

Land off Berry Hill Road, Adderbury

Planning Statement

Application for outline planning permission for the erection of up to 40 dwellings (all matters reserved other than access), following demolition of existing structures

Hollins Strategic Land

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1 Introduction

- 1.1 This Statement is written in support of an application for outline planning permission for the erection of up to 40 dwellings on land off Berry Hill Road, Adderbury (all matters reserved other than access), following demolition of existing structures. The application is a resubmission of application 17/02394/OUT.
- 1.2 Application 17/02394/OUT was initially for outline permission for the erection of up to 60No. dwellings (all matters reserved other than access) but following a meeting with the Local Planning Authority (LPA) during the application process, the amount of development was reduced to up to 55No. dwellings. The application was refused on 25/05/2018. An appeal (ref: APP/C3105/W/18/3216992) against the refusal was withdrawn on 12/06/2019. The resubmission was submitted on 24/05/2019 and, as with application 17/02394/OUT, it was for outline permission for up to 55No. dwellings.
- 1.3 The applicant and LPA met on 26/06/2019 to discuss the resubmission and it was agreed that the description of development would be amended to reduce the amount of development to up to 40No. dwellings. It was also agreed that the resubmission package would be updated to reflect the amended description of development. The following plans/documents were submitted to the Council on 09/10/2019:
- Illustrative Layout;
 - Wider Context Plan;
 - Heritage Statement;
 - Highways Note;
 - Updated Ecological Appraisal;
 - Revised Landscape and Visual Appraisal Addendum; and,
 - Preliminary Drainage Strategy.
- 1.4 This Planning Statement forms part of the updated resubmission package which demonstrates that the reasons for refusal for application 17/02394/OUT can be overcome and that permission can be granted for a sustainable development capable of providing numerous benefits, including:
- A. Provision of employment opportunities for the construction industry and benefit the wider construction industry supply chain;
 - B. Spending in local shops and businesses;
 - C. Contribution to market housing;
 - D. Contribution to affordable housing to meet an acknowledged shortfall;

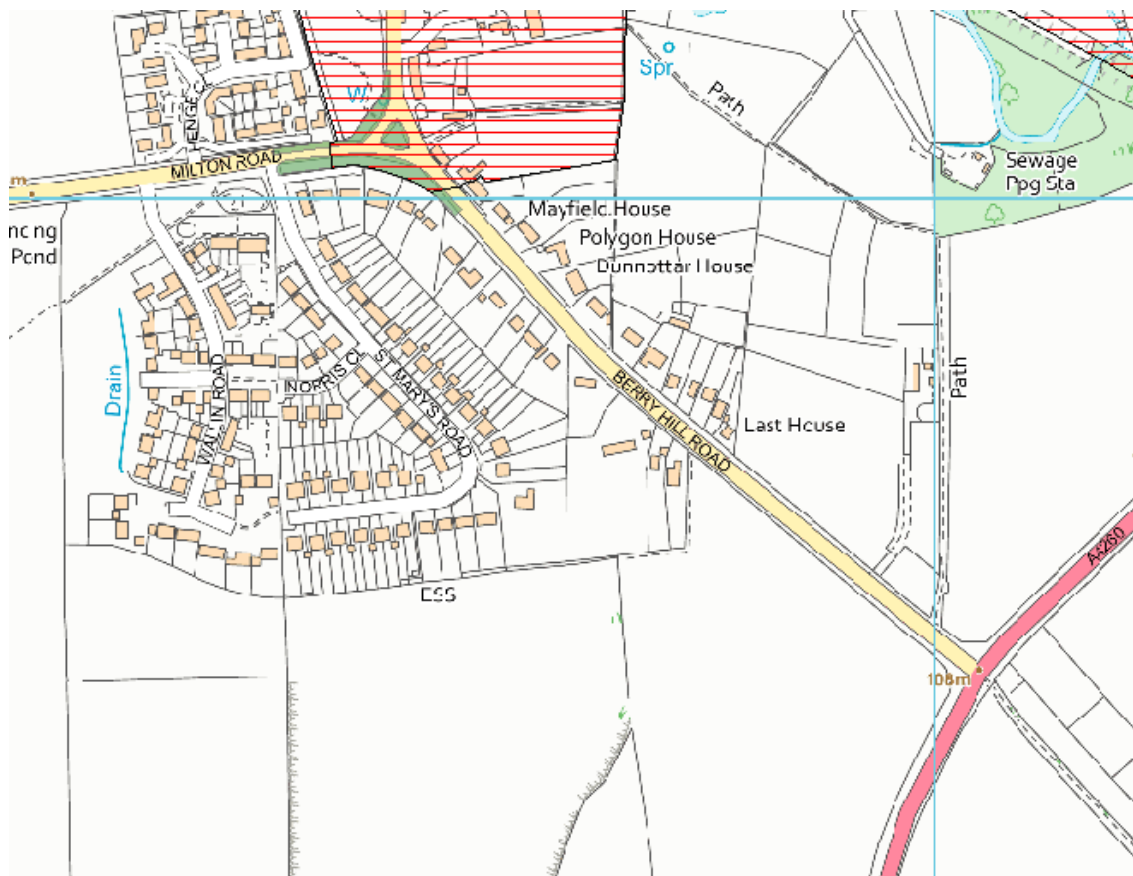
- E. Provision of high quality public open space, accessible to existing residents and managed in perpetuity, contributing to an acknowledged shortfall;
- F. Improved views of St Mary's Church;
- G. Enhancement of biodiversity at the site; and,
- H. Provision of locationally sustainable development and enhanced sustainability of Adderbury.

1.5 The planning balance relevant to this application is the tilted balance of para. 11d of NPPF. There are no adverse impacts which would significantly and demonstrably outweigh the above benefits. As such, the application should be approved.

2 The Application Site and its Setting

2.1 The application site is some 4ha in extent. It comprises of greenfield land, currently used as a paddock for horses, with a sand paddock, stables and an access track. The southern portion of the site is reasonably level, reflecting the land associated with the adjoining residential development; the northern portion falls northwards to vegetated land, reflecting the valley form associated with Sor Brook and the former Banbury and Cheltenham Direct Railway which used to run through Adderbury but closed in the 1960s.

2.2 The site is identified as being immediately adjacent to the built-up limit of Adderbury, a Category A sustainable village.



2.3 Whilst the site is identified as forming part of the Open Countryside, it is well contained on all sides and is urban fringe in character:

- To the north, the site is bound by a Public Right of Way (PROW) and the land falls into a densely vegetated valley;
- To the east, the site is bound by a vegetation belt comprising a hedgerow and trees either side of another PROW, beyond which lies true open countryside;
- To the south, a hedgerow and trees separate and screen the site from Berry Hill Road, which has no footways; and,

- To the west, approximately half of the site boundary adjoins existing residential development and another sand paddock, with the remainder of the boundary adjoining land used for grazing purposes.
- 2.4 The application site benefits from being adjacent to an established residential community. A number of local services and facilities are accessible by foot/cycle within Adderbury. The centre of the village can be accessed via a convenient, reasonably level and lit route along Horn Hill Road. An alternative and easily accessible route is available via the PROW network to the north, which also connects with the Lucy Plackett Playing Field. Twyford Mill Estate is less than 500m from the centre of the site; it accommodates the Adderbury Day Nursery which offers sessional care for children aged 6 months – 4 years.
- 2.5 Furthermore, planning permission has been granted for the change of use of agricultural land off Milton Road to sport/recreation and community use (application no. 18/00220/F). It is anticipated that the site will accommodate sports pitches (two adult football pitches, one of which could be used as two smaller pitches), a MUGA, parking for 141 vehicles and potentially, a new village hall/pavilion. The application was approved on the basis of the site forming a sustainable location for the community facility, which will be only be some 600m from the land off Berry Hill Road.
- 2.6 In addition to the numerous services/facilities within easy walking/cycling distance of the site, a bus stop is located some 470m from the centre of the site. The S4 Gold¹ service runs through Adderbury, providing frequent connections to Banbury and Oxford. It takes approximately 20 minutes to arrive at Banbury bus station, which is only a short walk from the train station. The train station serves London, Birmingham, Stratford-upon-Avon and Kidderminster; it sits at one end of the Cherwell Valley Line, which travels as far as Didcot Parkway and takes in Kidlington and Oxford.
- 2.7 The S4 Gold service provides an excellent commuter service to Oxford. It takes only 55 minutes to arrive at the centre of Oxford from Adderbury with bi-hourly services during peak hours.
- 2.8 It is therefore unsurprising that the Local Plan identifies Adderbury as a sustainable village; there are local services/facilities within easy walking distance of the site and an excellent public transport offer provides residents with the opportunity of fast and convenient access to the wider area, including Banbury and Oxford.

¹ The Stagecoach Gold service offers leather seats, extra legroom and free wi-fi, with 95% of journeys running no more than five minutes late or one minute early: <https://www.stagecoachbus.com/promos-and-offers/national/stagecoach-gold>

Site Summary

2.9 The above assessment has revealed that the application site:

- comprises of greenfield land;
- adjoins the built-up limit of a 'Category A' sustainable village;
- is well contained on all sides by existing development and natural features; and,
- is locationally sustainable, within easy walking distance of all services on offer in Adderbury and the excellent public transport connections.

3 Relevant Town Planning History

3.1 The planning history for this site is as follows:

- An application (no. 06/00712/OUT) for outline permission for 17No. dwellings along the site frontage was refused in 2006 and the subsequent appeal (2032232) was dismissed;
- An application (no. 17/02394/OUT) for outline permission for up to 55No. dwellings was refused on 25/05/2018 for the following reasons and the subsequent appeal (3216992) was withdrawn:
 1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury as well as Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupiers would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
 2. The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village (beyond the Adderbury Settlement Boundary as defined in the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031) causing significant urbanisation and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the setting of the Church of St Mary and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8, C27, C28 and C33 of the Cherwell Local Plan 1996, Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031 and Government guidance contained within the National Planning Policy Framework.
 3. The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily

accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C27, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

4. The submitted Drainage Strategy does not provide sufficient certainty to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems can be appropriately accommodated to deal with the sustainable discharge of surface water. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
5. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan (2011-2031) Part 1 and the advice within the National Planning Policy Framework.

4 Planning Policies and Guidance

- 4.1 Planning policy is set out within the development plan, which comprises the Cherwell Local Plan 2011 – 2031 Part 1, the Cherwell Local Plan 1996 Saved Policies and the Adderbury Neighbourhood Plan. Relevant national planning policy is established within the National Planning Policy Framework (NPPF).

Local Plan Part 1 (2011 - 2031)

- 4.2 The following LP policy is considered relevant:

- 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;
- BSC3 Affordable housing;
- BSC4 Housing mix;
- BSC8 Securing health and well-being;
- BSC9 Public services and utilities;
- 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;
- ESD3 Sustainable construction;
- ESD6 Sustainable flood risk management;
- ESD7 Sustainable drainage systems;
- ESD7 Protection and enhancement of biodiversity and the natural environment;
- ESD13 Local landscape protection and enhancement;
- ESD15 The character of the built and historic environment;
- ESD17 Green infrastructure;
- Policy Villages 1: Village categorisation;
- Policy Villages 2: Distributing growth across the rural areas;
- Policy villages 4: Meeting the needs for open space, sport and recreation; and,
- INF1 Infrastructure.

Local Plan 1996 Saved Policies

- 4.3 The following policies are considered relevant:

- H18 New dwellings in the countryside;

- C8 Sporadic development in the open countryside;
- C27 Development in villages to respect historic settlement pattern;
- C28 Layout, design and external appearance of new development;
- C30 Design control; and,
- C33 Protection of important gaps of undeveloped land.


Adderbury Neighbourhood Plan 2014 – 2031

4.4 The following NP policies are considered relevant:

- AD1 Adderbury settlement boundary;
- AD2 Green infrastructure; and,
- AD16 Managing design in Berry Hill Road and St Mary's Road.

4.5 Policies Map Inset A relates to the Green Infrastructure Network and identifies an opportunity for its enhancement along Berry Hill Road via the connection of the PROW network.



 AD2 Green Infrastructure (Existing/Opportunity)

Supplementary Planning Documents/Guidance/Planning Advisory Notes

4.6 The following SPDs are considered relevant to the application:

- Cherwell Residential Design Guide SPD (2018); and,
- Developer Contributions SPD (2018).

Emerging Local Plan Part 1 Partial Review

4.7 A Partial Review (PR) of the adopted Local Plan 2011 – 2031 Part 1 is in preparation to help meet the unmet housing needs of Oxford. The PR was submitted in March 2018 and Hearings commenced in February 2019.

4.8 Hollins Strategic Land submitted representations to the PR at various stages of consultation and also attended the Hearings. The Representations demonstrated how development at the application site could contribute quickly towards meeting Oxford's unmet needs given the excellent public transport connections between Adderbury and Oxford.

4.9 The Inspector's Post-Hearings Advice Note was issued on 10/07/2019. The Council now intends to formally submit Main Modifications on 20/12/2019. There may be further Hearing sessions or the Inspector could issue his Report.

4.10 At this stage, the PR is reasonably advanced and appropriate weight should be applied to its policies. The following PR policy is considered relevant to the application:

- PR12b Sites not allocated in the Partial Review.

Emerging Local Plan Part 2

4.11 Following initial Issues Consultation in January 2016, work on the LP Part 2 has stalled as work on the review of Part 1 was progressed as a priority.

Emerging Oxfordshire Plan 2050

4.12 As part of the Oxfordshire Housing and Growth Deal agreement with the Government, the six Oxfordshire authorities – Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council - have committed to producing a joint statutory spatial plan (JSSP), known as the Oxfordshire Plan 2050.

- 4.13 The Oxfordshire Plan will provide an integrated strategic planning framework and evidence base to support sustainable growth across the county to 2050, including the planned delivery of new homes and economic development, and the anticipated supporting infrastructure needed.
- 4.14 As part of the formation of the plan, the authorities are committed to ensuring there will be early, proportionate and meaningful engagement between plan makers and communities, local organisations, businesses, infrastructure providers and statutory bodies.
- 4.15 The Oxfordshire Plan 2050 was due to be submitted to the Planning Inspectorate for independent examination by 31 March 2020 and adopted by 31 March 2021, subject to the examination process. However, following discussions with the Government, a revised timetable has now been put forward which takes account of slippage and will result in adoption in March 2022.

Other Local Documents

Annual Monitoring Report 2018

- 4.16 This states that the “*District presently has a 5.0 year housing land supply for the period 2018-2023 and a 5.2 year housing land supply for the period 2019-2024 (commencing 1 April 2019)*”. The land supply has therefore reduced since the 2017 AMR which stated there was a 5.4 year supply.
- 4.17 Table 18 of the AMR sets out the delivery of affordable housing since 2011 as follows:

Year	Affordable housing completions (net)
2011/12	204
2012/13	113
2013/14	140
2014/15	191
2015/16	322
2016/17	278
2017/18	426
Totals	1674

- 4.18 Based on the annual need of 407 dwellings per annum, the need for affordable homes since 2011 has been 2,849 but only 1,674 have been delivered.

4.19 The AMR provides an update on the Category A requirement:

Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014. Therefore new planning permissions given at the Category A villages from 1 April 2014 and completions on those sites will contribute to the requirement of 750 dwellings. Category A villages are identified as the more sustainable villages in the district under Policy Villages 1.

During 2017/18 there were 65 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 1 April 2014 a total of 746 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are sites with either planning permission or a resolution to approve, and identified developable sites. These are included in the Housing Delivery

State of the District's Housing 2018

4.20 This document considers affordable housing provision and confirms the following:

- The 407 annual need continues to apply;
- As at April 2018 there were 1,044 active housing register applications;
 - The majority of applicants (65%) are in Bands 1 to 3. These are households assessed as being in priority housing need. The remainder (35%) are in band 4 (low housing need). These are households assessed as being adequately housed but are on a low income and would find it difficult to meet their needs on the open market.
- The predominant households on the housing register are families (requiring 2 and/or 3 bedroom properties) and older people (requiring 1 bedroom properties). Over 80% of the properties needed by applicants are 1 or 2 bedroom.
- The most requested places to be re-housed are Banbury, Bicester and Kidlington. The village locations in the district which are most requested are:
 - Adderbury;
 - Ambrosden;
 - Arccott;
 - Bloxham;
 - Bodicote;
 - Deddington;
 - Drayton;
 - Launton;

- Upper Heyford; and,
- Yarnton.

