

**Case Officer:** Carlos Chikwamba

**Applicant:** Harper Crewe Bloombridge Ltd

**Proposal:** Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space, and associated infrastructure, including demolition of 162 The Moors to enable all modes of access

**Ward:** Kidlington West

**Councillors:** Cllr Conway, Cllr Walker and Cllr McLean

**Reason for Referral:** Major development

**Expiry Date:** 28 November 2025

**Committee Date:** 15 January 2026

---

**This application is subject to a Committee Members Site Visit, which is planned to take place on 13<sup>th</sup> January 2026.**

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site extends to approximately 21.97 hectares and comprises of several parcels of open, undeveloped arable land. The parcels are separated by hedgerows and planting in between, together with walking trails that serve as permissive paths, although none of the paths are formal public rights of way (PROW). However, the site is crossed by two PROWs, (265/15/10 and 265/17/10) and a third one (265/18/10) follows the northern boundary, with a slight encroachment into the site.

1.2. The site abuts the northern settlement edge of Kidlington, and it is located immediately to the north of The Moors, approximately 0.6 miles from Kidlington village centre, and approximately 7 miles north of the centre of Oxford. To the north, beyond the hedge boundary treatment are fields of open countryside land, characterised by a gentle downslope. To the south are residential properties fronting The Moors with their gardens extending to the edge of the site. The gardens of two properties and the churchyard of the Church of St Mary are located to the east and a mixture of residential properties and a field to the west.

**2. CONSTRAINTS**

2.1. The application site is located within the Oxford Green Belt and is intersected by 3 PROWs in varying degrees.

- 2.2. To the east, the site boundary abuts the Church Street Conservation Area and is in close proximity to the Grade I listed St Mary's Church, together with other Grade II listed buildings within the conservation area boundary.
- 2.3. The site is located adjacent to the Lower Cherwell Valley Conservation Target Area, north of the site. There are records of other protected and notable species within the locality.
- 2.4. A small proportion of the eastern part of the site is located within Flood zone 2.
- 2.5. Several individual and group TPO trees, ref; 002/1976 within the southeast triangular area of the development site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The development proposal relates to an Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space and associated infrastructure, including demolition of 162 The Moors to enable all modes access.
- 3.2. The development includes the provision of either one of two options for recreational development within the eastern parcel;
  - Option 1 relates to a cricket pitches with an associated pavilion building.
  - Option 2 relates to a Country Park.
- 3.3. Prior to the submission of the first reserved matters application, the applicant will be required to submit a scheme for approval in writing by the council outlining which option will come forward with the rest of the proposed development. This will be secured within the s.106 agreement for the development.

**4. RELEVANT PLANNING HISTORY**

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

Application ref	Description of development	Decision
23/03414/SO	Screening Opinion for the erection of approximately 300 dwellings, two cricket pitches, a pavilion and associated drainage, access and ancillary infrastructure	Proposal not considered to be EIA Development.

- 4.2. Officers also note that the site was promoted and considered during the formulation of the Partial Review Local Plan to meet Oxford's unmet housing need and the Reg 18

Cherwell Local Plan Review 2042 process. However, in both cases, the site was discounted from allocation.

## **5. PRE-APPLICATION DISCUSSIONS**

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

5.2. **21/02441/PREAPP** - Residential development and green infrastructure.;

- Inappropriate development in the Green Belt for which 'very special circumstances' need to be demonstrated to outweigh Green Belt harm.
- Potential harm to the setting of the St Mary the Virgin Church, the Church Enclave Character Area of Kidlington Conservation Area and possibly the broader setting of other heritage assets (including listed buildings within Kidlington Conservation Area and other conservation areas). No public benefit demonstrated to outweigh such harm.
- Further advice on the requirements to make the scheme acceptable in other terms, such as Highways, Affordable Housing, planning obligations etc, was also provided as part of the response.

5.3. **23/02459/PREAPP** - Erection of approximately 300 dwellings, two cricket pitches and a sports pavilion, landscaping, public open space and associated infrastructure, with vehicular, cycle and pedestrian access from The Moors;

- Inappropriate development in the Green Belt for which 'very special circumstances' need to be demonstrated to outweigh Green Belt harm.
- Development on this site will need to consider the potential harm to the heritage assets, including the church, the conservation area, and the other nearby Listed Buildings. This should include an assessment of their significance and how the development within their setting may affect that significance.
- Appropriateness of the cricket pitches on the site and implications to cricket provision at Stratfield Brake need to be considered.
- Masterplan needs to consider provision of appropriate scale and parameters, ecological and Biodiversity enhancements, informal open space for normal play and recreation, SUDS and generally be an exemplar development with landscape and sustainable travel choices at the core of the design ethos.
- Other technical responses from Oxfordshire County Council and Cherwell Officers (Highways, Education, Leisure and Rec etc) were included in the response for the applicant to consider in a future application.

5.4. **24/01914/PREAPP** - Outline planning application with all matters reserved except access for up to 340 dwellings (Use Class C3), land for local community use (Use Class F2), landscaping, public open space and associated infrastructure, with detailed means of access from The Moors, Kidlington. Pre-application advice sought regarding ecology (written advice and meeting) and leisure/sport and recreation (written advice and meeting);

- Insufficient evidence to demonstrate that there is a need for or the qualitative enhancement to cricket provision that any new provision could provide.

- On that basis, the council did not consider that cricket provision as part of housing development would meet very special circumstances to justify inappropriate development in the Green Belt (i.e. housing).
- From an Ecology standpoint, it is expected that any future application should be accompanied by surveys which demonstrate appropriate mitigations to safeguard protected species during the construction and operational phase of the development. Furthermore, the proposal would be subject to the mandatory Biodiversity Net Gain (BNG) provisions and other Biodiversity related enhancements in accordance with local policy guidance.

## 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near and around the site and by advertisement in the local newspaper. The final date for comments was **3 October 2025**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Over 480 representations were received from neighbours, local community groups and other third parties objecting to the application.

6.3. The comments have been summarised below;

- Inappropriate development in the Green Belt, which is not Grey Belt land.
- Harm to landscape setting of Kidlington.
- The development site is not allocated in the emerging Reg 19 Cherwell 2042 Local Plan.
- The site is adjacent to a Conservation Target Area, and it is of crucial importance to Nature Conservation, development risks a detrimental impact and loss to wildlife and protected species habitat.
- Ecology information submitted fails to address and recognise development's impact on wildlife and protected species.
- Development disrupts the network of PROWs and footpaths, which run through the site.
- During winter flooding fields offer refuge to displaced wildlife in the area.
- Roads insufficient to support construction traffic.
- Not clear whether carbon offsetting measures are proposed.
- Inaccurate information in transport assessment in terms of bus services and stops, speed limits and traffic calming measures.
- Development will impact views towards and the setting of the Grade I St Mary's Church and conservation area.
- Impact on archaeology.

- Public Open Space and Community Use and other infrastructure improvements not guaranteed and secured in s.106.
- Development will impact the Oxfordshire Nature Recovery Network and St Mary's Field Nature Reserve.
- Negative traffic and amenity impacts during construction phase.
- Inadequate access and parking provisions.
- Uncertainty on open space and SUDS maintenance responsibilities.
- Cricket Pitches not properly considered in transport assessments and statements.
- Site supports a network of mental and physical health wellbeing which provides a nature and tranquil corridor for walking and recreational enjoyment of the countryside for local residents.
- A significant amount of housing is already coming forward in Kidlington (up to 5000 houses). More housing development is not necessary on this basis in the area.
- More housing will also stretch and pressurise local infrastructure (transport, schools, medical services and utilities etc) to the limits, and it will also cause crime related issues.
- Development exacerbates existing flooding issues in the area and inadequate drainage strategy proposed.
- Cricket pitches not necessary and no information on their upkeep. Furthermore, they are not feasible due to their location in the flood plain.
- Incorrect BNG metric.
- Concerns regarding the development's impact on sewage and water supply capacity.
- Significantly detrimental impact on the local road network and highway /pedestrian/cyclist safety.
- More details are required regarding the s.106 offer for local community infrastructure improvements.
- There are concerns regarding the placement of a pavilion (including a car park) in close proximity to the church and the nature reserve.
- Noise and light pollution where the pavilion is to be rented for social events after hours
- Air and noise pollution issues during construction phase.
- Site not allocated for development and conflicts with development plan.
- No information on dwelling sizes.

- TPO trees on-site and loss of important trees with no replacements.
- Loss of privacy.
- Street parking issues.
- Impact to character and appearance of the old village aesthetic.
- Affordability issues of new housing.
- Negative impact on social sustainability and community cohesion.
- Loss of Agricultural land.
- If approved reserved matters application should include construction traffic and environment management measures, and PROW, landscape and Ecology management plans.
- Inadequate community consultation.
- Inadequate information provided regarding heritage, ecology, water, flooding, highways and environment protection details as outlined by some of the relevant consultees for these considerations in their consultation responses.
- Development should cover costs to works to preserve Thrupp woodland, this should be secured as part of s.106 as a local community initiative considered necessary as part of the case for development.

6.4. The above objection points are considered to be material planning considerations which will be addressed in the appraisal section of the report. The following objection points are not considered to be material planning considerations in respect to the determination of this planning application.

- Detrimental effect on property prices in the locality.
- Potential introduction of EV heavy duty buses will damage roads re-routed in and around nearby streets to the development site and will also shake house foundations.
- Recommendation for the site to be designated a Local Green Space.

6.5. A technical transport note was also received from the objecting parties. The main points raised in the report are outlined below;

- Lack of sustainable travel infrastructure.
- Flawed trip methodology.
- Misleading walking distances to facilities and city facilities that are permanently closed and reliance on future transport improvements, which all exaggerate the site's sustainable nature.
- Inappropriate scope of modelling of the highway network.
- Inadequate traffic surveys and junction models.

- The site access layouts have not been demonstrated to be able to cater for the appropriate vehicles.
- No consideration of the implications of operational or construction traffic movements has been undertaken on the highway network immediately around the site.
- The transport note was reviewed in full by OCC Highways Officers, for which comments were provided as outlined in the following consultation response sections.

6.6. 9 Comments were also received supporting the application as summarised below;

- Delivery of new housing.
- Support the delivery of cricket pitches and infrastructure.

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

## **7. RESPONSE TO CONSULTATION**

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

7.2. *Kidlington Parish Council;*

7.3. Background comments related to objections made by the Parish during the Cherwell District Council Local Plan consultation were included in their letter of objection.

7.4. The following comments were made in relation to the current application;

- Loss of defensible Green belt boundary in the current and future local plan.
- Increase in population in an already large built up area.
- The development site is not Grey Belt land as it conflicts with the purposes of the Green Belt as defined in the NPPF. Therefore, inappropriate development in the Green Belt with no case for very special circumstances.
- There is no demonstrable need for more market housing in the area.
- Considerable additional traffic on quiet residential streets.
- The Parish endorses the submission by Kidlington Development Watch for the site to be designated as Local Green Space (LGS) in the draft local plan. The application is wrong to say that it cannot be designated LGS in the Local Plan.
- There are two PROWs and other field boundary paths which are heavily used by residents and visitors who value being able to walk in open countryside.
- The Parish does not support the provision of cricket pitches on the site, and the scale of the pavilion is unacceptable.

- The development would detract significantly from the famous view of the church from the fields to the west.
- Harm identified by Historic England needs to be weighed against the public benefits of the scheme.
- If the application is approved, the Parish recommends that the open land nearest the church should be retained in the Green Belt, cricket pitches and pavilion should be removed, with further discussions of this at a later date, and it is requested that the developer commits the monies provisionally allocated to cricket (c £3 million) separately to any S106 agreement. Lastly, it is requested that the primary road access should be via the site of 162 The Moors and not opposite Benmead Road.

#### 7.5. OCC Highways;

7.6. Initial comments outlined below were received from OCC Highways in a consultation response dated 24 June 2025.

- Proposed vehicular, cycle and pedestrian access strategy into the site from the Moors is considered acceptable in principle. Internal road speed limit is also deemed acceptable and in line with the limits along the Moors. However, traffic calming measures, vehicle tracking, and swept path analysis are requested.
- A site access raised table roundabout is also proposed. However, a swept path analysis of refuse vehicles manoeuvring around the roundabout is required. Confirmation is also requested on whether the proposed roundabout is a mini or compact one, informed by the average daily traffic flow, which needs confirmation. Further details regarding visibility splays, surfacing, gradient and markings for the roundabout were also requested.
- There are no clear links with existing footpaths and cycle routes within proximity of the development. A walking, cycling and horse-riding assessment and review (WCHAR) was requested to identify where sustainable transport permeability can be improved.
- A pedestrian crossing was also requested along the A4260/Banbury Road, north of The Moors, between Langford Lane and The Moors, to encourage and promote walking in the area.
- The development impacts the local PROW, and the preference is to retain the legal alignments of the affected PROWs, however, where site design requires diversion, an alternative route may be acceptable. A planning condition will be required to secure OCC's approval on relevant details, including route, width, surface, gradient, structures, signage, and amenity features. Subject to detailed approval, the current proposed alignment is considered reasonable.
- A PROW contribution is sought to fund offsite improvements to PROW infrastructure, including surfacing, signage, and route enhancements, potentially including upgrades to PROW status where appropriate. This ensures appropriate mitigation for the increased usage of the PROW network as a result of the development.
- Due regard by the developer to Standard PROW requirements is also required during the construction phase of the development, this will be secured via planning conditions/obligations.

- Lack of upgrades proposed to the closest bus stops to the development, and there are concerns about the distance to the closest bus stop for the residents living at the furthest part of the development site. OCC Highways requests that an internal site bus stop be explored. On the above basis, public transport contribution is sought after.
- Further to the above, the developer is also expected to upgrade an existing bus stop along the A4260 with provisions made for an informal pedestrian island crossing, which is necessary so that passengers can easily cross the road without needing to use the service road (Banbury Road).
- A44 Mobility Hub contribution is also sought after to help reduce traffic sufficiently, allowing development in the area to come forward.
- Road impact and traffic modelling do not include committed and allocated development in the surrounding area.
- The proportionate contribution towards the £2.2 million Bicester Road east-west highway improvement scheme for the development has been worked out, factoring in the development's traffic peak hour forecasted impact on routes related to the above scheme when compared to the impacts of the committed and allocated development in the vicinity.
- The cricket uses impact on traffic has not been factored into the development's transport assessment.
- Parking provisions to be secured via a planning condition.

Inadequate travel plan documents submitted.

- Measures for the internal road's standards were also outlined for the applicant to note and ensure compliance at the reserved matters stage.
- A construction traffic management plan is recommended.

7.7. In light of the above comments, which included a request for further information to overcome Highways objections and concerns, the applicant submitted a response note dated 29 August 2025 and Points of Clarification note dated 8 October 2025. Furthermore, a Mayer Brown Transport Note (MBTN) dated September 2025 was also submitted on behalf of a local community group objecting to the application.

7.8. OCC Highways reviewed the above additional Highways related information and found that their previous objections and concerns outlined in their initial comments had been satisfactorily addressed. Furthermore, the issues raised in the technical note submitted on behalf of an objecting local community group have also been addressed by the applicant to the satisfaction of the Highway Authority. Overall, the latest consultation response from OCC Highways dated 10 October 2025 raised no objections to the scheme, subject to a schedule of planning obligations and conditions which will be recommended to be added to the planning permission and addressed in latter parts of this report.

7.9. *OCC LLFA;*

7.10. The LLFA initially objected to the scheme, outlining that the applicant had not demonstrated a viable means of surface water disposal in accordance with the drainage

hierarchy due to the lack of infiltration testing and groundwater testing, a drainage strategy which does not adequately demonstrate infiltration feasibility, attenuation sizing, and exceedance routing and no written confirmation from Thames Water accepting the proposed 6.5 L/s connection if infiltration proves unviable

7.11. The applicant provided an updated Flood Risk Assessment & Drainage Strategy Report dated August 2025, and upon re-consultation, the LLFA offered no objections to the scheme, subject to a surface water drainage condition.

7.12. *OCC Education;*

No objection subject to s.106 primary and nursery, secondary, special education and secondary education land contributions, which were revised during the course of the development as detailed in the later parts of this report.

7.13. *OCC Archaeology;*

- Should planning permission be granted, conditions related to the implementation of archaeological investigations are recommended.
- A s.106 contribution was also requested in relation to the storage of archaeological archives related to the development.

7.14. *OCC Waste Management;*

No objections subject to a s.106 waste management contribution.

7.15. *OCC Library Services;*

No objections subject to a s.106 Library expansion and stock contribution.

7.16. *OCC Fire Safety Officer;*

Works are subject to fire related building control regulations.

7.17. *CDC Building Regulations;*

The proposal is subject to the Building Regulations and will require an application to be submitted to a Building Control body.

7.18. *CDC Urban Design*

7.19. Supportive of the proposals, subject to the following amendments and conditions;

- Amend the width of Green Infrastructure to the site's northern edge (Long Way) from 20 meters to 25 meters. This is to ensure the principles shown within the DAS and the illustrative landscape masterplan are deliverable. Note: The Long Way Section on page 106 of the DAS illustrates a 25-metre Green Infrastructure Corridor, and the Landscape Masterplan indicates a 27-metre corridor.
- Amend the width of the two north-south active transport corridors, which follow the line of the existing hedgerow (Middle Green and Cricket Green Character Areas), from the 5 metre nominal width to 16 meters. This is to ensure the principles shown within the DAS and the illustrative landscape masterplan are deliverable (i.e. existing hedge/footpath/conveyancing swale and tree planting). Note: annotation

to the Middle Green corridor on page 117 of the DAS denotes a 16-metre corridor, and the Landscape Masterplan indicates a 25-metre corridor.

