

Case Officer: James Kirkham

Applicant: CALA Homes (Chiltern) Ltd

Proposal: The erection of up to 28 dwellings and associated site access onto Fewcott Road

Ward: Deddington

Councillors: Councillor Hugo Brown, Councillor Bryn Williams, Councillor Mike Kerford-Byrnes

Reason for Referral: Major development – 10 or more new dwellings

Expiry Date: 29 November 2019

Committee Date: 18th December 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The current application seeks permission for up to 28 dwellings on the site. The application is made in outline will all matters reserved except the principle means of access from Fewcott Road. An indicative layout has been provided demonstrating one way this quantum of development could be provided on the site.

Consultations

The following consultees have raised **objections** to the application:

- Oxfordshire Clinical Commissioning Group

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Rights of Way, Lead Local Flood Authority, OCC Education, CDC Planning Policy, CDC Ecology, CDC Tree Officer, CDC Strategic Housing, CDC Leisure and Recreation, CDC Environmental Protection Anglian Water

The following consultees are **in support** of the application:

- Fritwell Parish Council (subject to requirements), Mid-Cherwell Neighbourhood Forum (subject to requirements)

45 letters of objection have been received and 7 letters of support have been received.

Planning Policy and Constraints

A public footpath runs adjacent to the southern boundary of the site. The site is also located in the area covered by the Mid Cherwell Neighbourhood Plan and is lies outside the settlement areas identified in the Neighbourhood Plan. Fritwell Conservation Area also exists to the south west of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Landscape and Visual Impact
- Site Layout and Design Principles
- Heritage
- Highways
- Ecology
- Affordable Housing and Housing Mix
- Flood Risk and Drainage
- Residential Amenity
- Impact on Local Infrastructure
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

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

2. CONSTRAINTS

- 2.1. A public footpath runs adjacent to the southern boundary of the site and continues further to the east and west.
- 2.2. The site is also located in the area covered by the Mid Cherwell Neighbourhood Plan. Fritwell Conservation Area also exists to the south west of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks outline permission for to 28 dwellings on the site. All matters are reserved expect the principal means of access from Fewcott Road. This would also include the provision of a new public footpath to the south of Fewcott Road which would connect to the existing footpath adjacent to Hodgson Close.
- 3.2. An indicative layout has been provided with the application with shows the provision of 28 dwellings, public open space and a small paddock to the south of the site. It is also proposed to create a new pedestrian link to the public footpath of the south of the site.
- 3.3. When the original application was submitted the application was for 38 dwellings. Further to discussions with officers the application was reduced to 28 dwellings and the access to the site was moved closer to the village along Fewcott Road. These amendments have been subject to re-consultation.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01594/F	Erection of 34 dwellings	Withdrawn

This application was for development of the southern part of the existing site (it excluded the northern parcel of land closest to the village in this application) and was made in full. It was withdrawn prior to be formally determined by the Council. A Committee report was however published for the scheme which recommended it for refusal. The reasons for refusal included that the poor sustainability of the village to accommodate this level of growth (due to lack of services facilities, and public transport); the harm to the rural character of the village; the failure to integrate and respect the pattern of development; unacceptable mix of affordable and market houses; unacceptable in terms of design detail; inadequate amenity spaces and inadequate access. It should be noted that this scheme related to different overall site area, was prior to the adoption of the Mid Cherwell Neighbourhood Plan and considered matters relating to layout, appearance, landscaping and scale which are reserved in the current application.

5. PRE-APPLICATION DISCUSSIONS

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

17/00283/PREAPP - Proposed residential development of 43 dwellings. This only related to the southern parcel of land and was prior to the adoption of the Mid Cherwell Neighbourhood Plan. This reiterated the advice given on the withdrawn planning application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 30/10/2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:

Object (45)

- Principle – The site is outside the boundaries of the village; Site is not previously developed land as supported in the MCNP; The proposals would undermine public faith in the planning system and the Neighbourhood Plan. There are already new houses under construction in the village. These should count towards the Neighbourhood Plan number. The Council's rural housing allocation has already been met. No need for more housing and existing properties struggle to sell. Many developments to meet housing need elsewhere in Bicester, Upper Heyford, etc. Similar applications have been resisted in the past and the current proposal is already. The reasons remain relevant. Proposal will set a precedent for more developments in the village. There is a proposal for further housing development by Lagan Homes elsewhere in the village.
- Sustainability – The village is unsustainable for this level of growth with limited services, facilities and very limited public transport. Occupiers will be car dependant to access services and facilities. Categorisation of the village as a Cat A is wrong. Public house in the village is no longer open.
- Impact on character and appearance of the area – Loss of greenfield countryside between villages contrary to MCNP; Impact on the rural character of the area; Loss of trees and landscaping; The development would result in prominent intrusion into open countryside. Upgrading the footpath would be detrimental to the rural character of the area and impact on the amenity of residents adjacent to this route.
- Impact on character and/or setting of the village – Detrimental visual impact on the village; Proposal is not integrated into the village. Scale of growth is inappropriate for the size of the village.
- Impact on residential amenity – Loss of privacy, outlook and light to neighbouring properties in Hodgson Close. Increase in noise, disturbance, overlooking and light pollution
- Impact on highway safety – Access is unsafe due to vehicle speeds and will lead to accidents. Village is already a 'rat run'. Increase in traffic. Inadequate visibility from the access. Inadequate parking
- Impact on wildlife and ecology. Little evidence of 'net gains'.
- Impact on infrastructure – Concerns regarding capacity of sewage system which has already suffered problems and increased flooding. Proposed footway may impact on drainage ditch. Additional pressure on local infrastructure. Developer should contribute to new infrastructure. Objections to this money being spent outside of the village. Additional community facilities should be provided or funds to buy the local pub

- The Parish Council's support – The Parish Council's comments are not correct and do not fairly represent the views of the community. Strongly disagree with the views of the Parish Council. Requests for the parish to remove support for scheme.
- Other – Affordable (social) housing should be provided. The application is in outline and the details may change. This is not transparent and matters of design, layout and housing mix. The submission documents are inaccurate. Support OCCG comments. Impact on Human Rights. No attempt by the developer to engage with the community.
- Benefits overstated – Any support the application will provide to the school will be short lived until children grow up. No direct link between the shop remaining open and the development.
- Planning obligations – Request for outdoor sport facilities contribution towards playing field including details of usage and potential projects. Fritwell Village Hall Committee requested contributions towards improvement which are detailed in their submission.

Support (7)

- Need – Support need for new housing. More residents means more people to support village facilities.
- Housing mix – Site has been identified as most appropriate site for new housing. Important there is a mix of dwellings to meet local need.
- Benefits to infrastructure – The School has written in support of the application as likely to increase school roll which has fallen in recent years.

