiversity of the Site

- 5.27 A Preliminary Ecological Appraisal was undertaken in May 2017 to determine whether the presence of any important habitat or species may be impacted by the proposed development. This Appraisal was updated in April 2020.
- 5.28 The Site was considered to have moderate ecological value due to the well vegetated and overgrown nature of the Site, which was considered to present suitable habitat for a range of protected and notable species including reptiles and amphibians, badgers and bats, although no direct evidence of these species were noted.
- 5.29 A small area of snake's head fritillary was identified at the Site (though it could not be established if this was a wild variety or garden species). Due to the rare nature of this plant within Oxfordshire it is recommended that the area of soil embankment in which the plants were growing is translocated to a new location to avoid the loss of this population from the proposed works.
- 5.30 There was no evidence of setts or of badger presence, other than a few potential snuffle holes. No further surveys are required. The only perceivable ecological value of the site appears to be for bats, nesting birds and Great Crested Newts. Following the recommendation of the appraisal a nocturnal bat survey and a Great Crested Newt survey were undertaken. It was noted that any tree or hedge removal should be undertaken outside the bird nesting period 1st March – 31st August.
- 5.31 A presence/absence and population Great Crested Newt survey was undertaken between April and June 2018. Following the survey, a Natural England Great Crested Newt risk assessment was carried out. Section 5 of the survey identified 'reasonable avoidance measures' that would ensure the maintenance of the favourable conservation status of the Great Crested Newt within the locality.

The Impact of the Proposed Development on the Adderbury Conservation Area (CA)

- 5.32 The application site lies contiguous with the southern boundary of the Adderbury CA. The CA boundary then follows the top of the former dismantled railway bund that is adjacent to the northern boundary of the site. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or

enhancing the character or appearance of the area and that great weight should be given to this.

5.33 The following elements have been identified to contribute to the character and appearance of the CA:

- Impact upon the Valley Landscape Character Area; the open space, (Lucy Plackett Playing field) adjacent to the dismantled railway bund and the view towards the Church of St Mary.

Impact: The proposed development being located to the south of the bund and at much lower ground level will have no impact on the openness of the playing field or the view and setting of the Church of St Mary.

- Impact upon The Street Character Area: strong linear streets with strong building lines with a mix of historic and modern building. The Grade II listed Leys Cottage is located on the corner of Leys Road as it sweeps northerly to the more modern infill properties.

Impact: The proposed development is separated from The Street Character Area and the listed Leys Cottage by the Leys House. The proposed development will have no impact on the features that contribute to the character and appearance of The Street character area. The proposed development will not harm the setting of Leys Cottage.

5.34 It is considered that the proposed development will preserve those elements that contribute to the character and appearance of the Conservation Area.

The Impact of the Proposed Development on the Local Economy

5.35 Although it is appreciated that the proposed development is small scale, the construction phase of the development will require a range of professional and associated skills, ranging from designers, engineers, construction workers and machine operatives. The scale of the development will likely attract and assist on-going construction work for local construction companies.

5.36 As a result of potential local construction expenditure on materials and other local services such as plant hire, the development will also have a wider indirect benefit to the search area in terms of the supply chain.

6.0 CONCLUSION

- 6.1 Cherwell District Council is unable to demonstrate a 5-year delivery of housing sites. The *tilted balance*, at paragraph 11 of the Framework is engaged. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- 6.2 The distribution of housing growth across the district is in line with the District spatial strategy. The proposed 2 dwellings will contribute to the housing growth across the rural areas and to Policy Villages 2. In line with the NPPF, the proposed development will assist in boosting the supply of homes and makes efficient use of land. This considered to have **a moderate beneficial effect**.
- 6.3 The proposed development consists of high-quality architectural design that will enhance the immediate surrounding. This is considered to have a **significant beneficial effect**.
- 6.4 The proposed development will preserve the character and appearance of the Adderbury Conservation Area and will not impact the setting of nearby Listed Buildings. This is considered to have a **neutral effect**.
- 6.5 The proposed development creates the opportunity to increase the biodiversity value of the Site. This is considered to have a **moderate beneficial effect**.
- 6.6 Safe access to the Site will be from the existing access road on the northern boundary of the Site. Each dwelling will have its own driveway to enable safe access and egress. The additional 2-dwellings will have no adverse impact on the Local Highway Network. This is considered a **neutral effect**.
- 6.7 The proposed development will preserve the existing amenity enjoyed by the occupiers of neighbouring properties. This is considered a **neutral effect**.
- 6.8 The planning balance demonstrates that the proposed development will have no adverse impacts that would significantly and demonstrably outweigh the benefits, that of delivering 2 high quality dwellings, as such, the planning application should be approved.

The Applicant respectfully requests Cherwell District Council to approve this application.

APPENDIX 1

Our Ref: PC/KWH/BIG00063/0002
Your Ref:
Date: 14 November 2019

bower bailey

SOLICITORS

Monument House, 31-34 South Bar
Banbury, Oxfordshire. OX16 9AE
T: (01295) 265566 F: (01295) 270536
DX: 24214 Banbury

To Whom it may concern

Dear Sirs,

Re: Our Client: Mrs Beris Fordyce Biggam
Property: The Leys, Adderbury, Banbury, Oxfordshire OX17 3ES

I confirm that I act for the above in various matters and that we are instructed to look into the title for her property which she purchased by way of a Conveyance dated 23rd July 1965. The investigation was due to a query regarding a track of land that lies within our client's title, as Adderbury Parish Council are of the opinion that this was within their title. We entered into correspondence with the Parish Council to supply a copy of our client's unregistered title and clarified to them that the track concerned was always within our client's ownership and they maintained this. As a result of the investigations we were instructed to submit an application to the Land Registry and confirm that title absolute was awarded to Mrs Biggam under title number ON351440 and a copy of the title and plan is attached hereto.