- Fix the size and location parameters of the Western Green. This is to ensure a suitable focal amenity, 'Green' is provided for the western neighbourhood. The parameters should reflect the illustrative material – providing sufficient space for the proposed 'classic English village green', including a pond feature, amenity parkland and a play destination. The illustrative landscape masterplan suggests this space needs to be approximately 60 x 60 metres and aligned with the western entrance.
- Amend the parameters and illustrative material to provide a back-to-back perimeter block relationship with existing dwellings on Moorlands. This is to help ensure secure rear boundaries and a positive frontage relationship with the main site entrance.
- Identify important framed views of St. Mary's Church Spire on the parameter plan. Framed views from within the scheme will be essential to aid legibility and create a strong sense of place.
- Provide additional density information and layouts to demonstrate that various housing typologies and densities can be delivered across the site whilst accommodating parking and high-quality public realm and street scenes.
- Conditions required for the appearance and layout of the Longway, the relationship with St. Mary's Church tower and spire and Church Lane Conservation Area and the appearance of the South Brook housing area to follow the principles set out within the DAS.

7.20. In light of the above, the applicant was requested to address the comments by the Urban Design Officer, and they provided updated parameter plans to address the requested amendments by the Urban Design Officer, who was reconsulted on this basis and who provided the following comments;

- Parameter Plan: Please remove the word 'circa' in relation to the Western Green.
- Additional Information: Based upon the illustrative masterplan, please provide a clear indication of the densities proposed across the site and vignettes at key locations to demonstrate the approach to density/parking/ street scene to demonstrate the scheme can be delivered in accordance with policy, guidance, and best practice.

7.21. The applicant provided further information, and a response note to the latest comments by the Urban Design Officer. The parameters plan removed the word circa in relation to the Western Green. However, the requested information on densities was not provided.

7.22. Urban Design had no further comments to add to the scheme based on the latest submitted information.

7.23. *CDC Leisure and Rec;*

No objections subject to s.106 contributions and commuted sums related to community facilities, outdoor and indoor sport, community development worker, community development fund and public art. Comments also received outlining that the cricket

pitches are not required for the development at this present time and more information on their provision also requested and detailed in the later parts of this report.

#### 7.24. CDC Ecology;

- Initial comments from Ecology outlined objections regarding an unreasonable, outdated, and inaccurate BNG metric for the scheme. Furthermore, it was requested that ongoing bird and bat surveys be submitted once completed, and it was also outlined that GCN licences would need to be obtained from Nature Space to mitigate harm to great crested newts, and this needs to be evidenced by a certificate from Nature Space prior to determination.
- The applicant provided updated bat surveys and bird surveys, which outlined that none of the habitats for these protected species will be harmed by the development to an extent that compensation would be required. The ecology information also included general enhancements for bird species, resulting in an overall net gain in suitable bird habitat. CDC Ecology offered no objections to the above information. They further outlined that their previous BNG concerns had been addressed by the submission of a revised metric. The plans remain indicative, therefore, it is expected that a finalised metric, plans and BNG report will be submitted once the layout is finalised at the reserved matters stage.
- Overall, no objections were raised to the revised Ecology information subject to planning obligations related to an HMMP, and monitoring fees and conditions related to a Nature Space certificate, Biodiversity construction environmental management plan (CEMP), precommencement surveys for badgers, a LEMP, and a Biodiversity Enhancement Management Plan (BEMP).
- CDC Ecology also provided comments on third party representations outlining concerns regarding the importance of hedgerows and tree lines for various bat species, and the adequacy of assessments of impacts of those features. The third party comments also outlined that the OUFC application supported a similar number of bat species, yet more details were requested from Ecology in that case.
- Ecology outlined that the stadium site was located within only a few metres from an ecologically important woodland, which is designated as a district wildlife site. In contrast, this application is situated across two agricultural fields and does not directly abut any woodland, instead, it sits up against an already built-up area of housing. This distinction is relevant, particularly in relation to barbastelle bats - the main species of concern in the letter, which are highly reliant on woodland as their core habitat.
- However, the above bat species would still use the site for commuting between nearby woodland areas. The proposed ecology measures to be secured through this permission and conditions will ensure that any impacts on bats are mitigated.

#### 7.25. CDC Arboriculture;

7.26. Initial comments were made outlining the following;

- The Arboriculture Impact Assessment (AIA) did not include a tree constraints and impact assessment plan.
- The tree protection plans also required amending to include clear colour coding.

- Tree categories were also not clearly identified in the AIA.
- Further spacing is also required between proposed housing and existing dwellings, trees, and hedgerows to allow for both retention and enhancement of arboricultural features to both preserve and increase landscape visual buffers.
- As much spacing between dwellings and the site's southern and western boundary is also required to allow for sufficient tree retention, minimising RPA encroachment, and creating opportunity for tree/hedgerow planting.

7.27. The applicant provided an updated AIA and a response note, and CDC Arboriculture offered no objections to the scheme as they deemed that several of their previously raised concerns could be dealt with at the reserved matters stage.

7.28. *CDC Environmental Protection;*

No objections to the submitted air quality and noise assessments. However, pre-commencement conditions related to Land Contamination and a CEMP were recommended.

7.29. *CDC Conservation;*

The proposal, in its outline form and from the indicative plans, is considered to result in a low level of less than substantial harm. It is considered that this harm could be reduced or removed as a result of the final building heights and layout therefore, there are no objections in principle. Furthermore, it may be considered that this low level of harm is outweighed by the public benefit.

7.30. *CDC Strategic Housing;*

Strategic Housing supported the proposal in principle because it has the potential to provide a range of sizes of affordable housing to meet identified needs in Kidlington, however for them to fully support the proposal, the tenures need to be amended to include shared ownership rather than Discount Market Sale and the proposed percentage ranges for dwelling sizes need to be amended to align with the appropriate percentage ranges which reflect needs identified on CDC current housing register.

7.31. *Sport England;*

No Objections subject to a robust business plan prior to the submission of future applications and conditions related to layout compliance and principles, and management of the proposed sports pitches (if proposed). Sport England also outlined that the English Cricket Board and Oxfordshire Cricket Board are supportive of the cricket proposals subject further to the pavilion, cricket nets and pitches being of a satisfactory standard.

7.32. *Environment Agency;*

No comment.

7.33. *Active Travel England;*

No objections, subject to consideration of their standing advice.

7.34. *Historic England;*

- Proposed development is considered to cause less than substantial impact at the lower end of the scale to the Church and Church Street Conservation Area.
- It may be possible to avoid or minimise some of the harm through negotiations over the detailed site layout and landscaping strategy. However, at this stage, in order to achieve the commitments to avoid and minimise harm made within the application, we recommend the council secures the commitments within the Design Principles.

7.35. *Thames Valley Police (TVP);*

No objections raised to the outline permission due to all matters being reserved. However, fundamental concerns in relation to the illustrative plans provided within the DAS and other plans were raised, such concerns would be objectionable were they submitted for approval in their current form. The comments provided by the TVP relate to concerns and considerations regarding the placement of utility metres, allotments, cycle routes, excessive permeability, rear access routes, lighting, public open spaces, bin/cycle stores, layout and design of apartment blocks, defensible space and planting, surveillance, parking provisions and development's general layout principles. It was requested and encouraged that the applicant works with TVP at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.

A contribution towards improving policing infrastructure to serve the development was also requested by the TVP.

7.36. *Nature Space;*

7.37. No Objections subject to conditions and informatives. It must also be noted that Nature Space reviewed an email correspondence from a third party indicating the presence of GCNs within a garden pond in proximity to the development site. Within their latest response, they outlined that this information will be passed on to the Nature Space technical officer on this case. Furthermore, this would not change their position on the proposed scheme as the works will still be coverable under Cherwell District Council's District Licence Scheme, which the applicant has agreed to enter into.

7.38. *BBOWT;*

7.39. Comments and objections were made as follows;

- Updated bird and bat surveys should be assessed before this planning application is decided upon.
- GCN presence and the requirement for GCN License.
- Potential negative impacts on Lower Cherwell Valley CTA.
- Potential negative impact on the Cherwell River.

7.40. *BOBICB;*

No objections subject to a s.106 contribution towards the creation of additional clinical capacity at The Key medical practice or an identified primary care estates project in the local area to serve the development.

7.41. *Thames Water;*

No objections to the foul and surface water strategies. However, due to the identified inability of the existing water network infrastructure to accommodate the needs of this development proposal, Thames Water requested a pre-occupation condition related to water network upgrades being undertaken to accommodate additional demand related to the development.

*7.42. Legal Services Right of Way Officer;*

As no Public Rights of Way are directly affected by this proposal and there are no proposed diversions required, CDC Legal Services has no further comments to submit on this application

*7.43. CPRE Oxfordshire;*

- Open countryside development in the Green Belt.
- The development would cause significant harm to the wildlife and ecology of the area. It is currently opposed by Cherwell district council's senior ecologist, who has flagged up significant shortfalls in site evaluation which must be addressed prior to any decision.
- It has been rejected in the latest Cherwell Local Plan following consultation. There is no need for this housing in addition to the already adopted sites in the area.
- The Land should be designated as a Local Green Space.
- The development of the site will pose a flooding risk to nearby homes.
- It is next to St Mary's Church, a Grade I listed building and heritage asset.
- Traffic safety concerns and access to the site, both during construction and after development.
- Infrastructure capacity limitations in the area.

*7.44. CDC Landscape*

7.45. Initial comments from the landscape officer outlined the following;

- Generally supportive of the landscape proposal as the landscape design within the site area has overall been well considered, however, as the LVIA is still yet to be analysed, the effect on the wider landscape area is still unclear.
- Further amendments may be required upon assessment of the LVIA.
- More information is required on the location and size of play areas. It was suggested that a LAP should be incorporated into the Western Green (ensuring it is appropriately distanced from the SuDS basin), and a combined LAP/LEAP/MUGA to Eastern POS.
- Solidify the location and size of Western green space, as this will be an important amenity space for residents located on the Western side of the development.

- Include the provisions for Allotments. 0.37 ha per 1000 people with a 10-minute walk (800m), resulting in full size plots of 250sqm or half plots of 125 sqm. A mix of full size and half would also be accepted.

7.46. The applicant provided additional information to address the comments above by CDC Landscape, and upon reconsultation, the Landscape Officer provided the following comments;

- Provide an Illustrative Masterplan to include the Country Park and play locations.
- Update the Design and Access Statement to show the country park as 'Option 1'.

7.47. *Huskisson Brown Associates (HBA) Landscape consultants;*

7.48. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) document. The council sought external advice from HBA for a review and comments on the LVIA document submitted with the application. Upon review, HBA provided the following comments on the LVIA;

- It was outlined that the LVIA's methodology was not applied in an appropriate manner for the results within the LVIA to be deemed reliable in terms of how the landscape harm for the scheme was quantified.
- The LVIA was also deemed inadequate in many other aspects, in particular, the information and references provided within the document, and this informed the following list of recommendations for further information requested by HBA in the review:
- Establish minimum width for planting belt to the northern boundary together with illustrative planting details and specifications.
- Seek to tighten up tolerances on the built form parameter plan.
- Prove, by a series of cross sections, the effectiveness of the northern planting screen from both low and high viewpoints to the north and northeast, showing the worst case development heights.
- Provide some guidance on lighting, especially with regard to perimeter access ways/footpaths.
- Clarify the extent of landform alterations in the western end of the site and confirm that no land raising is proposed along the northern boundary.
- Provide an outline Landscape and Ecological Management Plan that would form the basis for a fully detailed management plan in the event permission is granted, together with details of how the management would be funded over time.
- No review of Option 2 (Country Park) was provided. It is the reviewer's opinion that, should the application be granted planning permission, Option 2 would be strongly preferred for both landscape and visual reasons, not the least of which would be minimising hedgerow loss and reducing landform effects. To this end, some further illustrative material for Option 2 would be helpful.

7.49. The applicant was sent the LVIA review by HBA and requested to provide the additional information above.

7.50. An addendum to the LVIA was provided by the applicant. In light of this HBA were further consulted and outlined that whilst the additional information was broadly helpful in establishing mitigations and parameters related to landscape harm, concerns were retained in regard to the proposed planting along the sensitive northern boundary. Furthermore, and more importantly, the addendum still did not address the methodology concerns flagged up by HBA in their initial review, in particular the inadequacies in landscape and visual 'values' and 'susceptibilities'. It was concluded that without these attributes being considered and evaluated, it is impossible to accept that the findings of the LVIA have been adequately justified in a transparent manner. Notwithstanding this, HBA did note that the scheme overall would not be significantly harmful in landscape and visual terms, subject to appropriate mitigation.

7.51. In light of the above and on the basis that the scheme would not be significantly harmful and unacceptable in landscape and visual terms, subject to appropriate mitigation, Officers sought a conclusive judgement from HBA on the scheme's fair and balanced landscape and visual effects, and HBA consultant outlined the following;

*'If I had to characterise the long-term effects, I think it would more realistically remain moderately adverse to the immediate local landscape of the site (mostly due to the loss of open farmland and rolling landform which are two components of local character) and certain local views but, taken in the round in its wider context, the landscape effects would be likely to be Minor / Moderate to Minor adverse after mitigation. Whilst I consider that the landscape character effects would remain adverse, this would not be unusual or "undue" in the context of housing development on a greenfield site.'*

7.52. In terms of mitigation to ensure that the scheme's landscape and visual effects would be minimised, HBA recommended the following conditions;

- Early implementation of the northern planting along the Long Way (as outlined in the Design and Access Statement) and, if possible, a condition to programme development work across the site from south to north so that the northern boundary has time to establish as much as possible before adjacent development takes place.
- Details of the proposed planting treatment along Long Way/Northern boundary and link in with the LEMP.
- A condition to secure the LEMP along the lines of the submitted draft contents list. It will be important to ensure that the main structural planting areas across the whole site (including Option 2) are not devolved to different bodies, but there must be adequate inputs allowed for residents. The basis of long-term funding for management and maintenance needs to be understood and deliverable.
- A lighting condition.
- A condition requiring the submission of an integrated earthworks/grading strategy should be included, tying in with the drainage strategy, with existing and proposed contouring identified at 0.250m intervals. Particular care will be needed in terms of level changes in the Option 1 and 2 scenarios and at the SuDs features.

The applicant was sent the latest comments by HBA to address the particular point about the LVIA's methodology, providing them a chance to re-work this. However, there was a clear difference in professional opinions regarding the application of the methodology by HBA and the applicant. A peer review of the initially submitted LVIA by Macgregor Smith was submitted by the applicant, which validated the findings in the LVIA in terms

of how the methodology was applied and the resultant landscape and visual effects of the scheme, which were quantified as not exceeding Moderate / Minor after mitigation.

7.53. Informal views on the peer review were sought from HBA, and they concluded that this did not alter their views in terms of the fair and balanced opinion on the likely landscape and visual effects outlined in their comments in sections 7.50- 7.51 of this report.