Evidence for adopted Local Plan Part 1

Cherwell Strategic Housing Market Assessment Review and Update 2012

4.21 The SHMA states “that for the foreseeable future the direction of travel of planning should be to provide more moderately sized family homes which are affordable to those on average incomes, and more downsizing homes for sale which will appeal to empty nester owners, and help to tempt them to move out of their family homes, releasing these for potential occupation by families with children” (para. 5.17, SHMA).

4.22 The SHMA also gives an overall total housing requirement based on bedroom numbers:

	<i>for families with children</i>	<i>for households without children</i>	<i>totals</i>
<i>one beds</i>	0%	5%	5%
<i>two beds</i>	15%	31%	46%
<i>three beds / 2 beds +</i>	10%	34%	44%
<i>four beds</i>	4%	0%	4%
<i>five beds</i>	1%	0%	1%

SHMA Table 45 – combined optimum housing stock mix size matrix

Village Categorisation Update 2014

4.23 The village survey results show that Adderbury benefits from all of the village services and facilities: nursery, primary school, retail, food shop, post office, public house, recreational facilities, village/community hall. It is also listed as having a library under ‘other services’.

Cherwell Rural Areas Integrated Transport and Land Use Study

4.24 This confirms that Adderbury:

- is one of only eight rural area villages with all of the aforementioned services;
- is one of only three villages in North Cherwell that are close to Banbury and on frequent bus routes resulting in journey times to key services consistently less than 30 minutes;
- achieves an overall score of 14 for public transport accessibility, equal with Deddington which is a higher order settlement;
- is one of only three villages in North Cherwell to have vehicular access to two key services (employment and supermarkets) in a 5 – 10 minute drive;

- achieves a sustainability rating of 21/21 and an overall rating of 27/30.

Green Space Strategy 2008

4.25 This states that there is a shortfall of both natural/semi-natural green space and amenity green space in Adderbury, as well as a deficiency in children’s play across the Rural North.

Evidence for Local Plan Part 1 Partial Review

Strategic Housing Market Assessment 2014

4.26 This SHMA provides the following estimated dwelling requirement by number of bedrooms:

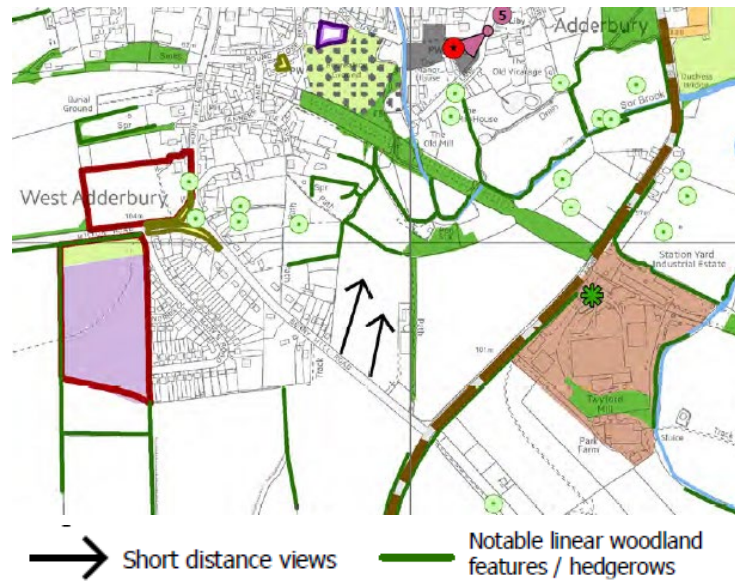
Sub-area	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Cherwell	6.2%	23.1%	46.2%	24.6%
Oxford	10.7%	24.9%	38.9%	25.5%
South Oxfordshire	5.7%	26.7%	43.4%	24.2%
Vale of White Horse	5.9%	21.7%	42.6%	29.8%
West Oxfordshire	4.8%	27.9%	43.4%	23.9%
OXFORDSHIRE	7.0%	24.4%	42.9%	25.7%

Source: Housing Market Model

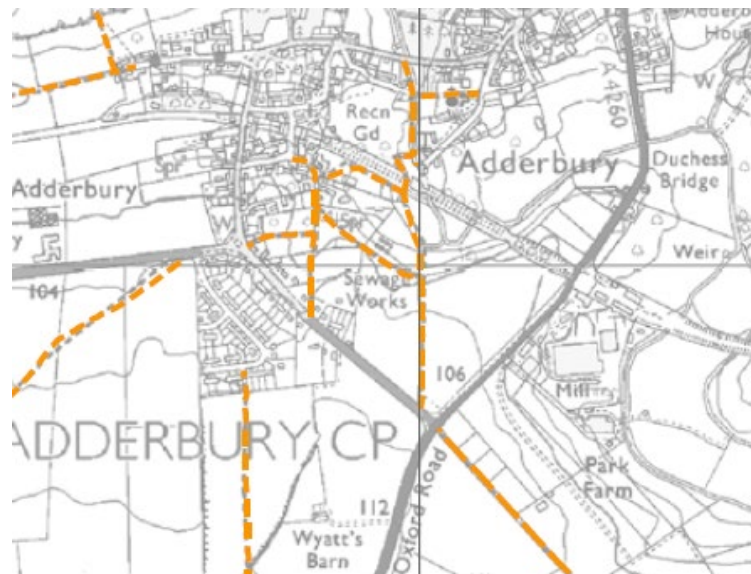
Category A Village Analysis

4.27 This document discusses the Conservation Area and St Mary’s Church, stating “*In the southwest of the village, off Mill Lane, is St Mary’s Church which acts as a visual reference point and landmark when viewing into the village from the north along Banbury Road and west along Milton Road*” (para. 3.1.5). There is no mention of the Church acting as a visual reference point or landmark when viewing into the village from Berry Hill Road. the document also states that that “*the north and south-western areas of the village outside the conservation area are of lesser heritage sensitivity*” (para. 3.1.10). The document does state that the Church “*has a close association with the open landscape and visual connections to the south of the village*”, although there is no confirmation as to which particular aspects south of the village.

4.28 The associated figures only show short distance views from Berry Hill Road, into the site. Although it should be noted that there are no footways/PROWS along that section of Berry Hill Road so the identified views would be fleeting views experienced primarily by people in motor vehicles. The figure also shows a notable linear woodland feature/hedgerow adjoining the northern boundary:



4.29 Figure 3B identifies the PROW network:



4.30 It is evident that PROWs run east and north of the application site. The PROW to the east terminates at Berry Hill Road; there is no footway connecting it with the PROW on the south eastern side of Oxford Road. Similarly, there is no footway connecting the PROW east of the site to that to the north west further along Berry Hill Road.

4.31 Figure 4C identifies ecological designations and shows linear woodland features running east and north of the site, with possible NERC Act S41 Grassland north and west:



Housing and Economic Land Availability Assessment Final 2018

4.32 The application site is assessed as site HELAA012:

Greenfield site outside the built-up limits. Adderbury is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. The site adjoins the built-up limits of the village however the site is remote from the services and facilities. The site is considered to be unsuitable and there is a low density and linear development form on the northern side of the road at this gateway to the village. More intensive development in this location would be detrimental to the character of the village and represent a significant intrusion into the countryside (harming its character and appearance). Development would harm the setting of the church. The topography of the north western part of the site also makes development challenging. With regard to assisting Oxford with its unmet housing need, Adderbury lies outside Areas of Search A and B.

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2019)

4.33 Para. 11 provides a presumption in favour of sustainable development. The following parts of NPPF are also considered relevant to this application:

- Achieving sustainable development;
- Decision making;
- Delivering a sufficient supply of homes;
- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Making effective use of land;

- Achieving well designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment; and,
- Annex 1: Implementation.

Written Ministerial Statement: Housing Land Supply in Oxfordshire (WMS) (2018)

- 4.34 The WMS provides Cherwell and other Oxfordshire authorities with short term flexibility from the NPPF on maintaining a 5 year housing land supply to support the delivery of local plans and ensure authorities can focus efforts on the Joint Spatial Strategy.
- 4.35 For the purposes of decision-taking under para. 11(d), footnote 7 of the NPPF will apply where the authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites (with the appropriate buffer as set out in para 73).
- 4.36 The WMS is a material consideration in planning decisions and remains in effect until the adoption of the Joint Statutory Spatial Plan, provided the timescales agreed in the Housing and Growth Deal are adhered to. As previously stated, the revised timetable for the Oxfordshire Plan 2050 demonstrates that there is a year's delay to the timescales agreed in the Housing and Growth Deal and on which the WMS was issued. The WMS states that the planning flexibility will be kept under review.
- 4.37 At the time of writing this Planning Statement, the Government has not issued a statement regarding the significant slippage and its effect on the WMS.

5 Consultation

Geo-environmental Assessment

- 5.1 The Contamination Summary states that the qualitative risk assessment provides a Low – Moderate risk for ground gas and contamination exists across the site although the risk is largely from sources located immediately off site. It is likely that remedial action may be necessary at the site. Residential development would be appropriate.

Extended Phase 1 Habitat Survey, Updated Preliminary Ecological Appraisal and Biodiversity Impact Assessment

- 5.2 An Extended Phase 1 Habitat Survey (HS) was undertaken in August 2017. No major constraints were identified and potential for protected species was limited to common amphibians, bats within boundary trees and nesting birds. The HS identified potential for ecology enhancements throughout the site. A Biodiversity Impact Assessment (BIA) was also undertaken for application 17/02394/OUT and it was agreed with the Council that it would be possible to achieve a net gain.
- 5.3 An updated Preliminary Ecology Appraisal was undertaken in July 2019. It found that the site and surrounding features remained broadly the same as in 2017. The Appraisal acknowledged the increased areas of public open space as a result of the amount of development reducing to up to 40 dwellings. The BIA was updated and confirms that a net gain can be achieved.

Flood Risk Assessment and Preliminary Drainage Strategy

- 5.4 A Flood Risk Assessment/Drainage Strategy (FRA) was undertaken in 2017. Reason for refusal 4 for application 17/02394/OUT related to drainage, requiring further information. A Preliminary Drainage Strategy has been undertaken which demonstrates that the proposals can incorporate conventional underground surface water sewers in the roads together with open swales that serve the highway drainage and convey flows to an infiltration basin located within public open space.

Heritage Statement

- 5.5 An updated Heritage Statement was produced in August 2019. It states the following with regard the contribution of the application site to the setting and special interest of the conservation and to the significance of the Listed Church:

The proposal does not adjoin the Conservation Area and is separated from the south of the area by a section of green land and dispersed development.

The rural nature of the site boundaries provides a level of rural character along Berry Hill Road and to the public footpath to the east and north. The Conservation Area Appraisal does not identify the site as forming a part of any key views into or out of the Conservation Area.

The proposal site does not make a contribution to the significance of the listed church, as the site has no historic or visual relationship with the asset. There are views of the church spire from within the proposal site, but these are not clearly visible from the south along Berry Hill Road, as the substantial boundary distorts the view. The proposal site is not assessed as forming part of positive views of the church by the Conservation Area Appraisal.

- 5.6 The Heritage Statement then continues to assess the impact of the proposed development on the heritage assets:

The proposed works will maintain and enhance the southern boundary of the site. The area of green space to the north of the proposed development will provide further green space to the setting of the southern section of the Conservation Area, and act as a clearly defined boundary to ensure that the new development is not an inappropriate extension to the linear form of the historic core of East Adderbury.

The proposed development is located to the south of the wider setting of the Church of St Mary. The proposed development does not form part of identified positive views of the church and will not physically or visually isolate the heritage asset. The views of the listed church from the south will be improved, and the provision of public open space with a play area, will provide access to views of the church which are not currently accessible to members of the public.

- 5.7 It is also of note that Historic England are satisfied that there could be residential development on the proposal site which does not damage the significance of the church or the conservation area. Layout will be determined at the reserved matters stage.

Landscape and Visual Appraisal

- 5.8 A Landscape and Visual Appraisal was undertaken for application 17/02394/OUT. An Addendum to that LVA has been prepared in support of the resubmission.

- 5.9 The Addendum confirms that the following LVA statements remain valid for the resubmission proposals:

The surrounding vegetation on three sides as well as the woodland and hedgerows, including that along the elevated former railway, provide substantial separation of the site from its context, and in particular the village of Adderbury. Avoiding development on the northern part of the site reduces the potential visibility further, especially in views from the north-west.

The Landscape Effects table shows that all effects on landscape receptors were assessed as Not Significant, except for the effects on Local Landscape: Character of Site and Surrounding Area where a Moderate Adverse effect was shown, regarded as Significant, largely as a result of the change of the character of about 50% of the site from paddocks to residential.

5.10 The Addendum also considers the Visual Effects table and states:

As a result, the assessment in the Addendum remains current as it shows Significant Adverse effects on only two viewpoints out of the sixteen selected, and in both cases those effects were only of moderate significance as a result of the moderate sensitivity of the receptors, which were both users of public footpaths.

5.11 Finally, the Addendum addresses the landscape and visual issues, stating:

Owing to the substantial tree belt on the southern site boundary along Berry Hill Road, clear views of the Church of St Mary the Virgin across the site are limited in winter, when the situation is regarded as 'worst case' without the additional screening provided by leaves on trees and hedges. The most open existing view of the church across the site is from the existing gate off Berry Hill Road and which is only a fleeting view for receptors, most of whom are road users. The development has been designed to accommodate that view and open up a new view from the south-western part of the site. Additionally, by allowing public access to the site as a result of the development and the extensive area of open space, clear and open views of the church will be made available, which are currently only available to those who have access to the private land.

Transport Statement and Highways Note

5.12 The highways matters issues relating to application 17/02394/OUT were agreed with the Council. The access proposals remain as per the original application and will now serve fewer houses, up to 40. A Highways Note is submitted which confirms that the access proposals remain appropriate and that the applicant is still willing to offer the following improvements:

- Section 106 contribution of £60,000 for improvements to local bus services, which will benefit local residents.
- Section 106 contribution of £20,000 for improvements to local public rights of way and bridleways, which will benefit existing residents
- Section 106 of £10,000 for the provision of two new bus stops on Berry Hill Road to serve the proposed development, which will benefit existing residents.

- New footway along the northern side of Berry Hill Road between the junctions of Horn Hill Road and Oxford Road, to provide additional safety benefits for all road users.
- New pedestrian refuge across Oxford Road close to the junction of Berry Hill Road to provide additional safety benefits for all road users.

5.13 The HN also confirms that there is potential for the implementation of two new bus stops on Oxford Road to significantly improve the accessibility of the site and Adderbury by non-car travel modes.

5.14 The HN is able to make the following conclusions, finding that there should be no highways objections to the application:

- The Site Access can be accommodated on Berry Hill Road with appropriate geometric parameters.
- The proposed new footway can be accommodated on land within currently adopted highway along Berry Hill Road.
- The proposals will not have a material impact on the operation of the local highway network.
- The proposals will not have a material impact on the safety of the local highway network.
- The proposed pedestrian refuge will provide a safe crossing facility on Oxford Road.
- The junction of Oxford Road/Berry Hill Road will continue to operate within capacity.
- The locational sustainability of the site and Adderbury will be substantially enhanced by the proposed works and contributions offered by the applicant.

Tree Survey

5.15 This confirms that a significant number of trees can be found within and adjoining the site but that only a small number are Category A. These will not be adversely impacted upon by the application proposals.

Utility Statement

5.16 This confirms that the utilities infrastructure within the vicinity of the site appears capable of supporting new mains and services for the proposed development.

6 Evaluation

- 6.1 The application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in Section 4 of this Statement. Compliance with these policies is largely demonstrated via the professional consultations (summarised in Section 5), together with the other supporting statements.
- 6.2 This Planning Statement relates to the principle of the proposed development and in this regard, the application proposals must be considered against the following development plan policies:
- LP 1996 Saved policy H18 New dwellings in the countryside;
 - LP Part 1 Policy Villages 1: Village categorisation;
 - LP Part 1 Policy Villages 2: Distributing growth across the rural areas; and,
 - NP policy AD1 Adderbury settlement boundary.

LP 1996 Saved policy H18

- 6.3 LP 1996 saved policy H18 was referenced in Reason for Refusal (RfR) 1 of the decision on application 17/02394/OUT, which related to the principle of the proposed (up to) 55 dwellings at the site. The policy relates to new dwellings in the countryside and states that permission will only be granted for the construction of new dwellings beyond the built-up limits when (i) it is essential for agriculture or other existing undertakings; or (ii) the proposal meets the criteria set out in policy H6 (rural exception sites). The proposals do not comply with criterion (i) and they do not result in the application site being a rural exception site. As such, the proposals do not comply with LP 1996 saved policy H18. However, the weight to be afforded to the conflict is limited because LP 1996 saved policy H18 is out of date.