Non material considerations

- Right to Light. Loss of view over field.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. FRITWELL PARISH COUNCIL: Originally raised a number of concerns regarding the scheme and requested further information including the scale of the development; the highway impacts of the proposal; contributions for local facilities and mitigation; biodiversity enhancement; and drainage and sewerage. Following receipt of amended plans have the following comments:

7.3. **Supports** the application subject to a number of issues. Support housing for young people and downsizers to support community facilities. Note the inclusion of the site in the HELAA as 'suitable, available and achievable'. Consider the site is the most appropriate and sustainable for further development in Fritwell. The reduction in number of dwellings more closely complies with the Neighbourhood Plan and 35% is

proposed. The inclusion of 2 bungalows and 4 x 2 bed houses response to the views of residents. The amount of 3 and 4/5 bed houses needs to be reviewed. Request developer considered Neighbourhood Plans Forums comments on building design, construction and energy use.

- 7.4. Support the responses made by the playing field committee, village hall committee and primary school for the contributions to help improve and mitigate impacts of the development.
- 7.5. In relation transport note the village has no bus service and continues to campaign for a rural bus service and request a contribution towards subsidies for transport services. Parking should be increased to the maximum standard on the development given all occupants are likely to own a car. Parish welcome the inclusion of road calming along Fewcott Road including new signage, road markings and vehicle activated sign alongside proposal to move the spend limit. Request that further place making style road calming such as planted areas to narrow the entrance to the village and rumble strips (in keeping with those in Hodgson Close), and paved road areas be considered. Also welcomes connection to public right of way to the south of the site which should be surfaced to provide year-round access.
- 7.6. Support the Neighbourhood Plans response to consider low cost biodiversity measures like wild flower planting along verges or off-site.
- 7.7. MID CHERWELL NEIGHBOURHOOD PLAN FORUM: Objected to original proposal on ground of conflict with Policy PD1 and overall scale of development significantly exceeding the indicative growth of 25 dwellings.
- 7.8. Amended proposal: Supports subject to modification to housing mix to meet requirements set out in Policy PH1 and a clear statement for the developer they are prepared to consider the below points.
- 7.9. Pleased to see a reduction in number of dwellings but still exceeds indicative figure of 25 set out in the Neighbourhood Plan. Furthermore have concern that taking the scale of the current development would mean the whole allocation for housing growth in the village would be taken up immediately and may prevent any further development in the village for the rest of the plan period. They also raised concern with the housing mix against Policy PH1 and note there are too many '4 or more' bedroom properties and not sufficient 3 bed properties. In order to support the proposal, requests a number of outcomes are committed to in a Section 106:
 - Should be an exemplar scheme in respect of climate change designed to minimise energy consumption and avoid use of fossil fuels. Use of ground source heat pumps and highly insulated dwellings should be considered.
 - Serious consideration of making the scheme a pilot for off-site modular construction
 - Provide net gain biodiversity which exceeds the minimum
 - Provide support for local transport options; charging points for electric vehicles; traffic calming measures; new speed signs linked to mains electricity; enhancement of children's play area on playing field; provision of more recreational and sports facilities within Fritwell for all ages; support for the existing Village Hall, including additional storage, repairs and improved car park; developer funding directed to works in the village to benefit Fritwell residents

CONSULTEES

- 7.10. OCC HIGHWAYS: Objected to original application.
- 7.11. Amended plans: **No objection** subject to S106 to secure £15,000 for improvements to the Public Right of Way to the south of the site and an obligation to enter into a S278 agreement (construction of the site access, extension of the 30mph speed limit, construction of footway from site access to join existing footpath in village, land ownership and visibility splays, village entry treatment including traffic calming) and planning condition.
- 7.12. The traffic impact of the development is considered to be acceptable and not result in severe impact. The reduction in dwellings further reduces this impact. This site access has been amended and it has been sufficient visibility based on the speed surveys for the site can be achieved. The land within the visibility splays appears to be land either owned by the application, classified as public highway or is the highway ditch. As part of the S278 agreement part of this ditch will need to become within the applicants control through the land registry.
- 7.13. The application includes alterations to the highway directly in front of the application site, this includes extending the 30mph speed limit, new VAS speed limit sign and relocation of gateway and dragons teeth on carriageway. This will be done via S278 agreement and will require consultation.
- 7.14. In terms of pedestrian access the proposal is for a 1.8m footway to Fewcott Road. This is required to enable residents to walk into the village. The link to the south allows more permeability and better access to other parts of Fritwell and a contribution is sought to upgrade this to allow increase use to a better standard.
- 7.15. The indicative level of parking of 54 allocated and 10 visitor spaces in accordance with the OCC Standard however visitor bays need to be increase in width. Cycle parking provision should also be made for the dwellings.
- 7.16. Travel information packs should be provided for residents to encourage sustainable transport choices and vehicle tracking will be required.
- 7.17. OCC RIGHTS OF WAY: **No objection** subject to a upgrading the public right of way to the south of the site. Also request conditions on no obstruction of the footpath, no changes to footpath without agreement, no vehicular access along footpath and no gates opening onto footpath.
- 7.18. CDC ECOLOGY: **No objections** subject to conditions. The report is sufficient in scope and depth. No significant protected issues on the site however there is potential for bats to be present in the trees and potential reptiles and nesting birds and timing constraints and methodology of clearance is needs. These are covered in the submitted survey and could be including in CEMP for Biodiversity condition
- 7.19. The Biodiversity Metric submitted indicates there will be a reasonable level of net gain however raises queries where the open water and marginal vegetation will be provided. The fencing and walls must have gaps at their base and bird and bat boxes provided.
- 7.20. NATURAL ENGLAND: **No comments.**
- 7.21. CDC TREE OFFICER: **No objections.** The amended layout has lessened concerns regarding the site entrance, vision splays and plots to the south of the site.
- 7.22. CDC LANDSCAPE OFFICER: (on original submission) Comment. The existing boundary planting is a major design constraint. It does not appearance to have

informed the LVIA. The loss of planting for the visibility splay needs to be better understood. Viewpoints from the public right of way to the north of the site would have a major significance of effect which could be moderated over time will planting. Space is required between the visibility space and the plots on the northern boundary to help mitigate impact of PROW and roadside receptors. Concerns regarding plots very close to southern boundary and there may be pressure to reduce height of hedge increasing visual impacts. Suggest properties are moved from the southern boundary. No attenuation tanks should be provided under the LAP.