7.54. *Councillor Walker;*

Objections to the development based on the following points;

- Inappropriate development in the Green Belt.
- Impacts on Nature Conservation.
- Inaccurate quantification of the development's impact on the setting of the Grade I listed St Mary's Church.
- Harm to the setting of the above church as noted by Historic England.
- Loss of land which is important to health and wellbeing.
- Flooding related concerns.
- Detrimental travel and transport impacts.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

Policy PSD 1 – Presumption in favour of Sustainable Development

Policy SLE 4 – Transport Connections

Policy BSC 1 – District Wide Housing Distribution

Policy BSC 3 – Affordable Housing

Policy BSC 4 – Housing Mix

Policy BSC 10 – Open Space, Outdoor Sport and Recreation provision

Policy BSC 11 – Local standards of provision – Outdoor Recreation

Policy BSC 12 – Indoor Sport, Outdoor Sport and Recreation provision

Policy ESD 1 – Mitigating and Adapting to Climate Change

Policy ESD 2 – Energy Hierarchy and Allowable Solutions

Policy ESD 3 – Sustainable Construction

Policy ESD 4 – Decentralised Energy Systems

Policy ESD 5 – Renewable Energy  
Policy ESD 6 – Sustainable Flood Risk Management  
Policy ESD 7 – Sustainable Drainage Systems  
Policy ESD 8 – Water Resources  
Policy ESD 9 – Protection of Oxford Meadows SAC  
Policy ESD 10 - Protection and Enhancement of Biodiversity and the Natural Environment  
Policy ESD 11 – Conservation Target Areas  
Policy ESD 13 – Local Landscape Protection and Enhancement  
Policy ESD 14 – The Oxford Green Belt  
Policy ESD 15 – The Character of the Built and Historic Environment  
Policy ESD 17 – Green Infrastructure  
Policy Villages 1 – Village Categorisation  
Policy Villages 2 – Distributing Growth Across the Rural Areas  
Policy INF 1 – Infrastructure

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

Policy H18 – New dwellings in the Countryside  
Policy C23 – Retention of features contributing to the character or appearance of a Conservation Area  
Policy C28 – Layout, design and external appearance of new development  
Policy C30 – Design control

The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

Policy SP1 – Settlement Hierarchy  
Policy CSD 1 – Climate Change  
Policy CSD 2 – Net Zero Carbon Residential Development  
Policy CSD 4 – Energy and Carbon Performance  
Policy CSD 5 – Embodied carbon  
Policy CSD 6 – Renewable Energy  
Policy CSD 7 – Sustainable Flood Risk Management  
Policy CSD 8 – Sustainable Drainage Systems (SuDS)  
Policy CSD 9 – Water Resources and wastewater infrastructure  
Policy CSD 11 – Protection and Enhancement of Biodiversity  
Policy CSD 12 – Biodiversity Net Gain  
Policy CSD 13 – Conservation Target Areas  
Policy CSD 15 – Green and Blue Infrastructure  
Policy CSD 16 – Air Quality  
Policy CSD 17 – Pollution and Noise  
Policy CSD 18 – Light Pollution  
Policy CSD 19 – Soils, Contaminated Land and Stability  
Policy CSD 21 – Waste Collection and Recycling  
Policy CSD 22 – Sustainable Transport and Connectivity Improvements  
Policy CSD 23 – Assessing Transport Impact/Decide and Provide  
Policy CSD 22 – Sustainable Transport and Connectivity Improvements  
Policy CSD 23 – Assessing Transport Impact/Decide and Provide

Policy COM 1 – District Wide Housing Distribution  
Policy COM 2 – Affordable Housing  
Policy COM 3 – Housing Size / Type  
Policy COM 5 – Residential Space Standards  
Policy COM 10 – Protection and Enhancement of the Landscape  
Policy COM 12 – The Oxford Green Belt  
Policy COM 14 – Achieving Well Designed Places  
Policy COM 15 – Active Travel – Walking and Cycling  
Policy COM 16 – Public Rights of Way  
Policy COM 17 – Health Facilities  
Policy COM 18 – Creating Healthy Communities  
Policy COM 20 – Providing Supporting Infrastructure and Services  
Policy COM 21 – Meeting Education Needs  
Policy COM 22 – Public Services and Utilities  
Policy COM 23 – Local Services and Community Facilities  
Policy COM 24 – Open Space, Sport and Recreation  
Policy COM 25 – Local Green Space  
Policy COM 26 – Historic Environment  
Policy COM 27 – Conservation Areas  
Policy COM 28 – Listed Buildings  
Policy KID 1 – Kidlington Area Strategy

## OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework (2024)  
Planning Practice Guidance (PPG)  
Cherwell Residential Design Guide SPD (July 2018)  
Developer Contributions SPD (February 2018)  
National Design Guide  
EU Habitats Directive  
Natural Environment and Rural Communities Act 2006  
Conservation of Habitats and Species Regulations 2017  
Circular 06/2005 (Biodiversity and Geological Conservation)

## 9. APPRAISAL

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

- Principle of development
- Highways and Transport
- Landscape and Visual Impact
- Design and layout principles
- Impacts on heritage assets
- Residential Amenity
- Sustainable Construction and Energy Efficiency
- Ecology and Biodiversity
- Flooding and Drainage
- Affordable Housing
- Noise, Contamination and Air Quality
- Community land
- Planning Obligations
- Other material considerations
- Planning Balance and Conclusion

## 9.2. Principle of Development

### *Policy Context*

- 9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan relevant to the proposal site is the Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP 2015), its Partial Review and the saved policies of the Cherwell Local Plan 1996, which contain strategic and non-strategic planning policies for development and the use of land.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester, and a small number of strategic sites outside of these towns including an allowance for housing in the rural areas. This is outlined in Policy BSC1 of the CLP 2015, which states that an additional 22,840 dwellings will be delivered between 1 April 2011 and 31 March 2031 (plan period). The delivery strategy for meeting the above housing target is through existing extant planning permissions, local plan allocations and windfall sites. Whilst Policy BSC1 is now out of date insofar as the number of dwellings required to be delivered, the housing strategy remains relevant. The CLP Partial Review was a focussed plan to allocate land to meet Oxford's unmet housing needs.
- 9.5. The development site is an unallocated Green Belt site located beyond the built-up limits of Kidlington. Policy Villages 1 (PV1) identifies the most sustainable villages (Category A) and their 'satellite' villages and identifies that minor development (typically a site of less than 10 dwellings), infilling and conversions within built-up limits is in principle acceptable.
- 9.6. Kidlington is classed as a Category A village under PV1, therefore, housing development in the form of minor development, infilling and conversions is supported. The general local plan direction for villages and rural areas is to protect and enhance the services, facilities, landscapes, and natural and historic built environments within these areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas. This is reflected in Policy Villages 2 (PV2) of the CLP 2015, which sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.8. Cherwell District Council's latest Annual Monitoring Report, dated December 2025, confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years.
- 9.9. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations are in light of the revised NPPF (December 2024) and appeal decision ref; APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for the appeal, for which the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP (2015) and Oxford's unmet need (PR Plan 2020).

- 9.10. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;
  - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.11. The policies which are most important for determining the application are out of date, as per footnote 8 of the NPPF, this relates to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.12. As outlined in paragraph 9.8 of this report, the council cannot presently demonstrate a 5 year housing land supply. On this basis, the housing policies BSC1, PV1 and PV2, along with H18, cannot be deemed up to date. Therefore, paragraph 11 (d) of the NPPF, which sets out the presumption in favour of sustainable development, is engaged.
- 9.13. Policy PSD 1 of the CLP 2015 sets out the plan's presumption in favour of sustainable development, stating that when considering development proposals, the council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, therefore, echoing paragraph 11 (d) of the Framework.
- 9.14. As outlined earlier, the development site is in the Green Belt, and it is also within the setting of designated Heritage Assets. Footnote 7 of the NPPF outlines the policies in the Framework which relate to protected areas or assets of particular importance, which include land designated as Green Belt and designated heritage assets.
- 9.15. The key considerations pertinent to the principle of development are therefore;
- whether the application of Green belt and relevant Heritage policies in the Framework provides a strong reason for refusing the development proposed or;
  - whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.16. Section 13 (paragraphs 142 to 159) of the NPPF sets out the national Green Belt policy. The NPPF (2024) post-dates the 2015 Cherwell Local Plan, and so the NPPF provides the up-to- date reference point for Green Belt Policy.
- 9.17. Paragraph 142 of the NPPF outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. In turn, Paragraph 143 outlines the purposes of the Green Belt, which are as follows;

- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 9.18. Policy ESD14 of the CLP 2015 is consistent with paragraph 143 of the NPPF and states the following Green Belt purposes;
- a) Preserve the special character and landscape setting of Oxford;
  - b) Check the growth of Oxford and prevent ribbon development and urban sprawl;
  - c) Prevent the coalescence of settlements;
  - d) Assist in safeguarding the countryside from encroachment;
  - e) Assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 9.19. Policy COM 12 of the emerging Reg 19 Cherwell Local Plan Review (CLPR) 2042, whilst it is attributed limited weight given it's the stage of preparation it is at, echoes the NPPF and is similar in approach to the current Local Plan Policy ESD14, in terms of the Green Belt purposes.
- 9.20. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.21. Paragraph 154 of the NPPF sets out exceptions to development being considered inappropriate in the Green Belt, and none of the exceptions listed relate to the proposed development.
- 9.22. However, as part of the revisions to the NPPF in December 2024, paragraph 155 was introduced, which states the following;
- Development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
  - b) There is a demonstrable unmet need for the type of development proposed;*
  - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and*

*d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 [of the Framework].*

9.23. 155(a) above requires an assessment of whether the development would utilise grey belt land, which is defined in Annex 2 of the NPPF as the following;

*'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

9.24. Within the planning statement, it is confirmed that the development site is in use as agricultural land, and this was also very evident from the site visit. The definition of previously developed land as identified in Annex 2 of the NPPF excludes agricultural land. However, the site could still fall within the definition of grey belt land as defined above, so long as it does not strongly contribute to any of the purposes (a), (b), or (d) as set out in paragraph 143 of the NPPF. Furthermore, as outlined in paragraph 155(a) of the NPPF, it would need to be demonstrated that development of homes would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

9.25. Lastly, the development site would also not be grey belt land, where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

9.26. The Government has provided guidance on assessing the purposes of the Green Belt in the form of an updated Green Belt section within the Planning Practice Guidance (PPG). This sets out guidance on what may be considered a 'strong' contribution, versus a 'moderate' or 'weak' contribution to each of the above purposes. An assessment will be undertaken in the latter part of this report.

9.27. Further to the above assessments, it must also be demonstrated against the rest of the provisions in paragraph 155 of the NPPF that;

(b) There is a demonstrable unmet need for the type of development proposed and;

(c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF and;

(d) The development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.

9.28. Paragraph 156 of the NPPF states that, where major development involving the provision of housing is proposed on land released from the Green Belt or in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 of this Framework;

b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

- 9.29. Paragraph 157 of the NPPF outlines that, before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.
- 9.30. The affordable housing policy BSC 3 within the current adopted CLP (2015) does not account for paragraphs 67-68 of the NPPF (2024), nor does the emerging affordable housing policy COM 2 of the Reg 19 CLPR 2042 (which, in any case, for the reasons outlined earlier, is given limited weight).
- 9.31. Policy BSC 3 of the CLP (2015) outlines a 35% requirement for affordable housing for all major developments outside of Banbury and Bicester. Therefore, for the proposed development, accounting for the 15% uplift outlined in paragraph 157 of the NPPF, the requirement is for 50% provision of affordable housing to satisfy this part of the 'Golden Rules'.
- 9.32. Paragraph 158 of the NPPF outlines that a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission. Lastly, paragraph 159 outlines that;
- 'The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan'*
- 9.33. The proposed development will be assessed in accordance with the above provision with regard to the local standards for green space CLP (2015).
- 9.34. The following section will assess the development's compliance with the Green Belt policies, set out above, to establish its principal acceptability in regard to this footnote 7 Green Belt policies relative to Para 11d (i) of the NPPF. Footnote 7 Heritage policies also apply to the proposed development, and the detailed assessment of such policies will be undertaken in the Heritage section of this report and concluded in the conclusion and planning balance section of the report, in terms of acceptability.
- 9.35. The assessment of Paragraph 11 d(ii) of the NPPF, in terms of the development's adverse impacts and benefits, will be filtered through within the assessment of different considerations outlined in various sections of the report. An overall conclusion on this part of Paragraph 11, as it pertains to the principal acceptability of the development, will be reached in the final conclusion and planning balance section of the report, where a comprehensive weighing exercise of the scheme's impacts and benefits will be undertaken.

*Assessment*

9.36. Is the site Grey Belt?

9.37. The first stage of paragraph 155 under part (a) is to establish whether the development site is Grey Belt land.

9.38. Para 9.23 of this appraisal sets out the definition of Grey Belt.

9.39. To meet the definition of grey belt a two-part assessment is to be undertaken which requires demonstration that:

- The development site does not strongly contribute to any purposes of (a), (b), or (d) in paragraph 143 of the Framework. Within this assessment and further the Grey Belt definition, it will also be demonstrated whether the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the purposes related to (c) and (e) of paragraph 143 will also be undertaken.
- For this development site in particular does the application of heritage policies provide a strong reason to refuse or restrict development.

9.40. In regard to the first part of the test, the PPG provides useful guidance on establishing whether an assessment area is Grey Belt, as outlined in the table below;

<b>Purpose A – to check the unrestricted sprawl of large built-up areas</b>	
Strong Contribution	Assessment area which is;  -Free of existing development.  -Lacks physical features in reasonable proximity that could restrict and contain development.  -Adjacent or near to a large built-up area.  -If developed, results in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt)
Moderate Contribution	Assessment area which is likely to be adjacent to or near a large built up area and includes one or more features that weaken the land's contribution, such as (but not limited to);

	<p>-Having physical feature(s) in reasonable proximity that could restrict and contain development.</p> <p>-Be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development.</p> <p>-Contain existing development.</p> <p>-Be subject to other urbanising effects.</p>
Weak or no Contribution	<p>Assessment area which is;</p> <p>-Adjacent to or near a large built up area.</p> <p>-Adjacent to or near a large built up area, but containing or being largely enclosed by significant existing development.</p>
<b>Purpose B – to prevent neighbouring towns from merging into one another</b>	
Strong Contribution	<p>Assessment area which is free from existing development and includes all of the following features;</p> <p>-Forms a substantial part of a gap between towns.</p> <p>-The development of which would be likely to result in the loss of visual separation of towns.</p>
Moderate Contribution	<p>Assessment area, which is located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <p>-Forming a small part of the gap between towns.</p> <p>-Being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of</p>

	structures, natural landscape elements or topography that preserve visual separation.
Weak or no Contribution	<p>Assessment area which;</p> <ul style="list-style-type: none"> <li>-does not form part of a gap between towns, or</li> <li>- forms part of a gap between towns, but only a very small part of this gap, without contributing to visual separation.</li> </ul>
<b>Purpose D – to preserve the setting and special character of historic towns</b>	
Strong Contribution	<p>Assessment area which is free of existing development and includes the following features;</p> <ul style="list-style-type: none"> <li>-forms part of the setting of a historic town;</li> <li>-makes a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town.</li> </ul>
Moderate Contribution	<p>Assessment area which forms part of the setting and/or contributes to the special character of a historic town but includes one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <ul style="list-style-type: none"> <li>-being separated to some extent from historic aspects of the town by existing development or topography</li> <li>-containing existing development.</li> <li>-not having an important visual, physical, or experiential relationship to historic aspects of the town.</li> </ul>

Weak or no Contribution	<p>Assessment area which;</p> <p>-does not form part of the setting of a historic town.</p> <p>-have no visual, physical, or experiential connection to the historic aspects of the town.</p>
-------------------------	---

9.41. The development site was subject to consideration for housing development during the Reg 18 stage of the Cherwell Local Plan Review, and it was also considered in the Cherwell Local Plan Partial Review for Oxford’s unmet housing need.

9.42. Such consideration, if followed through, would have necessitated the site to be released from the Green Belt. Therefore, during the local plan making process for the above review plans, the site was appraised as part of the following evidence base documents;

- Cherwell Green Belt Study Additional Green Belt Site Assessments (2023) by LUC.
- Cherwell Green Belt Study and Addendum (2017) by LUC.

9.43. The above documents reviewed the development site against the five nationally defined purposes of the Green Belt as set out in the NPPF at the time (2012 and 2021 versions) to provide clear conclusions on the relative performance of the Green Belt and the potential degree of harm that may result from the site’s release from the Green Belt.

9.44. The Green Belt purposes in those NPPFs remain identical to the current purposes outlined in paragraph 143 of the latest NPPF (2024). Therefore, it is considered that the above evidence base is useful in understanding how the development site contributes to purposes a, b and d of paragraph 143 of the NPPF, relative to the Grey Belt assessment for the subject development site.

9.45. Purpose A is intended to check the unrestricted sprawl of large built up areas. Kidlington is defined within the CLP (2015) as a village. The PPG outlines that this purpose relates to the sprawl of large built up areas and that villages should not be considered large built up areas.

9.46. Notwithstanding the above, Officers note that a recent appeal decision ref; APP/C3105/C/25/3360309 (Land adjacent to Hebborns Yard) the inspector outlined following;

*‘Kidlington is of a significant size, both in terms of geographical area and population. It also has extensive services, education facilities and employment opportunities, which would not all generally be found in a village. In my view, Kidlington being identified as an ‘urban centre’ and ‘local service centre’ [within the CLP 2015] shows it is something greater than a village. As such, I find Kidlington is a large built up area.’*

9.47. Further to the above, the Oxford United Football Club (OUFC) application ref: 24/00539/F, which has a resolution to grant permission, also located in Kidlington, for the purposes of Grey Belt assessment, considered Kidlington as a large built up area.

Lastly, Policy SP1 (Settlement Hierarchy) of the emerging CLPR (2042) categorises Kidlington as a '*Local Service Centre*', which again symbolises its continued recognition as a large built up area with an extensive range of local services, uncharacteristic of a village.

- 9.48. Based on the above, for the purposes of the development's Grey Belt assessment, Officers consider Kidlington as a 'large built up area'
- 9.49. Based on the assessment criteria within the PPG, the assessment site is adjacent and located north of the settlement edge of Kidlington, which primarily comprises residential properties along the Moors.
- 9.50. In respect to the proposed site's contribution to **Purpose A**, this is weakened by the presence of development west of the site along Briar End, south of the site along the Moors and east of the site along Church Street, although development along Church Street is set away from the east side site boundary, there is a cemetery in between, the separation in general is also considered to still adequately restrict any meaningful sprawl beyond the east side site boundary. Therefore, the site is considered to be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development.
- 9.51. The site's contribution is also physically weakened by a hedgerow that marks the northern edge of the development, whilst this is a weak hedgerow in its current form, it will be enhanced as a result of the development, therefore, consolidating the physical barrier between the site and the fields north of the site. The PPG does not restrict the enhancement of existing physical features to facilitate checking unrestricted sprawl. Furthermore, there is a topographical difference between the west and central parts (where most of the proposed built development is located) of the assessment site and the fields to the north, which have a gentle downslope, therefore, providing a further visible physical distinction between the development site and land to the north.
- 9.52. Lastly, in terms of other urbanising effects, the railway line and development to the west of the site restrict further sprawl beyond the development site.
- 9.53. The PPG outlines that assessment areas that contribute **moderately** are likely to be **adjacent or near to a large built up area**, but include **one or more features that weaken the land's contribution to purpose A**, such as (but not limited to):
- having physical feature(s) in reasonable proximity that could restrict and contain development
  - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
  - contain existing development
  - being subject to other urbanising influences
- 9.54. Therefore, the presence of **only one of the 4 features** outlined above is enough to weaken the contribution of purpose A of the Green Belt to an extent that the assessment area only moderately contributes to this purpose. On the basis that the assessment in Sections 9.50 – 9.53 of this report outlines at **least 3 of those features**, it is considered that the site contributes **moderately** to Purpose A of the Green Belt.
- 9.55. In respect to the assessment site's contribution to **Purpose B**, the 2017 and 2023 Green Belt studies outline the following;

*'The parcel is not close to any settlement other than Kidlington and so plays no role with respect to this purpose. The small villages of Hampton Poyle and Thrupp to the north are separated from the site by woodland and by the River Cherwell and the railway respectively.'*

9.56. The development site does not form any part of a gap and contribute to the visual separation between Kidlington and the nearest town of Oxford. Oxford City is further south of the site, with significant development between the site and Oxford City's administrative boundary. Furthermore, whilst not directly relevant, the development site is also not close to or forms any gaps between Kidlington and nearby villages of Hampton Poyle and Thrupp. Overall, the assessment area contributes **weakly** to Purpose B of the Green Belt.