LP Part 1 Policy Villages 1 and 2

- 6.4 LP Part Policy Villages 2 (PV2) was cited in RfR 1 for application 17/02394/OUT. The RfR stated that, *“taking into account the number of dwellings already permitted in Adderbury as well as the Cherwell District Council’s ability to demonstrate a an up-to-date five year housing land supply [the development] is considered to be unnecessary, undesirable and unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for”* in the LP part 1.
- 6.5 Adderbury is identified as a Category A village in LP Part 1 Policy Villages 1 (PV1). Category A villages are ‘service centres’ and are considered to be the most sustainable

villages which offer a wide range of services and are well connected to major urban areas, particularly by public transport.

- 6.6 As confirmed in a recent appeal decision (ref: 3228169²), *“Policy Villages 2 (PV2) concerns the distribution of growth across the district’s rural areas. It indicates that a total of 750 homes will be delivered at Category A Villages. This is in addition to the rural allowance for small site windfalls and planning permission for 10 or more dwellings that existed as at 31 March 2014”* (para. 11).
- 6.7 A decision for another recent appeal (3222426³) confirmed that *“the 750-figure provided in the policy is not a ceiling or limit”* and that *“the policy requires the delivery of 750 units, not just a requirement to grant planning permission for this number”* (para. 10).
- 6.8 The decision on appeal 3228169 states that *“the Council’s evidence notes that the totals of completed dwellings under PV2 (271) and those benefitting from permissions (479) add up to the 750-figure sought under the policy”* (para. 20). That appeal was allowed, as was appeal 3222428 which was for up to 46 dwellings in Bodicote. These decisions could give rise to a total of 880 dwellings being delivered during the plan period but as yet only 271 have been delivered. Additionally, the Inspector for appeal 3222428 stated *“I do not consider it realistic to expect a 100% delivery rate for the permitted dwellings”* Para. 13). As confirmed in another recent appeal decision (ref: 3188671⁴), *“There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure”* (para. 13).
- 6.9 In this context, it falls to consider whether the (up to) 40 dwellings proposed would *“undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1”*, as was stated in RfR 1 for application 17/02394/OUT. The decisions on appeals 3228169 and 3222428 are the most recent and are of relevance to the principle of the proposed development off Berry Hill Road, Adderbury. The Inspector for 3228169 concludes that *“the purpose of limiting growth with the rural rest of the district is not an end in itself but is intended to ensure delivery of the rebalancing strategy of an urban focus of new development in Banbury and Bicester”* (para. 33). He continues to state that he finds *“that agreeing to the proposal need not make the maintenance of its strategy materially more difficult”* (para. 33). The Inspector for appeal 3222428 stated that *“the scheme would not result*

² Appendix 1: Appeal Decision 3228169

³ Appendix 2: Appeal Decision 3222428

⁴ Appendix 3: Appeal Decision 3188671

in a material increase over the target of delivering 750 dwellings and thus the principle of development is acceptable on this site in accordance with Policy PV2” (para. 21).

- 6.10 It is evident that these statements also apply to the application proposals:
- For appeals 3228169 and 3222428, the Council accepted that the overall strategy of the plan to deliver most housing to Bicester and Banbury is succeeding. This remains the case.
 - Even if the Council were to exceed the 750-figure by 170 dwellings (880 + 40) at this point in the LP part 1 period, the question arises what planning harm would arise from such a breach? If an exceedance of 880 was deemed appropriate, a further 40 dwellings cannot mean that the overall strategy of the plan would fail, particularly as it is not realistic to expect a 100% delivery rate for the permitted dwellings.
 - PV2 has neither a temporal dimension nor a spatial dimension.
- 6.11 RfR 1 stated that the proposals would not be appropriate because of the number of dwellings already permitted in Adderbury. The Council applied this to appeals 3228169 and 3222428 but the Inspectors disagreed.
- 6.12 In the case of 3228169, the Inspector found it unsurprising that recent housing schemes had been permitted in Ambrosden because it is one of the most sustainable Category A villages. The Inspector found that Ambrosden:
- is by population the fifth largest Category A village;
 - benefits from a range of services;
 - is some 4.6km from Bicester;
 - benefits from 2 bus services running through the village linking it with Bicester;
 - is linked to Bicester via an off-road cycle path;
 - is within ready cycling distances of employment areas.
- 6.13 It is evident that Adderbury is also one of the most sustainable Category A villages because it:
- is by population the third largest Category A village;
 - benefits from a range of services;
 - is some 4.6km from Banbury;
 - benefits from the S4 Gold service running through the village linking it with Banbury to the north and Oxford to the south; and,
 - is within ready cycling distance of Banbury and employment.

- 6.14 It is therefore unsurprising that recent housing schemes within Adderbury have been permitted and delivered. On this basis, and on the background of no spatial apportionment of additional housing between Category A villages, and the intent of PV2 that development should be enabled in the most sustainable locations, a further 40 dwellings would not be disproportionate.
- 6.15 Having concluded that the proposals would not make the maintenance of the LP part 1 housing strategy materially more difficult, it falls to give regard to the list of 11 specified criteria set out in PV2 and those that are relevant to the application:
- The site is largely greenfield land but by reason of the site's absence of specific landscape quality designations, it is reasonable on the present context to consider it as land of comparatively lesser environmental value;
 - The supporting Heritage and Ecological submissions demonstrate that significant adverse impact on heritage or wildlife assets would be avoided;
 - The layout, appearance, scale and landscaping of the proposals are all reserved matters but the illustrative layout demonstrates that good design can be achieved;
 - An assessment of the agricultural land value has not been undertaken but it is presently used for horses, not agriculture, and its topography does not lend itself to agriculture;
 - The supporting Landscape submissions demonstrate that significant adverse landscape impacts would be avoided and this was confirmed by the LPA for application 17/02394/OUT;
 - Oxfordshire County Council has confirmed that satisfactory vehicular and pedestrian access/egress could be provided;
 - The supporting highways submissions confirm that the site is well located to services and facilities;
 - Necessary infrastructure can be provided;
 - The land could be delivered within the next five years; and,
 - The supporting flood/drainage submissions demonstrate that the proposals would not have an adverse impact on flood risk.
- 6.16 As such, the proposals comply with LP Part 1 policies PV1 and PV2.

NP policy AD1 Adderbury settlement boundary

- 6.17 NP policy AD1 states that "*development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character*". The Landscape submissions include an Effects

table which shows that all effects on landscape receptors were assessed as Not Significant, except for the effects on Local Landscape: Character of Site and Surrounding Area where a Moderate Adverse effect was shown, regarded as Significant, largely as a result of the change of the character of the site from paddocks to residential.

- 6.18 The proposed development, in whatever form it might take following reserved matters approval, would clearly have a transformative effect on the site by reason of the change from paddock to housing. In this regard, the proposals would result in harm and as such, do not comply with NP policy AD1.
- 6.19 However, almost all forms of development on greenfield land would harm the local landscape character. NP policy AD1 is therefore effectively seeking to strictly control development in the open countryside. Current national policy within the NPPF does not couch protection of the countryside in terms of 'strict control'. As such, the policy could be considered to not be on all fours with the NPPF's absence of a blanket protection of the countryside.
- 6.20 Additionally, the justification to the policy states that it is based on the District Council not considering it desirable or necessary for any additional major contribution from Adderbury to meeting the needs of PV2 in the plan period by way of new greenfield development on the edge of the village. This was of course the Council's stance for appeal 3228169 with regard Ambrosden and appeal 3222428 with regard Bodicote, but the Inspector disagreed for the aforementioned reasons.
- 6.21 The NP Examiner's Report (ER) is also relevant. It discusses policy AD1, making reference to PV2 providing for an additional 750 dwellings at Category A Villages and the amount of development that has taken place to date in Adderbury. The ER confirms that the LP does not allocate sites in the rural areas or identify a need for a specific amount of development in Adderbury. In concluding that policy AD1 will not lead to the NP promoting less development than set out in the LP, the ER states the following:
- together sites East of Deene Close, north of Milton Road, and off Banbury Road will accommodate, within the Neighbourhood Plan area, a total of 122 dwellings of which 61 were completed by 2017. The contribution arising from these sites amounts to a significant boost to the supply of housing. Whilst no total figure can be assumed there is undoubtedly potential for a significant number of additional dwellings to be provided on infill plots or through the redevelopment of sites within the proposed settlement boundary. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the settlement boundary.*

- 6.22 There are limited opportunities for further development within the settlement boundary. NP policy AD1 is based on an incorrect interpretation of policy PV2 which, as shown in appeal decisions issued since the NP was made, bases the 750-figure on a requirement to not undermine the LP housing strategy and has neither a temporal dimension nor a spatial dimension. NP policy AD1 cannot restrict development to those limited opportunities within the settlement boundary on the basis of the amount of development Adderbury has accommodated to date in relation to the 750-figure.
- 6.23 As such, full weight cannot be applied to the conflict with NP policy AD2.

Summary

- 6.24 It has been demonstrated that the proposals comply with LP policies PV1 and PV2.
- 6.25 It has been acknowledged that the proposals conflict with LP 1996 saved policy H18 but this policy is out of date and the conflict should be afforded limited weight. LP 1996 saved policy H18 was referenced in RfR 1 and in this regard, can be viewed as one that is most important for determining an application. As such, the tilted balance is engaged in accordance with para. 11d of the NPPF.
- 6.26 It has also been acknowledged that there is a conflict with NP policy AD1 but it has been demonstrated that this conflict should not receive full weight.
- 6.27 The NPPF states:
- In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

- 6.28 It is acknowledged that a), c) and d) apply at this point in time. However, b) does not apply because the NP does not contain policies and allocations to meet its identified housing requirement. As such, the adverse impact of allowing the proposals which conflict with LP 1996 saved policy H18 and NP policy AD1 is not likely to significantly and demonstrably outweigh the benefits.
- 6.29 It therefore falls to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, in accordance with para. 11d of the NPPF.

Benefits of application proposals

- 6.30 The proposed development would provide the following economic, social and environmental benefits:

Economic benefits

- A. Provide employment opportunities for the construction industry and benefit the wider construction industry supply chain; and,
- B. Result in spending in local shops and businesses.

Social benefits

- C. Contribute to market housing;
- D. Contribute to affordable housing to meet an acknowledged shortfall;
- E. Have the potential to provide high quality public open space, accessible to existing residents and managed in perpetuity, contributing to an acknowledged shortfall; and,
- F. Improved views of St Mary's Church.

Environmental benefits

- G. Enhance biodiversity at the site;
- H. Provide locationally sustainable development and enhance sustainability of Adderbury.

A: Employment opportunities for construction industry and benefits to supply chain

- 6.31 The site is deliverable; the applicants intend to either build the development (Hollins Homes), or partner with a housebuilder. It is anticipated the development could be built

out in two years⁵, and so the proposals would provide for two years of economic benefits for construction industry.

B: Spending in Local Shops and Businesses

- 6.32 The permanent economic benefits would accrue to the local shops and businesses in Adderbury. Both the Transport Assessment and Section 1 of this Statement demonstrate that the site is within easy walking distance of the centre of Adderbury. The addition of up to 40 dwellings could act as a catalyst for the development of local services and facilities.

C: Contribution to market housing

- 6.33 The Council states that it can demonstrate a 5-year supply of deliverable housing land and states that it has a supply of only 5.0 years for the period 2018-2023 and only 5.2 years for the period 2019 – 2024. The supply has fallen from 5.4 years for 2017 – 2022 and 5.0 years undoubtedly represents a fragile supply.
- 6.34 It is acknowledged that the WMS states that for the purposes of decision-taking under para. 11(d), footnote 7 of the NPPF will apply where Oxfordshire cannot demonstrate a three year supply of deliverable housing sites. However, it is also of note that the WMS should not be afforded full weight given the significant slippage to the Oxfordshire Plan 2050.
- 6.35 The application proposals are for up to 40 dwellings. The description of development does not propose a specific mix of housing but as suggested on the illustrative layout, the applicant proposes to respond to the identified need for more moderately sized family homes, as highlighted in the SHMA (2012 and 2014). The decision on appeal 3228169 also points to the “*locally widening gap in the ratio of house prices to earnings*” (para. 84) and states the following:
- Within the district the lower quartile house price is more than eleven times lower quartile annual earnings. This is higher than for England as a whole (7.29) and greater than the South East region (10.51). The affordability ratio has increased more rapidly in the district than in Oxfordshire over the CLPP1 plan period and it is apparent that market housing is increasingly unaffordable for many. (para. 85)*
- 6.36 The Council can impose a housing mix condition, linked to LP policy BSC4. The wording can be agreed with the applicant but it can secure moderately sized homes

⁵ Based on a build out rate of 25/30 dwellings per annum

which would be more affordable to those on average incomes, and would also result in more downsizing homes being for sale which would appeal to empty nester owners and help tempt them out of their family homes.

- 6.37 The social benefit of making an early contribution towards the maintenance of a 5-year supply and responding to the acknowledged shortfall of moderately sized family homes carries significant weight in support of the proposals.

D: Contribution to affordable housing to meet an acknowledged shortfall

- 6.38 The AMR confirms that 1,674 affordable homes have been provided between 2011/12 and 2017/18 against a requirement of 2,849. The 'State of the District's Housing' (2018) confirms that the 407 annual need continues to apply; that as at April 2018, there were 1,044 active housing register applications; and that Adderbury is one of the villages which are most requested by applicants.
- 6.39 The Council has a serious and significant shortfall of affordable housing and a locally widening gap in the ratio of house prices to earnings. As a result, the proposed policy-compliant affordable housing provision is a significant social benefit.

E: Provision of high quality public open space, managed in perpetuity

- 6.40 As confirmed in the Officer's Report on application 18/00220/F, "*LP policy BSC10 supports the provision of sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. This includes addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision. Policy ESD17 also seeks to maintain and enhance the district's green infrastructure network*" (para. 8.7). The Council's 'Green Space Strategy' (2008) states that there is a shortfall of both natural/semi-natural green space and amenity green space in Adderbury, as well as a deficiency in children's play across the Rural North. LP Policy Villages 4 identifies a shortfall in public open space (POS) in Adderbury. NP policy AD2 seeks to enhance the integrity and green infrastructure value of the green infrastructure network in the village.
- 6.41 The illustrative masterplan demonstrates that significant, attractive on-site POS can be provided. It can total some 2.5ha in extent and comprise of semi-natural green space (rotationally managed), amenity green space and an equipped play area. The masterplan also shows that the POS can be accessed directly from the adjoining PROWs and Berry Hill Road (via the new footway), making it easily accessible for existing Adderbury residents. Furthermore, the new footway along Berry Hill Road

responds to the existing opportunity identified in the NP (Policies Map Inset A) to enhance the Green Infrastructure Network by connecting the PROW to the east of the site to the network that runs from the Berry Hill Road/Horn Hill Road junction.

- 6.42 The NPPF confirms that “*access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities*” (para. 96). The on-site POS provision, which would be managed in perpetuity, and the enhancements to the Green Infrastructure Network are social benefits to be weighed heavily in favour of the proposals.

F: Improved views of St Mary’s Church

- 6.43 As stated in the Heritage Statement, “*The proposal site does not make a contribution to the significance of the listed church, as the site has no historic or visual relationship with the asset. There are views of the church spire from within the proposal site, but these are not clearly visible from the south along Berry Hill Road, as the substantial boundary distorts the view*”. The HS continues to state that “*the views of the listed church from the south will be improved, and the provision of public open space with a play area, will provide access to views of the church which are not currently accessible to members of the public*”.
- 6.44 The submitted Wider Context Plan demonstrates that views of the Church from Berry Hill Road will be improved.
- A footway will be introduced along Berry Hill Road;
 - The site entrance will be opened up with views of the Church extending along the eastern side of the site; and,
 - a pedestrian link to Berry Hill Road will be provided in the south western corner of the site and views towards the Church will be framed by development, as encouraged in the Council’s Design Guide SPD (figure 4.10).

- 6.45 This is a social benefit to be weighed in the planning balance.

G: Enhance biodiversity

- 6.46 The Ecological submissions confirm that measures to enhance biodiversity can be implemented. The Biodiversity Impact Assessment Calculator confirms that a net gain can be achieved. These environmental benefits can be secured by condition.