The track concerned is shown at the northern end of the property by a broken black line. The original Conveyance to Mrs Biggam in 1965 specifically makes reference to this track and says that she takes subject to "a right of way for the Banbury Rural District Council along the northern boundary of Ordnance Survey number 44 for the purposes of access to and egress from the Engine House shown on the said plan". A copy of the plan to the 1965 Conveyance is also attached. The Engine House is shown to the right of the property which is edged red.

I will confirm therefore that the track is totally within our client's title and has been since she acquired the property at The Leys, and she has been in occupation and use of the land including the track throughout. If you need any further information please let us know.

Yours faithfully,



Philip Cooksey Partner
Bower & Bailey

E: pcooksey@bowerbailey.co.uk
I: www.bowerbailey.co.uk

OXFORD | BANBURY | SWINDON | WITNEY



Official copy of register of title

Title number ON351440

Edition date 12.08.2019

- This official copy shows the entries on the register of title on 29 Aug 2019 at 09:00:12.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 29 Aug 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

OXFORDSHIRE : CHERWELL

- 1 (12.08.2019) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being The Leys, Adderbury, Banbury (OX17 3ES).
- 2 (12.08.2019) The land has the benefit of any legal easements granted by a Conveyance of the land in this title and other land dated 23 July 1965 made between (1) Albert Edward Exall and (2) Beris Fordyce Biggam but is subject to any rights that are mentioned in the said deed and affect the registered land.

NOTE: -Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (12.08.2019) PROPRIETOR: BERIS FORDYCE BIGGAM of The Leys, Adderbury, Banbury OX17 3ES.
- 2 (12.08.2019) The value as at 12 August 2019 was stated to be between £500,000 and £1,000,000.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

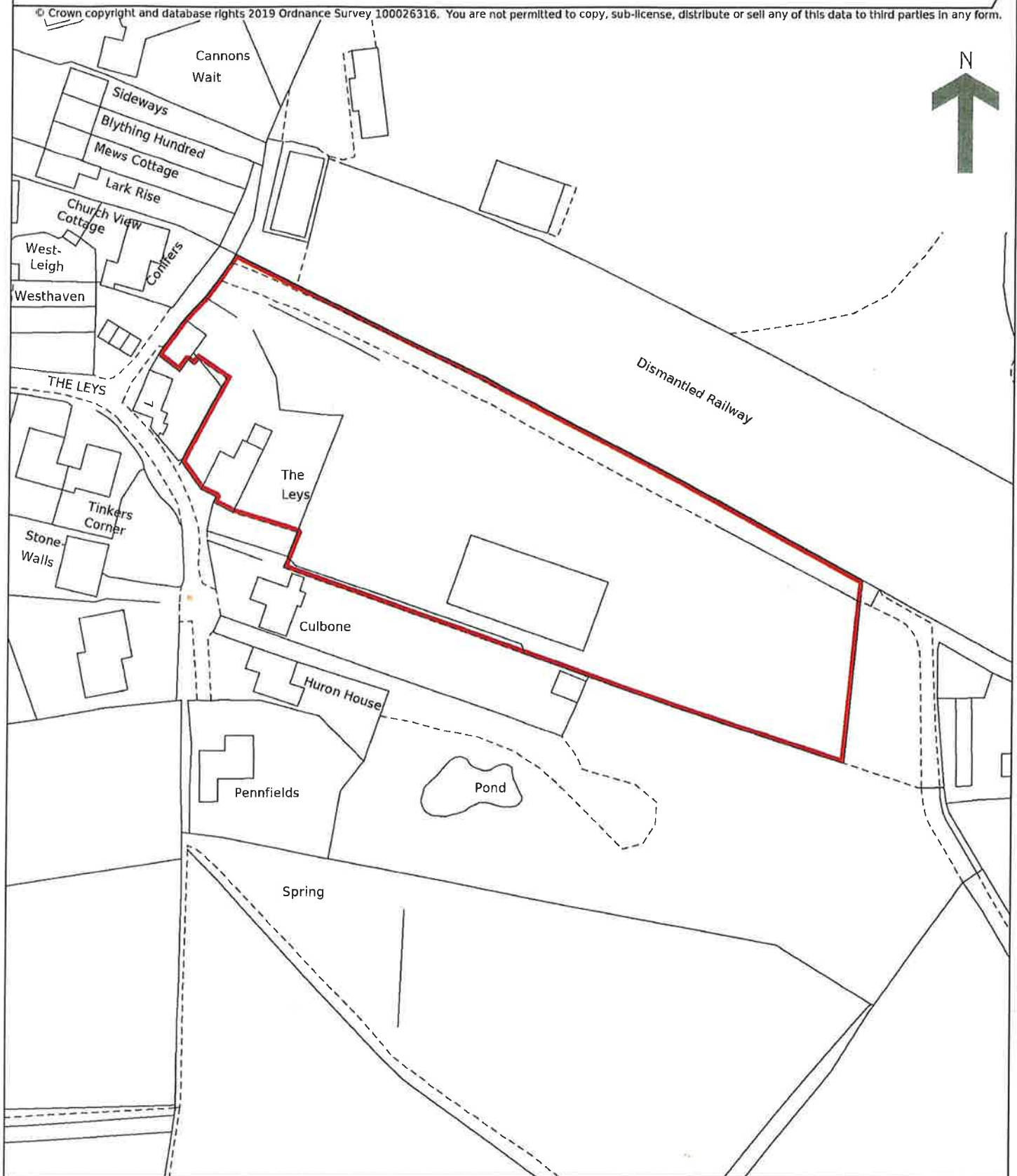
This official copy is issued on 29 August 2019 shows the state of this title plan on 29 August 2019 at 09:00:12. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Gloucester Office .