9.57. With respect to the assessment site's contribution to **Purpose D**, the CLP (2015) and Reg 19 of the CLRP 2042 repeatedly refer to the 'Oxford Green Belt'. Furthermore, supporting text B.256 of the CLP (2015) states;

*'The **Oxford Green Belt** was designated to restrain development pressures which could damage the **character of Oxford City and its heritage** through increased activity, traffic and the outward sprawl of the urban area. Similarly, the character of **Oxford in a rural setting** cannot be maintained without the protection of the spatial relationship of Oxford with nearby settlements and the maintenance of the character of the intervening countryside.'*

9.58. It is clear from the above that Oxford City formed the basis of the Green Belt designation within the CLP (2015). As such, **Purpose D**, relates to the preservation of the setting and special character of historic towns, is in reference to Oxford City as opposed to Kidlington.

9.59. The 2017 and 2023 Green Belt studies outline the following in regard to Purpose D;

*'The area has insufficient relationship with Oxford to be considered to contribute to its historic setting or special character.'*

9.60. Officers also note that within the recommendation report for the OUFC application, Purpose D is only applied to the setting of Oxford City, with no reference to the setting of Kidlington in regard to the preservation of the setting and special character of historic towns.

9.61. Overall, the assessment site is not considered to form a part of the setting of Oxford City, nor does it have a visual, physical, or experiential connection to the historic aspects of Oxford City, considering its clear and distinct separation from Oxford City's administrative boundary as outlined in section 9.63 of this report. Overall, the assessment area **does not** contribute to Purpose D of the Green Belt.

9.62. Overall, based on the above assessments, the development site is not considered to strongly contribute to any of the purposes of (a), (b), or (d) in paragraph 143 of the Framework.

9.63. Paragraph 155 (a) of the NPPF outlines that for the proposal to be considered appropriate development in the Green Belt, the development should not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the development's implications to the remaining purposes (c) and (e) of paragraph 143 is also required and is outlined below.

- 9.64. **Purpose C** relates to assisting in safeguarding the countryside from encroachment. The PPG provides no guidance in respect of considering Purpose C, but Officers consider that the key factors on whether the site would represent encroachment are whether there is urbanising development within it, whether it is subject to urbanising influence from outside of the site and whether its development would increase urbanising influence on adjacent open land.
- 9.65. The proposal would introduce urbanised development within the site. However, this is limited primarily to the western and central parts of the site, where the majority of the proposed residential development is located. The eastern part of the site, where cricket pitches or a country park is proposed, will remain largely open and predominantly free of development, therefore, limiting the overall development's encroachment into the Green Belt.
- 9.66. In regard to urbanising influence from outside of the site, as already outlined in Sections 9.51 and 9.53 of this report, the site is partially enclosed by existing urban development and features (housing, church and railway line), east, south and west of the site. As outlined in section 9.52 of this report, the site also has adequate physical separation from the northern fields beyond the site, which will be enhanced by planting along the northern boundary as a result of this development. Moreover, woodland and water feature further north and the railway to the west form stronger boundaries which safeguard urbanising influences on adjacent open land.
- 9.67. Lastly, the 2017 and 2023 Green Belt studies outline the following in terms of Purpose C;
- 'Largely sloping towards Kidlington and lacking strong separation from it, the parcel has a relationship with the settlement but also lacks development and forms part of a broader area of farmland. The eastern end of the parcel has a stronger visual relationship with the wider rural area and stronger screening from the urban edge. The parcel, therefore, provides protection against encroachment'*
- 9.68. Overall, based on the above, the site is not considered to have a **strong and strategic role** in the functioning of the Green Belt with respect to Purpose C.
- 9.69. **Purpose E** relates to assisting in urban regeneration by encouraging the recycling of derelict and other urban land. The assessment site is a previously undeveloped green field site which makes **no strategic contribution** to Purpose E.
- 9.70. The 2017 and 2023 Green Belt studies outlined that if the development site was released from Green Belt for future development, the resulting harm to the Green Belt would be *'moderate'*. Overall, based on the above assessments, the development would not fundamentally undermine the purposes (taken together; parts a-e of part 143) of the remaining Green Belt across the area of the plan. Therefore, the assessment site is considered to satisfy the first part of the Grey belt assessment as per the Grey belt's definition and paragraph 155 (a) of the NPPF.
- 9.71. Turning to the second part of the Grey belt definition's assessment, which relates to whether the application of heritage policies provides a strong reason for refusing or restricting development.
- 9.72. The second strand of the Grey belt definition, as outlined in Annex 2 of the NPPF, outlines that;

*'For the purposes of plan-making and decision-making..... 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

- 9.73. Para 11 b (i) stipulates how for *'plan making'*...strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for **restricting** the overall scale, type or distribution of development in the plan area.
- 9.74. Whilst Para 11 d (i) outlines that for *'decision making'* where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for **refusing** the development proposed.
- 9.75. Based on the above, Officers consider that the application of this second part of the Grey belt's definition is dependent on whether it is being applied for plan making or decision making purposes. Indeed, the reference to footnote 7 originally derives from paragraph 11 of the NPPF, where there is a clear differentiation between *'plan making'* and *'decision making'*.
- 9.76. Based on the above, it is considered that the relevant test in this instance is whether, for the decision making process of this subject development, the application of policies that protect areas or assets of particular importance would provide a strong reason to refuse the development. In this case, the relevant policies relate to heritage assets.
- 9.77. The development's heritage harm to the Grade I listed St Mary's church, Grade II Listed buildings in the vicinity and the adjacent Conservation Area will be assessed in the Heritage section of this report. Should it be concluded that there are no heritage policies that would provide a strong reason to refuse the development, then the second part of the Grey Belt definition would be satisfied.
- 9.78. It is worth noting that the heritage harm to the setting and significance of the nearby heritage assets will be assessed based on the merits of the proposed development and mitigations outlined to offset any harm for this specific scheme. Therefore, should it be considered that no heritage policies would provide a strong reason to refuse the proposal, this conclusion will only apply to the proposed development in its current form and any future development within the site different in form to the proposed development will be subject to a separate grey belt assessment on its own merits
- 9.79. Officers also note within the draft NPPF, published on the 16<sup>th</sup> of December 2025, there is a proposed change to the definition of 'Grey Belt' to remove reference to the other "Footnote 7" areas. Whilst this document is still at draft consultation stage and, therefore, given limited weight in the determination of the current application, the proposed change outlines the direction of travel in how the 'Grey Belt' test will be applied without consideration to Footnote 7 policies, which already provide protection for the relevant areas in the Framework.
- 9.80. Paragraph 155(b) outlines that there should be a demonstrable unmet need for the type of development proposed. As outlined in section 9.8 of this report, the council has a housing land supply of 3.1 years, which is below the required 5 year supply. Therefore, it is clear that there is an unmet housing need, and on this basis, part b of paragraph 155 is satisfied.

- 9.81. Paragraph 155 (c) requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF.
- 9.82. Kidlington is defined as a Category A village. Category A villages are considered to be the most sustainable villages in the District, as outlined in the CLP (2015). Kidlington, however, is considered to be more sustainable than other villages in the District due to its extensive range of services, such as superstores, schools, recreational/community facilities, and excellent transport links to nearby towns such as Oxford, Banbury, and Bicester, which all align with its reference as a Local Service Centre in Policy SP1 (Settlement Hierarchy) of the emerging CLPR (2042). Furthermore, due to planned development in the area, primarily due to the provision of the Partial Review sites to meet Oxford's unmet needs, it is expected that more services will be available, with improved sustainable transport links, further enhancing Kidlington's sustainability.
- 9.83. The development itself will also improve sustainable transport options by enhancing existing active travel (walking and cycling) and public transport infrastructure in the area. Furthermore, safe and suitable access provisions for all users will be incorporated into the development and mitigation measures will also be secured in relation to the development's impact on the transport network. Lastly, the design of streets, parking areas and transport elements at the reserved matters stage will have due regard to the relevant design guidance. Overall, the development aligns with paragraphs 110 and 115 of the NPPF, which seek to promote sustainable transport.
- 9.84. Based on the above, part (c) of part 155 is satisfied.
- 9.85. Paragraph 155 (d) references the 'Golden Rules' set out in paragraph 156 of the NPPF, detailed below;

<b>Criteria</b>	<b>Assessment</b>
a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the Policy set out in paragraph 157 of this Framework.	The development proposes 50% affordable housing, which will be secured in a s.106 agreement, along with the appropriate tenure mixes to reflect local need. Therefore, Para 156 (a) is satisfied.
b. necessary improvements to local or national infrastructure.	The development proposes necessary improvements to local infrastructure, which will be secured as planning obligations in a s.106 agreement. Therefore, Para156 (b) is satisfied.

<p>c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.</p>	<p>There is a provision of green spaces within the site development that will be publicly accessible. The layout and design of the green spaces will be finalised at the reserved matters stage, and Officers will ensure they accord with local standards in the development plan. Furthermore, as per paragraph 159 of the NPPF, the green spaces are considered to contribute positively to the landscape setting of the development, supporting nature recovery. Therefore, Para 156 (c) is satisfied.</p>
--	--

*Conclusion*

9.86. Based on the above assessment and subject to the consideration of impact upon heritage assets, the proposed development could satisfy the Grey Belt criteria set out in paragraphs 155-159 of the NPPF. Should this be the ultimate conclusion then the development would be considered to be appropriate development in the Green Belt, however this conclusion can only be reached once the consideration of all impacts has been undertaken which will be concluded upon in the conclusion and planning balance section of this report.

9.87. As already mentioned, the assessment of Paragraph 11 d(ii) of the NPPF in respects of a comprehensive weighing exercise of the scheme’s impacts and benefits will be undertaken in the final conclusion and planning balance section of the report to establish whether presumption in favour of sustainable development also applied in that instance.

**9.88. Highways and Transport**

*Policy Context*

9.89. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality, safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

9.90. Policy SLE4 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport and development which is not suitable for the roads that serve the development, and which has a severe traffic impact, will not be supported.

9.91. Paragraph 115 of the NPPF states that, in assessing specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised, taking into account the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

9.92. In addition to this, paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Assessment*

9.93. The development relates to an outline application with access for approval only. To support the transport provisions, the applicant initially submitted a transport assessment and supporting information outlining the development access arrangements, traffic impacts on local roads and local transport infrastructure and travel options for future occupants of the development.

9.94. As outlined in Sections 7.5 – 7.8 of this report OCC Highways initially objected to the development.

9.95. In light of the Highway comments and objections, the applicant submitted a response note dated 29 August 2025 and Points of Clarification note dated 8 October 2025. Furthermore, a MBTN was also submitted on behalf of local objectors to the development.

9.96. OCC Highways were consulted and reviewed the additional information above and found that their previous objections and concerns outlined in their initial comments had been satisfactorily addressed. Furthermore, the issues raised in the technical note submitted on behalf of the objecting local community group had also been addressed by the applicant to the satisfaction of the Highway Authority.

9.97. The comments and acceptability of the scheme from a Highways Authority point of view were subject to a final list of conditions and planning obligations which will be included in the application's recommendation. A detailed assessment of the specific highway and transport considerations is outlined below.

#### Access

9.98. It is proposed that the site will be served by 2 vehicular access points, which would be open to all vehicle types, including emergency vehicles, together with pedestrians and cyclists. Both of these access points will come off The Moors. In regard to access for pedestrians and cyclists only, one access point is proposed along The Moors in between the two vehicular access points, and a further access point is proposed along Church Street, east of the site.

9.99. A raised-table mini roundabout at the junction of The Moors and Benmead Road is also proposed. The roundabout will form part of the vehicular access arrangements for the scheme, which is opposite this junction. The mini roundabout is considered appropriate relative to the traffic counts and predicted flows under national standards, and the applicant has already undertaken a Stage 1 Road Safety Audit. Its design also includes suitable visibility splays for a 20mph environment and incorporates speed management

measures. Swept-path assessments show that large vehicles and refuse collection vehicles can safely negotiate the junction. The other western vehicular access is also provided with a suitable carriageway width, visibility and calming features within 70 metres.

9.100. Overall, the above measures collectively ensure that safe and suitable vehicular access can be achieved, whilst also allowing for pedestrians and cyclists to enter from these points. Further details and materials will be finalised through the s.278 process or conditions as necessary.

#### Road Impact and Traffic Modelling.

9.101. The submitted road traffic impacts estimated that the development would generate 100 new vehicle trips during peak times. The MBTN outlined that the application's trip generation assumptions underestimate the effect of the development. However, the rates and methodology used were agreed with OCC Highways in advance and are consistent with those used for other local plan sites. The applicant has also shown that the difference between using a future baseline and surveyed flows is very small, and well within normal daily traffic variations. On this basis, OCC Highways considered the trip generation and distribution assumptions to be robust.

9.102. The traffic modelling for the development included assessment of the performance of key junctions within the local road network (A4260 / Langford Lane and Evans Lane / Bicester Road), which were previously known to be sensitive to traffic.

9.103. The initial modelling (undertaken in line with TEMPRO growth factors) confirmed that the development traffic at both site access junctions would operate within capacity in 2023 and 2031 scenarios, although some arms would experience higher queueing and delays. However, the modelling did not factor in committed and allocated development (Partial Review sites) in the immediate area. This should have been factored into cumulative traffic assessments. Furthermore, the MBTN submitted on behalf of objectors outlined the same concerns in relation to modelling.

9.104. The applicant provided further information (OCC response, dated 29 August 2025 and Points of clarification letter, dated 8 October 2025, letters by SLR) in relation to the interaction of traffic related to committed and allocated sites in the immediate area and the proposed development within the modelling. This information factored for highway impacts related to the OUFC application. In their latest consultation response, OCC Highways also offered no objection to the traffic modelling information, in particular, it was considered and accepted by OCC that;

- The evidence indicates that stadium and conference trips are expected to route via the A34, A40 and A44, with minimal routing through Kidlington.
- Importantly, the peak times for stadium and conference activity do not coincide with the peak times from this residential development.

9.105. Therefore, on that basis, they concluded that there was no evidence to suggest that the OUFC application would have a material cumulative impact on the local road network. Furthermore, OCC Highways also raised no objections to the information provided by the applicant, which concludes that the use of the potential cricket pitches at the site would attract vehicle movements largely outside of the peak travel periods. Therefore, this use will not have any effect on the results of the modelling that has been undertaken to support the application.

- 9.106. Lastly, a raised-table mini roundabout at the junction of The Moors and Benmead Road is also proposed, which will form part of the vehicular access arrangements for the scheme, opposite this junction, is considered to be a further measure which will mitigate the increase in traffic flows as result of the development along the access road, therefore, reducing delays and also calming speeds within this built up residential road.
- 9.107. Whilst the cumulative traffic impact of this development would not result in a severe impact on the operation of the local transport network, the development will still materially increase traffic flow in the locality. Therefore, a contribution towards the £2.2 million Bicester Road east-west highway improvement scheme, based on an estimated share of traffic generated by this development, is required.
- 9.108. The total cumulative peak-hour trips expected from committed and allocated sites using this corridor is estimated at 630 trips. Therefore, since the development accounts for 15.87% (100 peak hour trips) of the expected traffic impact on those routes, a proportionate contribution of £349,140 towards the Bicester Road improvement scheme will need to be secured via a s.106 agreement as part of this application. This will ensure a contribution towards the delivery of highway improvements to mitigate traffic impacts caused by the development within the local highway network.
- 9.109. Walking and cycling
- 9.110. OCC Highways had previously raised concerns regarding the lack of consideration for sustainable transport permeability improvements. The applicant undertook a walking and cycling audit supported by photographs and schedules of improvements. The audit identified a number of missing tactile paving points, kerb realignments, local signage, and lighting upgrades. The audit demonstrates that the local walking and cycling environment can be improved in a proportionate and deliverable manner. In addition, two new crossing points of the A4260 are proposed with appropriate tactile paving and crossing geometry. These have been presented in sufficient detail to demonstrate feasibility and suitability. The detailed design, topographical checks and further Road Safety Audits will be secured through the s.278 process. On this basis, OCC Highways were satisfied that safe and convenient pedestrian and cycle connections can be provided.
- 9.111. A condition has also been recommended by OCC Highways in relation to the above walking and cycling improvements and crossings to ensure that details are provided for approval and that the improvement is in place before any dwelling is occupied. This will be added to the decision.
- 9.112. In regard to the PROWs, the site is crossed by two of them (265/15/10 and 265/17/10) and a third one (265/18/10) follows the northern boundary, with a slight encroachment into the site.
- 9.113. All the above PROWs are likely to be affected by the development. At this outline stage, for access only, it's difficult to establish how their current legal alignment will be impacted exactly. However, it is expected that if a diversion is required, the alternative route is a logical, accessible through-route with high-quality surface, appropriate gradient, and a well-considered landscape setting. The submitted DAS outlines a commitment to retain and enhance the PROWs, together with connecting them with the network of other informal footpaths to be proposed within the development's overall landscape design strategy. Any alterations to the legal alignment of the existing PROW are subject to a separate legal planning application process under s.257 of the Town and Country Planning Act 1990. Therefore, the applicant would need to make such an application before altering the PROWs, this can be done post determination of the

subject application. Officers note that a planning condition has been recommended by OCC Highways in regard to the relevant details, including route, width, surface, gradient, structures, signage, and amenity features of the additional on-site footpaths proposed. Officers consider that this information will be provided during the reserved matters stage, a specific condition for such details is not necessary.