H: Locationally sustainable development

- 6.47 The Council identifies Adderbury as one of the most sustainable Category A villages based on the services and facilities currently on offer to residents. The 'Village Categorisation Update' (2014) and 'Cherwell Rural Areas Integrated Transport and Land Use Study' demonstrate the sustainability of the settlement.
- 6.48 As demonstrated in the TA and Section 2 of this Statement, these services/facilities are within easy walking/cycling distance of the application site and include the S4 Gold bus service providing frequent connections to Banbury and Oxford.
- 6.49 Furthermore, the application proposals will enhance the sustainability of Adderbury:
- A financial contribution would be secured to improve the adjoining PROWs, which would benefit future occupiers of the development but also, existing Adderbury residents who could make better use of the PROWs year-round, providing an alternative route to the centre from west Adderbury;
 - The proposals will result in the provision of a footway along the length of Berry Hill Road (which has been identified as benefit by OCC and is an identified opportunity in the NP), enhancing pedestrian routes to the Green Infrastructure Network, the A4260 and Horn Hill Road;
 - A financial contribution would be secured for the improvement of the bus stops at the Horn Hill Road/Berry Hill Road junction;
 - A pedestrian refuge would be provided at the junction between the A4260 and Berry Hill Road, improving pedestrian routes from the village to the PROW network to the south and to the Twyford Mill Estate;
 - A contribution will be secured to pump prime the bus services along the A4260;
 - Bus stops will be provided near to the junction between the A4260 and Berry Hill Road to provide Adderbury residents, particularly those in west Adderbury, with convenient access to the A4260 bus services.
- 6.50 The environmental benefit of providing such a locationally sustainable development and enhancing the sustainability of Adderbury weighs significantly in favour of the application proposals.

Adverse impacts of application proposals

- 6.51 The proposals would result in the following adverse impacts:
- Environmental Impact

- A. Loss of 'open countryside' beyond settlement boundary, contrary to LP 1996 saved policy H18 and NP policy AD1.

A: Loss of 'open countryside' beyond settlement boundary

- 6.52 For the aforementioned reasons, full weight cannot be afforded to policies H18 and AD1.
- 6.53 The NPPF does not seek to protect all countryside from development. The application site is not subject to any specific designations, it does not fall into the category of a 'valued landscape', it does not exhibit any special or particular characteristics which take it out of the ordinary and it is not true 'open countryside'. The site is well contained on all sides by existing development and natural features.
- 6.54 The loss of 'open countryside' is an adverse impact, but one which should be afforded limited weight in the decision-making process.

Planning Balance

- 6.55 The planning balance relevant to this application is the tilted balance of para. 11d of NPPF. Accordingly, planning permission should be granted unless harm is shown to significantly and demonstrably outweigh benefits.
- 6.56 It is acknowledged that the proposals will result in the loss of 'open countryside'. However, for the aforementioned reasons, this impact attracts limited weight and must be weighed against the numerous benefits, some of which attract significant weight:
- I. Provide employment opportunities for the construction industry and benefit the wider construction industry supply chain;
 - J. Result in spending in local shops and businesses;
 - K. Contribute to market housing;
 - L. Contribute to affordable housing to meet an acknowledged shortfall;
 - M. Have the potential to provide high quality public open space, accessible to existing residents and managed in perpetuity, contributing to an acknowledged shortfall;
 - N. Improved views of St Mary's Church;
 - O. Enhance biodiversity at the site; and,

P. Provide locationally sustainable development and enhance sustainability of Adderbury.

6.57 It is therefore concluded that there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

6.58 In addition, when assessed against the NPPF as a whole and the three dimensions of sustainable development (economic, social, and environmental), it is evident from the above assessment of the benefits and adverse impacts that the appeal proposal contributes positively to each of the dimensions of sustainability and that it represents sustainable development within the overall meaning of paragraphs 18 to 219 of the NPPF.

6.59 For those reasons, it is considered that the application should be approved.

7 Conclusions

- 7.1 Since relevant policies of the development plan are out of date, the proposed development is to be judged against paragraph 11d of the NPPF. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole.
- 7.2 The adverse impacts are not significant. They are to be considered against the numerous benefits which are of significant weight and include the provision of market and affordable housing to meet an acknowledged Borough wide shortfall and locally widening gap in the ratio of house prices to earnings.
- 7.3 There are no adverse impacts which would significantly and demonstrably outweigh the benefits. The application should therefore be allowed.

Appendix 1



Appeal Decision

Inquiry opened on 20 August 2019

Site visit made on 22 August 2019

by Philip J Asquith MA(Hons) MA MRTPI

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

Decision date: 9th September 2019

Appeal Ref: APP/C3105/W/19/3228169

Land at Merton Road, Ambrosden, OX25 2NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Cherwell District Council.
 - The application Ref. 18/02056/OUT, dated 26 November 2018, was refused by notice dated 20 February 2019.
 - The development proposed is the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access, at land at Merton Road, Ambrosden, OX25 2NP in accordance with the terms of the application Ref. 18/02056/OUT, dated 26 November 2018, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by a Development Framework Plan¹ (DFP) which, it was confirmed at the inquiry, was for illustrative purposes only and which I have treated as such.
3. The Appellant submitted a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended) containing a number of planning obligations. As the awaiting of comments on this from the Council had prevented a signed version being submitted during the inquiry, I agreed to accept a completed UU within 14 days of its close. A signed and certified UU was duly submitted. I have taken the various obligations into account in arriving at my decision. These are discussed below.

¹ Drawing No. CSA/3888/103 Rev F

Main Issues

4. The Council refused permission for four reasons. The third reason related to the Council's concern that the Appellant's Ecological Appraisal had provided insufficient detail as to whether a net gain in biodiversity could be achieved by the proposed development. Further, it suggested that insufficient surveys had been carried out to demonstrate that the development would not cause unacceptable harm to Great Crested Newts, a protected species.
5. However, in its Statement of Case the Council indicated that its concern regarding a net gain in biodiversity could be dealt with by the imposition of a condition should planning permission be granted. Furthermore, the Appellant submitted to the Council additional survey information on Great Crested Newts, together with a mitigation strategy. A Statement of Common Ground (SoCG) between the Appellant and the Council confirms that the additional information submitted provides adequate detail to confirm that survey work has been completed and that the proposed mitigation strategy is adequate to meet Natural England's standard licensing requirements.
6. It is also agreed that the information submitted is adequate to confirm that the proposed development would not affect the favourable conservation status of the species and that with the application of the suggested mitigation methods a derogation licence from Natural England would be likely to be forthcoming. As a result, the Council agreed that the matters relating to the third reason for refusal had been resolved and that mitigation could be achieved through the imposition of a suitably worded condition.
7. As a consequence of the above and having considered all the evidence provided, I consider the main issues in this case to be:
 - whether the proposal would lead to an over-concentration of new housing development in Ambrosden which would undermine the Council's housing strategy and prejudice a more balanced distribution of housing growth, contrary to Cherwell Local Plan policy and policies in the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the character and appearance of the surrounding area and on the significance of the Grade II* listed Church of St Mary the Virgin through change in its setting; and
 - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development.

Reasons

Development Plan

8. The relevant development plan comprises the Cherwell Local Plan 2011 – 2031 (Part 1) (CLPP1), adopted July 2015, and saved policies of the Cherwell Local Plan 1996. In regard to the latter, the only policy referred to within the reasons for refusal is Policy C28. Amongst other matters this seeks to ensure appropriate standards of layout, design and external appearance. These are matters of limited relevance in respect of an outline application when they are reserved for subsequent approval. On behalf of the Council it was accepted at the inquiry that reliance is no longer placed on this policy in respect of impact on character and appearance.

9. Having regards to CLPP1, it was also accepted by the Council's planning witness that only those policies referred to within the reasons for refusal are relied upon and that it can be assumed no conflict arises with other policies.
10. The spatial strategy for the district underpinning CLPP1 is to focus the bulk of proposed growth in and around Bicester and Banbury. Growth within rural areas is to be limited, with this being directed towards the larger and more sustainable villages and with development in open countryside being strictly controlled.
11. CLPP1 Policy Villages 2 (PV2) concerns the distribution of growth across the district's rural areas. It indicates that a total of 750 homes will be delivered at Category A villages². This is in addition to the rural allowance for small site windfalls and planning permissions for 10 or more dwellings that existed as at 31 March 2014. Category A villages are 'Service Centres' listed under Policy Villages 1. These are considered to be the most sustainable villages, of which Ambrosden is one, which offer a wider range of services and are well connected to major urban areas, particularly by public transport.
12. In considering sites under this policy particular regard is to be given to a list of 11 specified criteria. Amongst these are: whether the land has been previously developed or is of lesser environmental value; whether significant adverse impact on heritage or wildlife assets could be avoided; whether development would contribute in enhancing the built environment; whether significant adverse landscape impact could be avoided; and whether the site is well located to services and facilities³.
13. Under Policy ESD 13 development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if, amongst other matters, they would cause undue visual intrusion into the open countryside, be inconsistent with local character, or harm the setting of settlements, buildings, structures or other landmark features. Policy ESD 15 indicates that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
14. The Council's fourth reason refusal referred to the absence of satisfactory obligations under s106 to secure a range of necessary infrastructure. It consequently listed a range of CLPP1 policies with which the development would conflict, and which aim to secure satisfactory provision in respect of matters such as affordable housing, public services / utilities, open space and recreation facilities, contributions to mitigate transport impact and adaptation measures to ensure more resilience to climate change. The Council accepts that the proffered s106 UU now addresses these matters.
15. The Cherwell Local Plan Part 1 Partial Review aims to help satisfy the unmet housing needs of Oxford over the period 2011 – 2031. This was submitted for Examination in March 2018 and hearing sessions into the Review were held in February 2019. It sets out policies to achieve the delivery of an additional

² The accompanying text to the policy makes it clear that this quantum would be made up from sites for 10 or more dwellings

³ It is only these particular criteria with which the Council considers that the proposal would conflict

4,400 dwellings within Cherwell district, with allocations being made as close to Oxford as possible. At the time of the inquiry no formal report on the Examination had been issued although the Inspector's preliminary conclusions support the 4,400-figure to be accommodated within Cherwell. There is agreement between the Appellant and the Council that the part of the district within which Ambrosden is situated is unaffected. The Appellant considers that the emerging Partial Review sits alongside, rather than interfering with, the CLPP1 strategy for the district.

First reason for refusal - housing strategy and distribution of housing growth

16. The 750 homes figure for Category A villages is a component of the overall provision made by CLPP1 Policy BSC1 to meet the district's housing requirement of 21,734 between 2014 and 2031⁴. The Council contends that it can demonstrate both a three-year and a five-year supply of deliverable housing land within the district. This is not contested by the Appellant for the purposes of this appeal⁵.
17. The overall housing strategy of the CLPP1 is to rebalance growth to concentrate it within Bicester and Banbury. In crude terms the strategy seeks to provide for about three quarters of new dwellings over the plan period in the two towns. This compares with a proportion of about half in the period leading up to the plan's adoption when the other half had taken place in smaller settlements, adding to commuting by car and road congestion at peak times.
18. The Appellant notes that if up to 84 dwellings were to be provided on the appeal site this would represent less than 0.4% of the district's requirement over the plan period. If the proposed scheme were to be added to the stock of planning permissions recorded in the Council's Annual Monitoring Report, some 82.7% of permissions identified would be in Bicester and Banbury (the figure being 82.2% if added to the stock of permissions identified in the Council's 2019 update).
19. The Council's table of the district's residential completions and planning permissions from 2011 to 31 March 2019 (with a baseline of the latter date) records that, of the 14,170 dwellings built or permitted, some 27% were in the 'rest of the district' with 73% located in the towns of Bicester and Banbury. The Council accepts that the overall strategy of the plan to deliver most housing to Bicester and Banbury is currently succeeding.
20. The Council's evidence notes that the totals of completed dwellings under PV2 (271) and those benefitting from permissions (479) add up to the 750-figure sought under the policy. It is not claimed there would be a current breach of the policy (since only 271 have been *delivered*). However, granting permission for up to 84 dwellings, which would be likely to be built out within a short time, together with the other 479 committed and deliverable dwellings, could give rise to a total of 834 dwellings being delivered several years prior to 2031, the end date of CLPP1.
21. There is agreement that the 750-figure is not a ceiling or cap. However, the Council has referred to previous appeal decisions where PV2 has been engaged.

⁴ The provision for the 'rest of the district' outside Bicester and Banbury is a total of 2,350 which is made up of the 750 plus the specific allocation of 1,600 at the former RAF site at Upper Heyford

⁵ SoCG on spatial strategy, August 2019

The Inspector in dismissing an appeal for up to 95 dwellings in Kirtlington in 2015 noted that "... any significant increase over and above 750 could lead to unconstrained growth which would result in non-compliance with the strategy for rebalancing housing growth away from the villages and rural areas"⁶. This was a conclusion shared by the Inspector dismissing an appeal for 26 dwellings at Weston on the Green⁷.

22. In granting permission for a housing development in Launton⁸ in September 2018, the Inspector noted that 750 was not an upper limit and that it would require a material exceedance to justify arriving at a conclusion that the policy was being breached. The Council considers that the addition of 84 dwellings would be a material exceedance of the 750, would therefore be contrary to PV2 and would weaken the strategy of the strong urban housing focus of the plan.
23. I am not convinced by the evidence provided by the Appellant's planning witness that the 750-figure has no development management significance. The Inspector determining the appeal against a residential development for up to 51 dwellings in Chesterton considered the use of figure of 750 in PV2 must have some form of constraining effect on total numbers, otherwise the policy would be meaningless in terms of its contribution towards the overall strategy of the plan⁹. Nevertheless, neither within Policy PV2 itself nor within CLPP1 as a whole is the term 'material exceedance' found. Even if to exceed the 750-figure by 84 units now at a point less than halfway through the CLPP1 plan period was to be regarded as a material exceedance, the question arises what planning harm would arise from such a breach? This is bearing in mind that such a quantum of housing would not be *delivered* until later in the plan period.
24. Policy PV2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension.
25. A concern of the Council is that to allow an exceedance of the magnitude envisaged could lead to unrestrained growth in Category A villages, although it was acknowledged at the inquiry that a precedent argument was not being advanced. However, I accept that there is force in the point advanced by the Appellant that the specific management criteria of Policy PV2 would seem to ensure that it is a self-regulating policy; if the point is reached where the number of dwellings granted in Category A villages is likely to undermine the Council's overall spatial strategy, a series of planning harms is likely to emerge. These might include the point where local infrastructure is unable to cope, land of higher environmental value is sought, or out-commuting and traffic congestion manifest themselves.
26. Further concerns of the Council are that allowing the proposal would lead to an over-concentration of development in Ambrosden and a disproportionate share of the PV2 housing provision. Existing recent housing developments in the village (Church Leys Farm and Ambrosden Court) permitted under Policy PV2

⁶ CD 6.03, APP/C3105/W/14/3001612, para 9. (The CD references are to Core Documents submitted for the inquiry)

⁷ CD 6.05, APP/C3105/W/16/3158925, para 17

⁸ CD 6.07, APP/C3105/W/17/3188671, para 18

⁹ CD 6.04, APP/C3105/W/15/3130576, para13

amount to 129 units, which is 17% of 750¹⁰. If allowed, the proposal would represent a 25% share of the increased total of 834.

27. In an appeal decision on a 54-dwelling proposal in the Category A village of Hook Norton, acknowledged as a relatively sustainable location, the Secretary of State took the view that it would be acceptable for the village to provide a relatively larger share of the 750 dwellings than the other villages listed in PV2¹¹. There are some 23 Category A villages which display a wide range of populations, facilities and locations. Whilst the Council categorises these as the more sustainable settlements it is apparent that, comparatively, some settlements are clearly more sustainable than others.
28. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250¹². It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery¹³. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester.
29. The CLPP1 allocates a considerable amount of land for employment uses on the southern and south-eastern outskirts of Bicester between the edge of the town and Ambrosden, with some development already in place. Whilst these areas are beyond what could be regarded as realistic daily walking distances for most people, they are within ready cycling distances. I address the more specific locational considerations of the appeal site in relation to village services and facilities below.
30. By comparison with the location and the range of facilities available in many of the other Category A villages, Ambrosden is one of the most sustainable settlements. There is agreement between the Appellant and the Council that this is the case. It is therefore unsurprising that recent housing schemes within the village have been permitted. On this basis, and against a background of no spatial apportionment of additional housing between Category A villages, and the intent of Policy PV2 that development should be enabled in the most sustainable locations, further development of the nature proposed would not be disproportionate.
31. The Council has expressed concern that allowing the proposal and exceeding the PV2 750-figure would make it more difficult for other Category A settlements to meet local housing needs within the second half of the plan period. However, no evidence has been provided as to the level of specific local housing need in any of the villages within the district and need is not disaggregated across different settlements. Policy PV2 does not contain a requirement to demonstrate a local housing need. Furthermore, should specific needs within villages be identified, Policies PV1 and PV3 would be relevant considerations to cater for this. Policy Villages 1 allows development within the built-up limits of villages, whilst PV3 provides for meeting specific identified

¹⁰ In addition, there is an 89-unit development at Springfield Farm that was permitted prior to 31 March 2014

¹¹ CD 6.13, APP/C3105/A/14/2226552, decision letter para 12

¹² This was a 2014 figure, so with more recent housing development in the village the figure is now likely to be higher

¹³ Evidence at the inquiry suggested that this was to close

housing needs through small-scale affordable schemes within or immediately adjacent to villages. The proposed scheme need not therefore pose any undue constraint on other villages to meet any specific or identified housing needs.