- 7.23. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions on details surface water strategy, management and maintenance.
- 7.24. OCC EDUCATION: **No objections** subject to contributions towards secondary school capacity at Heyford Park School. No contributions sought to nursery, primary or SEN provision.
- 7.25. ANGLIAN WATER: **No objection**. The wastewater treatment and sewerage system has capacity for these flows. The proposal does not propose to discharge surface water to Anglian Water assets. Request informative regarding assets near the site, connections and protection of existing assets.
- 7.26. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **Objects** on the basis it will put further pressure on primary care services supporting the Fritwell Area. The main GP practices which cover this area are Deddington Practice and Alchester Medical group. The application will increase the population by c.67 people, which will put direct pressure on the ability of the practices to continue to provide primary care services, without funding to support their infrastructure needs. Highlight growth in population in both these areas. Seek £360 per head to support capital projects associated with either of the two practices, to ensure primary care services are provided directly or indirectly to the development population.
- 7.27. CDC STRATEGIC HOUSING: **No objection**. Requests 10 affordable units with the indicative mix of tenures and sized:
- 2 x 1b2pM – Social Rent
 - 3 x 2b4pH – Social Rent
 - 2 x 2b4pH – Shared Ownership
 - 1 x 3b5pH – Social Rent
 - 1 x 3b5pH – Shared Ownership
 - 1 x 4b7pH – Social Rent
- 7.28. This represents a 70/30 split between (Social Rent level) rented units and Shared Ownership units as stated in our adopted Local Plan Part 1, Policy BSC3 and blends the findings of the most recent county-wide Strategic Housing Market Assessment, with our own district-specific levels of in-house data. 50% of the social rent should meet M4(2)(2) requirement and all rental units should be to national space standard. Expect parking for all units
- 7.29. CDC LEISURE AND RECREATION: **Comment**. Request contributions towards improvements to Fritwell Village Hall, outdoor sports (improvements to Fritwell Playing field for benefit/improvement of sport) and off-site indoor sports facilities

(contribution towards Bicester Gymnastics Club to develop a specialist gymnastics in Bicester for the Bicester and District Gymnastics Club)

7.30. CDC BUILDING CONTROL: **No comment.**

7.31. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to Construction Environmental Management Plan, full land investigation conditions, air quality condition and electric charging points. No comments in relation to odour or light.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations:

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

9. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Site Layout and Design Principles
- Heritage
- Highways
- Ecology
- Affordable Housing and Housing Mix
- Flood Risk and Drainage
- Residential Amenity
- Impact on Local Infrastructure
- Other matters

Principle of Development

Policy Context

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996. The Development Plan in this area also includes the Mid-Cherwell Neighbourhood Plan which was adopted in February 2019.

9.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out

the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply. The Written Ministerial Statement of 12 September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated in Cherwell.
- 9.5. Policy PD1 of the Mid-Cherwell Neighbourhood Plan (MCNP) states that in Category A Villages, such as Fritwell infill, conversion and minor development will be supported in principle within the settlement limits (as defined in the Neighbourhood Plan). It states that residential development proposals outside the settlement areas in such villages must have regard to the following criteria:
- Be immediately adjacent to the village
 - Not be best and most versatile agricultural land and previously developed land is particularly likely to be acceptable.
 - Conserve and, wherever possible, enhance the landscape.
 - Conserve and, where possible, enhance heritage assets
 - Not give rise to coalescence with other nearby settlements.
- 9.6. Policy PD1 of the MCNP goes on to state that the *'total indicative number of additional dwellings permitted during the plan period either within the settlement area of those villages, or adjacent to them, shall be approximately 25 for Fritwell'*.
- 9.7. The overall housing strategy in the Cherwell Local Plan 2011-2031 (including Policy BSC1) is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.8. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Fritwell is classified as a Category A village.
- 9.9. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation

of the Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

9.10. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:

- *“Whether the land has been previously developed land or is of less environmental value;*
- *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether best and most versatile agricultural land could be avoided;*
- *Whether significant adverse landscape impacts could be avoided;*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
- *Whether the site is well located to services and facilities;*
- *Whether necessary infrastructure could be provided;*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

Assessment

9.11. As outlined above the Development Plan in this case consists of both the Cherwell Local Plan Part 1 (2015) (CLP) and the MCNP (2019). The application site is considered to fall outside of the built up limits of the village and is also outside the settlement boundaries identified in the MCNP. The most relevant policy to consider in relation to this application under the CLP (2015) would be Policy Villages 2, which provides a rural allocation of 750 dwellings to be provided at Category A Villages and significant progress has been made in regard to this allocation.

9.12. However, in this case Policy PD1 of the MCNP identifies an indicative level of growth to the Fritwell over the plan period (as outlined below) and there may be considered to be some conflict between these policies. The Planning Practice Guidance (PPG) and Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that, where policy in a development plan for an area conflicts with another policy in the development plan, the conflict should be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case this would be the MCNP. Therefore, MCNP Policy PD1 is considered to take precedent over Policy Villages 2 – although the criteria of Policy Villages 2 are still considered to be relevant to the consideration of the application.

9.13. Policy PD1 of the MCNP states that an indicative number of additional dwellings permitted within or adjacent to Fritwell over the plan period (2018-2031) will be approximately 25 dwellings. It is clear from the use of the words ‘indicative’ and ‘approximately’ in the policy that 25 dwellings is not a ceiling and must be viewed as a guideline for the level of growth envisaged, and flexibility therefore applied in this respect whilst having regard 25.

9.14. At the current time 1 dwelling has been granted permission in the plan period (i.e. 2018-2031) in Fritwell (19/01402/OUT refers) and another single dwelling (19/02162/F refer) is pending consideration. Several objectors to the application

has referred to existing housing sites which are undergoing construction at the Former George and Dragon Site (17/01954/F refers for 7 dwellings) and a development of 8 dwellings on Fewcott Road (13/01347/F refers) which they consider should count towards this allocation. However, given these were granted prior to the plan period for the Neighbourhood Plan which covers the period 2018-2031, they do not count towards the level of growth specified in the Neighbourhood Plan (i.e. approximately indicatively 25 dwellings).