9.114. The development will generate significant additional use of the surrounding countryside access network, effectively shifting the urban edge of Kidlington outwards. Therefore, to mitigate these impacts, a financial contribution of £120,000 has been requested by OCC Highways. The contribution is considered to be directly related to the development, and it will be utilised to improve PROWs within 1-2 kilometres of the site. Such improvement works will include path surfacing, drainage, new or replacement structures, improved signage, etc, subject to landowner consent. The scale of the contribution is based on a desk assessment of likely costs and is considered proportionate to the impacts of the scheme. Officers are satisfied that the above contribution is necessary, therefore, this will be secured via a s.106 agreement.

#### Public Transport

9.115. The applicant provided confirmation that the majority of dwellings will be located within 500 metres of the existing bus services and that they are all within 800 metres. The proposed A4260 crossings will ensure safe access to these stops.

9.116. The applicant has also agreed to make contributions towards public transport (£463,760) and public transport infrastructure (£29,728). The funds will be expended on improvements to public transport services in the area, and to also upgrade existing bus stops with real time passenger information units. Lastly, the applicant has agreed to make financial contributions to support the A44 mobility hub, which will reduce traffic sufficiently and allow development in the area to come forward. The contribution in regard to this equates to £437,181.11.

9.117. OCC Highways consider that the above package related to the development is acceptable to ensure adequate access to public transport and support sustainable travel choices. All contributions referred to in preceding paragraphs will need to be index linked.

#### Other matters

9.118. The applicant has agreed that parking provision will be capped at the level set by Oxfordshire County Council standards. Provisions for internal layout, including carriageway widths, gradients and swept paths, will be considered at the reserved matters stage and should be designed to create a self-enforcing 20mph environment. This approach ensures that detailed design is appropriately managed through subsequent approvals while securing the principle of compliance with county standards.

9.119. The applicant has also agreed to provide a Residential Travel Plan to be updated at the appropriate triggers, to be secured via condition along with the monitoring fee, to be secured in the s.106 agreement and distribution of residential travel information packs, to also be secured via condition. A Construction Traffic Management Plan will be secured by condition prior to commencement of development.

9.120. The above measures will ensure that construction impacts are controlled and that sustainable travel options are promoted for residents once the development is occupied.

9.121. Officers note the concerns raised within the MBTN on behalf of the objectors in relation to aspects of the proposed access and technical drawings. The applicant amended the design of the drawings where appropriate, such as repositioning pedestrian crossings and removing the central island at Banbury Road. Where changes have not been made, the applicant has set out technical reasoning referencing relevant design standards. For example, the Moorlands crossing location avoids underground services and is considered proportionate to the scale of the scheme, while the Banbury Road refuge island is consistent with guidance and comparable to existing features that have not shown safety problems. OCC Highways reviewed the proposed designs with due regard to the justifications provided, whilst noting the concerns raised by the objectors and were satisfied that the proposed designs are in accordance with recognised national standards (Manual for Streets and DMRB CD 116) and do not raise unacceptable safety issues.

9.122. Within their latest response, which outlined no objections to the scheme in Transport and Highway terms, OCC Highways also recommended further conditions beyond the ones already outlined above in regard to highway related provisions and the requirement for the site vehicular and pedestrian accesses to be constructed prior to the occupation of any dwellings.

#### *Conclusion*

9.123. Overall, Officers consider that the proposals demonstrate that safe and suitable access can be achieved, that pedestrian and cycle links are deliverable, that the site is accessible to public transport with proportionate contributions and improvements secured. Lastly, the residual traffic impacts will also be appropriately mitigated through financial contributions. The application is therefore acceptable in highway and transport terms, subject to the conditions and obligations outlined above.

#### **9.124. Landscape and Visual Impact**

##### *Policy Context*

9.125. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings

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

9.127. As outlined in the earlier sections, Policy PV2 of the CLP (2015) is a housing policy considered 'out of date' for the purposes of determining the principle of housing development. However, the Policy still provides useful guidance in assessing landscape and visual harm related to development proposals within Villages. Policy PV2 outlines that consideration is required of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the built environment.

#### *Assessment*

9.128. The development site abuts the northern settlement edge of Kidlington, extending beyond the built up limits of this village. The site extends west, adjacent to residential development and a caravan park. Immediately east of the site is the graveyard of St Mary the Virgin church, with the Grade I listed St Mary's church, Grade II listed buildings and the Church Street Conservation Area located further east, set away from the east side site boundary. To the north of the site is arable land falling into the River Cherwell Valley, and south, the site abuts the rear gardens of the residential properties along the Moors.

9.129. Within the Oxfordshire Wildlife and Landscape Study (2004), the predominant landscape type related to the site is 'Rolling Farmland', this landscape character type is described as having prominent rolling landform, large, geometric arable fields enclosed by a weak hedgerow pattern, thinly distributed hedgerow trees, and locally prominent blocks of ancient woodland. The landscape strategy is to conserve and enhance the surviving pattern of woodlands, hedgerows, hedgerow trees and tree-lined watercourses, minimise the impact of built development through appropriate location, choice of building materials, and the use of locally characteristic tree and shrub species.

9.130. The site is not subject to any current landscape designations.

9.131. The development site at present consists of arable fields with intersecting mature vegetation which separate the land parcels within the site. The presence of vegetation in between parcels filters views in some instances, however, key landscape views exist towards the spire of St Mary's church, east of the site.

9.132. Views into the site are mainly from residential development, south of the site, and PROWs, one of which runs from the Moors, south of the site, right through the central parts of the site heading north and extending beyond the site. Views are also experienced from another PROW, which cuts across the north-eastern parts of the site.

9.133. An LVIA was submitted to support the application, which outlines landscape receptors and viewpoints, whilst the identification of receptors was considered largely acceptable by the external landscape consultant (HBA) who reviewed the LVIA, the viewpoints in the LVIA were considered partly appropriate, those from the Moors and the churchyard of St Mary the Virgin being notable omissions. Furthermore, the mapping of the viewpoints and PROW is inadequate.

9.134. The submitted LVIA as a whole was found to be inadequate by the external landscape consultant who reviewed the document, in particular, the application of the methodology was considered flawed. Furthermore, the LVIA was considered to have other shortcomings, such as a lack of detailed assessment of the site's role in providing a setting for the settlement and in containing the existing settlement from the northern area of open countryside, among other omissions. The inadequacies within the LVIA were considered significant to the extent that the development's evaluation and conclusion of landscape visual effects were underestimated and considered to be unreliable.

- 9.135. HBA recommended a list of further information, mainly related to planting along the northern boundary, lighting provisions and clarity parameter plan tolerances.
- 9.136. The applicant provided an addendum to address the requested information, together with a peer review to co-sign the validity of the LVIA's findings. Whilst HBA considered the additional requested information broadly acceptable by the peer reviewer of the LVIA, the peer review nor any of the additional information addressed the other shortcomings within the LVIA, in particular, the application of the LVIA's methodology, therefore, the reported landscape visual effects of the development were still considered to be unbalanced and unreliable.
- 9.137. Notwithstanding the shortcomings in the LVIA, HBA were of the view that the scheme overall would not be significantly harmful in landscape and visual terms, subject to appropriate mitigation.
- 9.138. Therefore, Officers sought a balanced and reasonable characterisation of the development's landscape and visual effects, from HBA based on their professional judgement, review of the landscape and visual baseline, site inspection and the indicative development proposals.
- 9.139. HBA concluded that, subject to appropriate mitigation, the development's long term effects would be moderately adverse to the immediate local landscape of the site, due to the loss of open farmland and rolling farmland, which are key elements of the local character, these effects would also extend to certain local views. However, taken in the round in its wider context, the landscape effects would likely be minor/moderate to minor after mitigation. Furthermore, it was outlined that while the landscape effects would remain adverse, this would not be unusual or "undue" in the context of housing development on a greenfield site.
- 9.140. HBA recommended conditions as outlined in Section 7.52 of this report to mitigate the development landscape and visual effects. Officers consider these conditions reasonable and necessary, therefore, they will be incorporated into the condition's list at the end of the report.
- 9.141. Overall, Officers consider that whilst the submitted LVIA was not of an appropriate standard, a balanced view on the development's landscape and visual harm has been reached through the professional input and judgement of HBA. Whilst harm to the immediate and wider local landscape character will be moderately adverse after mitigation, it would not be uncharacteristic for housing development in the open countryside, and it wouldn't be considered to equate to significant harm. Indeed, policy ESD13 of the CLP (2015), outlines that appropriate mitigations should be secured where damage to local landscape character cannot be avoided and, in this instance, mitigations will be secured.
- 9.142. The mitigations in particular the retention and strengthening of the northern boundary with structural planting will visually contain the development from the fields, beyond the site, which extend further north, ensuring that the harm primarily remains localised. The retention of the eastern parcel within the site for green infrastructure also mitigates for undue harm to the nearby setting of buildings of heritage importance and the settlement in general.
- 9.143. Officers also acknowledge that important landmark views currently visible within the site, in particular views east to the church spire, will be impacted by the development. However, is expected that the appearance and layout of the development is sensitively

designed in a manner that retains views where possible and generally provides a positive relationship with this important landmark within the landscape setting.

9.144. Overall, whilst the development is not directly contrary to the CLP's primary landscape policy ESD13, harm to the local landscape's character has been identified nevertheless and this will be weighed against the scheme's benefits in the planning balance and conclusion section.

#### 9.145. **Design and layout principles**

##### *Policy context*

9.146. Section 12 of the NPPF relates to achieving well-designed places and advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 131 it advises that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' and at paragraph 135(b) it further advises that planning decisions should ensure that '*developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*'.

9.147. Local Plan 2011-2031, Policy ESD15 advises that design standards for new development, whether housing or commercial development, are equally important and seeks to provide a framework for considering the quality of the built development which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that '*control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development*'. Saved Policy C30 states that '*design control will be exercised to ensure... (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and... (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority*'. These are all relevant to the proposals considered here.

9.148. Designated Heritage Assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

##### *Assessment*

9.149. The proposed development relates to an outline application for access only, with all matters regarding layout, scale, appearance, and landscape reserved for approval at a later date.

9.150. The current development will, however, establish the development parameters which will inform any future reserved matters application. To this effect, the proposed development has been accompanied by the following parameter plans;

- Land use and access parameter plan.

- Density parameter plan.
  - Tree and vegetation retention/removal parameter plan.
  - Building heights parameter plan.
- 9.151. The land use and access parameter plan outlines the placement of development within the site. Residential development is primarily located along the western and central parcels of the site, with intersecting green infrastructure encompassing the development parcels, most notably along the northern and western site boundaries, where a minimum 25 metres wide buffer is retained between the edge of the proposed residential parcels and the site's north and west side boundaries. Within those buffers, existing and new planting is expected to be proposed, along with pedestrian and cycle routes. The west and north boundaries play an important role in visually containing the development, whilst still providing links to the wider countryside beyond the site. Pedestrian access routes are outlined along these boundaries to reflect this, which is welcomed.
- 9.152. New public open space is indicatively located west of the site, surrounded by residential development, and measures a minimum of 0.36ha. The residential parcels are also intersected by 16 metre wide green infrastructure corridors. It is expected that these will form part of the access roads for the development, where new street planting will be expected to be incorporated into the streets and any other roads within the development parcels not identified in the land use and access plan.
- 9.153. The above parameter plan further outlines additional green infrastructure corridors along the southern stretch of the residential properties, providing a buffer between the resultant residential development and the rear of the existing residential properties along the Moors.
- 9.154. The eastern parcel of the site will primarily comprise of further green infrastructure expected to be in the form of some of form of recreation, at this stage it is unknown whether cricket pitches or a country park will primarily occupy this area, the design and access statement (DAS) provides illustrative plans of both these options and both of them would appear to assimilate well with the rest of the development.
- 9.155. The details of what will be proposed for the eastern parcel of land will be provided for approval prior to the submission of any reserved matters application, a scheme for approval will be secured in the s.106 agreement. At this stage, the land use and access parameter plan, subject to approval, does not detail either of these options, instead, the eastern part of the site is simply marked as land for green infrastructure.
- 9.156. The design and access statement elaborates on the parameters set out in the above plans in greater detail. At this stage, the contents in the DAS are indicative, however, Officers and the Urban Design Officer are keen to see some of the principles in the DAS carried over within the reserved matters submission, and to this effect, a design code condition will be added to the permission, which will require general accord with such principles.
- 9.157. During the course of the application's determination period, the applicant amended the scheme to incorporate comments made by the Urban Design Officer and Landscape Officers. Most of the comments were incorporated, however, the request to provide a clear indication of the densities proposed across the site and vignettes at key locations to demonstrate the approach to density/parking/ street scene was not addressed by the applicant. Officers note this and acknowledge that higher densities would not be

acceptable in this area, the density parameter plan outlines a density range of 25-35 dph. Whilst there is value in demonstrating that the quantum of development proposed would be deliverable at the appropriate densities whilst incorporating road and green space infrastructure, the proposal is an outline scheme for which the layout, design, scale, and landscape elements are to be dealt with at the reserved matters stage.

- 9.158. Therefore, it would be at that stage that the development's density would be considered more comprehensively. Furthermore, a design code condition will be added to the application, which specifically requires the appropriate densities to be incorporated across the development, among other relevant design principles.
- 9.159. The urban design officer also recommends several conditions which will be added to the application.
- 9.160. In their latest comments, the landscape officer requested that the locations of the country park and play areas be provided in an illustrative masterplan. Officers don't consider it necessary to provide a separate master plan for the country park, as the DAS already provides illustrations for this. Furthermore, the country park or the alternative cricket pitches are not for consideration at this stage of the development; therefore, details of either of these elements will be dealt with at the reserved matters stage. Regarding the play areas, Officers note that the land use and access plan, subject to approval at this stage, outlines that the play areas will be provided within the residential or green infrastructure land parcels. Therefore, such provisions at this outline stage for play areas are deemed adequate.
- 9.161. Tree and vegetation retention/removal parameter plan outlines that most of the tree/vegetation planting along the prominent site boundaries will be retained, which is welcomed, also considering the forthcoming enhancements. As the site is generally free of any meaningful vegetation due to its arable use, not a significant amount of planting will be lost as a result of the development. The majority of the planting to be removed will be to facilitate vehicular and pedestrian access points. Several individual and group TPO trees fall within the southeast triangular strip of the development site, where one of the site accesses will be located, however, only two Ash trees within a group TPO will be removed and as per the submitted AIA these trees are dead/dying and becoming unsafe. Therefore, their removal is deemed acceptable, considering that the Arboricultural Officer raised no objections to their removal.
- 9.162. The Arboricultural Officer also reviewed the AIA accompanying the above tree retention/removal plan, in full. Initial concerns were raised regarding the lack of constraints/impact plans, illegible tree protection plans, and poor tree categorisation. Furthermore, it was requested that further spacing be provided between existing neighbouring dwellings and the proposed dwellings, trees, and hedgerows, to allow for both retention and enhancement of arboricultural features and to minimise RPA encroachment.
- 9.163. The applicant provided an updated AIA and a response note, and CDC Arboriculture offered no objections to the scheme, as they deemed that several of their previously raised concerns could be addressed at the reserved matters stage. On this basis, an Arboriculture Method Statement will be conditioned as part of the application.
- 9.164. Lastly, the building heights parameter plan outlined that the majority of dwellings will be up to two storeys with a ridge height of up to 9 metres. However, a portion of residential dwellings will rise up to 14 metres, reaching up to 3 storeys in height. The placement of these taller building right on the edge of the eastern parcel reserved for recreational development is not ideal. However, this only forms a small proportion of

the overall residential development proposed, moreover, the scale and appearance of any resultant building (s) would still be subject to further assessment and approval at the reserved matters stage. Therefore, on balance, this would be acceptable. The building heights parameter plan also includes a single storey community use building (pavilion) with a height of up to 7 metres. This is only proposed to come forward if the cricket pitches are proposed at reserved matters. This building is located within the eastern parcel of land related to the recreation provisions; however, its reasonably modest maximum ridge of 7 metres is considered to be appropriate. Furthermore, its design and scale will also be further assessed to ensure acceptability at the reserved matters stage.

9.165. Overall, the parameter plans together with the DAS and illustrative material provided demonstrate a good basis for the design, layout, landscape, and scale principles which will inform any future reserved matters application.

**9.166. Impact on Heritage assets**

*Policy and legislative context*

9.167. Paragraph 212 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

9.168. Paragraph 215 outlines; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.169. Policy ESD 15 of the CLP outlines that new developments should conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. C23 of the CLP (1996) outlines a presumption in favour of retaining positive features within a Conservation Area.