HM Land Registry
Official copy of
title plan

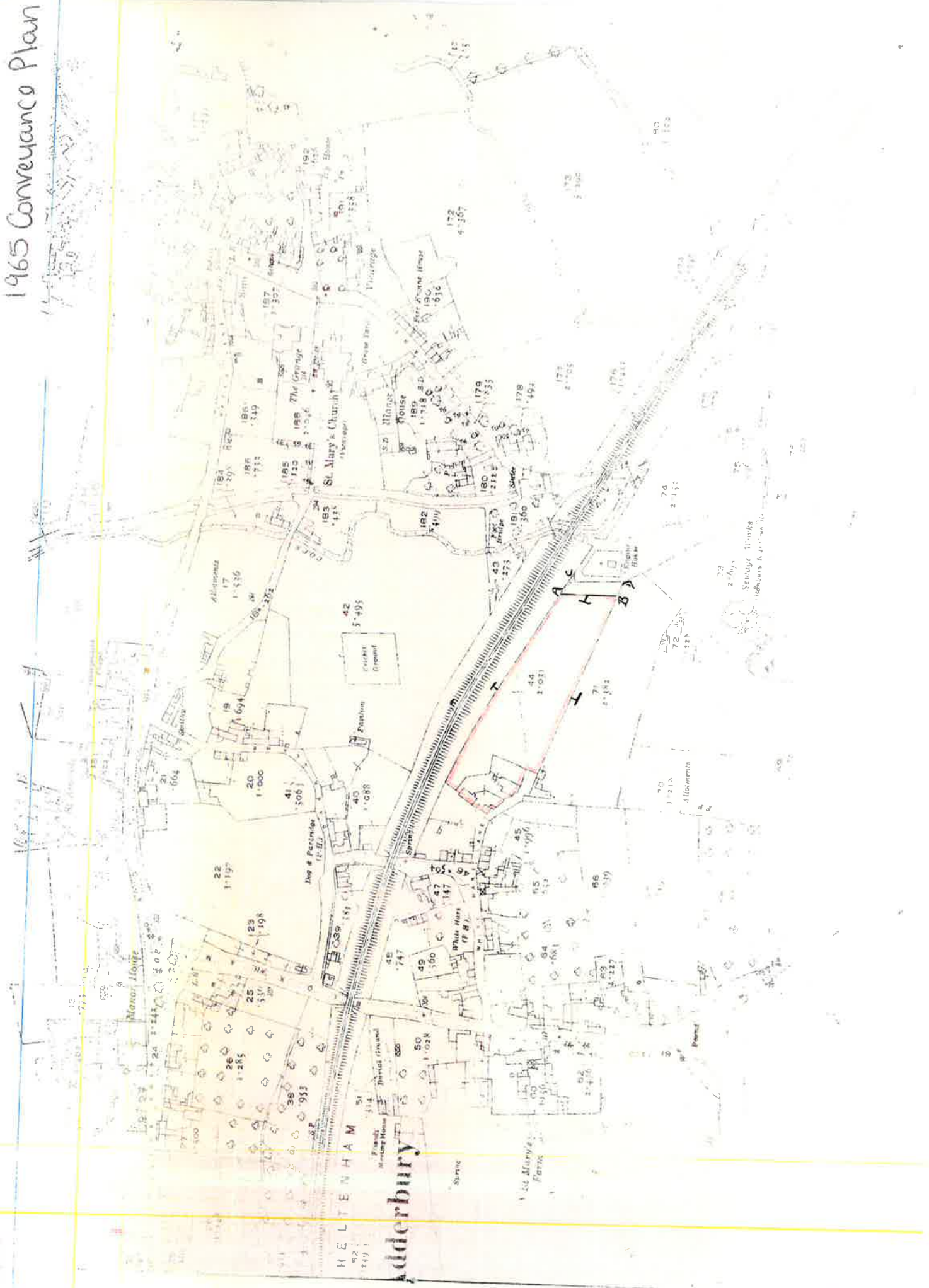
Title number **ON351440**
Ordnance Survey map reference **SP4635SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Oxfordshire : Cherwell**



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1965 Conveyance Plan



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APPENDIX 2

James Rand

From: Batchelor, Kevin - Communities <Kevin.Batchelor@Oxfordshire.gov.uk>
Sent: 27 August 2021 08:23
To: Nicholas Wyke
Cc: Debbie Jones
Subject: RE: 10 08 The Leys ADDERBURY

Hi Nick

Please excuse the delay of this reply.

My colleague visited the site when in Adderbury looking at another application. He has commented as follows –

I cannot see much of a risk to highway safety in this scheme. It will be a very slow speed environment with few vehicle movements. I have a couple of queries/clarifications though:

- The concrete section of road is not adopted. Will they have the right to modify/widen it?
- The “Access Assessment and Proposed Alterations” drawing shows a solid line edging the road. Are they proposing kerbs?
- Will be difficult to widen a concrete slab by a small amount, without it falling apart.
- The Site Layout Plan shows a passing bay outside Plot 2 (the other drawings don't). Not much use here; passing could take place in the driveway opening if necessary. A passing bay would be more use on existing plot, by T2.
- Seems to be plenty of width on that section anyway if the vegetation is cut back.
- Looks like the 90degree bend will be “opened up” to allow some visibility across the corner.
- A 2m high chain link fence and hedge is proposed along the northern boundary. I presume, then, that the service road is on their land. The fence would block the unofficial path to the recreation ground. This will not be popular!
- Bin collection will need to be clarified. One local objector says the bin lorry has never reversed down the concrete track – I can believe that. If bins are to be taken to the end of the concrete track, that is a drag distance of approximately 180m from the Plot 2 bin store.

It seems to me, subject to the above, a meeting OCC/Framptons unnecessary for OCC to comment on any further amended application for this site.