- 9.15. During the course of the application the number of dwellings proposed as part of the current application has been reduced from 38 dwellings to 28 dwellings in response to significant concerns raised by officers regarding the scale of growth proposed as originally submitted in the context of the housing strategy in the Neighbourhood Plan. Granting planning permission for the current application would result in a total of 30 dwellings being permitted in Fritwell within the plan period (if a pending separate application is approved for a single dwelling elsewhere in the village). Officers consider, on balance, that this level of growth complies with the indicative level of growth that is proposed to be provided in Fritwell through the Neighbourhood Plan.
- 9.16. Several concerns have been raised by neighbours over the general sustainability of village to accommodate this level of growth and prior to the adoption of the MCNP this was a significant concern of Officers. The village of Fritwell has relatively limited services and facilities including a school, a small shop, a play area, pub (albeit currently closed) and village hall. There is also no meaningful public transport to the village resulting in residents being highly reliant on the private car. Whilst these concerns do still exist, the MCNP clearly indicates a level of growth for the village and as outlined above the proposal is considered to accord with the MCNP's housing strategy. There has been no significant change in services to the village since the adoption of the MCNP which would justify taking a different position on this issue.
- 9.17. The basis of the planning system is plan-led and therefore the aforesaid concerns regarding the general sustainability of the village do not outweigh the provision of the recently adopted neighbourhood plan in regard to the scale of growth appropriate for the village. It should also be noted that the proposed development is likely to help support the existing services and facilities (shop, school and pub – in the event it re-opens) in the village to some extent although this is hard to fully quantify; and the governors of the primary school have supported the application.
- 9.18. The Neighbourhood Plan Forum has noted that Policy PD1 relates to all new housing 'within' and 'outside' of the built limits of the village over the whole of the plan period and has concerns that permitting 28 dwellings on the current site at an early point in the plan period may result in further development in the village taking the level of growth in the village into what they regard as 'unacceptable territory'. Whilst Officers sympathise with this view to some extent, Policy PD1 does not include any phasing of the indicative level of growth of 25 dwellings over the plan period and there is no limit on the amount of the envisaged development that comes forward on any one site. There are some benefits of allowing growth on a larger site (as opposed to multiple smaller sites) as planning obligations can be provided to mitigate impacts on infrastructure and affordable housing can be secured. This could not be insisted upon on smaller sites (of under 10 units). Each future application would need to be assessed on its own merits so any future growth in Fritwell would need to be considered in the context of the housing strategy outlined in Policy PD1 of the MCNP and other relevant policies and a view taken at the time as to whether the level of growth proposed would conflict with the Development Plan when read as a whole. Therefore, this matter is not considered to be a matter that would justify refusing consent on its own.

- 9.19. Policy PD1 goes on to provide several criteria to which applications for development outside the settlement must have particular regard. It is important to note that the policy has no requirement for all these criteria to be met although they clearly are material considerations in undertaking the planning balance. The current proposal is considered to comply with a number of these criteria. The site is located immediately adjacent to the village and would conserve heritage assets (as outlined below). It would also not give rise to coalescence with other settlements given the distance that would exist to the neighbouring villages. The site is not previously developed so does not gain support from that criteria. The issues relating to the use of best and most versatile agricultural land and landscape impact are outlined elsewhere in this report and need to be considered in the planning balance.
- 9.20. Several comments have also referred to a proposal by Lagan Homes at Forge Place which may come forward in the future. However, this is not relevant to the current application and each application has to be assessed on its own merits. The Council has no formal proposals before them for an alternative development. Therefore, this is not considered to carry any significant weight in the context of the current application.

Conclusion

- 9.21. The most relevant policy to consider the principle of the application against is considered to be Policy PD1 of the MCNP. On balance, the scale of growth is considered to broadly comply with the Policy PD1 and therefore to accord with the growth strategy outlined in the Neighbourhood Plan. Subject to other material considerations the principle of this level of growth at Fritwell is therefore considered to be acceptable.

Landscape and visual impact and impact on the character of the area

Policy context

- 9.22. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 170 states planning decisions should contribute and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 9.5. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

9.23. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

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

9.24. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

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

9.25. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development would contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.

9.26. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

9.27. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

9.28. Policy PD5 of the MCNP states that new development is required to high quality and reflect the guidance and principles set out in the Heritage and Character Assessment accompanying the Neighbourhood Plan. It goes on to state proposals should include appropriate landscape measure to mitigate impacts and be in keeping with the rural character of the village.

Assessment

9.29. The application is a flat grassland paddock with hedgerows along the southern, eastern and western boundaries. It is part of the wider paddock land to the east of Fritwell with expansive flat open arable farmland beyond to the north east and east. The natural landscape of the area is defined within the Oxfordshire Wildlife and Landscape Study of 2004 (OWLS) (referenced in Policy ESD13 of the CLP 2031 Part 1) as being of Farmland Plateau landscape type which is generally characterised by large level arable fields, sparse settlements with small grassland fields surrounding villages with long straight country roads between villages. The

strategy for this area as set out in OWLS is to conserve the open and remote character of the landscape type.

- 9.30. On entry to Fritwell from the east along Fewcott Road the village is prominent in views within its surrounding flat farmland landscape which creates a rural setting for the village. Whilst the site itself is not part of a designated landscape or intrinsically interesting or beautiful in landscape terms, it is nonetheless an archetypal part of the rural north Oxfordshire countryside and complements the Farmland Plateau landscape character with its surrounding paddocks and farmland contributing towards the experience of the rural character of the village.
- 9.31. The site is separated from the wider open countryside by the track serving Lodge Farm to the east and is arranged in a smaller field pattern than the surrounding more expansive fields which surround the village in this location. Hedgerows on the boundaries of the site and the presence of some informal buildings in the north west corner of the site also give the site a sense of enclosure and some sense of separation from the surround countryside.
- 9.32. The proposed development would lead to the loss of this site to development and would represent an encroachment into the open countryside as any loss of greenfield site at the edge of the village would. However, as noted above this site already has a different character to the wider more expansive countryside setting of the village which exists to the north and east of the site which somewhat limits the impact on the wider landscape character.
- 9.33. The illustrative layout for the proposed development seeks to retain and strengthen the planting on the eastern boundary of the site which borders the large arable field to the east. This would provide a further degree of containment to the site in terms of the wider landscape and visual impacts. Whilst views of the development from Fewcott Road to the west of the site and the public footpath that crosses the field to the west of the site would still be available, these would be filtered to some extent and diminish in time and distance.
- 9.34. The hedgerow to the south of the site, which separates the development from the public footpath (ref: 219/6/10), is largely to be retained with the exception of a small amount which would be lost to provide a pedestrian connection to this footpath which links back into the village. This footpath already runs along the side of several properties to the west of the site and the indicative plans have been amended to create a small paddock to the south of the site which would help soften the views of the development from the south and set the development away from this boundary.
- 9.35. The requirement for visibility splays at the site access with Fewcott Road means that much of the planting to the east of the proposed access on the northern boundary will need to be removed and this will open up views of the site in views from the road and the areas to the northern of the site. This would include the public bridleway (ref 219/11/10) which traverses the agricultural field approximately 200 metres to the north of the site and extends between the recreation ground and M40. Views from this footpath and the road to the front of the site would be relatively stark upon completion and would lead to some harm. However, it is proposed to plant new trees, shrubs and hedgerow planting in native species in this location on the northern boundary to help mitigate the impacts of the development to some extent and with landscaping being a reserved matter this could be controlled through subsequent applications. Furthermore, views from the public right of way are viewed in the context of the existing development at the edge of the village and are viewed from a distance of approximately 250 metres.