9.170. Designated Heritage Assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

9.171. Paragraph 207 of the NPPF outlines that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Furthermore, as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

#### *Assessment*

9.172. In terms of heritage considerations, the development site's east side site boundary is directly adjacent to the Church Street Conservation Area and is in close proximity to the Grade I listed St Mary's Church and other Grade II listed buildings.

9.173. In the wider setting context, Hampton Poyle, Hampton Gay, Shipton on Cherwell and Thrupp Conservation Area also lie to the north.

9.174. Whilst, the site lies outside the Church Street Conservation Area, due to its sensitive location and the significance of the heritage assets within the conservation area, the relationship between the site and the conservation area has to be considered when assessing the potential impact of the development on the heritage asset.

9.175. The development site's significance primarily lies in the contribution it makes to the setting of the Church Street Conservation Area and the Grade I Listed Church.

9.176. The development site's setting relative to the above heritage assets is characterised by agricultural and rural landscape, therefore, the proposed development which will introduce a suburban built form within this current setting will reduce the sense of rurality around these designated heritage assets, in particular along the western part of the site where the residential development with the maximum heights outlined in section 9.127 is proposed.

9.177. CDC Conservation outlined some concerns regarding the 3 storey buildings proposed within the area of residential development closest to the eastern part of the site. However, the eastern part of the site, nearest to the conservation area boundary and the listed Church, is primarily free of built development, except for a potential modest pavilion building to support the cricket pitches (if proposed). Therefore, minimising built development within this area, which forms part of the immediate setting of the heritage assets, reduces the development's impact on the conservation area, helping maintain the character of the broader setting of this historic part of the village.

9.178. The church spire is a key landmark currently visible from parts of the development site. The built development will inevitably mean that the church will not be visible from all parts of the site in the same way. However, as the built development is primarily located at the western end of the site away from the area that forms the more immediate part of the Church's setting, the prominence of the church, and its spire will be retained. Furthermore, the spire will also remain visible in the wider landscape from various other viewpoints, beyond the site. Lastly, Officers also consider that the development should be sensitively designed to retain views and to maintain a meaningful relationship with this prominent landmark feature, which contributes to the Church's significance.

9.179. CDC Conservation outline that the development may be visible in the wider landscape from other conservation areas, encroaching on and visually altering the setting of St Mary's Church. Officers also acknowledge that the proposed development would result in notable changes to the landscape, and this may be harmful in landscape and settlement character terms, but this does not necessarily equate to harm to the

significance of the heritage assets through development within their setting. In this instance, Historic England's comments are agreed with in that there is potential for minor, less than substantial harm in relation to St Mary's Church, however this may be reduced once building heights, design and final layout is established.

- 9.180. Officers note that there would be an opportunity at reserved matters to ensure that the appearance, scale, layout, and landscape of the development is designed in a sensitive manner that reduces the harm to the above heritage assets.
- 9.181. Regarding the designated heritage assets in the conservation areas (other than the Grade I Listed St Mary's Church), these relate to Grade II listed buildings east of the site and within the wider conservation area. These assets are largely positioned within existing built development, which provides separation and screening from the development. Furthermore, the setting of the Grade II listed buildings closest to the development site is primarily their residential gardens and the neighbouring dwellings, this area forms part of the church enclave character area. A separation is maintained, between the development site and the Grade II listed buildings therefore minimising any impact of the proposed built development and as their setting is their immediate surroundings this is contained within the conservation area. As a result of this, the proposal is considered to result in no harm to the significance of these Grade II Listed Buildings.
- 9.182. CDC Conservation conclude that, in heritage terms the proposal in its outline form and from the indicative plans is considered to result in a low level of less than substantial harm. They consider that this harm could be reduced or removed as a result of the final building heights and layout therefore there are no objections in principle. Officers note the harm identified by CDC Conservation and Historic England, such harm will be weighed against the scheme's benefits in the planning balance and conclusion section, with due regard to paragraph 215 of the NPPF (2024).
- 9.183. The development site is also located in an area of archaeological interest and potential on the northern side of Kidlington. A geophysical survey and archaeological evaluation were conducted during the pre-application period, and the reports for these have been submitted with the application. The geophysical survey recorded anomalies suggestive of a possible trackway, enclosures, pit features and furrows, and these were recorded in the following trenched evaluation (Cotswold Archaeology 2024).
- 9.184. Within the trenches, Iron Age, Roman and Saxon pits were recorded, as well as the trackway and some possible enclosures as indicated by the geophysical survey. Though the trackway remains undated, it is possible that it is contemporary with the Iron Age and Roman occupation on the site. Development on the site will negatively impact these remains.
- 9.185. On the above basis, OCC Archaeology within their consultation response outlined that should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation works and retention measures, during the development's construction phase. To this effect planning conditions related to an Archaeological Written Scheme of Investigation were recommended by OCC Archaeology. Officers consider these conditions necessary and required to make the development acceptable in planning terms. Therefore, they are recommended.
- 9.186. **Residential Amenity**

*Policy Context*

9.187. Paragraph 135(f) of the NPPF (2024), Policy ESD15 of the CLP (2015) and Saved Policy C30 of the CLP 1996 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light, and indoor and outdoor space.

*Assessment*

9.188. The proposed development relates to an outline application with layout, scale and landscape measures reserved for approval at a later stage. Therefore, a comprehensive amenity related assessment will also be undertaken at that stage. However, from the submitted illustrative information it is clear that there is an intention for the proposed development to retain landscape buffers along the site boundaries adjacent to existing neighbouring properties, south, west, and east of the site.

9.189. As such, it appears unlikely that the development will cause amenity issues to the surrounding neighbouring properties. No information to aid any form assessment for the future occupiers of the development has been provided.

9.190. Overall, as already mentioned amenity is a reserved matter issue. As far as can be assessed at this outline stage, the proposal is considered to be acceptable.

**9.191. Sustainable Construction and Energy Efficiency**

*Policy Context*

9.192. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency, this is generally secure via the Building Regulations which now secure a good standard, however the inclusion of renewable energy infrastructure is important. Lastly, Policy ESD5 outlines that developments which propose over 100 dwellings should consider the provision of on-site renewable sources, with a feasibility assessment highlighting the most viable options.

*Assessment*

9.193. The proposed development is accompanied by an outline sustainability statement that highlights renewable energy measures, such as solar PV panels and air source heat pumps, which are deemed feasible and appropriate for the site. Furthermore, the statement indicates the adoption of a fabric first approach to ensure that the residential proposal meets or exceeds the Part L Building Regulations U Values related to energy efficient construction measures within building elements such as walls, roofs, floors, and windows. The statement concludes that the reserved matters application(s) are expected to be informed by the details specified in the sustainability statement. Therefore, a planning condition will be added to the permission to ensure that such sustainability principles are reflected in later submissions.

**9.194. Ecology and Biodiversity**

### *Legislative context*

- 9.195. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.196. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.197. A mandatory 10% net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

### *Policy Context*

- 9.198. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.199. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 9.200. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 9.201. Policy ESD10 of the CLP 2031 Part 1 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.202. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

#### *Assessment*

9.203. The application site is located within a rural area along Kidlington's northern settlement edge. Therefore, the site is surrounded by mature planting in particular along the northern boundary.

9.204. The development site is also adjacent to the Lower Cherwell Valley Conservation Target Area (CTA).

9.205. The applicant initially submitted an ecological assessment, ecology technical note and BNG information. This information was assessed by CDC Ecology and objections were raised in regard to the lack of conclusive bird and bat surveys, which required submission once completed. Furthermore, it was outlined by CDC Ecology that GCN licencing would need to be obtained from Nature Space to mitigate harm on GCN and this required evidenced certification prior to determination.

9.206. Lastly, in regard to BNG, CDC Ecology expressed concerns in relation to the points below;

- The application was supported by an old metric, and the statutory metric must be used to demonstrate BNG.
- Not all baseline on-site habitats within the site's redline boundary had been included in the metric.
- Habitats plan should be provided to outline baseline and proposed habitats.
- Illustrative plans outline species rich grassland in small strips across the development, alongside hedgerow and developed land. It seems unreasonable to assume that this grassland will represent a 'good example of its habitat type' - which is required to achieve moderate condition.
- Concerns were raised on how the above areas will be managed in line with the conditions assessment criteria, it would be unreasonable for habitats proposed in this form to be created and maintained for 30 years. It is more likely that these areas will have a lot of disturbance from bikes/pedestrians/dogs and will be more accurately described as modified grassland.
- On this basis, the metric should be amended to reflect a more realistic habitat type.

9.207. In response to the above, the applicant provided an Ecology response note, to address the bird and bat survey requirements, along with BNG related plans and a metric. Furthermore, certification from Nature Space was also provided to ensure mitigations for the application's potential impacts on GCNs can be dealt with under a district licence scheme. In light of the submission of the above documents CDC Ecology were consulted and outlined;

- No objections to impacts on bats as the trees within the site with bat roost potential would be soft felled. Soft-felling measures would need to be included within a Biodiversity CEMP and secured via condition.

- The breeding bird survey identified two skylark territories but concluded that compensation isn't necessary due to the abundance of open space in the wider area. While this isn't fully aligned with guidance, which generally expects compensation for lost territories, on balance, specific skylark compensation is likely to be disproportionate in this case. Furthermore, the site proposals include enhancements for a wide range of other bird species, resulting in an overall net gain in suitable bird habitat. As such, the justifications provided are acceptable.
- BNG related concerns have been addressed. Whilst the plans are indicative, it is expected that a finalised metric, plans and BNG report will be provided once the layout of the scheme is finalised. Furthermore, measures in relation to a BNG Habitat Management and Monitoring Plan (HMMP) and monitoring fees will need to be secured within the s.106 agreement for the scheme.
- Conditions in relation to a Nature Space district licence scheme, CEMP, lighting strategy, precommencement surveys for badgers and a Biodiversity Enhancement Management Plan (BEMP), were also recommended.

9.208. Officers are satisfied that development does not impact any protected species and measures during the construction phase of the development to safeguard such species will be secured via precommencement CEMP and badger survey conditions.

9.209. In terms of the two skylark territories which would be impacted by the development, it is agreed that compensatory measures would be disproportionate due to the open space and rural landscape surrounding the site, which provide refuge for any displacement. Furthermore, the provision of enhancements for a wide range of other bird species by virtue of new committed habitat creation which supports and provides a range of new nesting and foraging opportunities, will mitigate for skylark impact. Such enhancement would be integrated within bat and bird boxes at an equivalent 1:1 ratio for new built form, targeting species such as swifts, house sparrows and house martin.

9.210. Officers acknowledge that the plans submitted at this outline stage are indicative (apart from the parameter plans) and a finalised BNG metric, plan and report will be provided once the layout for the scheme has been finalised. However, noting the CDC Ecology's previous concerns about how the created BNG habitats would interact with built development, it is expected that by Officers that the resultant layout reflects the following BNG commitments outlined in the applicant's latest Ecology response note;

- 6.73 habitat units (+12.36% gain)
- 1.53 hedgerow units (+14.67% gain)
- 0.2 watercourse units (+10.51% gain)

9.211. Subject to the above net gain measures being reflected within the resultant layout at reserved matter stage, the proposal together with the other biodiversity enhancements proposed (1:1 bat/bird box ratios) would lead to significant biodiversity improvements, which would positively impact the biodiversity on-site and adjacent Lower Cherwell Valley Conservation area.

9.212. Lastly, by virtue of the applicant's commitment to enter into Nature Space's district licence scheme, the proposal would also not impact GCNs in a negative manner.

- 9.213. Comments from the BBOWT in regard to updated bird and bat surveys, GCN licences, potential negative impacts on the Lower Cherwell Valley CTA are noted. However, as per the above, these issues have been appropriately considered and satisfactory resolved. The BBOWT also outlined the development's potential negative impacts on the Cherwell River in relation to pollution risks. It's not clear to Officers how the development would pollute the Cherwell River. Therefore, in the absence of evidence to substantiate any pollution issues it would be unreasonable to request the applicant to provide any further assessments to address this objection. Furthermore, the Environment Agency were consulted and provided no comments nor objections related to river pollution.
- 9.214. Third party concerns were also raised in regard to the importance of hedgerows and tree lines for various bat species, and the adequacy of assessments of impacts of those features. Furthermore, third party comments also outlined that the OUFC application supported a similar number of bat species, yet more details were requested from Ecology in that case.
- 9.215. CDC Ecology outlined that the stadium site was located within only a few metres from an ecologically important woodland, which is designated as a district wildlife site. In contrast, this application is situated across agricultural fields and does not directly abut any woodland, instead, it sits up against an already built-up area of housing. This distinction is relevant, particularly in relation to barbastelle bats - the main species of concern in the objection letter, which are highly reliant on woodland as their core habitat. However, the above bat species would still use the site for commuting between nearby woodland areas. The proposed ecology measures to be secured through this permission and conditions will ensure that any impacts on bats are appropriately mitigated.
- 9.216. It must also be noted that Nature Space reviewed email correspondence from a third party indicating the presence of GCNs within a garden pond in proximity of the development site. Within their latest response, Nature Space outlined that this information will be passed on to the Nature Space technical officer on this case. Furthermore, they outlined that this would not change their position on the proposed scheme as the works will still be coverable under the GCN licence scheme, which the applicant has agreed to enter into and would be secured via condition.

#### *Conclusion*

- 9.217. Overall, officers are satisfied, on the basis of the advice from the Council's Ecologist and Nature space, and subject to conditions and planning obligations, that the proposed development will not cause harm to any protected species. Furthermore, the on-site biodiversity enhancements will achieve the required legislative biodiversity net gain for a development of this scale. Therefore, the proposed development is considered to be compliant with the NPPF, relevant legislation and Policies ESD10 and 11 of the CLP (2015).

#### **9.218. Flooding and Drainage**

##### *Policy Context*

- 9.219. The NPPF states at paragraph 181 that when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek

to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

#### *Assessment*

- 9.220. The site lies primarily within Flood Zone 1, which is land which has less than 1 in 1,000 annual probability of river or sea flooding. A small portion of the eastern open space area, proposed for recreation with no built development, encroaches into Flood Zone 2. All residential and built development associated with the development is located entirely within Flood Zone 1. Therefore, in light of this, a sequential test is not required as per the guidance in Section 14 of the NPPF.
- 9.221. In regard to surface water flooding, the majority of the site is in a very low surface water flood risk area meaning that each year this area has a chance of pluvial flooding of less than 0.1%. However, approximately less than 10% of the total site area is at medium to high risk from flooding from surface water as outlined in the EA's flooding maps.
- 9.222. The Environment Agency were consulted and offered no comments to the scheme in flooding terms. However, during the development's determination period, the LLFA initially objected to the scheme, outlining that the applicant had not demonstrated a viable means of surface water disposal in accordance with the drainage hierarchy due to the lack of infiltration testing and groundwater testing, a drainage strategy which inadequately demonstrates infiltration feasibility, attenuation sizing, and exceedance routing. Lastly due to no written confirmation from Thames Water accepting the proposed 6.5 L/s connection if infiltration proves unviable.
- 9.223. The applicant provided an updated Flood Risk Assessment & Drainage Strategy Report dated August 2025, to address the above concerns and upon reconsultation the LLFA offered no objections to the scheme subject to a detailed surface water drainage condition.
- 9.224. Thames Water were also consulted on the scheme, and they raised no objections to the development in regard to the proposed foul water strategy, and surface water strategy (subject to satisfactory review by the LLFA). However, due to the identified inability of the existing water network infrastructure to accommodate the needs of this development proposal, they requested a pre-occupation condition related to water network upgrades being undertaken to accommodate additional demand related to the development. This condition is recommended.
- 9.225. Overall based on the submitted flood and drainage information at this outline stage, the development, subject to further drainage details at a later stage is not considered to increase the risk of flooding at the site and can be drained appropriately using SUDs techniques. Therefore, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1 and Section 14 of the NPPF.

#### 9.226. **Affordable Housing**

##### *Policy Context*

- 9.227. If the proposal is considered to be 'Grey Belt' development then, 50% affordable housing is required for the proposal which will meet Cherwell's needs (in contrast to the PR sites which are to meet Oxford's needs at first let). In terms of tenure splits, Policy BSC3 of the CLP (2015) and Policy COM 2 of the emerging CLPR (2042)

outlines that it is expected that major development will provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.

- 9.228. The Developer Contributions SPD (2018) also sets out further guidance on affordable housing provisions.

#### *Assessment*

- 9.229. The development proposes a tenure split of 60% social rented and 40% shared ownership (intermediate) rather than the 70/30 split outlined in Policy BSC 3 of the CLP and Policy COM 2 of the emerging CLPR (2042). CDC Strategic Housing outlined that they would be comfortable with the split as proposed primarily due to the provision of a higher percentage (50%) of affordable housing relative to market housing as a result of the 'Golden Rules' requirements, as opposed to the standard 35% provision outlined in the relevant policies. This therefore ensures that a higher quantum of social rent is still secured irrespective of a stray away from the tenure splits outlined in the adopted and emerging affordable housing policies.

- 9.230. Furthermore, the policies also outline that the 70% of affordable housing should be proposed as either affordable rent or social rent dwellings, in this instance the development proposes 60% social rent, with no affordable rent proposed. Social rent is more affordable than affordable rent relative to market rent prices. Therefore, this is considered to be an additional factor which mitigates the departure (which is not significant) from the policy tenure splits as for affordability reasons, social rent is more preferred to affordable rent.