Regards

Kevin

Kevin Batchelor
Area Liaison Officer
Oxfordshire County Council
0345 310 1111



From: Nicholas Wyke <Nicholas.Wyke@framptons-planning.com>
Sent: 16 August 2021 17:02
To: Batchelor, Kevin - Communities <Kevin.Batchelor@Oxfordshire.gov.uk>

APPENDIX 3

Schedule of Documents and Plans

Planning application for: 'the construction of 2 dwellings, on land east of The Leys, Adderbury'

Reports
Planning Statement
Design and Access Statement
Ecological Impact Assessment
GCN Assessment Survey
Bat Survey Report
Landscape and Visual Appraisal
Arboricultural Method Statement
Transport Technical Note
Drawings
Dwg no. PF9614.03 Rev A Site Location Plan
Dwg no. 5392.02E Site Layout Plan
Dwg No. 5392.03A Plot 1 Proposed Floor Plans
Dwg No. 5392.04A Plot 2 Proposed Floor Plans
Dwg No. 5392.06A Plot 1 Proposed Elevations - Sheet 1
Dwg No. 5392.07A Plot 1 Proposed Elevations - Sheet 2
Dwg No. 5392.08A Plot 2 Proposed Elevations - Sheet 1
Dwg No. 5392.09B Plot 2 Proposed Elevations - Sheet 2
Dwg No. 5392.12A Proposed Roof Plans
Dwg No. 5392.13A Plot 1 Indicative Perspectives

APPENDIX 4



Appeal Decision

Hearing held on 22 June 2021

Site Visit made on 23 June 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/C3105/W/20/3255419

Land off Berry Hill Road, Adderbury, OX17 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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: 19/00963/OUT, dated 24 May 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described as resubmission of application 17/02394/OUT - outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access).
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access) at Land off Berry Hill Road, Adderbury, OX17 3HF in accordance with the terms of the application, Ref: 19/00963/OUT, dated 24 May 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule A.

Applications for costs

2. An application for an award of costs was made by Hollins Strategic Land LLP against Cherwell District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address above, which is taken from the appeal site notice and the Council's appeal questionnaire in the interests of precision, was confirmed at the hearing as being accurate.
4. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access. I have assessed the proposal on this basis and treated the illustrative drawings as simply being an illustration of how the proposal could ultimately be configured.
5. A draft agreement made under Section 106 of the Town and Country Planning Act 1990 as amended, agreed by all parties, was presented at the hearing. This covers provision of affordable housing, highways works and construction apprenticeships and financial contributions in respect of open space and sustainable urban drainage scheme (SUDS) maintenance, and community hall,

healthcare, off-site sports refuse bin, education, public rights of way and transport provision. This section 106 planning agreement has been completed and informs my conclusion on the third main issue identified below.

6. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of the latest version of the Framework in relation to the appeal, and so will not be disadvantaged by my having regard to it in reaching my decision.

Main Issues

7. The main issues in this case are:
 - Whether the location of the proposed development is suitable, with particular reference to the spatial strategy for the area and reliance on the private car;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would make adequate provision for local infrastructure, highway safety, affordable housing and future on site future maintenance arrangements.

Reasons

Whether a suitable location

8. The appeal site is adjacent to the south-eastern end of the built-up area of the village of Adderbury. While an access track, sand paddock and stable building occupy some of the eastern part of the appeal site, it is a field with established hedgerow perimeters, which mainly comprises grass paddocks.
9. Policy Villages 2 (PV2) of the Cherwell Local Plan (2011-2031) Part 1 (2015) (LP) specifies a total of 750 homes to be delivered at Category A villages, of which Adderbury is one. This is in addition to the rural allowance for small site 'windfalls' set out in Policy BSC1 of the LP. In addition, saved Policy H18 of the Cherwell Local Plan (1996) (CLP) seeks to restrict development beyond settlements' built-up limits to a limited number of exceptional scenarios.
10. Policy ESD1 of the LP seeks to mitigate and adapt to climate change, in part through 'delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars'.
11. This approach is echoed in the requirement of Policy SLE4 of the LP that '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'. Supporting paragraph B.70 indicates that the strategy is to propose 'more sustainable locations for housing and employment growth, whilst recognising the importance of the car in a rural District. The strategy seeks to avoid increasing the function of the towns as dormitory centres by strengthening their employment base and transport connection to those sites'. A criterion for consideration under PV2

that is relevant to this matter is whether the site is well located to services and facilities.

12. In the first reason for refusal (RFR1), the Council described the proposal as 'unnecessary, undesirable and unsustainable development', 'by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury, with no further development identified through the Adderbury Neighbourhood Plan'. RFR1 also described the proposal as being in an 'unsustainable location on the edge of the village, distant from local services and facilities', such as to result in high reliance by future occupiers on the private car for day to day needs.
13. Subsequent to the Council's decision, they have revised their position to no longer contesting RFR1¹. The Council sets out that this is in the light of the change in housing land supply requirement in Oxfordshire from three to five years, as per the Ministerial Land Supply Update Statement (LSUS) on 25 March 2021, and to be consistent with Council Planning Officers' emergent views on housing proposals elsewhere in the district, for example at Deddington and Hook Norton².
14. Also, the Merton Road (Ambrosden) and North of Shortlands (Sibford Ferris) appeal decisions³ point to the possibility of housing at a Category A village in the district not impeding the essential thrust of the rebalancing strategy of an urban focus on new development in Banbury and Bicester.
15. The Council confirmed at the hearing that their in-principle objection no longer stands in relation to the greenfield extension aspect of the appeal proposal, until such time as the 750 headline homes figure in PV2 is delivered. I see no reason to take a different view on this point.
16. While the Council maintains some concern about the 'relative' remoteness of the appeal site, the site has some accessibility by bicycle and on foot to the centre of Adderbury Category A Service Village⁴. Also, bus service provision to Banbury and Oxford is fairly accessible from the appeal site, albeit via some stretches of unsurfaced grass verge in the village. The above accessibility would be enhanced by the highway improvement works to Berry Hill Road and Oxford Road⁵, which include the pending traffic calming scheme.
17. As such, the proposal is likely to result in a combination of a) a realistic prospect of some additional patronage of and profile for non-car modes of transport in and around the village by more 'green' minded occupants of the proposed development, and b) substantial reliance on the private car by future occupiers to access employment, bulk shopping, leisure, and health care facilities further afield.
18. I therefore conclude that the proposal would incur some private car dependency with associated environmental harm, albeit tempered by localised greener transport opportunities and a recognition of the importance of the car in the rural district. Thus, the proposal would not be entirely suitably located,

¹ As per paragraph 1.1G of the appeal Statement of Common Ground (SoCG).