- 9.36. Views of the proposal would also be visible from other public footpaths to the east of the site; however, given the relatively flat topography of the area, existence of planting, and the fact many would be seen in the context of the existing built form of the village, these are not considered to lead to significant adverse impacts
- 9.37. In terms of the impact of the development on the immediate setting of the village, the proposed development would undoubtedly lead to some harm through the urbanisation of the site. However, the proposed development has to be viewed in the context of the aspirations of the MCNP to direct some growth to the village and given the scale of growth this is likely in officers' opinion to lead to the development of existing open land outside the settlement limits. The proposal is located at one of the less sensitive edges of the village from a heritage perspective and the proposed development would be viewed in the context of the existing more modern development at Fewcott View and Hodgson Close, the latter of which also provides development in a similar depth to the current proposal at the edge of the village. The screening which exists around the site and presence of the access to Lodge Farm also provides visual containment to the site and the countryside beyond.
- 9.38. Views of the proposal would also be available from the properties within Hodgson Close; however, these would be generally private views from properties over open countryside which are not given the same weight in planning decisions given that the planning system operates in the public rather than private interests. The impact on the residential amenity of these properties is covered elsewhere in this report.
- 9.39. The site was recently considered in the Housing and Economic Land Availability Assessment (HELAA 2018) where it was concluded that the site was suitable, available and achievable for housing. However, this document is only part of the evidence base to inform the plan making process and it is not considered to carry significant weight in decision making. It has not been subject to the robust scrutiny of public examination and it does not allocate land for development. It merely provides part of an evidence basis to allow the local authority to proactively plan for their housing and economic growth needs in future plans. The starting point for decision making is the up to date Development Plan and the development should be assessed in accordance with the policies within the Development Plan. This is reinforced by the Planning Practice Guidance. This matter is therefore only given limited weight in favour of the proposal.

Conclusion

- 9.40. Overall the impact of the development on the landscape character area is considered to moderate. There would be visual impacts associated with the development and with the more significant visual impacts of the development particularly from the north and east however these can be mitigated to some extent through additional planting and screening to the boundaries. The site is at one of the less sensitive entrances to the village to change and is relatively well contained by existing features. This harm needs to be weighed in the planning balance when considering the development as a whole.

Site Layout and Design Principles

Policy Context

- 9.41. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National

Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.

- 9.42. Policy PD5 states that new development is required to high quality and reflect the guidance and principles set out in the Heritage and Character Assessment accompanying the Neighbourhood Plan. It goes onto state proposal should include appropriate landscape measure to mitigate impacts and be in keeping with the rural character of the village. Policy PH5 states parking should be built in direct association with the dwellings they serve and should be large enough to accommodate modern cars and bicycles.
- 9.43. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.44. The application is in outline with all matters reserved except for access from Fewcott Road. The application is accompanied by an indicative layout and a Design and Access Statement, which indicates one way in which the site could be developed. It includes a public open space to the centre of the development around a mature tree, a small paddock area to the south and landscape buffers to north and east of the site.
- 9.45. Whilst many of the principles (including those outlined above) within the proposed indicative layout are considered appropriate for the site officers have several concerns which would need to be fully addressed as a part of a subsequent reserved matters application. For example, whilst frontage is created to the majority of Fewcott Road, the plot closest to the village is shown to have a side garden boundary wall creating the frontage which would not be in keeping with the pattern of development where there is generally a stronger frontage facing onto Fewcott Road. It is also considered that the plots to the east of the site should be further set into the plot to provide a gentler transition into the village.
- 9.46. Officers also have concerns that the proposed dwellings appear to be based on the more modern developments in the local village with deep plan forms and narrow frontage rather than the more traditional vernacular building form which is generally shallower plan form and wider frontage. The layout also appears rather gappy in places and lacks any continuous frontage; and the building styles indicated in the submitted Design and Access Statement would be overly complex and would not reflect the simpler vernacular form and detail. More defined boundary treatment and the use of limestone would all aid in improving the quality of the scheme and reflect the aspirations of the MCNP and other policy. However, given the current application is made in outline, these matters could be addressed through a reserved matters application.
- 9.47. The density of the scheme (excluding the paddock area to the south) equates to approximately 20 dwelling per hectare and is therefore relatively low density. Policy BSC2 of the CLP states that dwellings should be provided at 30dph unless there are justifiable planning reasons for a lower density. In this case the site lies at the edge of the village where the surrounding development has a relative low density. Furthermore, there is a need to provide landscape mitigation to the boundaries of the site. On balance the density is considered acceptable.

- 9.48. The illustrative layout seeks to retain the higher value trees on the site and integrate them into the layout and public open spaces. The layout demonstrates an appropriate level of public open space can be provided at the site including the area to the centre of the site countryside and areas around the boundaries of the site to comply with the requirements to general amenity space under Policy BSC11 of the CLP 2015 (approx. 0.2 hectares). Policy BSC11 also requires the provision of a local area of play (LAP); however, the parish council had requested a commuted sum to help upgrade the existing play area near the school and this can be secured through a legal agreement. This play area is approximately 250 metres from the site and is considered an acceptable alternative by officers to on-site provision.
- 9.49. In terms of integration with the surround movement network the proposal seeks to provide a new footpath along the frontage of Fewcott Road to join with Hodgson Close which will allow residents to access the village in a safe fashion on foot. It is also proposed to update the surface of the public footpath to the south of the site which would provide an alternative and more convenient link to Southfield Lane and East Street where the shop and public house exist. Whilst this route is not ideal it does improve the permeability of the development and the integration into the village.
- 9.50. Overall therefore it is considered that an acceptable layout and detailing can be negotiated at a reserved matters stage when matters of layout, appearance and landscaping are fully considered.