32. I have carefully noted views expressed by colleague Inspectors in the various appeal decisions to which reference was made during the inquiry. None of these decisions was made at a time when the 750-figure of delivered and committed dwellings had been reached. Concerns have been expressed in some decisions as to the possibility of contributing to unconstrained growth, as already noted¹⁴. But these decisions were made in the context of what were then hypothetical situations where the 750-figure might be breached.
33. I have not been privy to the evidence on which their decisions have been based, some of which were several years ago when the CLPP1 was in its very early years. It is not clear whether the decisions were informed by the examination of arguments which have been advanced in respect of the present proposal. Having regards to the detailed evidence provided in the present case, and for the reasons set out above, I do not consider that the Council has demonstrated how in its own right allowing the appeal would lead to the undermining of the Council's overall housing rebalancing strategy contrary to the intent of Policy PV2. The purpose of limiting growth within the rural 'rest of the district' is not an end in itself but is intended to ensure delivery of the rebalancing strategy of an urban focus of new development in Banbury and Bicester. I find that agreeing to the proposal need not make the maintenance of its strategy materially more difficult.
34. Part of the CLPP1's spatial strategy is to strictly control development in the open countryside. However, current national policy within the Framework does not couch protection of the countryside in terms of 'strict control'. It is also clear, and accepted, that in applying Policy PV2 locations on the edge of Category A villages would be used and are therefore likely to be in open countryside locations. I consider that should a proposal satisfy Policy PV2, if there was any inconsistency between it and one of the Council's objectives, such as strict protection of the countryside (which in itself could be considered to not be on all fours with the Framework's absence of a blanket protection of the countryside), the policy should take precedence. This was a point conceded by the Council.
35. Overall, I consider the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth.

Second reason for refusal

a) Character and appearance

36. The appeal site extends to about 4.12ha comprising part of a grassed field used for hay-making located at the south-western edge of Ambrosden. Whilst somewhat irregularly shaped, it has a hedged frontage to Merton Road from which vehicular and pedestrian access would be taken. To its north it has a short boundary with a densely vegetated low embankment to a railway line running from Bicester to the Ministry of Defence depot at Arcott. It is

¹⁴ For example CD 6.03, APP/C3105/W/14/3001612 and CD 6.05, APP/C3105/W/16/3158925

bounded to its north-eastern side by a residential curtilage and by paddocks, whilst reedy remnants of ponds associated with the former Ambrosden Hall, and further agricultural land, lie to the north-west.

37. Amongst the criteria of CLPP1 Policy PV2 to which particular regard should be given in assessing development in villages such as Ambrosden is whether significant adverse landscape impacts can be avoided. This recognises some development on the countryside edge of settlements is likely to be necessary. It is axiomatic and almost inevitable that some harm will result from the change from open countryside to built development.
38. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). Within the context of the appeal the Appellant's landscape witness carried out her own assessment of the landscape and visual effects of the proposal to be read in conjunction with the LVIA. Additionally, in respect of the appeal, the Ambrosden Parish Council commissioned its own review of the original LVIA. I have had regard to all these together with the evidence produced on behalf of the Council.
39. In terms of landscape character, the appeal site lies within the Clay Vale Landscape Character Type¹⁵, and the Clay Vale of Otmoor as defined in the Cherwell District Countryside Design Summary¹⁶. The site is part of what was originally parkland associated with the demolished Ambrosden Hall. The sinuous area of reed and marshy land to the immediate north-western side of the site is the remnant of former parkland ponds. However, the historic and landscape connections and appearance of parkland have long since disappeared and in my view the appeal site does not possess any readily perceptible associated landscape or visual qualities. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape.
40. The Council suggests that development on the site would conflict with the criterion of PV2 relating to the consideration of whether the land is previously-developed or is of lesser environmental value. It is not previously-developed and the term 'lesser environmental value' is a relative one. The Appellant suggests that reference to 'lesser environmental value' was plainly aimed at plan-making where a comparative exercise could be undertaken. However, as the CLP Part 2 does not exist such an exercise is not possible. By reason of the site's absence of specific landscape quality designations, and not being Best and Most Versatile agricultural land, it is reasonable in the present context to consider it as land of comparatively lesser environmental value.
41. The proposal, in whatever eventual form it might take, would clearly have a completely transformative effect on the site itself by reason of the introduction of residential development and its associated components into a currently open field. However, I have no reason to disagree with the view of the Council's landscape witness who concurred with the Appellant's LVIA assessment that the landscape character of the site and surrounding area has a medium sensitivity, as does the townscape of the adjoining area. Further, the effect of the proposal on landscape and townscape character of the surrounding area would be 'moderate adverse' on completion. There would be potential for this

¹⁵ Oxfordshire Wildlife and Landscape Study

¹⁶ Supplementary Planning Guidance, June 1998

- to decrease by year 15 with the maturation of landscaping and the weathering of the built development.
42. In terms of the landscape and visual impact evidence produced at the inquiry, the Council's concern centred on the visual aspects of the proposal. There is agreement as to the selection of viewpoints used within the LVIA. The relatively low-lying and well vegetated landscape near the site means that views are generally limited when seen from far- and middle-distance locations. Impact on the few possible far- to middle-distance views from the south would be negligible. Impact on views from closer at hand along bridleway 295/4, about 1.5km to the south-east, would in my judgement be only slightly adverse. This is as a result of distance, existing vegetative screening, that which could be incorporated into the development, and the already present appearance of roofscapes of dwellings within the village¹⁷.
 43. From along footpath 295/7, about 500m to the south-west, oblique views are possible across the site over field hedging for a length of about 80m. There are current views of the tower of St Mary's, which is seen in conjunction with the roofscape of housing. Although at the detailed design stage it may be possible to retain views of the church, the extension of built development closer to the viewer would, in my opinion, result in a moderate adverse impact even at year 15.
 44. When approaching Ambrosden from the south-west along Merton Road the site is screened by existing vegetation almost until it is reached, when there are direct oblique views across it. The DFP suggests the incorporation of a sustainable drainage system (SuDS), open space and a children's play area towards the site's frontage which would serve to maintain views of the tower of St Mary's from the road. There would be substantially adverse impacts on views in the early stages of development until landscaping matured and the proposal became assimilated.
 45. There would be impacts for residential receptors in Jasper Row to the opposite side of Merton Road who currently have views across the open farmland. However, separation and detailed design could ensure that, other than alteration of views for private individuals, there would be no detriment to overall living conditions.
 46. The development would result in a significant extension of the village to its south-western side beyond the single-track railway line that crosses Merton Road via a level crossing, pushing the built edge further into the open countryside. It is certainly the case that the part of Ambrosden to the south-western side of the railway line is currently less developed than the main body of the village.
 47. However, from my site inspections it is my view that the railway line does not represent a clear physical or visual demarcation or barrier that suggests further development beyond it would be ill-related or poorly connected to the overall village structure. Housing that presently exists to the south-western side of the line clearly has the appearance and feel of being an integral part of the village, with the railway line not forming a disjointing element. There has been the recent in-depth development of Ambrosden Court to the southern side of

¹⁷ Impact on views of the Church of St Mary the Virgin in terms of its setting are considered below

Merton Road and a recent permission for an additional five dwellings to the rear of Home Farm Close.

48. I am mindful of the comments of the Inspector who determined the appeal against the refusal of permission for the Ambrosden Court development¹⁸. In his decision allowing the appeal (which concerned an application that was in outline) he expressed the view that the proposal would cause a moderate amount of harm to the appearance and character of the countryside, and some local landscape harm. The Council subsequently approved the appropriate reserved matters and the development has been completed.
49. The development clearly appears as a new element in respect of which weathering and nascent landscaping have not had chance to soften its impact. Nonetheless, I consider Ambrosden Court has now to be viewed as an existing, appropriate and acceptably-designed component of the village. I have no reason to suppose that the Council would not be able to exercise similar appropriate control over the details of layout, overall design and landscaping for development on the appeal site. In this regard the Parish Council has criticised the nature of the landscaping as shown on the Appellant's FDP. However, this plan is for illustrative purposes only and as landscaping is a reserved matter the Council would have control over this should the development proceed.
50. In my view, the village is now as much defined in terms of its character by the development that has taken place in the second half of the 20th century and that which has occurred very recently. This is largely estate housing that has spread out from the historic village core near the Church of St Mary the Virgin. In terms of scale and nature, a development of up to 84 dwellings, complemented by appropriate landscaping and open space, would not be at odds with the overall character of the village. This is particularly bearing in mind the recent approvals at Springfield Farm (89 dwellings), Church Leys Farm (85 dwellings) and Ambrosden Court (45 dwellings).
51. The Council suggests that the abrupt and stark transition from what is described as an 'urban' to a rural environment at the south-western end of the village is part of local distinctiveness. I am not convinced that this is a particularly beneficial characteristic that necessarily needs to be respected by new development or one which would be undermined if the proposal went ahead. Nor do I consider that Ambrosden possesses any other particular individual element of distinctiveness with which the proposed development would materially conflict. Through detailed control, the opportunity exists to provide a development with an appropriate and fitting layout, appearance and landscaping.
52. I do not share the Council's concern that if developed in accordance with the illustrative DFP, with the likely set back of housing from Merton Road (to accommodate the SuDS, play area and the maintenance of views of St Mary's Church tower), this would be an uncharacteristic feature. It may not be a current feature of development to the south-western side of the railway line. Nonetheless, the set back of residential development behind open space is clearly an established element within Ambrosden as a whole and its replication therefore would not be an overtly alien feature.

¹⁸ CD 6.02, APP/C3105/A/13/2206998

53. The proposal includes both a vehicular and a separate pedestrian access from the site onto Merton Road, and the Council considers the site would have poor connectivity with the village. It is the case that all car, pedestrian and cycle traffic would be funnelled onto Merton Road to access the rest of the village and its facilities. There would be a need to provide improved footpath linkage from the site to the village. It is also suggested that a footpath could be provided to the south-west to link the site with the existing public right of way 295/7. This is considered further below. Through detailed design I have no reason to suppose that acceptable levels of permeability within the site itself could not be achieved. In general, I do not consider the degree of connectivity of the site represents a significant drawback of the scheme.
54. Overall, I conclude that whilst inevitably rendering localised change the proposal, subject to subsequent careful attention to layout, design, external appearance and landscaping, would not have any significant adverse impact on the character and appearance of its surroundings. Opportunity would exist to provide an acceptable, fitting and suitably mitigated development that could contribute positively to this entrance to the village. As such, it would not conflict with these relevant criteria of Policy PV2 to which particular regard should be given. Nor would there be conflict with Policies ESD 13 or ESD 15.

b) Impact on the significance of the Church of St Mary the Virgin

55. It is an agreed position that the Grade II* listed church is the only heritage asset which has the potential to be impacted upon by the proposed development. The church, dating in parts from the 12th, 14th and 15th centuries with restoration in the 19th, is stone-built with a three-stage tower to its western end. The proposed development would have no direct effect upon the church, being separated from it by over 300m. There would be no change in the experience and appreciation of the church from within its surrounding churchyard or from within Ambrosden.
56. However, it is an agreed position between the Appellant and the Council that there would be an impact on its significance as a result of change in its setting by reason of alterations of views of its tower from the south-west. There is further agreement that the proposal would result in less than substantial harm to the church's significance; the Council considering the harm to be minor whereas the Appellant considers the degree of harm to be very minor.
57. I consider that the heritage significance of the church derives principally from the architectural and historic interest of the physical fabric of the asset and the evidential, historic and aesthetic value contained as an example of a church originating in the early medieval period.
58. The church tower provides a landmark feature within the rural landscape. The Council considers its visibility reflects the social importance of religion in times past and the manner in which local communities used a prominent church tower to mark their presence in the landscape. At present there are clear views of the tower across the grassed appeal site when viewed from Merton Road on the approach to the village. It is also seen, as already noted above, from a limited stretch of footpath 295/7 to the south-west and, more distantly, from the bridleway 295/4. Whilst the agricultural surrounds to the village have some historic associative connection with the church, these connections are no longer discernible and make only a very minor contribution to the historic, evidential and aesthetic value of the heritage asset via setting.

59. The tower is currently seen rising above and between rooftops of housing to its western side and these comprise a major element of its setting, which has changed over time. The planning permission for five dwellings to the rear of Home Farm Close would introduce an additional foreground residential element. In order to maintain views of the tower on the approach into Ambrosden the FDP suggests the setting back of residential development within the site to form a visual corridor. This would be achieved through the imposition of a condition to ensure that this was secured at the reserved matters stage. Detailed design may also allow the positioning of dwellings to maintain some views from footpath 295/7.
60. I accept that the proposal would result in a more 'channelled' view of the church tower from Merton Road and this would be across a more developed foreground. However, any change that would be wrought would relate more to impact on its landmark significance rather than the heritage significance of the asset. I consider that the proposed development would result in a very minor impact on the overall heritage significance of the church as a result in change in its setting. Having regards to the Framework, this amounts to less than substantial harm and in my judgement would be at the lowermost end of less than substantial harm. In accordance with Framework paragraph 196, where there would be less than substantial harm this should be weighed against the public benefits of a proposal. This is carried out below in the overall planning balance and conclusions.

Third reason for refusal - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development

61. The signed s106 UU by the Appellant and landowners provides obligations to both the Council and to the County Council. Those to the Council include the provision of contributions towards: the extension / enhancement of Bicester Leisure Centre and the expansion and / or upgrade of the Whitelands Farm Sports Ground at Bicester; the improvements / expansion of the existing community facilities at Ambrosden Village Hall or towards the development of Graven Hill Community Centre; and waste and recycling bins for each dwelling. A further obligation would secure a scheme for the establishment of a Management Company Structure to be approved by the Council for the purposes of managing and maintaining the proposed open space and SuDS within the appeal site.
62. The UU secures the provision of 35% of the dwellings as affordable units through the need for the agreement of an Affordable Housing Scheme. This would include details of numbers, type, tenure, location and phasing of the housing, the arrangements for the transfer of the affordable housing to a Registered Provider, arrangements to ensure the provision is affordable for both first and subsequent occupiers, and allocation arrangements.
63. Provision is made to ensure that either a Biodiversity Offsetting Scheme is agreed and implemented or that a Biodiversity Contribution is paid. The former would be a scheme to ensure the development does not result in any biodiversity loss and would include a management plan for the provision and maintenance of offsetting measures for not less than 30 years. The latter would be towards the costs of enhancement and long-term biodiversity within the vicinity of the site.