² Planning Application Refs: 20/02083/OUT (the Deddington application) 21/00500/OUT (the Hook Norton Application).

³ Appeal Refs: APP/C3105/W/19/3228169, September 2019 and APP/C3105/W/19/3229631, December 2019.

⁴ Village Categorisation as per Policy Villages 1 of the LP.

⁵ As illustrated on Proposed Highway Improvement Plan drawing no. 1899-F03.

with particular reference to the spatial strategy for the area and reliance on the private car. As such, the proposal would not fully accord with the focus in Policies ESD1 and SLE4 of the LP on facilitating the use of sustainable modes of transport, and the focus in Policy PV2 of the LP on locating development 'well' in relation to services and facilities. This would result in moderate harm in terms of locational suitability.

19. Since their decision, the Council has changed their position in relation to RFR1⁶, to the point where a) it has no in-principle objections to the appeal proposals with regard to saved Policy H18 of the CLP, Policies BSC1 or PV2 of the LP, save for the consideration of landscape matters, b) it considers the appeal site to be locationally sustainable and c) it considers that the proposal would comply with policies ESD1 and SLE4 of the LP. I accept that the proposal would not impede the delivery of the numerical vision for housing in Policies BSC1 and PV2 of the LP. However, community concern remains about the suitability of the location. I am not persuaded that the exceptions in Policy H18 of the CLP are met. Furthermore, the Council's change in position does not alter the above specifics in this case, and my consequent findings in respect of the identified conflict with aspects of Policies ESD1, PV2 and SLE4 of the LP.

Character and appearance

20. Berry Hill Road leads out of the south-eastern end of the village of Adderbury. Along this road, a relatively spacious, hybrid semi-rural and semi-suburban village character, within and leading to a verdant countryside setting, is apparent. The traffic calming scheme which is due to take place on Berry Hill Road, including chicane detailing, is set to further evolve the hybrid character towards this end of the village.
21. Judging by its illustrative layout, the appeal proposal would reduce the openness and verdancy of a field within an 'arrowhead' shaped area of countryside on the north-eastern side of Berry Hill Road. Also, it would depart from the ribbon pattern of housing on the north-eastern side of the road, and is likely to introduce a meandering cul-de-sac type layout to the southern part of the site.
22. That said, judging by the illustrative layout and what I saw during my site visit, the following combination of factors would go some way towards preserving the sense of an evolved, hybrid semi-rural and semi-suburban village character, in a verdant countryside setting, at the south-eastern end of the village. Established vegetation in the landscape, including perimeter hedging and trees along the appeal site's Berry Hill Road frontage and other boundaries, would substantially screen the development. The envisaged siting of housing towards the southern end of the site would allow for substantial, naturalistic soft landscape buffer zones along the site's front boundary onto Berry Hill Road and its eastern boundary alongside a public footpath.
23. Moreover, the envisaged absence of houses and roads from the northern half of the site would go some way towards tying the proposal in with the meandering line of building extent, on the north-eastern side of Berry Hill Road. Extensive open and verdant countryside would remain beyond much of the appeal site's perimeter. The verdancy of the site's frontage onto Berry Hill Road and its perimeter zones adjoining open countryside would be retained and enhanced.

⁶ As set out in section 1.1D to 1.1G of the SoCG.

Together, these landscape factors would help soften the transition from development to countryside.

24. Consequently, the perception of the hybrid, semi-rural and semi-suburban village character in a verdant countryside setting, of the south-eastern end of the village would endure to a large extent, viewed from the A4260 Oxford Road and much of the public footpath network along the eastern and northern boundaries of the site. Such is the bulk and density of the established boundary vegetation, and envisaged scope for further soft landscaped buffer areas, that the visibility of developed character would be limited to within the site, down the site access and glimpsed views from outside the site through perimeter vegetation.
25. Moreover, footway enhancements along Berry Hill Road and a safer link across Oxford Road to the public rights of way network beyond⁷, together with the envisaged views of the spire of the grade I listed Church of St Mary across the development, would increase opportunities for appreciation of the local landscape.
26. Furthermore, through its scale on the approximately parallelogram shaped site, located towards the south-eastern end of the village, the proposal would have the spatial personality and presence to 'hold its own' as a new 'end stop' to the south-eastern end of the built-up area of the village, without detracting from the evolved architectural character of the village's more recent residential areas, and the historic character of the village's historic core within the Adderbury Conservation Area (CA) located some distance to the north. Given this, and the separation between the appeal site and the CA, the proposal would have a neutral effect on the setting of the CA. The Council and appellant express the shared view that no harm would arise to the listed Church of St Mary or its setting, or to any other heritage asset or its setting⁸. I agree on this point.
27. Drawing the strands together, I find that through reduction of the verdancy and spaciousness of the appeal site, and the increase in developed character towards the south-eastern end of the village, the proposal would reduce the rural character of the village's setting. This would result in a localised adverse impact on the area's character and appearance, tempered by the assimilating factors identified.
28. Therefore, in conclusion the proposal would, overall, moderately harm the character and appearance of the area. As such, it would conflict with Policies ESD13, ESD15 and PV2 of the LP, and saved Policies C8, C27, C28 and C33 of the CLP, which together seek to ensure that development complements, protects and enhances local character. Furthermore, through being development outside the Adderbury settlement boundary, which would harm local landscape character, the proposal would conflict with Policy AD1 of the Adderbury Neighbourhood Plan 2014-2031 (NP).

Infrastructure provision

⁷ As illustrated on Proposed Highway Improvement Plan drawing no. 1899-F03.

⁸ As stated in paragraphs 5.8 and 5.10 of the SoCG.