Heritage Impact

- 9.51. The designated Fritwell Conservation Area lies to the west and south-west of the site covering both the historic built core of the village as well as some of the paddocks to the south. Conservation Areas are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 and Policy PD4 echoes this guidance and this extends to the consideration of setting if the Conservation Area.
- 9.52. The development of the type and scale proposed on the site is not considered to be readily experienced from within the Conservation Area subject to an appropriate layout and is not considered to impact notably on its setting from main viewpoints from the Conservation Area in this locality given the intervening modern housing developments as well as landscape features. Officers are therefore satisfied that the proposals would not directly or indirectly harm the special character and appearance of the Conservation Area and so the proposals would not conflict with national or local planning policy in this regard

Highways

- 9.53. Policy ESD15 of the Cherwell Local Plan Part 1 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." 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 have a severe traffic impact will not be supported." Policy PD5 of the MCNP seeks to ensure requires the provision of new footpaths to provide access to services and facilities of the village. The NPPF

advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Assessment

- 9.54. The current application proposes to create a new 5.5 metre wide vehicle access from Fewcott Road into the development and also provide a new public footpath along Fewcott Road to link into the existing footpath at Hodgson Close.
- 9.55. When the application was originally submitted the Local Highway Authority (LHA) raised concerns over the visibility from the proposed access given the posted speed limit (60mph). Since this time the access has been relocated closer to the village and information of speed surveys undertaken at the site frontage been provided showing the 85th percentile speeds of 34.4mph for northbound traffic and 36.7mph for southbound traffic. The applicant has also proposed a number of works to the highway to help reduce vehicle speeds including the relocating the existing speed gate feature on Fewcott Road to a point approximately 30 metres to the south of the proposed site access, the provision of a Vehicle Activated Sign (VAS) and “dragons teeth” road markings. It is also proposed to relocate the existing 30mph speed limit which would be subject to a Traffic Regulation Order. Further to this information the LHA has raised no objection to the provision the new access and it is considered to be acceptable in terms of visibility and tracking. The works outlined above to create the access and undertake the highway improvement works would need to be secured through a S278 Agreement via the Section 106 agreement. The pedestrian link back to the village along Fewcott Road is also considered to be essential to provide pedestrian access and integration to the remainder of the village and the LHA is now satisfied this can be achieved in an acceptable manner.
- 9.56. The Parish Council has requested that further place making style road calming such as planted areas to narrow the entrance to the village and rumble strips (in keeping with those in Hodgson Close), and paved road areas be considered along Fewcott Road. However, Officers do not consider this is justified or necessary to make the proposal acceptable in planning terms in light of the LHA’s comments.
- 9.57. The LHA has not raised any objection to the application in terms of the impact of traffic generation on the highway network terms. Government guidance in the NPPF is clear that development should not be resisted on transport grounds except where the cumulative impact of congestion would be ‘severe’. This is a high test and is not considered the case in this application where the traffic impact would be relatively modest given the scale of the development and where there is no evidence that the existing highway network is at or near capacity.
- 9.58. The layout submitted is indicative, but it is also proposed to create a new link to the public right of way which exists to the south of the site and provides access to the East Street. This is considered important in terms of connecting and linking the site to the surrounding movement network and its provision can be controlled through a planning condition. The Highway Engineer and the Public Rights of Way (PRW) Officer at the County Council have both noted that surface of the existing public right of way needs to be improved to provide a more suitable access for residents and the Developer has agreed to undertake these under a Section S278. This needs to be secured through the legal agreement. The PRW Officer has requested a number of conditions relating to the protection of the right of way. However, the right of way is situated outside of the application site and obstruction of the right of way could be enforced by the LHA through other means.

- 9.59. The detailed matters raised by the LHA regarding the parking provision and vehicle tracking around the site would be considered as part of a reserved matters application as the layout of the site would be considered at that point.
- 9.60. It is noted that the Parish Council has requested a contribution toward future subsidies for public transport services serving the village. However, in light of there not being any public transport available in the village and given the fact there have been no requests for contributions for the County Council who may administer subsidies this is not considered to be reasonable or related to the development. Furthermore the County Council's request for Travel Information packs to new residents is also not considered to be justified given the limited choices available to new residents.

Ecology Impact

Legislative context

- 9.61. 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. 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.
- 9.62. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.63. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity.
- 9.64. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity

resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.65. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.66. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.67. Policy PD5 of the MCNP seeks net gain in biodiversity from planting.
- 9.68. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.69. The application is supported by a detailed Ecological Survey which concluded that there are no significant protected species issues on the site. The Council's Ecologist (CE) is satisfied with the detail and scope of the assessments and has noted that there is potential for bats to be present in some of the trees which will require checking if removed. Furthermore, there is potential for both reptiles and nesting birds to be affected so timing constraints and methods of clearance of vegetation need to be adhered to. These are outlined in the submitted reports and can be controlled by condition.
- 9.70. During the course of the application the CE requested that information be provided to demonstrate that a net gain in biodiversity can be achieved through the development. Given the outline nature of the application a indicative calculation has been undertaken which shows a net gain can be provided. The CE has queried where a number of features on which this calculation relies would be provided on the site. However, given the outline nature of the application where the layout is only indicative and the fact that the scheme will be relatively low density it is considered that it would be appropriate to control submission of these details to be provide with a the reserved matters application when these could be considered alongside the detailed layout of the proposal. This would also be considered through the proposed Landscape and Environmental Management Plan (LEMP) which is recommended to be conditioned.
- 9.71. Overall officers are satisfied, on the basis of the CE's advice and the absence of any objection from Natural England, and subject to conditions, that the welfare of any

European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Affordable Housing and Housing Mix

Policy

- 9.72. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing being for rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.73. Policy PH1 of the MCNP relates to the housing mix of proposed market houses on development sites. This states new market should favour homes with a smaller number of bedrooms and states housing mix will be determined on the basis of the Strategic Housing Market Assessment (SHMA) or more up to date published evidence. It also goes on to state that regard will also be had to the characteristics of the site. On the basis of the SHMA, development of 10 dwellings or more should have the following indicative mix: 30% 1 or 2 bedrooms, 46% 3 bedrooms and no more than 24% with 4 or more bedrooms.
- 9.74. Policy PH3 of the MCNP seeks to favour development which provides dwellings which are designed to enable residents to live through different stages of their life. It also offers support of new homes to be built to accessible standards (wheelchair adaptable or wheelchair accessible) and dwellings on a single level suitable for older people and those with disabilities.

Assessment

- 9.75. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative. This would equate to 10 affordable units which would be split 70% rent and 30% shared ownership/intermediate housing. The Council's Housing Officer has suggested a proposed mix of tenures and sizes and these would form the basis of negotiations on the reserved matters application.
- 9.76. In relation to the market housing mix the Local Planning Authority was not provided details when the application was submitted. However, the Neighbourhood Plan Forum and Parish Council have both raised concerns regarding the number of 4 bedroom properties and consider the mix should be altered to reflect the Neighbourhood Plan housing mix with less '4 or more' and an increase in 3 bed properties. The applicant has responded providing an indicative mix of market dwellings as outlined below:

Unit Type	Proposed market Housing	Proposed %	MCNP %requirement
2 Bed	5 (incl 2 x bungalow)	28%	30%

3 Bed	8	44%	46%
4/5 Bed	5	28%	24%
Total	18	100%	100%

- 9.77. In officers view the revised indicative mix broadly complies with the policy in the Neighbourhood Plan. Furthermore, it must be remembered that full details of the housing mix both of market and affordable housing would be determined at reserved matters stage (although it would need to reflect that set out in the table above, unless a greater number of smaller dwellings are proposed at that time). The affordable housing would need to be secured by a legal agreement.
- 9.78. The applicant is also proposing to provide 2 bungalows on the site as part of the housing mix. The applicant has agreed that these will be provided to Part M 4(2) (accessible and adaptable dwellings) standard and this can be secured as a planning condition which weighs in favour of the development in terms of gaining support from Policy PH3 of the MCNP.
- 9.79. Overall therefore officers consider the level of affordable housing and housing mix has been adequately addressed.