64. Obligations to the County Council include the payment of financial contributions towards: improvement of the bus service between Oxford and Bicester, including increasing the frequency of service; capacity enhancement of the junction of Ploughley Road and the A41; the expansion of permanent capacity at the Five Acres Primary School in Ambrosden; and the costs of monitoring the Travel Plan, which is to be submitted pursuant to an attached condition, and the other obligations to the County.
65. The Council has submitted a compliance statement in respect of the obligations, which includes an appended compliance statement from the County Council. I am satisfied that the above obligations are necessary to make the development acceptable in planning terms. They are all directly related to the development, are fairly and reasonably related in scale and kind to it and are designed to mitigate the development where appropriate. The obligations therefore comply with the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and comply with the tests set out in paragraph 56 of the Framework and advice in National Planning Practice Guidance.
66. The Council's compliance statement notes that the Council's Developer Contributions Supplementary Planning Document expects residential development to contribute towards the provision of additional health care infrastructure generated by population growth where there is insufficient existing capacity, well located to serve the development. At the inquiry local concern was expressed about the future of the currently-limited opening of the doctors' surgery in Ambrosden. However, whilst the Oxfordshire Clinical Commission Group was consulted on the application, no comments were received from it. The Council indicates that, as such, it could not justify a request for contributions towards health care infrastructure in the locality.
67. The UU also includes a contribution of £40,000 towards the cost of provision of a footpath link between the appeal site and footpath 295/7 to the south-west of the site. This is to improve the site's connectivity to the existing public rights of way network, and countryside generally, for recreational purposes given that there is no existing footpath linkage alongside Merton Road from Ambrosden.
68. The County Council considers such a contribution fulfils the CIL tests. Cherwell Council considers this not to be the case. It is concerned that there are too many uncertainties regarding its delivery (given the 400m - 500m length of connection, the possible need for third party land, and the possible need for planning permission, which might be resisted because of fears of 'urbanisation'). Whilst I acknowledge these concerns, in the context of the appeal the Council has expressed concerns generally about the appeal site's connectivity.
69. In my view, the proposed link would be a necessary element to promote walking and recreational activity for occupiers of the proposed development. It would accord with the Framework's exhortations to improve sustainable modes of transport and recreational access. As such, I have taken this obligation into account and it too fulfils the requirements of the CIL regulations.
70. Given the above, I am satisfied that the proposal makes adequate provision for the necessary infrastructure arising from its development.

Other matters

71. Having regards to the site's location in relation to services and facilities, there is agreement between the Appellant and the Council that it is within walking distance of local facilities in what is a sustainable settlement. However, the Council's planning witness suggests that it is not *well* located as per the relevant criterion in Policy PV2. It is my view that certain facilities are within what, for most, would be ready and reasonable walking distances of the site (post office, hairdresser's, village hall, public house, parish church), whilst others are more distant but easily cyclable.
72. Walking distance from the centre of the appeal site to the nearest bus stops on Ploughley Road (to gain access to a wider range of services, facilities and employment) would be about 800m. However, the walk is level and through a generally pleasant village environment (as opposed to a potentially busier urban one where reasonable walk distances are generally assumed to be lower) that would make use of the bus a not unrealistic option as an alternative to use of the car. The proposal includes provisions to promote sustainable travel. These include the commitment to improve the footpath which would link the development back into the village, a contribution towards bus services, the provision of a Travel Plan and electric vehicle charging infrastructure. Overall, I consider the proposal to be in general compliance with the relevant PV2 criterion.
73. Traffic and transport-related matters did not form part of the Council's reasons for refusal, other than in regard to the absence of a mechanism for securing mitigation and the encouragement of use of sustainable modes of transport. However, these issues were a concern of the Parish Council and a number of local residents who submitted representations.
74. In response to detailed criticisms made on behalf of the Parish Council, the Appellant produced a Technical Note response. The Appellant's transport consultant also attended the inquiry to answer queries and requests by the Parish Council in respect of highways matters. The County Council, as highway authority, has reviewed both the details submitted with the original application, which included a Transport Assessment, and the Technical Note response. This resulted in the conclusion of a SoCG with the Appellant in which it is agreed that all transport and highways matters have been addressed and resolved. A separate SoCG with Cherwell Council also confirms the proposal would have no adverse impact on the safe and efficient operation of the highway network, subject to suitable conditions and obligations.
75. A particular raised concern is the nature of the footpath link along Merton Road into the village. The application plans provide for the footway to be extended from the site to join that existing adjacent to No. 66 Merton Road. The existing footpath to the northern side of Merton Road is of variable quality in terms of surfacing and width. However, as a result of the relatively low pedestrian flows along it, together with those which would be generated by residents of the proposed development, this is not an issue raised by the highway authority.
76. Nonetheless, as pointed out by certain residents, and as I saw on my visits, there exists a narrowing 'pinch point' in the footway adjacent to Holly Tree Cottage caused by the presence of telegraph poles. There is concern that these present difficulties for those with mobility aids and for pedestrians with pushchairs or prams.

77. In accordance with condition No. 12 attached to the permission Ref. 13/00621/OUT¹⁹, a scheme for their removal should have been submitted to the Council and should have been implemented prior the occupation of dwellings on what is now the completed Ambrosden Court development. The Council confirmed at the inquiry that this matter was the subject of enforcement investigations. This would seem to be the likely means by which this matter could be resolved. However, a similar condition to that which was imposed on the above permission could be included on a permission for the present proposal, subject to there being no necessity for a scheme for removal if this had already occurred prior to first occupation.
78. From the detailed evidence provided and subject to the provisions of the s106 UU, and the imposition of appropriate conditions discussed below, I have no reason to conclude differently to either the Council or the local highway authority that the proposed development would be acceptable in terms of highway capacity and safety.
79. Potential flooding and drainage issues are other matters of concern that have been raised by local residents. The application was accompanied by a detailed Flood Risk Assessment. A further Technical Note on flood risk and drainage issues was produced in the context of the appeal. A SuDS drainage scheme is proposed to manage excess runoff from the development and maintain runoff to pre-development rates, with surface water attenuation provided to accommodate a 1 in 100-year event plus 40% climate change allowance. Subject to appropriate mitigation the proposed development would be at minimal risk from flooding and would not increase flood risk elsewhere. The Council has agreed in a SoCG with the Appellant that drainage matters are capable of being controlled via approval of reserved matters, by condition and / or via planning obligations. I have no reason to disagree.
80. Concerns have been raised regarding increased light pollution. The Council's Environmental Health Officer has raised no objections to the proposal. A suitable condition could require the provision of an appropriate lighting design at the reserved matters stage. This could ensure that not only is extraneous light minimised but also that it would not be harmful to the local bat population.
81. I have noted the synopsis of the survey results amongst village residents carried out by the Parish Council. However, there is no detail as to who the respondents were and to what extent they are representative of the village population. The response rate of 66 is relatively low and not indicative of widespread concern about the proposal.

Conclusions and the planning balance

82. In terms of the Council's housing strategy and distribution of housing growth there would be no conflict with the thrust and intent of Policy PV2. There would be some limited degree of landscape and visual impact resulting from the transformative nature of development on this edge of settlement site. However, the proposal would not cause undue visual intrusion into the open countryside, would not be inconsistent with local character, or harm the setting of Ambrosden. It would therefore not conflict with Policy ESD 13. Control that

¹⁹ CD 6.02, APP/C3105/A/13/2206998

- could be exercised at the reserved matters stage could ensure there should be no conflict with Policy ESD 15.
83. Less than substantial harm would result to the significance of the listed church of St Mary the Virgin as a result of change to its setting. This would be very minor harm given the intention to maintain a visual corridor so that the church tower would remain visible on the south-western approach to the village. Nevertheless, considerable weight and importance should be attached to harm arising to listed buildings resulting from a change in their setting in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having regards to paragraph 196 of the Framework, when a development would lead to less than substantial harm to the significance of a heritage asset the harm should be weighed against the public benefits of the proposal.
84. Having regards to such benefits, the Appellant points to the scheme's provision of 35% (up to 30) of the proposed dwelling units as affordable housing. This follows from the requirement of CLPP1 Policy BSC3, the Local Plan noting that that Cherwell district has a high level of need for affordable housing²⁰. No evidence of a specific need for affordable housing in Ambrosden has been provided. Nonetheless, the need within the district should be seen within the context of a locally widening gap in the ratio of house prices to earnings.
85. Within the district the lower quartile house price is more than eleven times lower quartile annual earnings²¹. This is higher than for England as a whole (7.29) and greater than the South East region (10.51). The affordability ratio has increased more rapidly in the district than in Oxfordshire over the CLPP1 plan period and it is apparent that market housing is increasingly unaffordable for many. As such, even though the proposal would simply be policy-compliant in regard to the quantum of affordable housing, I give significant weight to this provision in helping to address what is clearly a district-wide need.
86. I accord moderate weight to the benefit of the market housing element of the proposal against the Government's national objective of significantly boosting the supply of homes²². More limited weight is also attached to the economic and financial benefits that would arise through construction spending and the direct and indirect job creation which could result, and the generation of household expenditure which would support the local economy.
87. Some local scepticism was expressed at the inquiry as to whether the additional residents of the proposal would contribute to sustaining the vitality of the village. However, it is my view that there would be some potential benefits arising from the support and additional spending and patronage of existing village facilities.
88. The appeal site has little present ecological value. Through the scheme's ability to provide open space and landscaping a positive contribution to biodiversity could result, as could the opportunity recognised in the Flood Risk Assessment for betterment in terms of runoff rates. I attach modest weight to these aspects.

²⁰ Paragraph B.104

²¹ Mortgages typically being capped at 4.5 times annual salary

²² Framework paragraph 59

89. Through the s106 obligations financial contributions would be made to bus service provision, highway improvements, education and community facility provision. However, as these directly stem from the proposal itself these are neutral benefits.
90. I consider that the potential benefits of the proposal outweigh the less than substantial harm to the significance of the heritage asset of St Mary's that would result from change in its setting. There would be accord with the relevant criterion of Policy PV2 in that there would be no significant adverse impact on this heritage asset.
91. Overall, the proposal would accord with the CLPP1 and would comply with the economic, social and environmental overarching objectives of sustainable development as set out in the Framework²³. For these reasons, and having considered all other matters raised, I consider the proposal to be acceptable and that the appeal should be allowed.

Conditions

92. The Appellant and the Council discussed draft conditions during the inquiry, culminating in an agreed set presented towards its close. I have considered these against the tests for conditions as set out in paragraph 55 of the Framework, amending where necessary for accuracy and consistency.
93. In addition to the usual conditions relating to the necessity for approval of reserved matters, and the specification of plans to which the permission relates, a condition is appropriate limiting the maximum number of dwellings to 84, for the avoidance of doubt and to ensure a satisfactory form and density of development. Also, to ensure a satisfactory form and standard of development compatible with the surroundings and one which is made secure, conditions are necessary limiting the ridge height of dwellings, the provision and implementation of a landscape management plan, and the need for an application for Secured by Design accreditation. For the same reason and as referred to above, I shall impose a condition in order to protect views across the site of the tower of St Mary's to preserve its significance as an important heritage asset.
94. In the interests of highway safety, a condition is required to ensure the access to the site is constructed before the first occupation of dwellings. I shall impose a condition requiring the submission of a scheme for the removal of telegraph poles adjacent to Holly Tree Cottage. This is to ensure the removal of the footway obstruction and improve pedestrian access. Submission of a scheme would only be required if the poles had not already been removed prior to the commencement of development. To promote sustainable travel choices the approval and subsequent operation of a Residential Travel Plan is required, as is a condition requiring that each dwelling is provided with ducting to allow for the future installation of electrical vehicle charging infrastructure.
95. A condition is necessary requiring the approval and subsequent implementation of a surface water drainage scheme, to ensure adequate drainage and sufficient capacity to accommodate the development. To ensure the protection of breeding birds a condition is required to time limit removal of trees and

²³ Framework paragraph 8

hedgerows, and a condition is needed requiring the agreement of a lighting strategy to prevent light pollution and to protect bats. Similarly, to safeguard the protected species of Great Crested Newts, a condition is needed to ensure mitigation measures identified in the Appellant's Great Crested Newt Mitigation Strategy are implemented.

96. To safeguard the recording of any archaeological remains within the site I shall impose conditions requiring the agreement and subsequent implementation of an Archaeological Written Scheme of Investigation. To ensure highway safety and the protection of residential amenity, agreement of a Construction Environment and Traffic Management Plan is required. Conditions relating to studies to identify whether there are potential contaminants within the site are required to minimise risk to those involved in construction and subsequent occupiers and in light of the past infilling of pond features.
97. Additional conditions have been suggested requiring details to be provided of services and energy infrastructure and the withdrawal of permitted development rights for the provision of above-ground fuel tanks. Having regards the former, I do not consider this to be necessary as such detail is covered by other legislation. In respect of the latter, I have been provided with no evidence to suggest that the exceptional withdrawal of this permitted development right under the Town and Country Planning (General Permitted Development Order 2015 is necessary.

Philip J Asquith

INSPECTOR

Schedule of Conditions

Reserved matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following drawings:

Drawing No. CSA/3888/107 (Site Location Plan)

Drawing Number 18166-001 Rev A Access Design – Priority Junction & Emergency Access (Access Plan).

5. The number of dwellings hereby permitted shall not exceed 84.
6. No building on the site shall exceed 8.5m at ridge height, and no building at the edge of the development shall exceed 7.5 at ridge height.
7. Any reserved matters application relating to layout and / or landscaping shall maintain a visibility corridor that secures a view of the Church of St Mary the Virgin from Merton Road, in broad accordance with the illustrative Development Framework Plan Drawing No. CSA/3888/103/F.
8. As part of the reserved matters, a Landscape Management Plan, to include the timing of the implementation of the plan, long-term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscaped areas, other than privately-owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Landscape Management Plan shall be carried out in accordance with the approved details.

Highways and Travel Plan

9. Prior to the first occupation of the development hereby permitted, the approved means of access as detailed on Drawing No. 18166-001 Rev A (Access Plan) shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken. The visibility splays shall be kept permanently clear of all obstructions in excess of 0.6m in height.
10. Prior to commencement of development a scheme for the removal of the two telegraph poles from the footway outside Holly Tree Cottage shall be

submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full before the first occupation of any of the dwellings hereby permitted on the site. Such a scheme shall only be required if both poles have not already been removed prior to the commencement of development.

11. Prior to the occupation of the first dwelling of the development hereby permitted, a Residential Travel Plan, including a Travel Information Pack, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Travel Plan shall be operated and reviewed in accordance with the approved details. The approved Travel Information Pack shall be provided to each household on first occupation of each dwelling.

Drainage

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be retained as such thereafter.

Ecology

13. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the local planning authority has confirmed in writing that such works can proceed, or a recent survey (no older than one month) undertaken by a competent ecologist to assess nesting bird activity on site together with details of measures to protect the nesting bird interest on the site, has been submitted.
14. Prior to commencement of development, a lighting strategy for the publicly-accessible areas of the site, which includes details of light spill and which adheres to the Bat Conservation Trust Guidelines, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved strategy.
15. The mitigation measures regarding Great Crested Newts identified in the Great Crested Newt Mitigation Strategy produced by FPCR, dated July 2019, shall be implemented in full prior to commencement of development, except where the timing is stated otherwise by the Great Crested Newt Mitigation Strategy, and maintained thereafter.

Design

16. Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation for the development hereby permitted. The development shall not be carried out other than in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
17. Each dwelling shall be provided prior to its first occupation with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

Archaeology

18. Prior to commencement of development, a professional archaeological organisation acceptable to the local planning authority shall prepare an Archaeological Written Scheme of Investigation relating to the application site which shall be submitted to and approved in writing by the local planning authority.
19. Following the approval of the Written Scheme of Investigation referred to in Condition 18, and prior to the commencement of development (other than in accordance with the Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.

Construction Management

20. Prior to commencement of development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of measures to be taken to ensure construction works do not adversely affect residential properties adjacent to the site, together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the local planning authority. The CEMP shall include a commitment to deliveries only arriving at or leaving the site between 09.30 and 16.30. The development shall be carried out in accordance with the approved CEMP.