29. The SoCG⁹ indicates that once the Section 106 planning agreement is completed and signed by all parties, the Council can withdraw the third reason for refusal. This agreement has been completed and signed by all parties.
30. Given the provision in the agreement for affordable housing, highways works and construction apprenticeships and financial contributions in respect of open space and SUDS maintenance, and community hall, healthcare, off-site sports refuse bin, education, public rights of way and transport provision, this main issue is satisfactorily addressed.
31. In conclusion, the proposed development would make acceptable provision for local infrastructure, highway safety, affordable housing and future on site future maintenance arrangements. As such, the proposal would not conflict with Policies INF1, PSD1 BSC2, BSC9, BSC11 and ESD7 of the LP, which together seek to ensure that local infrastructure requirements are met.
32. Policy BSC 2 of the LP does not cover infrastructure and so is not engaged in respect of this main issue.

Other Matters

33. Concerns have been expressed by some local residents about the proposal's effect on road congestion and highway safety, which go beyond the reasons for refusal.
34. The Highway Authority has not objected to the proposal on these grounds. The proposed highway improvement plan includes new footway on Berry Hill Road, and pedestrian refuges on Oxford Road, which would improve pedestrian safety in the locality. Also, the pending traffic calming scheme on Berry Hill Road is likely to have a positive effect on highways safety in the vicinity of the site's access. Furthermore, the Appeal Note on Transport and Highways Matters by the appellant's transport planning consultant indicates that the traffic from the up to to 40 additional homes towards the south-eastern end of the village would not be of a volume to harm the safety or capacity of the road network, including the Oxford Road/Berry Hill Road junction. In the light of the above, I find that, subject to conditions regarding the site access and parking areas, the proposal would not harm the safety and capacity of the local road network.

Conditions

35. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. I have found them to be broadly reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision.
36. Conditions relating to approved plans, the submission and implementation of reserved matters and associated time limits are necessary to provide certainty. I attach conditions relating to the site access and parking areas in the interests of highway safety. Conditions regarding a travel plan, information pack and electric vehicle charging infrastructure are required in the interests of sustainable transport. A condition relating to affordable housing and Lifetime Homes provision is necessary to provide an inclusive mix of housing. Conditions regarding drainage and surface water mitigation are necessary to ensure

⁹ Paragraph 1.1J.

sustainable water management. Conditions relating to ecology, arboricultural protection and landscape are required to safeguard biodiversity and the character and appearance of the area. I attach conditions relating to construction management and contaminated land to safeguard residents' living conditions. A condition is also attached to safeguard archaeological assets.

Planning Balance and Conclusion

37. In the light of the LSUS, the Council confirms that it cannot demonstrate a five year supply of deliverable housing sites. On the evidence before me, I consider the shortfall to be in the region of 0.3 to 0.5 years for the purposes of this decision.
38. The proposal would provide the following benefits. It would contribute up to 40 dwellings in the area, within the above context of housing land shortfall. The dwellings would include up to 14 affordable units and up to two units built to Lifetime Homes standards, to help meet local community housing needs. The proposal would provide potential for enhancing the area's green infrastructure network through additional publicly accessible, naturalistic green space with views of the grade I listed church spire, and proposed highway improvements. Furthermore, associated socio-economic benefits during and after construction would include patronage of local facilities, businesses and services in the village, which would contribute to their sustenance. The above together amounts to a substantial combination of benefits.
39. The harm arising in terms of locational suitability and the area's character and appearance would be moderate, and the resultant conflict with the development plan as a whole carries moderate weight.
40. As a result of the housing land supply shortfall, the policies referred to earlier in this decision, which are those most important for determining the appeal, are out of date. Consequently the tilted balance, under the terms of paragraph 11 of the Framework, is engaged. This tells us 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 of the Framework as a whole.
41. While the proposal would conflict with Policy AD1 of the NP, it is more than three years since the NP became part of the development plan. With reference to paragraph 14 of the Framework, this limits the weight which the conflict with NP Policy AD1 carries.
42. The adverse impacts of the proposal would be moderate in terms of locational suitability and the impact on the area's character and appearance. These moderately adverse impacts would not significantly and demonstrably outweigh the substantial totality of planning benefits, when assessed against the policies in the Framework taken as a whole.
43. As such, the proposal benefits from the presumption in favour of sustainable development. I find that this consideration is of sufficient weight to indicate that planning permission should be granted, notwithstanding the conflict with the development plan. I therefore conclude that the appeal succeeds.

William Cooper INSPECTOR

Schedule A) Conditions

- 1) No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall have been submitted to and approved in writing by the local planning authority. 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 18 months from the date of this permission.
- 3) The development hereby permitted shall commence not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out in accordance with the following approved drawings: Location Plan; 1899-F01 Rev J Proposed Highway Improvement Plan; 1899-F03 Proposed Highway Improvement Plan.
- 5) No development shall commence until have been submitted to and approved in writing by the local planning authority details for the construction of the site access arrangement. These shall be in accordance with the Proposed Highway Improvement Plan drawing Ref: 1899-F01 Rev J. The works shall be carried out as approved, in accordance with the Oxfordshire County Council Residential Road Design Guide, prior to the first occupation of the first dwelling, and retained thereafter.
- 6) No structure exceeding 1m in height, measured from carriageway level shall be placed within the visibility splays of the site access.
- 7) Prior to the first occupation of each dwelling hereby permitted, the parking areas shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved and retained thereafter.
- 8) Prior to first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority a Travel Plan. The Travel Plan shall be prepared to the format shown in Appendix 4 of the Oxfordshire County Council guidance Transport for New Developments: Transport Assessments and Travel Plans (March 2014). The works shall be carried out as approved and retained thereafter.
- 9) Prior to first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority a Residential Travel Information Pack (RTIP), which, as approved, shall be distributed to each dwelling at the point of their first occupation.
- 10) The total number of dwellings on the site shall not exceed 40, and shall include 35% affordable dwellings and 5% Lifetime Living Homes.
- 11) No development shall commence until have been submitted to and approved in writing by the local planning authority a detailed scheme for the

surface water and foul sewage drainage of the development. The surface water drainage scheme as approved shall be carried out prior to commencement of any building works on the site. The approved foul sewage drainage scheme shall be implemented prior to the first occupation of each building to which the scheme relates. The drainage works shall be laid out and constructed in accordance with current edition of the Water UK Sewers for Adoption Design and Construction Guide for Developers.