Flooding Risk and Drainage

- 9.80. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

Assessment

- 9.81. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding which has the lowest probability of flooding. The site also lies in an area identified as very low risk of surface water flooding on the Environment Agency's flood risk maps. The site is accompanied by a Flood Risk Assessment. This proposed an outline surface water drainage strategy which indicates it is proposed to discharge the surface water through a combination of domestic soakaways, permeable paving and restricted discharge to the ditch on the south east boundary of the site. The report states that infiltration is likely to be feasible.
- 9.82. The LLFA has raised a number of queries in relation to surface water drainage scheme however given the outline nature of the scheme they are satisfied that a detailed drainage scheme can be conditioned and be considered at part of the detailed layout of the site. Officers agree with this assessment. Concerns have also been raised that the provision of a footway along Fewcott Road may impact on the existing roadside ditch. If this does occur full details of this can be considered in the detailed drainage scheme.
- 9.83. A number of concerns have been raised regarding the adequacy of the existing sewerage infrastructure to accommodate the development including statements that issues have occurred in other parts of the village. However, Anglian Water has been

consulted and have stated that there is adequate capacity in their existing systems to accommodate the demands of the proposed development and the developer would need to contact them to arrangement the relevant connections. Given they are the statutory undertaker in this regard this is considered to be acceptable.

Impact on neighbouring amenity

- 9.84. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

Assessment

- 9.85. The layout submitted is only indicative so it is difficult to make a full assessment of the impacts of the development on residential amenity as these would be subject to consideration in the reserved matters application where layout and appearance would be fully considered. However, the residential nature of the proposal is considered to be compatible with the surrounding land uses which are residential and agricultural. Whilst concerns have been raised regarding noise and disturbance to existing properties these are not considered to lead to material harm given the residential nature of the proposal.
- 9.86. The properties which would be most significantly impacted upon by the proposals are those properties which face onto the western boundary of the site in Hodgson Close. The proposal would clearly alter the view experienced over the application site from these properties which is currently over an undeveloped field; however, it is a long-established planning principle that there is no right to a private view. The indicative layout suggests the proposal would exceed the separation distances outlined in the Council's Residential Development Design Guide SPD which seeks to ensure that new development does not result in significantly harmful impacts to neighbouring properties in terms of loss of privacy, light or outlook. Therefore, whilst acknowledging there would be some increase in overlooking, loss of outlook and light to the adjoining residential properties this is considered to ensure a good standard of residential amenity would be retained for these properties.

Impact on Local Infrastructure

Policy Context

- 9.87. Policy INF1 of the CLP 2015 states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*
- 9.88. Policy BSC11 of the CLP 2015 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.89. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring

the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.90. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.
- 9.91. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.92. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP (approx. 0.2ha of informal open space)
- Provision of a commuted sum of £2,306.68 per dwelling to the upgrading/ provision of local play equipment in Fritwell as no play provision is being provided on site
- Off-site outdoor sports facilities capital provision – improvement of sports fields in Fritwell to benefit sports provision including potential green gym equipment. This has included discussions with the Recreation Officer and the Playing Fields Committee. A request was made to spend this money on a zip wire however this was considered by officers to be play related rather than sports related therefore it was not considered appropriate. Based on £2017.03 per dwelling. 28no dwellings = £56,476.84
- Off-site indoor sports facilities – Towards Bicester Gymnastics Club to develop a specialist gymnastics (identified in the Councils District Sports Study). Whilst concerns have been raised this should be spend in the village there are no specific indoor sports facilities in the village and the population of the development will clearly be reliant on the neighbouring towns such as Bicester for wider indoor sports provision. This is a project is identified in the District Sports Study - £23,378.51
- Community hall facilities - £32,266.00 – To be spent on improvements/enhancements to Fritwell Village Hall
- £106 per dwelling for bins
- Affordable housing provision – 35% (10 units)

Oxfordshire County Council

- Contribution towards creation of additional secondary school capacity through expansion of Heyford Park School (£118,662 based on current housing mix but will change with different housing mix)
- No contributions are sought to primary education, SEN provision or nursery provision as there is capacity in the local area to accommodate the development taking into account the scale of the development.
- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 - Construction of the site access.
 - Extension of the 30mph speed limit.
 - Construction of footway from site access to join existing footpath in village at Hodgson Close
 - Identification of areas to be provided as public highway and provision of visibility splays.
 - Village entry treatment including new vehicle activated sign, relocation of gateway feature and dragons teeth on carriageway.
- Obligation to enter into a S278 agreement to provide upgrades to the public right of way to the south of the site.

Other

- OCCG group have requested a contribution to support capital projects associated with either Deddington surgery or Alchester Medical group (£360 per person – circa 67 people). Whilst they have pointed to growth in population in these catchments over recent years they have not indicated whether these surgeries are operating at or above capacity and what infrastructure the contributions would be used to fund to mitigate the impacts of the development. At the current time it is not considered that such a contribution can be justified however further information has been requested from the OCCG.

Conclusion

- 9.93. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts.

Other Matters

- 9.94. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if,
- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
 - (ii) The development is not likely to result in contamination of surface or underground water resources
 - (iii) The proposed use does not conflict with other policies in the plan.
- 9.95. The site is on land which is potentially contaminated and the Council's Environmental Protection Officer (EPO) has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.