Potential Contamination

21. Prior to commencement of development, a desk study and site walk-over to identify all potential contaminative uses on the site and to inform a conceptual site model, shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
22. If a potential risk from contamination is identified as a result of the work carried out under Condition 21, prior to commencement of development, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors, and to inform remediation strategy proposals shall be documented as a report undertaken by a competent person. This shall be in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

23. If contamination is found by undertaking the work carried out under Condition 22, prior to the commencement of development a scheme of remediation and / or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme and / or monitoring required by this condition.
24. If remediation works have been identified as necessary under Condition 23, the development shall not be occupied until the remediation works have been carried out in accordance with the scheme approved under Condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.
25. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

(End of the conditions schedule)

APPEARANCES

FOR THE APPELLANT

Jonathan Easton, of Counsel

instructed by Gladman
Developments Ltd

He called

Robert Barnes BA(Hons) MA MRTPI

Director, Planning Prospects Ltd

Simon Blinkhorne BSc CMIHT

Odyssey

Evidence also provided at the round table session by:

Silke Gruner BHons CMLI

CSA Environmental

Hannah Armstrong BA(Hons) MSc IHBC ACIfA

Pegasus Group

Dr Suzanne Mansfield MCIEEM CMLI

Senior Ecology Director, FPCR
Environment & Design Ltd

FOR CHERWELL DISTRICT COUNCIL

Richard Langham, of Counsel

instructed by the District
Solicitor, Cherwell District
Council

He called

Andrew Murphy BA(Hons) MSc MRTPI

Director, Stansgate Planning
Consultants Ltd

Evidence also provided at the round table session by:

Tim Screen BA(Hons) Dip LA CMLI AIEMA

INTERESTED PARTIES

Maureen Cossens

Local resident

Mark Longworth

Chairman, Ambrosden Parish
Council

Sheila Mawby

Local resident

Pam Newall

Local resident

Malcolm Cossens

Local resident

Trevor Furze

Furze Landscape Architects, on
behalf of Ambrosden Parish
Council

Dan Sames

Councillor, Cherwell District
Council, Ambrosden and
Bicester South Ward

For the round table session on obligations and conditions

Chris Nicholls

Oxfordshire County Council

Nathaniel Stock

Cherwell District Council

Tom Darlington

Cherwell District Council

DOCUMENTS (handed in at the inquiry)

1. Further draft Unilateral Undertaking
2. List of draft conditions
3. Complete copy of the Cherwell Local Plan 2011 – 2031
4. Appellant's opening statement
5. Council's opening statement
6. Mrs Cossens's statement
7. Schedule X: residential completions and permissions at 31/03/2019 (net)
8. Copy of the Appellant's transport response Technical Note
9. Copy of a letter from Mr Cossens, dated 18 June 2019
10. Compliance Statement in respect of planning obligations, Cherwell District Council
11. Statement of Common Ground on transport matters between the Appellant and Oxfordshire County Council
12. Copy of email dated 21 August from Simon Blinkhorne of Odyssey regarding position and qualifications
13. Copy of email from Mark Longworth regarding highway matters that Ambrosden Parish Council would wish to be taken into account should planning permission be granted
14. Updated list of draft conditions
15. Draft of suggested Condition No. 7
16. Updated draft Unilateral Undertaking and copy of Lasting power of attorney – property and financial affairs
17. Extract from a committee report on planning application 13/00344/Hybrid, land at Springfield Farm, Ambrosden
18. A3 bundle of photographs reproduced from Appendix C to Ms Gruner's proof of evidence
19. Council's closing submissions

20. Appellant's closing submissions

21. Copy of judgement; Bassetlaw District Council v Secretary of State for Housing EWHC 556 (Admin) [2019]

(Document submitted after the inquiry)

A. Signed and certified copy of a Unilateral Undertaking, dated 2 September 2019

Appendix 2



Appeal Decision

Hearing Held on 4 September 2019

Site visit made on 4 September 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/C3105/W/19/3222428

Land at Tappers Farm, Oxford Road, Bodicote OX15 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hollins Strategic Land LLP against the decision of Cherwell District Council.
 - The application Ref 18/00792/OUT, dated 4 May 2018, was refused by notice dated 31 October 2018.
 - The development proposed is an outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 52 no. dwellings, with associated works and provision of open space.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open space at Land at Tappers Farm, Oxford Road, Bodicote OX15 4BN in accordance with the terms of the application, Ref 18/00792/OUT, dated 4 May 2018, subject to the following conditions set out in the attached Schedule.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for the matter of access. I have determined the appeal on this basis.
3. During the course of the application, the number of units proposed was reduced from 52 dwellings as set out in the planning application form, to 46 dwellings. It was agreed at the hearing that the description should reflect this reduction in numbers, as such I have included this in the decision above.
4. The appellant submitted a draft agreement under s106 of the Town and Country Planning Act 1990 (as amended) at the hearing. At that time a number of amendments were being made and the agreement was unsigned. I agreed to allow 7 days for the submission of a signed and completed agreement, which has now been received. I have taken this agreement and the obligations therein into account when making my decision.
5. Prior to the hearing the Council highlighted that a number of the notification letters sent to interested parties did not contain the details of the date of the

hearing. At the start of the hearing I asked for the parties' views on this matter. The Council duly informed me that the correct details were sent with the notification letters and that it was only a saved office copy that lacked the details. The Council confirmed that the correct notification had therefore taken place. I was satisfied that interested parties had been notified and I proceeded with the hearing on this basis.

6. Since the close of the hearing the appellant has drawn my attention to a recent appeal decision. The Council has had the opportunity to comment on this decision. I am satisfied no prejudice has been caused and, as such, I have taken it into account when making my decision.

Main Issues

7. The main issues raised in this case are:
 - i) whether the development is acceptable in principle;
 - ii) the effect of the development on the character and appearance of the area; and
 - iii) whether the scheme makes adequate contribution towards the provision of infrastructure.

Reasons

Principle of development

8. The development plan for the area consists of the Cherwell Local Plan 2011 – 2031, Part 1 (the CLP 2011) and the saved policies of the Cherwell Local Plan 1996 (the CLP 1996). At the hearing, the Council agreed that only the policies referred to in the decision notice were being relied on, namely Policies Villages 2 (PV2) and ESD15 of the CLP 2011 and Policies C15 and C33 of the CLP 1996.
9. The spatial strategy as set out in the CLP 2011 directs most growth to locations within or immediately adjoining Banbury and Bicester. Growth within the remainder of the district is limited and directed towards the larger villages. It was acknowledged by the Council that the appeal scheme would not affect its overall housing strategy.
10. PV2 identifies that 750 homes will be delivered at Category A villages, of which Bodicote is one of twenty-three, as defined in Policy Villages 1 (PV1). It was highlighted at the hearing that Policy Villages 2 contains no requirements in respect of the distribution of housing across the Category A villages, as well as no timeframe or trajectory for their delivery. Both main parties agreed that the 750-figure provided in the policy is not a ceiling or limit. It is also noteworthy that the policy requires the delivery of 750 units, not just a requirement to grant planning permission for this number.
11. My attention has been drawn to a previous appeal decision in the district¹ in which the Inspector noted that it would require a "material exceedance" of the 750-figure in order to conclude that there would be any conflict with PV2. The Council stated that if this appeal were allowed, it would not trigger a material increase over 750 dwellings. Furthermore, the figure refers to dwellings delivered, not consented, of which according to the Council there are 271. There are also a further 425 under construction. Since March 2014, there has

¹ APP/C3105/W/17/3188671, decision date 18 September 2018

- been a delivery rate of 54 dwellings per year from PV2, which would result in the delivery of 750 homes by 2028, three years before the end of the plan period (2011-2031). This however assumes that the delivery of housing will continue at this rate and that all permissions that have been granted will not only be implemented but completed.
12. The appellant has suggested that a 10% lapse rate for sites should be applied in recognition that not all sites granted planning permission will necessarily come forward. The Council disagree with this point and contend that it is likely that all sites will be delivered. Whilst I acknowledge that the delivery rate has increased in recent years, this will undoubtedly fluctuate from year to year, as evidenced by the fact that the Council state that in 2014/15 only two homes were delivered. There is also reference to the Council's Annual Monitoring Report (2018) identifying that permission for 33 dwellings had either lapsed or not been issued, suggestive of some permitted schemes not being delivered.
 13. In my view, it is not realistic to expect that all dwellings that have the benefit of planning permission will, in fact, be delivered. I acknowledge the Council's opinion that there should not be a lapse rate applied, given that when undertaking reviews of permissions they liaise directly with developers and agents, the submission of applications to discharge planning conditions can be taken as an indication of intent to implement a permission and there is a good record of delivery. However, this does not account for any circumstances where a development may not come forward. As such, I do not consider it realistic to expect a 100% delivery rate for the permitted dwellings.
 14. Even if all sites were delivered, and as I state above, I am not convinced that they will be, it is accepted by the Council that the grant of permission for an additional 46 dwellings would not lead to a material increase over the figure expected by PV2.
 15. I note that reference is made to Bodicote having been subject to permissions for a number of developments which would deliver 99 new dwellings. However, there is no reference in PV2 to any distribution of new dwellings across the twenty-three Category A villages. Furthermore, given the close proximity of Bodicote and the appeal site to Banbury, together with good accessibility to larger settlements and the services that are within Bodicote itself, the site would be one of the most accessible locations, with access to services, for new residential development, which is reflected in its categorisation in PV1 as a Category A or "Service" village.
 16. The Council also has concern that allowing the appeal scheme would restrict the potential for a more even spread of housing across all of the Category A villages. However, PV2 does not require any spatial distribution. Moreover, the development is near to one of the main settlements, Banbury, which provides for access to a good range of services and with access to a range of transport modes.
 17. The appellant has drawn my attention to a recent appeal decision² in the district which allowed up to 84 dwellings under PV2. Notwithstanding the stance taken at the hearing, the Council now consider that this permitted scheme together with the appeal scheme would result in a material increase over the 750-dwelling delivery target. However, the Council are including 31

² APP/C3105/W/19/3228169, decision date 9 September 2019

- dwellings for which there is a resolution to grant permission. Whilst this matter is noted, these are not schemes for which planning permission currently exists and until such time that a decision is issued on them, it is open to the Council to consider any subsequent change in circumstances that may occur.
18. The grant of permission for these 84 dwellings adds to the number of dwellings above 750 which have permission, but the number of dwellings that have currently been delivered falls far short of this figure (271 as referred to above). There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.
 19. However, at this time, no evidence of such harm has been presented and, in my view, the allowing of this appeal for 46 dwellings would not harm the overall strategy of the development plan which is to concentrate housing development in and around Banbury and Bicester. This is particularly so given the specific circumstances of this site, including its close proximity to Banbury.
 20. The Council contended that both policies PV1 and PV2 should be considered together. However, I find nothing to suggest that this is the case, and both appear to be discrete policies against which development proposals can be assessed. In any event, it is conflict with PV2 that the Council allege, and it is this matter which I have considered. There is no mention of conflict with PV1 in the Council's reason for refusal.
 21. Accordingly, I am satisfied that the scheme would not result in a material increase over the target of delivering 750 dwellings and thus the principle of development is acceptable on this site in accordance with Policy PV2 of the CLP 2011.

Character and appearance

22. The site lies to the northern fringe of Bodicote and currently comprises of a grassed field with a number of buildings associated with a farm shop which operates at the site, together with associated external storage, with an area of caravan storage also. The site also contains several mature trees which are the subject of a Tree Preservation Order (TPO). Access to the site is gained from the adjacent White Post Road.
23. The site is enclosed along Oxford Road to the east by hedging which contains a number of trees. This boundary effectively screens the site from the majority of views from Oxford Road. To the north, along White Post Road, the site is enclosed by a mixture of hedging and post and rail fencing. There are however clear views into the site from this road where it appears as a field surrounded by existing development, particularly the existing farm shop buildings and the school located to the east. To its southern extremity, the site borders existing residential development, comprised of two-storey dwellings.
24. The Council contend that the site comprises the last undeveloped gap which provides separation between Bodicote and Banbury and as such is an important green space preventing the coalescence of these two settlements. It was also

- stated at the hearing that when leaving Banbury and entering Bodicote, there is the feel of leaving the larger settlement and entering a village. However, in my view, this overstates the importance of the site, as a whole, as a separating feature. I observed there to be development on the other side of Oxford Road, extending northwards, which stretches beyond the appeal site. This existing development already diminishes the distinction between Bodicote and Banbury and the introduction of development on the appeal site would not materially worsen this.
25. There is an area of vegetation between the northern extremity of the site and the Bankside flyover at the southern edge of Banbury which provides a much stronger visual break between the settlements. This would be unaffected by the proposal. Moreover, the existing development that lines Oxford Road does not, in my view, result in a village feel or appearance to the area. Whilst I acknowledge that the whole of the eastern boundary of the site currently comprises hedging, it is located near to existing built development and is not reflective of a rural countryside location. Furthermore, the indicative layout submitted, shows that dwellings would be set off the eastern boundary, with the provision of a green corridor which would limit the visibility of dwellings from Oxford Road. As a consequence, the introduction of built development within the appeal site would not have an unacceptably urbanising effect.
26. The Council also refer to the area surrounding the site having a spacious and open feel. However, there is built development to the immediate south of the site, as well as to the east. This significantly limits any sense of spaciousness. Whilst a school lies to the west, with its associated playing fields, this does little to create a sense of spaciousness. I appreciate that the majority of the site is currently not covered by built development, however the proposed residential development would not be out of character with its context of nearby development.
27. Additionally, the indicative layout submitted with the application shows that proposed dwellings would not extend into the northern part of the site, which would be left open as amenity open space. This would re-enforce the visual break provided by the existing landscaping I refer to above and ensure that from viewpoints in close proximity to the site along White Post Road, an open aspect is retained to an acceptable degree, with buildings set back within the site. It would also provide a "green link" with the mature trees and landscaping to the west of the site, along Salt Way. Thus, a distinction between the two settlements would be maintained.
28. The matter of access is for determination at this stage and the submitted details show the creation of a new vehicular access to the east of the existing. Whilst it is likely that this will be a more formal and well-defined feature at this location, given the context of the site, in particular the appearance of the formal and engineered slip road onto Oxford Road and the Bankside flyover, this would not be unduly prominent or appear as a discordant element. The Council also express concern in respect of the prominence of the development in views from Sycamore Drive to the north west. However, these would not be close up views and where the development may be visible, it would be in the context of the amenity open space to the north and set back into the site. As such, I consider that any visual effect in this regard would be acceptable.

29. The mature trees within the site are the subject of a TPO and whilst there is no immediate concern over the removal of these trees, the matter of the future maintenance of the trees was raised at the hearing. In this respect, I note that the indicative layout of the site takes into account the existing trees and positions buildings around them. As such, whilst I appreciate that these details are indicative only, I have no substantive evidence before me to persuade me that the scheme would have an adverse effect on the future health of the protected trees, particularly in light of the matters of layout and landscaping being for future consideration.
30. Accordingly, I find that the scheme would not harm the character or appearance of the area and as such there would be no conflict with Policies Villages 2 and ESD15 of the CLP 2011 and Policies C15 and C22 of the CLP 1996. Together, and amongst other things, these policies seek to ensure that significant adverse landscape impacts are avoided, that new development reinforces local distinctiveness, that the coalescence of settlements is resisted and that important undeveloped gaps are preserved.

Infrastructure

31. The appellant provided a draft planning obligation by deed of agreement under section 106 of the Town and Country Planning Act 1990 (as amended), section 11 of the Local Government Act 1972 and section 1 of the Localism Act 2011. Subsequent to the hearing, the appellant has now provided a signed and completed agreement.
32. The agreement contains obligations following discussions with the Council, since the application was refused. Prior to the hearing, a table was provided outlining all of the requirements that the Council sought to be secured by way of the legal agreement. These include:
- Affordable housing
 - Open space and landscaping
 - Off-site sports and Community facilities
 - Primary medical care
 - Public transport services
 - Primary school provision
 - Refuse Disposal
 - Transportation and Highways
33. The submitted details outline the basis on which the contributions are sought, with reference to development plan policies and the adopted Developer Contributions Supplementary Planning Document (SPD) (2018). At the hearing, the appellant raised concern in respect of two of the required contributions as set out: Primary Medical Care (PMC) and Refuse Disposal (RD).
34. In respect of PMC, I note that the NHS Oxfordshire Commissioning Group highlights that North Oxfordshire, particularly the Banbury area, is mostly at capacity in terms of PMC and that housing growth will require additional or expanded infrastructure to be provided. I consider this to be reasonable, given the proximity of the site to Banbury where there is an identified shortfall in service provision. In regard to RD, the appellant initially had concerns that there was insufficient justification for a contribution in this respect, highlighting that facilities were ordinarily funded through Council Tax income. The Council clarified that the contribution would be towards bin provision for new dwellings, which is not funded by Council Tax. Following this, the appellant was satisfied

that the RD contribution was justified based on the SPD. I have no reason to disagree.

35. Having reviewed the details of the contributions, they are necessary to make the development acceptable in planning terms, directly related to the development as well as fairly and reasonably related in scale and kind to the development.
36. Accordingly, the scheme would comply with Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the CLP 2011. Together, and amongst other things, the policies seek to ensure development provides a proportion of affordable housing, that education needs are met, that schemes make adequate open space, outdoor sport, recreation and community facility provision, that infrastructure is provided to meet the District's growth and that the transport impacts of development are mitigated.