- 9.231. Lastly, the uplift from 30% to 40% in terms of intermediate affordable housing is also deemed acceptable as the type proposed in the form of shared ownership is considered to be in reasonable demand and need based on the information provided by CDC Housing. Therefore, shared ownership units would assist in attracting Registered Provider (RP) interest, this is prescribed by supporting text B.108 in the CLP which outlines that; '*The Housing Strategy recognises the need for affordable homes and aims to ensure that Cherwell is well-placed to maximise investment by Registered Providers and to respond to opportunities as they arise*'.

- 9.232. Based on the above, the proposed tenure splits are considered to be acceptable and the stray away from the Policy tenure split provisions is deemed to be significant. The above tenure mixes will be secured within the s.106 agreement for the scheme, together with the rest of the affordable housing provisions in respect of sizes, standards, and cascades etc.

- 9.233. Overall, the proposed development subject to a satisfactory s.106 agreement is considered to meet the NPPF's 'Golden Rule' at para 156 a) and CLP (2015) affordable housing provisions.

- 9.234. **Noise, Contamination and Air Quality**

#### *Policy context*

- 9.235. Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that

the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

#### *Assessment*

9.236. The Environmental Protection Team were consulted and found that the submitted Air Quality and Noise assessments submitted with the application were acceptable. It was recommended that the dust control measures during the construction phase, as outlined in Appendix B of the Air Quality Assessment will need to be incorporated in the CEMP. Furthermore, precommencement conditions related to land contamination, and a non-biodiversity Construction Environment Management Plan (CEMP), to ensure that construction works do not adversely affect residential properties adjacent to or surrounding the site were recommended. Officers consider the recommended conditions necessary, together with a compliance condition related to the Air Quality Assessment.

9.237. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV12 and ensure that the amenities of the residential properties are not unduly affected by environmental pollution.

#### **9.238. Community Land – Cricket Pitches/Country Park**

9.239. As outlined in the earlier sections of the report, the proposal includes an option for cricket pitches, with an associated pavilion or a country park. At the present moment, according to the Playing Pitch and Outdoor Sport Strategy (2023) there is not a need for cricket pitches in the district as there is adequate provision. However, it is understood that Kidlington Cricket Club, who are currently based at Stratfield Brake in Kidlington, are interested in relocating and this site offers an opportunity for this.

9.240. The above relocation could potentially free up provision of the existing cricket pitches to be utilised for other outdoor sport provisions needed within the district. However, since Stratfield Brake is not owned by the council, it is not guaranteed that Kidlington Cricket Club's relocation would lead to a repurposing of the cricket pitches there for alternative outdoor sport uses. Therefore, at reserved matters stage it will be clearer whether there or not there is a need for cricket pitches in the district depending on how the situation at Stratfield brake with Kidlington Cricket Club evolves.

9.241. The above will then inform whether cricket pitches or a country park would be proposed at the development site at that stage.

9.242. Prior to the submission of the first reserved matters application, the applicant is expected to submit a scheme for approval in writing by the council outlining which option will come forward with the rest of the proposed development. This will be secured within the s.106 agreement for the development.

9.243. The s.106 will therefore have provision for both the above recreational facilities in terms of the future maintenance and management, together with the relevant commuted sums and specific requirements to support both provisions, whichever option is chosen.

9.244. Further to the above, the CDC Leisure and Recreation team outlined that details of ownership, management, maintenance and sustainability of the facilities would be required, together with a 10-year development plan from Kidlington Cricket Club with regards to future growth of the club, details of how the pitch space will be utilised. Lastly, further details would need to be provided with regards to supporting infrastructure such as the pavilion and car parking etc to meet relevant standards.

9.245. Officers are in support of the above requests and consider it necessary for this information to be submitted at reserved matters stage if the cricket pitches are proposed together with an evidenced need and clear pathway for the facilities at Stratfield Brake to be repurposed for other alternative outdoor sports provision, if required, in the district at that stage.

#### 9.246. **Planning Obligations**

##### *Policy Context*

9.247. A s.106 legal agreement will be required to secure mitigations resulting from the impact of the development both on and off site as outlined in the above sections of the report. A legal agreement will ensure that the requirements of Policy INF1 of the CLP (2015) can be met, which seeks to ensure that the infrastructure improvements/provisions (transport, community facilities, recreational) are secured for developments. Furthermore, if the development is concluded to be appropriate development in the Green belt under the 'Grey belt' provisions, infrastructure related to the 'Golden Rules' set out in paragraph 156 of the NPPF will apply.

9.248. The council is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

##### *Assessment*

9.249. The details of the planning obligations secured for the development are outlined in Appendix 1 of this report, this includes a consideration against the requirements of the CIL regulations tests. The planning obligations and contributions provided are also considered to align with the requirements of the 'Golden Rules' as per para 157 of the NPPF.

#### 9.250. **Other material considerations**

9.251. The development would lead to the loss of Agricultural land, which is considered to be the best and most versatile land. Whilst this loss cannot be mitigated for, the development's benefits as outlined in the planning balance section will be weighed against any harm caused by the loss of this agricultural land.

9.252. Officers consider that the appropriate and statutory consultations were undertaken by the local planning authority by publicising the development via the erection of several site notices around the site perimeter, directly accessible to the public and publishing an advert in the Bicester Advertiser.

**9.253. Planning Balance and Conclusion**

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

9.255. As mentioned earlier in the report the proposal, after mitigation, would cause moderate adverse harm to the existing site's landscape character by introducing an urban form of development within an area characterised by open arable farmland. Lastly, the site will lead to the loss of agricultural land considered to be the best and most versatile land.

9.256. As already mentioned, in the principle of development section the council cannot demonstrate a 5-year land housing supply, therefore, the tilted balance is engaged as per paragraph 11 (d) of the NPPF. In this instance, the presumption in favour of development applies, unless;

- i. The application of policies in this Framework that protect areas of assets or particular importance provides a strong reason for refusing the development proposed;
- ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

9.257. Heritage related policies are relevant for this scheme in respects to part 11d (i) and in the Heritage section it is concluded that the development would cause less than substantial harm, on the lower scale, to the nearby heritage assets adjacent to the site. However, paragraph 215 of the NPPF outlines; that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.258. Officers consider that the public benefits related to this scheme are as follows;

<b>Public benefit</b>	<b>Weight attribution in favour of the scheme.</b>
Up to 340 housing units to meets a demonstrable need for housing in the district. Furthermore, 50% of that housing is affordable housing, which is a significant proportion of the total housing proposed. Furthermore, 60% of the affordable housing will be delivered as social rented units, which is the affordable housing tenure most needed in the District.	Significant weight.

<p>Creation of publicly accessible open space/recreational space within the site beyond what is reasonably required for the development to benefit the occupants related to the development and the wider existing community.</p>	<p>Significant weight.</p>
<p>Highways and transport infrastructure improvements secured in the form of off-site provisions and financial contributions secured as part of the s.106 for the development. Furthermore, other financial contributions related to improvements of health care, education and community infrastructure in the area have also been secured. The infrastructure improvements will not only benefit the residents of the development but the wider existing community.</p>	<p>Moderate weight.</p>
<p>Temporary construction jobs will be created during the development's implementation period. Further jobs will be directly</p>	<p>Moderate weight.</p>
<p>Commitment to exceed the 10% mandatory BNG provisions.</p>	<p>Moderate weight.</p>

9.259. The above benefits are collectively considered to amount to significant weight in favour of the development.

9.260. Paragraph 212 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.261. The development will impact the setting of the adjacent Conservation Area and Grade I listed St Mary's church. In regard to St Mary's church, this is a Grade I listed buildings with signifies exceptional interest, at the highest level of national importance, exceeding the "special interest" of a Grade II or even Grade II\* (more than special, particularly important) listed buildings.

- 9.262. The development's impact on the setting of this Grade I listed building as described in the Heritage section is not considered to be significant and is largely mitigated by the distance and separation of the proposal's built development from the listed building. Therefore, the most significant areas of its setting within the development site will be primarily retained free of built development. The development will impact views of the church's spire, however, the spire is visible from other parts of the wider landscape, which will be retained. Furthermore, it is expected that the proposal's layout and scale at reserved matters is sensitively designed to mitigate the visual impacts on the church.
- 9.263. Considering the above mitigating factors the proposed development is not considered to change the setting of the Grade I listed St Mary's Church, even when having regard to its significance of '*exceptional interest*', in such a way that the degree of harm would amount to significant weight against the scheme. Furthermore, the development's harm to the significance of the conservation area's setting is also minimised by the separation of the built development from the boundary which abuts the conservation area.
- 9.264. Lastly, the level of harm outlined by CDC Conservation and Historic England amounts to less than substantial harm on the lower end of the scale, which is the lowest level of harm that a development proposal can have on the significance of a designated heritage asset.
- 9.265. Based on the above, the harm the development will have on the significance of the identified designated heritage assets, considering the mitigating factors, is considered to equate to moderate weight against the scheme. Therefore, Officers consider that the public benefits outlined in section 9.258 of this report, which attract significant weight would outweigh harm to heritage assets identified in this report. Therefore, on this basis, the development would accord with the heritage policies relative to footnote 7 of the NPPF and meet the provision of paragraph 11d (i) of the NPPF.
- 9.266. Based on the above assessment, it is also clear that in regard to the second part of the 'Grey Belt' definition, the Footnote 7 Heritage policies would not provide a strong reason to refuse the development. Therefore, on this basis and combined with the assessment in the 'Principle of Development' section of this appraisal, the scheme as a whole is considered to meet the NPPF's Grey Belt tests, therefore, the development is considered to be appropriate development in the Green Belt.
- 9.267. In regard to Paragraph 11 d(ii) of the NPPF, it is outlined that the presumption in favour of development applies, unless; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.268. Heritage harm has already been identified for the scheme, such harm is considered to amount to moderate weight against the scheme. Furthermore, the development's landscape and visual impacts are considered to amount to a moderately adverse impact, which as outlined in the landscape section would not amount to significantly harmful effects, after mitigation and would not be uncharacteristic of housing development a greenfield site adjacent to a settlement edge. Therefore, on this basis the weight attributed to landscape and visual harm against the scheme is considered to be moderate.
- 9.269. In regard to the loss of agricultural land, whilst this loss has not been mitigated, the development is considered to be appropriate development in the Green Belt, and the

'Grey Belt' definition does not restrict the consideration of previously undeveloped agricultural land for development. Therefore, limited weight is attributed to the loss of best and most versatile agricultural land.

- 9.270. Overall, the collective weight attributed to the landscape and heritage harm, and loss of agricultural land as a result of the scheme would amount to moderate weight against the development. The scheme's benefits outlined in Section 9.258 of this report outline a wider range of collective benefits relative to any collective adverse impacts. Furthermore, the weight attribution related to the benefits amounts to significant weight in favour of the scheme mainly by virtue of the quantity of housing provided, which comprises of a significant proportion of affordable housing.
- 9.271. This weight attribution is supported by the paragraph 158 of the NPPF (2024) which outlines that; *'a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission'*.
- 9.272. The development complies with the *'Golden rules'*. Furthermore, the proposed development also satisfies national and local plan policies related to directing development to sustainable locations, securing well designed places (principles to be approved in this development will contribute to this objective at reserved matters stage). Whilst the site will not necessarily *'make effective use of land'* by utilising previously developed land, development of green field sites is supported within the Grey belt provisions.
- 9.273. Based on the above, it is clear that the adverse impacts identified for the scheme would not significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for making effective use of land, securing well designed places and providing affordable homes, individually or in combination. Therefore, in this instance the proposed development also satisfies paragraph 11d (i) of the NPPF and as a whole there is a presumption in favour of granting the subject development in this instance.
- 9.274. Overall, based on the considerations and assessment undertaken in this report, the application is deemed to be in general accordance with saved policies of the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF. Therefore, subject to conditions and a s106 agreement, the application is recommended for approval.

## **10. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO**

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
  - a) Provision of 50% affordable housing on site based on the 60:40 social rent and shared ownership tenure splits.
  - b) Payment of financial contributions towards improvements to off-site community and healthcare, policing services and infrastructure.
  - c) Payment of contributions towards education provisions.

- d) Payment of contributions to Health infrastructure.
- e) BNG provisions related to HMMP and monitoring fees.
- f) Appropriate monitoring fees for the delivery of the s106.
- g) Commuted sums and maintenance provisions for open spaces/recreational facilities.
- h) Off-site transport improvement works.
- i) Payment of contributions towards archaeology storage, library enhancement and waste services.
- j) Payment of contributions towards transport and public transport enhancements.

**FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

**In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.**

Conditions;

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

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Details of the layout, (hereafter referred to as "the reserved matters") (including surface water drainage/disposal, street trees, vehicular parking including visitor parking all in strict accordance with OCC's parking standards, turning head(s), street lighting, PRow routes (width, route, surface, infrastructure, signing etc), EV charging facilities and secure and covered cycle parking facilities all within the site) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 115 and 117 of the National Planning Policy Framework.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents:

List TBC.

5. Prior to the commencement of development or as part of the first Reserved Matters submission a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing plan shall include full details of the development parcels (including affordable housing), open space and recreational facilities, roads, cycleways and footpaths, including construction access, play facilities, allotments/new orchard and new landscaping of the development proposed to take place within that approved phase. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure that the development is delivered in an appropriate manner and to ensure that on-site facilities are delivered in an appropriate manner and at a time to deliver facilities and infrastructure to the benefit of future residential occupiers. The ensure the proposals would be in accordance with Policies SLE4, BSC3-4, BSC10-12, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 (and the aims and objectives of the National Planning Policy Framework.

6. Prior to the first submission of Reserved Matters, a Design Code for the development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include illustrations, sections and block testing to demonstrate the development principles. The Design Code shall include development principles and guidelines in accordance with the illustrative design principles in the Design and Access Statement and shall cover the following matters:

- a) Landscape, open space, play areas, public realm, SUDs and levels strategy and principles
- b) Street types and design principles including services, drainage, tree planting for various road and street types
- c) Building typologies
- d) Block principles (including density and development and parcel division / size) e) Built form and massing including scale and height
- f) Car and cycle parking strategy
- g) Secure by Design principles
- h) Boundary treatments, street furniture and material palette for buildings and surfaces for each Phase
- i) Means of enclosure and boundary treatments in relation to all existing adjoining properties
- j) Sustainable construction
- k) Waste disposal and utilities Each reserved matters application shall demonstrate in an accompanying Design and Access Statement how it accords with the approved Design Code.

Reason: To ensure that the design of the development accords with the NPPF, National Design Code and Policies xx of the Cherwell Local Plan (2015).

7. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: 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 the National Planning Policy Framework.

8. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase:

- i) Anticipated housing mix for the development shall be for delivery of affordable homes as set out in the completed legal agreement unless otherwise agreed through the Reserved Matters submission.

- ii) The submitted market mix shall also be agreed with the Local Planning Authority through the Reserved Matters and shall not substantially differ from the affordable housing mix.

Reason: To achieve a balance of housing and to ensure that the affordable housing proposals appear tenure blind to market housing, in accordance with Policy BSC3-4 of the Cherwell Local Plan (2015) and the aims and objectives of the National Planning Policy Framework.

9. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the

development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

10. Prior to first occupation a Full Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures, monitoring and targets to promote sustainable travel and then should be updated upon occupation of 170th dwelling once a robust survey opportunity is available and shall thereafter be implemented.

Reason: To encourage sustainable travel choices and reduce reliance on the private car.

11. The A4260 crossings and the local walking and cycling improvements identified in the submitted updated drawing pack Appendix C shall be implemented in full prior to the first occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and convenient pedestrian and cycle access between the site and local facilities

12. No dwelling shall be occupied until the vehicular and pedestrian accesses from The Moors, and the western access have been completed in full accordance with the approved drawings and any further details agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure safe and suitable access to the site for all users.

13. As part of the Reserved Matters submission a strategy shall be set out for the car parking ratio in accordance with maximum levels set out in Oxfordshire County Council Parking Standards. The submitted Strategy shall be based on:

- i. Reducing car parking provision below the maximum ratio based on location in relation to facilities and type of housing.
- ii. The provision of electric vehicle charging points to all properties and to include a minimum of 50% to communal car parking and to all disabled parking spaces.
- iii. For residential purposes cycle parking should be within a covered, lockable enclosure in a convenient, secure location, with visitor parking located as near as possible to the main entrance of buildings.
- iv. All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.

The approved scheme shall be implemented in accordance with the agreed strategy relevant to each reserved matters submission.

Reason: To provide appropriate levels of parking for the development in accordance with the aims and objectives of the National Planning Policy Framework.

14. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved CTMP shall be implemented for the duration of construction. This should identify;

- The CTMP must be appropriately titled, including the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access to the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities to prevent mud/debris, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity, details of where these will 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.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot, contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for the person to whom issues should be raised in the first instance need to be provided and a record kept of these and subsequent resolutions.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

15. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and

approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the dwelling it serves.

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

16. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

18. Prior to commencement of development (excluding site clearance), detailed design information for the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The submitted details shall include:

- BRE365-compliant infiltration testing and seasonal groundwater monitoring undertaken at the exact locations and depths of each proposed infiltration feature, confirming infiltration rates and clearance to the prevailing groundwater level;
- Updated drainage calculations and layout drawings based on the verified infiltration data; and
- Confirmation that any discharge to the public sewer remains restricted to the agreed rate of 6.5 l/s, as confirmed by Thames Water.