- 9.96. The Council's EPO has requested a condition in regard to the installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport.. It is considered reasonable and necessary for this to be secured through a condition of any permission given.
- 9.97. Policy ESD1 of the CLP 2031 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2031 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2031 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 the Council now seeks to secure in excess of that required under the 2013 Building Regulations. These could be controlled through a condition. The Neighbourhood Plan Forum has requested that the developer make the scheme an exemplar scheme in terms of energy usage and insulation. However, this does not form part of the proposals currently advanced by the applicant and it is not a requirement of the Development Plan to do this. This is therefore not considered to be justified and it is not considered there would be sufficient policy grounds to require this given the conclusion that the development as a whole complies with the Development Plan.
- 9.98. Policy PD6 requires the consideration of external lighting and the impact of this on the character and appearance of the locality and nature conservation. Given the outline nature of this application full details of this could be controlled through condition.
- 9.99. In relation to the best and most versatile agricultural land (BMV), a report has been submitted with the application that concludes the site falls within Grade 3A which is classified as being best and most versatile agricultural land (alongside Grade 1 and 2 land) which Policy Villages 2 of the Cherwell Local Plan and Policy PD1 of the MCNP requires the consideration of this issue. The NPPF also states planning decisions should recognise the economic and other benefits BMV land. The applicant has provided an analysis of this matter and it is noted that the site has previous been used as roughly grazed paddock and a small private allotment. Given the size of the site and the multiple ownerships it is not considered likely to be used for arable cropping in the future and even if it were to be the economic contribution this land would make would be limited given its size. Furthermore, they have reviewed the Predictive BMV Land Assessment maps from DEFRA and note that all the land around Fritwell has a moderate to high likelihood to include BMV agricultural land. Therefore, any development outside the settlement has a relatively high potential to impact on BMV land. Given these matters this issue are only considered to carry limited weight against the proposal.
- 9.100. Concerns have been raised by a number of local residents that they do not consider the comments of the parish represent the views of local residents. However, these are not matters that impact on the determination of the planning application. The views of the Parish Council as an organisation may differ from the views of the individuals making comments on the application. Officers have considered and had regard to all the comments on the application in forming a recommendation the application.
- 9.101. Finance considerations - Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial

assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 9.102. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent; need to be pursued in mutually supportive ways.
- 10.2. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 10.3. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.4. The site is not specifically allocated for development however it is located adjacent to the settlement boundary of Fritwell which is a Category A settlement. The MCNP provides an indicative/approximate level of growth of 25 dwellings, which is considered to be acceptable at Fritwell over the plan period. On balance the scale of the current proposal would comply with this level of growth and would bring economic and social benefits arising for the provision of new housing which carry moderate weight in the planning balance. The proposal would also bring benefits in terms of the provision of affordable housing to the village and would also provide 2 accessible bungalows which is supported by the MCNP. These matters weigh in favour of the development.
- 10.5. The proposal would result in some harm to the rural character and appearance of the locality and the urbanisation of the site at the edge of the village. However, these impacts could be reduced through the provision of additional landscaping which over time would reduce the more significant impacts. There would also be some harm to the landscape character of the area. However, this would be limited given the scale of the scheme and relationship to existing settlement. Officers consider that the scale of growth outlined at Fritwell in the MCNP is very likely to require the provision a site(s) outside the built up limits of the village and Policy PD1 does allow for such sites to come forward. Therefore, the loss of open countryside is likely to occur to accommodate the growth planned at the village. The application site is located at one of the less sensitive edges of the village in heritage terms and would be seen in the context of existing modern development. Furthermore, given the features on site, the site has a relatively strong visual connection to the settlement and a degree of visual containment. The loss of Best and Most Versatile

Agricultural Land also weighs against the proposal; however, given the nature and size of the site this harm is considered to be limited.

- 10.6. Whilst acknowledging there would be some harm to the character and appearance of the area, the benefits of the proposal are considered to outweigh the identified harm, and when viewed together the proposals are considered to comply with the Development Plan when read as a whole. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP (approx. 0.2ha of informal open space)
- b) Provision of a commuted sum of £2,306.68 per dwelling to the upgrading/provision of local play equipment in Fritwell as no play provision is being provided on site
- c) Off-site outdoor sports facilities capital provision towards improvement of sports fields in Fritwell. Based on £2017.03 per dwelling. 28no dwellings = £56,476.84
- d) Off-site indoor sports facilities – Towards Bicester Gymnastics Club to develop a specialist gymnastics (identified in the Councils District Sports Study) - £23,378.51
- e) Community hall facilities - To be spent on improvements/enhancements to Fritwell Village Hall - £32,266.00
- f) £106 per dwelling for bins
- g) Affordable housing provision – 35% (10 units)
- h) Contribution towards creation of additional secondary school capacity through expansion of Heyford Park School (£118,662 based on current housing mix but will change with different housing mix)
- i) An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 - Construction of the site access.
 - Extension of the 30mph speed limit.
 - Construction of footway from site access to join existing footpath in village at Hodgson Close
 - Identification of areas to be provided as public highway and provision of visibility splays.
 - Village entry treatment including new vehicle activated sign, relocation of gateway feature and dragons teeth on carriageway.
- j) Obligation to enter into a S278 agreement to provide upgrades to the public right of way to the south of the site.

CONDITIONS

Time Limits

1. No development shall commence until full details of the layout (including the

layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

Compliance with Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form and drawing number PL.01 and drawing number J32-3847-PS-001 Rev F included in Mode Transport Planning Technical Note (dated 30.9.19)

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

Finished floor levels

5. 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 Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Accessible and adaptable homes

6. As part of the reserved matters the proposal shall include the provision of at least 2 bungalows which shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes. The dwellings shall be provided on site to accord with this standard and shall be retained as such thereafter.

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

Land Contamination Desk Study / Site Walkover

7. Prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Detailed Drainage Scheme

11. As part of any reserved matters for layout and prior to the development commencing detailed designs of the proposed surface water drainage scheme including details of implementation, maintenance and management shall be submitted to and approved in writing by the local planning authority. Those details shall include:
 - a) Information about the design storm period and intensity, critical storm duration (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A timetable for implementation;
 - e) Site investigation and test results to confirm infiltrations rates; and
 - f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

No building hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

Full details of access

12. Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on Fewcott Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.

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

Details of connection to footpath

13. As part of the reserved matters for layout, full details of the proposed new connection to the public footpath adjacent to the southern boundary of the site shall be submitted and approved in writing by the local planning authority. The connection shall be provided in accordance with the approved details in accordance with a timetable to be first submitted and approved in writing by the Local Planning Authority prior to any works above slab level on any of the dwellings hereby permitted.

Reason: To integrate the development into the surrounding movement network and promote walking in accordance with Policy SLE4 of the Cherwell Local Plan (2015) and advice in the NPPF.

Construction Traffic Management Plan

14. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Construction Environment Management Plan

15. 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 properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

Energy Statement

16. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) 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 and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

Biodiversity enhancement

17. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

NOTE: It is advised that this condition include a Biodiversity Impact Assessment to show how a clear net gain for biodiversity will be achieved.

Landscape and Ecological Management Plan (LEMP)

18. 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. This shall include details of all planting, soft landscaping and biodiversity features and management and maintenance ongoing (including funding details and timetable). Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

Electric charging points infrastructure

19. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first

occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Lighting strategy

20. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason -To protect the amenity of the locality and habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Water usage

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

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

Compliance with ecological appraisal

22. The development hereby approved shall be carried out strictly in accordance with the recommendations outlined in sections 9.7, 9.8 and 8.9-8.11 of Extended Phase 1 Survey Report prepared by Lockhart Garratt, dated 12/11/2018.

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

Cycle Parking Provision

23. No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.