- 12) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of the construction of the surface water mitigation proposals, including any balancing pond if required, and implementation schedule. The works shall be carried out as approved and retained thereafter.
- 13) No site clearance or development works shall take place until there shall have been submitted to and approved in writing by the local planning authority an ecological enhancement scheme, which shall include implementation timing. The scheme shall be carried out as approved.
- 14) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of an arboricultural protection scheme. The scheme shall be appropriate to the scale and duration of the development works and include the following: a) contact details for the supervising project arboriculturalist; b) relevant persons/contractors to be briefed by the project arboriculturalist on on-site tree related matters; c) the timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist; d) procedures for notifying and communicating with the local planning authority when dealing with any unforeseen variations to the agreed tree works and arboricultural incidents; e) details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (for example reduced dig systems, arboresin or tree grilles).
- 15) All approved tree works shall be carried out in accordance with the current revision of British Standard 3998: Recommendations for Tree Works, by suitably qualified and insured arboricultural contractors.
- 16) No removal of mature trees shall take place until such time as they have been checked for bats by a suitably qualified ecologist prior to removal. Should bats be found to be present in any tree due for removal, a bat mitigation scheme must be submitted to and approved in writing by the local planning authority prior to the removal of the trees concerned. The bat mitigation scheme shall be carried out as approved.
- 17) As part of the reserved matters, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme for landscaping the site shall include: a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas; b) details of the existing trees and hedgerows to be retained as well as any 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; and c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

- 18) 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 landscape areas, other than for 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 as approved.
- 19) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a construction environment management plan (CEMP). The CEMP shall include details of measures to be taken to ensure that construction works do not adversely affect residential properties on, adjacent to or surrounding the site, together with details of the consultation and communication to be carried out with local residents. The CEMP shall be carried out as approved.
- 20) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed assessment of the impact of the development on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan. The assessment shall include future air quality monitoring provision.
- 21) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority an archaeological written scheme of investigation for the development site prepared by a professional archaeological organisation. The scheme shall include a staged programme of archaeological evaluation and mitigation by the commissioned archaeological organisation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
- 22) Each dwelling, prior to its first occupation, shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.
- 23) No development shall commence until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and a written report of the findings submitted to and approved in writing by the local planning authority. The investigation and risk assessment must be undertaken by competent persons and include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM) guidance (available on www.GOV.UK). Remedial works shall be carried out as approved.

APPEARANCES

FOR THE APPELLANT:

Nigel Evers
Sarah Reid
Kathryn Sather
Matthew Symons
Phil Wooliscroft

Viridian Landscape Planning
Kings Chambers
Kathryn Sather & Associates
Hollins Strategic Land
Croft Transport Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Andy Bateson
Max Askew

Cherwell District Council
Askew Nelson

INTERESTED PARTIES:

Mr Rashid Bbosa
Mr Richard Oliver

Oxfordshire County Council
Oxfordshire County Council

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Extract from Sustainability Appraisal for the Adderbury Neighbourhood Plan, received 22 June 2021.
2. Planning Obligation by Deed of Agreement, dated 22 June 2021, received 24 June 2021.

APPENDIX 5



Appeal Decision

Site visit made on 27 May 2021

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 1st June 2021

Appeal Ref: APP/C3105/W/21/3271094

Land at Bretch Hill, Balmoral Avenue, Banbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Lone Star Land Ltd against the decision of Cherwell District Council.
 - The application Ref 20/01643/OUT, dated 22 June 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the erection of up to 49 homes, public open space, and other infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 49 homes, public open space, and other infrastructure on land at Bretch Hill, Balmoral Avenue, Banbury in accordance with the terms of the application, Ref 20/01643/OUT, dated 22 June 2020, and the plans submitted with it, subject to the conditions in a schedule attached to this decision.

Procedural matters

2. The application was submitted in outline form with all matters, except for access, reserved for future consideration. The appeal will be determined on the same basis.

3. The address of the site and the description of the development (with the omission of the superfluous 'with all matters reserved except access'), as stated above, were those given on the application form. There are no reasons for using the address and description used by the Council.

4. The Council refused the application for five reasons in which they cited conflict with policies of The Cherwell Local Plan 2011-2031 (LP). The National Planning Policy Framework (NPPF) requires the Council to maintain a supply of land for housing "...sufficient to provide a minimum of five years' worth of housing against their housing requirement...". In a Statement of Common Ground (SoCG) dated 4 May 2021 it is stated that "...it is accepted that the Council cannot do so". Consequently, by virtue of paragraph 11(d) of the NPPF and Footnote 7 on page 6, and as stated in the SoCG, the aforementioned LP policies "...are 'out-of-date' and this appeal can only fail if the Council can demonstrate that any adverse effects of the proposal would significantly and demonstrably outweigh the benefits...". It is also stated that "The Council accepts that it cannot demonstrate this and that this appeal should be allowed". The Council has, in effect, withdrawn the five reasons for refusal of the application.

5. The appeal was set up to be determined following a Public Inquiry. However, the Council, given their changed position, would not be presenting any evidence and no other party has indicated that they wish to be heard at such an event. Under powers afforded by Section 319A(4) of the Town and Country Planning Act 1990 as amended, the Secretary of State has therefore decided that the appeal will proceed by the written representations procedure. Third party representations made at application and appeal stages will be taken into account. No party's position is prejudiced by the change in procedure.

Reasons

6. Local residents are concerned, as expressed in written representations made at application and appeal stages, about, amongst other things, the effect of traffic resulting from the proposed development on highway safety, the scale of development in Banbury, and their living conditions. Access to the development site is along Balmoral Avenue from its junction with Broughton Road. It was noted at the site visit that Balmoral Avenue, particularly after its junction with Dorchester Grove, rises steeply towards the proposed access into the site. Evidence indicates that the steepness of the road contributed to a lorry causing damage to a house a few years ago but the road is not so steep that there would be any significant safety concerns. The Highway Authority has not expressed any concern for the safety of traffic or other highway users, and traffic associated with a development of only up to 49 houses is not likely to result in significant harm to highway safety.