The development shall thereafter be carried out in accordance with the approved details prior to occupation.

Reason: To ensure that the proposed drainage strategy is supported by site-specific infiltration testing and groundwater monitoring in accordance with BRE365, and to prevent the increased risk of flooding both on and off-site, in accordance with Policy ESD7 of the Cherwell Local Plan 2011–2031 and the National Planning Policy Framework.

19. No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

20. Allotments/New Orchard condition or S106 – to be agreed

21. Early implementation condition of the northern planting along the Long Way and south to north programme of works to enable northern boundary has time to establish as much as possible before adjacent development takes place – exact wording TBC.

22. Integrated earthworks/grading strategy condition tying in with the drainage strategy, with existing and proposed contouring identified at 0.250m intervals for which, details to account for level changes of whichever of option 1 or 2 is proposed at reserved matters stage and at SUDS features – exact wording TBC.

23. The Reserved Matters submission which includes the Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) and Local Area of Play (LAP) play areas related to the development shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management.

The development of the play areas shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with, Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

24. In the event that Option 1 related to the cricket pitches is proposed, then prior to or concurrently with the Reserved Matters submission for the cricket pitches, details of the related pavilion building and associated infrastructure for such sports facilities shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i. A building with changing rooms and facilities to Sport England standards.
- ii. Social space with bar and facilities for the community and cricket teams
- iii. Car parking, including disabled parking provision, minibus parking and electric vehicle charging points with ability to adapt spaces to accommodate further minibus parking.
- iv. Cycle parking provision including provision for e-scooter and e-bike charging
- v. Storage for sports and training equipment
- vi. Measures to reduce energy, heating and water consumption and adapt to the requirements as a minimum of the equivalent of BREEAM Very Good and mitigate for climate change.

The development of the pavilion building and parking shall be carried out in accordance with the approved details and to an agreed timescale and retained thereafter

Reason: To ensure that the proposals deliver an appropriate standard of cricket infrastructure to support recreational opportunities for all ages in accordance with the requirements of Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

25. In the event that Option 1 related to the cricket pitches proposed, the pitches shall not be laid out unless and until:

a) a detailed assessment of ground conditions of the land proposed for the cricket pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority

c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas have been submitted to and approved in writing by the Local Planning Authority.

The development of the cricket pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver an appropriate standard of pitches to facilitate recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

26. In the event that Option 2 related to the country park is proposed, a scheme for the park shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include the provision of a network of routes and their proposed surface treatment, a planting schedule, programme for implementation and areas of interest for people to dwell, including picnic areas.

The country park shall be implemented in accordance with the approved scheme and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement and visual amenity in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

27. As part of the Reserved Matters submission in any phase of development a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The details relation to the submission will include but not be limited to the following:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details. Any trees or planting which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and protect wildlife in accordance with Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

28. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of 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 Section 15 of the National Planning Policy Framework.

29. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs
- i) Badger surveys
- j) Soft felling measures for trees with bat roost potential

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

30. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

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

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

Reason: To ensure the development do not adversely impact the amenities of existing residents in the locality in accordance with Saved Policies ENV1 and ENV1 of the Cherwell Local Plan (1996) and Government guidance in the National Planning Policy Framework.

32. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is 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 Government guidance within the National Planning Policy Framework.

33. If a potential risk from contamination is identified as a result of the work carried out under condition (32), prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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 Government guidance within the National Planning Policy Framework.

34. If contamination is found by undertaking the work carried out under condition (33), prior to the commencement of the development hereby permitted, a scheme of

remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

35. If remedial works have been identified in condition (32), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (32). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is 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 Government guidance within the National Planning Policy Framework.

37. Pre-commencement Biodiversity Enhancement Management Plan (BEMP) condition – wording TBC.

38. No occupation shall take place on any phase of the development until a detailed lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- i. Lighting for play
- ii. Lighting for public realm and walking and cycling routes
- iii. Landscape and ecological areas where lighting will be prohibited.
- iv. A strategy for roads and development parcels.
- v. A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

39. As part of the Reserved Matters submission for any Development Parcel or Phase of Development, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cabling to each Development Parcel upon the completion of the infrastructure in accordance with the approved site wide strategy. The scheme shall be implemented in accordance with the agreed details and timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with the aims and objectives of the National Planning Policy Framework.

40. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this Local Planning Authority for approval prior to the commencement of the development hereby approved.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006

41. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land North of The Moors: Impact plan for great crested newt District Licensing (Version 1)", dated 1st September 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

42. As part of any submission for reserved matters, full details of a renewable energy and sustainable construction strategy for the site in accordance with the principles outlined in the approved Sustainability Statement by Savills Earth and policies ESD1-5 of the Cherwell Local Plan (2015), shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy and incorporation of sustainable construction in accordance with Policy ESD1-5 of the Cherwell Local Plan 2011-2031 Part 1

43. The Reserved Matters submission shall include details of proposed refuse and waste recycling facilities for the proposed building(s) in that submission.

The approved scheme for any individual building shall be implemented before that building is brought into use and shall be thereafter retained.

No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site.

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling in accordance with the requirements of Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts, where applicable (all to be Index linked)	Trigger points	
Affordable Housing	<p>50% Affordable Housing</p> <p>Based on an overall mix of 60% social rent and 40% shared ownership</p> <p>Submission of a site wide affordable housing scheme for approval by the District council.</p>	<p>Suitable trigger points for the delivery of affordable housing alongside the delivery of market dwellings to be agreed.</p>	<p><b>Necessary:</b> The site is subject to the NPPF's 'Golden Rules' affordable housing provisions under paragraph 157 of the NPPF.</p> <p><b>Directly related:</b> The affordable housing will be provided for the need identified in the Local Plan and NPPF.</p> <p><b>Fairly and reasonably related in scale and kind:</b> The contribution is the level of the expected affordable housing.</p>
BOBICB	<p>£308,104.00 (Price base September 2025)</p>	<p>Trigger to be agreed.</p>	<p><b>Necessary:</b> The proposed development of 340 dwellings will increase the population by an estimated 816. This will impact on primary health care infrastructure where there is insufficient capacity to accommodate the additional patients.</p> <p>The requested financial contribution will support the creation of additional clinical capacity at The Key Medical Practice or an identified primary care estates project in the local area to</p>

Planning obligation			Regulation 122 Assessment
			<p>serve the development.</p> <p><b>Directly related:</b> The proposals would be used towards the creation of consultation space.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Yes</p>
Thames Valley Police	£65, 689.00 (Price base TBC)	Trigger to be agreed.	<p><b>Necessary:</b> Towards provision of additional Policing Infrastructure required to mitigate development impacts.</p> <p><b>Directly related:</b></p> <p>Development will increase population and necessitate policing infrastructure to ensure safety with development and wider community.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Yes</p>

Planning obligation		Regulation 122 Assessment
Public Art, Public Realm and Cultural Wellbeing	<p>£85, 680.00 (SPD Price base – Q2 2017).</p> <p>This also could be delivered through a public art strategy as part of the approval</p>	<p>First occupation or an alternative agreed trigger.</p> <p><b>Necessary:</b> In accordance with the Council’s Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore people’s lives. SPD 4.132 The Governments Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighboring communities.</p> <p><b>Directly related:</b> The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative way markers or landmark features around the site or within a specific area. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural and historic environment. It is also recommended that the design and execution of the artwork embed participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p>

Planning obligation			Regulation 122 Assessment
			<p><b>Fairly and reasonably related in scale and kind:</b> Based on £250 for market and £200 for affordable dwellings which includes a 12% for management and maintenance (£) is deemed proportionate to the scale and location of the development.</p>
Outdoor Sports Provision	<p>£955, 305.00 ( Price base TBC ).</p> <p>This is only payable if the country park is proposed at reserved matters, as opposed to the cricket pitches which would negate the need for this contribution.</p>	<p>An appropriate trigger will be agreed through the drafting of the s106 Agreement.</p>	<p><b>Necessary:</b> The proposed development will lead to an increase in demand and pressure on existing outdoor sport services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would go towards the provision of new and/or improved facilities in the locality.</p> <p><b>Directly related:</b> The future occupiers will place additional demand on existing facilities.</p>

Planning obligation			Regulation 122 Assessment
			<b>Fairly and reasonably related in scale and kind:</b> Calculations will be based on the xx based on the final mix of housing and number of occupants.
Indoor Sports Provision	£361, 941.00 ( Price base – TBC).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> The proposed development will lead to an increase in demand and pressure on existing indoor sport services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would go towards the provision of new or improved facilities in the locality.</p> <p><b>Directly related:</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind: Calculations</b> will be based xx based on the final mix of housing and number of occupants.</p>

Planning obligation			Regulation 122 Assessment
Community Hall	£374, 682.72 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> Required in accordance with Policy BSC 12 and the Developer Contributions SPD. Contribution will go towards improvements to community hall facilities in the locality.</p> <p><b>Directly Related:</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and Reasonably related in scale and kind:</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Development Worker	£37, 449.61 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address</p>

Planning obligation		Regulation 122 Assessment
		<p>inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p> <p><b>Directly Related:</b> The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being and provides social structures through which issues can be addressed.</p> <p><b>Fairly and Reasonably related in scale and kind:</b> Yes</p>

Planning obligation			Regulation 122 Assessment
Community Development fund	£15, 300.00 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> The NPPF (December 2024) at Paragraph 98 states that planning should “take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.</p> <p><b>Directly Related:</b> The contribution towards community development work which will include initiatives to support groups for residents of the development.</p> <p><b>Fairly and Reasonably related in scale and kind:</b> Yes</p>
A public transport services contribution	<p>£463, 760.00 (RPIX Price base October 2024) – to improve public transport services near the site.</p> <p>£29, 728.00 (Baxter Price Base October 2024) – to improve Bus stop infrastructure near the site.</p>	First Occupation or alternative agreed trigger.	<p><b>Necessary:</b> The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision</p> <p><b>Directly related:</b> The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p>

Planning obligation			Regulation 122 Assessment
			<p><b>Fairly and reasonably related in scale and kind:</b> The level is at an established rate and based on number of dwellings.</p>
Sustainable Transport Infrastructure	£437, 181.11 (Baxter Price Base June 2022) – towards the costs of the A44 Mobility Hub.	First occupation or alternative agreed trigger.	<p><b>Necessary:</b> The contribution is necessary to provide mobility hub which will mitigate traffic related impacts caused by the development.</p> <p><b>Directly related:</b> The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind:</b> The level is at an established rate and based on number of dwellings.</p>
Bicester Road highway improvement scheme	£349, 140.00 (Baxter Price base July 2023).	First occupation or alternative agreed trigger.	<p><b>Necessary:</b> The contribution is necessary to improve highway infrastructure to mitigate road traffic impacts caused by the development.</p> <p><b>Directly related:</b></p>

Planning obligation			Regulation 122 Assessment
			<p>The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind:</b> The level is at an established rate and based on number of dwellings.</p>
<p>Travel Plan Monitoring contribution towards the cost of monitoring travel plans over the life of the plans</p>	<p>£2, 035.00 (RPIX Price base April 2025)</p>	<p>An appropriate trigger will be agreed through the drafting of the s106 Agreement.</p>	<p><b>Necessary:</b> The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p><b>Directly related:</b> The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p><b>Fairly and reasonably related in scale and kind:</b> The amount is based on standard charging scales which are in turn calculated based on the Officer time</p>

Planning obligation			Regulation 122 Assessment
			required at cost.
Public Rights of Way	£120,000.00 (Price base Baxter/BCIS Q1 2025)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site, simply due to the size of the development in a rural edge environment, effectively shifting the urban edge of Kidlington outwards. Even with the POS and green infrastructure provision onsite these users will create more use pressures on the rights of way network. It is considered necessary to extend mitigation measures outside of the site to provide better connectivity and useability for more people.</p> <p><b>Directly related:</b> Related to rights of way and improvements arising from the development to support public rights of way enhancement.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Calculated on the basis of the impact arising from the development and the scale of the development.</p>

Planning obligation		Regulation 122 Assessment	
Primary and Nursery Education	£720, 534.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of s106 Agreement.	<p><b>Necessary:</b> To deliver on Primary and Nursery education provision serving the development.</p> <p><b>Directly related:</b> Related to the pupils generated by the development</p> <p><b>Fairly and reasonably related in scale and kind:</b> Calculated on the basis of pupil yield and cost per pupil.</p>
Secondary Education	£3, 270, 780.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> To deliver on Secondary education provision serving the development. Related to the pupils generated by the development</p> <p><b>Directly related:</b> Related to the pupils generated by the development</p> <p><b>Fairly and reasonably related in scale and kind:</b> Calculated on the basis of pupil yield and cost per pupil</p>

Planning obligation		Regulation 122 Assessment	
SEN Development	£306, 899.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p><b>Necessary:</b> To deliver Special school education capacity serving the development.</p> <p><b>Directly related:</b> Related to the expected pupils generated by the development</p> <p><b>Fairly and reasonably related in scale and kind:</b> Calculated on the basis of pupil yield and cost per pupil</p>
Open and Recreational Space Maintenance	<p>LAP;</p> <p>LEAP;</p> <p>NEAP;</p> <p>Cricket Pitches;</p> <p>Informal Public Open Space;</p> <p>Community Orchard;</p> <p>Hedgerow;</p> <p>New Woodland;</p>	On transfer of the landscaping/phased contribution payment or payment to ESCROW accounts to provide security in the event that transfer is to a Management Company	<p><b>Necessary:</b> Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15-year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p><b>Directly related:</b> Commuted sums/rates covering a 15-year period on open space and play facilities on site.</p>

Planning obligation		Regulation 122 Assessment	
	<p>Mature Trees;</p> <p>Balancing Pond;</p> <p>Swale;</p> <p>Ditch;</p> <p>Allotments;</p> <p>These figures are the latest available to Officers and may be increased to reflect current rates in consultation and during the drafting of the s106.</p>		<p><b>Fairly and reasonably related in scale and kind:</b> Contributions are sought in relation to the scale and amount of open space on site.</p>
Library Services	£25, 579.00 (BCIS TPI 390 Price base) – towards expansion of library capacity at Kidlington Library.	On first occupation or alternative agreed trigger	<p><b>Necessary:</b> To improve the capacity and stock of Kidlington Library which will serve the development.</p> <p><b>Directly related:</b> Kidlington Library is the nearest public</p>

Planning obligation		Regulation 122 Assessment	
	£12, 416.00 (RPIX Price base January 2025) – towards library stock at Kidlington Library.		<p>library to the application site and is within walking distance of the site.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Contributions are sought in relation to the scale of the development.</p>
Waste and Recycling (OCC)	£35, 190.00 (BCIS TPI 390 Price base)	On first occupation or an alternative agreed trigger	<p><b>Necessary:</b> Expansion and efficiency of Household Waste Recycling Centers (HWRC) to serve the development.</p> <p><b>Directly Related:</b> Will be towards providing waste services arising from the development.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Calculated on a per dwelling basis total land required for current dwellings</p>

Planning obligation		Regulation 122 Assessment
Other on-site Facilities to be provided on site	<p>Allotments and/or Community Orchard.</p> <p>Either one of the two or a combination of both subject to the appropriate sizes would be acceptable and contribute towards food production objectives, healthy lifestyles, enhance biodiversity and community strengthening initiatives.</p>	<p>To be agreed and in accordance with the Phasing and delivery of the on-site works.</p> <p><b>Necessary:</b> Ensure that the development provides and delivers all the onsite facilities required across the site in accordance with Policy BSC 11 of the Local Plan.</p> <p><b>Directly Related:</b> A development of this size and scale requires provision of such facilities to support food production and healthy lifestyles.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Ensures that the proposal delivers all the onsite facilities proposed across the site in a fair and equitable manner.</p>
BNG	<p>Submission of habitat monitoring and maintenance plan/reports and monitoring fee over the course of the 30-year maintenance period.</p> <p>Monitoring fee of £550.00 per report (Price base TBC)</p>	<p><b>Necessary:</b> Site is subject to the mandatory legislative BNG requirements under the Environmental Act 2021.</p> <p><b>Directly Related:</b> Development will create BNG-related landscape and ecological features which will require to be monitored over the 30-year maintenance period to ensure that they achieve the intended</p>

Planning obligation		Regulation 122 Assessment	
	The above figure is the latest available to Officers and may be increased to reflect current rates in consultation and during the drafting of s106.		<p>uplift in BNG.</p> <p><b>Fairly and reasonably related in scale and kind:</b></p> <p>The monitoring fee is based upon the CDC agreed Fees and Charges Schedule.</p>
OCC Archaeology	<p>£2, 333.00 (RPIX Price base October 2023) – towards enhanced display capability at the Museum Resource Centre at Standlake near Witney.</p> <p>£1,376.00 (RPIX Price base October 2023) – towards the storage of archaeological archives at the Museum Resource Centre.</p>	To be agreed	<p><b>Necessary:</b> To ensure historic evidence is appropriately recorded and stored, as appropriate.</p> <p><b>Directly Related:</b> Yes, this is related to archaeological works and investigations on the site.</p> <p><b>Fairly and reasonably related in scale and kind:</b> Contributions are sought in relation to the scale of the development.</p>

Planning obligation		Regulation 122 Assessment
CDC Monitoring Fee OCC Monitoring Fee	<p>CDC: A bespoke monitoring fee will be required based on the scale of development.</p> <p>OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.</p>	On completion of the S106
		The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its adopted OCC scale of fees and charges and bond policy.