7. For the same reasons traffic associated with the proposed development would be noticed by residents of Balmoral Avenue but is not likely to have any adverse effect on their living conditions. Despite current ongoing housing developments in Banbury there is an identified need for further housing in the District that the Council is failing to provide for. The need for affordable housing is more acute than the need for market housing and the proposed development would include not less than 30% affordable units. To the east of the site is a concrete water tower and a high telecommunications mast. These are visually unattractive features of the area but are not an impediment to residential development of the site. The site has existing residential development to the north, south and east. The proposed development would not be visually intrusive and would not harm the character or appearance of the area.

8. All matters mentioned by local residents have been taken into account but they do not, either individually or collectively, alter the conclusion that the proposed development would not cause any significant harm to any matters of acknowledged importance.

Conditions and Planning Obligation

Conditions

9. The conditions in the schedule attached to this decision have been agreed by the Council and the Appellant but they have been amended, where necessary, to meet the tests set out in the Planning Practice Guidance (PPG) and in the interests of clarity, consistency and precision.

Unilateral undertakings

10. The Appellant has entered into a Planning Obligation, made under Section 106 of the Act, to mitigate the effects of the proposed development. The Obligation provides for the provision of affordable housing, the provision of open

space, the incorporation of a sustainable urban drainage scheme and its maintenance, and the payment of financial contributions towards schools, healthcare, bus services, highway and public rights of way improvements, a community hall, off-site indoor and outdoor sports facilities, and the provision of waste and recycling bins.

11. The District Council and the County Council have assessed the Obligation and have concluded that the obligations contained within it comply with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010. The obligations are all necessary to make the development acceptable in planning terms. They are all, furthermore and in accordance with paragraph 56 of the NPPF, 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. The Legal Obligations therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conclusion

12. The proposed development of up to 49 houses is required to contribute to the supply of housing in the District and the social and other impacts of the development are mitigated by planning obligations. The contribution to housing supply is a significant benefit and is not outweighed by any adverse impacts. Planning permission has thus been granted for the erection of up to 49 homes, public open space, and other infrastructure on land at Bretch Hill, Balmoral Avenue, Banbury, subject to the conditions in a schedule attached to this decision.

John Braithwaite

Inspector

Schedule – Conditions for Planning Permission 20/01643/OUT

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

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

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

4. Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with Drawing No. RL01 Rev B - Site Location Plan and Drawing No. 20496-06 Rev A - Proposed Site Access Arrangements.

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

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

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

6. No development shall take place until a desk study, to include a site walk over and to identify all potential contaminative uses on site and to inform the conceptual site model have 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', has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved desk study.

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.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, a comprehensive intrusive investigation 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'. The report shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

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.

8. If contamination is found by undertaking the work carried out under condition 7, 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'. The scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

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.

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out shall 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.

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and in general accordance with the principles of Drawing No. BAB-BWB-ZZ-XX-DR-CD-0004_S2-P2 (Amended Drainage Strategy) and including 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 include:

- a. Discharge Rates;
- b. Discharge Volumes;
- c. SUDS (Permeable Paving, Soakaway Tanks);
- d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
- e. Infiltration in accordance with BRE365;
- f. Detailed drainage layout with pipe numbers;

- g. Network drainage calculations;
- h. Phasing;
- i. Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

11. No development shall take place until full details of improvements to footpath 120/24 within the planning application site, including, position, layout, construction, drainage and a timetable for the delivery of the improvements, have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be improved in accordance with the approved details before any dwelling is occupied and shall be retained as improved thereafter.

Reason: In the interests of highway safety and public amenity and sustainable development and to comply with Policies ESD1, ESD15 and Banbury 10 and Government guidance contained within the National Planning Policy Framework.

12. No development shall take place until full details of the means of access between the planning application site and the highway on Balmoral Avenue to the south of the site, including, position, layout, construction, drainage and vision splays, have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details before any dwelling is occupied and shall be retained as constructed thereafter.

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

13. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall incorporate the following:

- a. The CTMP must be appropriately titled, include the site and planning permission number.
- b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c. Details of and approval of any road closures needed during construction.
- d. Details of and approval of any traffic management needed during construction.
- e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- g. The erection and maintenance of security hoarding / scaffolding if required.

- h. A regime to inspect and maintain all signing, barriers etc.
- i. Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- j. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- k. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- m. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o. Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

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

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

15. Prior to its first occupation each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure

Reason: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

16. No development shall take place until full details of the proposed footpath joining the new development to the highway on Balmoral Avenue to the north of the site, including, position, layout, construction, drainage and a timetable for the delivery of the improvements, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footpath has been constructed in accordance with the approved details.

Reason: In the interests of highway safety and public amenity and sustainable development and to comply with Policies ESD1, ESD15 and Banbury 10 and Government guidance contained within the National Planning Policy Framework.

17. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP.

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

18. No development shall take place until details of the means by which all dwellings shall be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

19. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per day and shall continue to accord with such a limit thereafter.

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

20. No development shall take place, including any demolition and any works of site clearance, and as part of any reserved matters application for layout and landscaping, until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be in general compliance with Enhancement Area – Ecological Management Plan, report reference: edp4380_r004, shall include a biodiversity impact assessment metric, and shall include a timetable for provision of the biodiversity enhancement measures. The biodiversity enhancement measures shall be carried out and shall be retained in accordance with the approved scheme.

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

21. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved LEMP.

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

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

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

23. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 6.2 to 6.8 of the Ecological Appraisal, report reference: edp4380_r002d, carried out by EDP dated June 2020.

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

24. No dwelling shall be occupied until approval has been given in writing by the Local Planning Authority that either:

a. Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or

b. A housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no dwelling shall be occupied other than in accordance with the agreed housing and infrastructure phasing plan.

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