Other Matters

37. Interested parties have raised concerns in respect of the effect of the development on wildlife in the area, as well as on highway safety, in particular the effect of additional traffic and potential conflict with traffic in association with the adjacent school. However, I note that the Council do not object to the proposal on the basis of these matters. Furthermore, I have no substantive evidence to show that there would be any detriment in respect of these matters. As such, they have little bearing on my decision.
38. There has also been concern in respect of the effect on infrastructure in the area. The contributions secured by the legal agreement are intended to mitigate the effects of the proposal on such matters and as such the scheme would not result in any harm in this regard.
39. I note that concern has been expressed by interested parties in respect of the proximity of proposed dwellings to existing ones. However, the matter of the layout of the site is for later determination. There is also reference to the loss of the existing farm shop, as well as the use of the grassed area for events. The Council have raised no objection on this basis and in the absence of a policy basis for protecting these existing uses I find that I have no reason to find differently.
40. There was reference to the ability of the Council to demonstrate a three and five-year supply of deliverable housing sites. As I have found above that the scheme accords with an up-to-date development plan, this is not a matter which I need to consider further.

Conditions

41. A list of draft conditions was provided prior to the hearing and as set out in the Statement of Common Ground; these were agreed by both main parties. Nonetheless, there was a discussion on these suggested conditions at the hearing. I have considered the conditions in light of the advice of the Planning Practice Guidance and the six tests.
42. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. A condition is also required to ensure compliance with the submitted plans, but only in respect of access, as this is not a reserved matter.

43. Given the proximity of the site to Oxford Road, I have imposed a condition requiring details of measures to ensure that the living conditions of residents will not be adversely impacted on by noise. A condition is also imposed in respect of biodiversity enhancements, as required by Policy ESD10 of the CLP2011, as well as requiring that the development incorporate the recommendations of the Habitat Survey Report. In order to protect retained trees a condition in respect of an Arboricultural Method Statement is required.
44. In order to ensure the development does not adversely affect the natural environment and or the living conditions of nearby residents, I have included a condition requiring the submission of a Construction Environmental Management Plan. In order to ensure that any contamination of the site is satisfactorily dealt with, conditions are required in respect of site investigation and any necessary remediation, together with measures to deal with unsuspected contamination.
45. I have included a condition in respect of the construction details of the vehicular access, in the interests of highway safety. Similarly, a condition is required stopping up the existing vehicular access. In order to ensure the potential for buried remains within the site is properly addressed a condition is included requiring a written scheme of archaeological investigation. So that there is no conflict between residential properties and the existing farm shop, a condition is included requiring the demolition of all existing buildings prior to the occupation of any dwelling.
46. In the interests of sustainable transport and to ensure the site is accessible by a range of transport modes, conditions are included requiring travel plan statements and travel information packs to be provided to occupiers, as well as ducting to allow for the installation of electric charging points. I have also included a condition preventing occupation of any dwelling until necessary upgrades to the wastewater, surface water and water supply infrastructure have been completed. To facilitate communications infrastructure, a condition is necessary in respect of high-speed broadband facilities.
47. In the interests of biodiversity, I have imposed a condition requiring full details of external lighting to be submitted with the reserved matters application in respect of layout. Also, in this regard I have included a condition preventing site clearance or demolition of buildings during the bird nesting season.
48. A condition is recommended in respect of the reserved matters reflecting the principles set out in the submitted parameters plan, landscape strategy plan and indicative species list. However, only the matter of access is for determination at this stage and it has not been evidenced that the illustrative details submitted would be the only satisfactory way to develop the site. As such, I do not consider this condition is necessary.
49. To safeguard landscaping that contributes to biodiversity, a condition is recommended requiring a landscape and ecological management plan. However, as landscaping is a reserved matter it is not necessary to impose such a condition at this stage. Similarly, it is not necessary to impose a condition securing the implementation of landscaping or the retention of trees and hedgerows, as these are matters that should properly be dealt with under future reserved matters.

50. Conditions have been recommended in respect of the construction of internal roads and footways, vehicular parking areas and manoeuvring areas and provision of cycle parking facilities. Whilst access is for determination at this stage, this refers only to the means of access to the site. As such, these matters can be dealt with satisfactorily under a subsequent reserved matters application in respect of layout.

Conclusion

51. I have found that the scheme would not result in a material increase over the target of delivering 750 dwellings and therefore would not conflict with Policy PV2 of the CLP 2011. I have also found that the scheme would not result in harm to the character and appearance of the area. Furthermore, a completed legal agreement has been submitted securing the necessary contributions. The scheme therefore complies with the development plan.

52. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sarah Reid, of Counsel

instructed by Hollins Strategic Land
LLP

Stephen Harries BSc (Hons), MRTPI

Director, Emery Planning

Nigel Evers, CMLI

Director, Viridian Landscape Planning

FOR CHERWELL DISTRICT COUNCIL:

Linda Griffiths

Principal Planning Officer, Cherwell
District Council

Yuen Wong

Principal Planning Policy Officer,
Cherwell District Council

INTERESTED PERSONS:

Cllr Mrs Heath

Councillor, Cherwell District Council,
Adderbury, Bloxham and Bodicote
Ward

Zzazz Foreman

Bodicote Parish Council

Eileen Meadows

Local Resident

Matthew Case

Oxfordshire County Council

DOCUMENTS

- 1 Draft Section 106 Planning Agreement
- 2 Drawing Number IL1002 Rev C – Parameters Plan Final
- 3 Letter from Bovis Homes dated 29th August 2019
- 4 Letter from Emanuel Land & Real Estate dated 18th June 2018
- 5 Letter from the Land Team UK dated 6th June 2018
- 6 Extract of appellants closing submissions made at Inquiry in respect of Appeal ref APP/C3105/W/17/3188671
- 7 Addendum to CIL table

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing number 1608/01 (Proposed Site Access Arrangements White Post Road), dated April 2018.
- 5) The first reserved matters application shall be accompanied by a specialist acoustic consultant's report demonstrating that internal noise levels in habitable rooms within the dwellings and external noise levels for outdoor areas (including domestic gardens and recreation areas) will not exceed the criteria specified in the British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Where mitigation measures are required in order to achieve these standards, full details, to include any acoustic barriers, planting, glazing and ventilation requirements as necessary, shall also be included. The approved mitigation measures shall be implemented prior to the first occupation of the affected dwellings and the first use of the outdoor areas. The measures shall be retained as approved at all times.
- 6) The first reserved matters application shall be accompanied by a method statement for protecting and enhancing biodiversity on the site, to include all details of proposed bat and bird boxes and all integrated features within buildings, together with timings for their installation. The method statement shall also include details in respect of the implementation of the recommendations as set out in Section 6 – Conclusions and Recommendations of the "Extended Phase 1 Habitat Survey Report", prepared by REC, dated April 2018. The biodiversity protection and enhancement measures shall be carried out and retained in accordance with the approved details.
- 7) As part of the reserved matters application in respect of layout, a surface water drainage scheme for the site shall be submitted. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - SUDS (Sustainable Drainage Systems) (the suds features mentioned within Section 5.3 of the Flood Risk Assessment)
 - Maintenance and management of SUDs
 - Infiltration tests to be undertaken in accordance with BRE365 – Soakaway Design
 - Detailed drainage layout with pipe numbers
 - Network drainage calculations

- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details.

- 8) The reserved matters application in respect of layout shall include full details of all external lighting, including predicted lux levels and light spill and details showing that lighting avoids vegetation and site boundaries. The lighting shall at all times accord with the approved details.
- 9) No development, other than demolition, shall commence before an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include protective fencing specifications and details of construction methods close to retained trees and hedges; and shall be undertaken in accordance with BS: 5837:2012 (including all subsequent revisions). Thereafter, the development shall at all times be carried out in accordance with the approved AMS.
- 10) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall include details of:
- i) Construction traffic management measures;
 - ii) Measures to ensure construction works do not adversely affect biodiversity and protect habitats and species of biodiversity importance;
 - iii) Measures to ensure construction works do not adversely affect nearby residential properties, including any details of consultation and communication with local residents.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 11) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

- 12) No development shall take place where (following the risk assessment required by Condition 10) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 13) No development shall take place, other than demolition, before full details of the means of access between the land and the highway, including layout, construction, materials, surfacing, drainage and vision splays have been submitted to and approved in writing by the local planning authority. The means of access shall be completed in accordance with the approved details prior to the occupation of any dwelling and thereafter retained as approved.
- 14) No development shall take place until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 15) Prior to the occupation of any dwelling hereby approved, all existing buildings as shown on Drawing Number S18-225 (Topographical Land Survey) shall be demolished and the resultant debris and materials removed from the site.
- 16) No dwelling shall be occupied before a Travel Plan Statement and Travel Information Pack have been submitted to and approved in writing by the local planning authority. The approved documents shall be provided to each dwelling on its first occupation.
- 17) No dwelling shall be occupied until a system of ducting to allow for future installation of electrical vehicles charging infrastructure has been provided to serve that dwelling.

- 18) No dwelling shall be occupied until written confirmation has been provided that either:
- i) all wastewater network, surface water network and water network upgrades required to accommodate the development have been completed, or
 - ii) a housing and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority, allowing properties to be occupied on a phased basis.

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

- 19) No dwellings shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband to serve that dwelling.
- 20) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 21) Prior to the first use of the access hereby approved, the existing access onto White Post Road shall be permanently stopped up by means of the installation of a verge and full-height kerb and shall not be used for any vehicular traffic whatsoever.
- 22) Any vegetation clearance and all works to demolish existing buildings shall take place outside of the bird nesting period (1 March to 31 August inclusive), unless a check for breeding birds has been undertaken by a suitably qualified surveyor within 24 hours of work commencing. If a nest (or a nest in construction) is found, a stand-off area should be maintained until the young have fledged.

Appendix 3



Appeal Decision

Inquiry Held on 10, 11 and 12 July 2018

Site visit made on 12 July 2018

by **Kenneth Stone BSc Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/C3105/W/17/3188671

Land off Blackthorn Road, Launton OX26 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes (Mr William Main) against the decision of Cherwell District Council.
 - The application Ref 17/01173/OUT, dated 24 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the development of up to 72 dwellings with associated large area of Public Open Space.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 72 dwellings with associated large area of Public Open Space at Land off Blackthorn Road, Launton OX26 5DA in accordance with the terms of the application, Ref 17/01173/OUT, dated 24 May 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by various plans and these are identified in the final signed Statement of Common Ground (CDC2) at paragraph 4. It was confirmed that the Feasibility layout, as it is referred to there (the drawing title on the plan is illustrative layout) was for illustrative purposes only to demonstrate one way in which the site could be developed.
3. During the conditions session it was also confirmed that JPP Consulting Plan T7866PM-01-A, from the Transport Assessment revision A, formed part of the plans for which permission was sought. The Council originally refused planning permission for five reasons; by the start of the Inquiry the Environment Agency and the Oxford County Council Drainage Officer withdrew their objections. This resulted in the Council no longer pursuing its objections on grounds of flooding or drainage. The Council confirmed that if a satisfactory obligation was provided to ensure the provision of infrastructure necessary to serve the development it would no longer contest that issue.
4. A completed and executed planning obligation in the form of a planning agreement pursuant to section 106 of the Town and Country Planning Act 1990

was provided by the close of the Inquiry. I return to the planning obligations secured below.

5. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and the parties were given the opportunity to comment on the relevance this will have on their case.
6. The Government published a Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. I have had regard to the Statement.

Main Issues

7. The main issues are:
 - Whether the location and scale of the proposed development would conflict with the development plan's strategy for the distribution of housing in the district; and
 - The effect of the proposed development on the character and appearance of the settlement of Launton and the surrounding area.

Reasons

8. The development plan for the area comprises the saved policies from the Cherwell Local Plan 1996 (CLP 1996) and the Cherwell Local Plan 2031 part 1 (CLP 2031 (part 1)).
9. The Council is in the process of a partial review of the CLP 2031 (part 1) to address the apportionment of Oxford's identified unmet need to the surrounding district Councils. The Council submitted the Local Plan Part 1 Partial Review (Oxford's Unmet Housing Need) to the Secretary of State on 5th March 2018. This has not been the subject of public scrutiny. Whilst the Council may have agreed the level of unmet need it is to receive from Oxford in terms of the proportionate apportionment in the context of this appeal the review carries only little weight at this point in time.
10. Reference is made in the CLP 2031 (part 1) to the Cherwell Local Plan 2031 part 2 (CLP 2031 (Part 2)) however this appears to be in the very early stages of preparation with an issues consultation paper being published in January-March 2016. I have no evidence before me of any further progress on that plan and therefore I am of the view it carries very little weight in the determination of this appeal.

Location and scale of development

11. Underpinning the CLP 2031 (part 1) is a spatial strategy for Cherwell District which focusses the bulk of the proposed growth in and around Bicester and Banbury. It limits growth in the rural areas, directs it towards larger and more sustainable villages and aiming to strictly control development in open countryside.
12. Policy BSC1 identifies that 22,840 dwellings will be provided for between 2011 and 2031; distributed between Bicester, Banbury and the Rest of the District. A significant proportion of the 'rest of the district' figure relates to a strategic allocation at RAF Upper Heyford, the remainder distributed through the categorisation of Villages in Policy Villages 1: Village categorisation and Policy Villages 2: Distributing Growth Across the rural areas. The plan seeks to alter

the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two main towns would be around a quarter of the overall plan total.

13. Launton is identified as a category A - service village in Policy Villages 1. Policy Villages 2 confirms that over the plan period a total of 750 homes will be delivered at category A villages. There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure. All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. This is consistent with the Framework's approach to significantly boost the delivery of housing.
14. The 2017 Annual Monitoring Report for the district identifies that a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement. By March 2017 there had been 103 completions on those sites. The proposed development would make provision for up to a further 72 dwellings taking the total to 736 (664 + 72). The 750 figure in the policy would not be breached. Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103, substantially below the 750 figure. As a matter of fact allowing this appeal would not breach this aspect of Policy Villages 2, I return to the criteria based aspects below.
15. My attention is drawn to the dismissal of an appeal in 2015¹ on the grounds that the provision of 95 homes in one location at that early stage of the local plan period would leave little scope for development in other category A villages either in terms of numbers or timing and would thus not be in accordance with the Plan's housing strategy. This was shortly after the plan had been adopted in 2014. Matters have moved on and information is available to consider whether performance across the rest of the district is meeting the aspiration of the strategy.
16. This proposition has been taken forward in more recent appeal decisions² however none of these have been the subject of the full scrutiny of Public Inquiry. Further, there are also significant site specific differences between those decisions and this appeal related to heritage concerns, sustainability and harm to character and appearance.
17. Whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. That equates to a delivery rate of some 34 units per annum based on the delivery since 2014. If that were continued the delivery would be too low to reach 750 in the plan period. The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding. The proportion of housing being delivered at the

¹ APP/C3105/W/14/3001612

² APP/C3105/W/16/3158925, App/C3105/W/17/3169168 and APP/C3105/W/17/3187461.

smaller villages is significantly less than half of delivery as was identified as a main driver for the development of the strategy.

18. The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached. Whilst the figure is moving towards the actual figure there is still some headroom available. Time has moved on and we are now further into the plan period, any permissions that are now granted will take time to produce the delivery of housing and therefore it is likely that the delivery of the units identified in this appeal would not arise until the plan was in the second half of its term. It is in my view no longer appropriate to characterise this as early in the plan period. The CLP 2031 (part 2) plan has the potential to review the implications of these policies or a formal review of the part 1 plan could come forward.
19. On the basis of the evidence before me I am satisfied that the proposed development would not lead to a breach of this aspect of Policy Villages 2 or the overall plan strategy.
20. In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy. Whilst I accept that the delivery of all of the level of housing anticipated through Policy Villages 2 could reduce the flexibility later in the plan period I have been provided with no evidence that the granting of permission here would prevent development at a more sustainable location in another Category A village.
21. Indeed it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village. The village contains a number of facilities including two pubs, a convenience store, farm shop, primary school, community hall and small business enterprises. It is categorised as a Category A village which are those villages in the district with the highest sustainability credentials in the rural area. The village is also well served by public transport. The additional demands placed on existing facilities would be addressed through the provision of the planning obligation. The scale of the development would not substantially detract from the character of the village as I conclude below. The increase in the number of new homes would not therefore result in materially harmful effects.
22. Any future developments at Category A villages in the future would need to be considered in the context of the circumstances pertaining at that time which would include, but not be limited to, matters such as whether the 750 figure had been materially exceeded, the specific needs for that development in relation to the village and the effect on the overall settlement strategy.
23. On the basis of the above conclusions I am satisfied that the location and scale of the proposed development would not conflict with the development plan's strategy for the distribution of housing in the district. The development would not conflict with policy BSC1, Policy Villages 1 or Policy Villages 2 and would

not undermine the overall strategy of the development plan, with which it would comply.

Character and appearance

24. The Council's reason for refusal alleges that the application contained insufficient information to enable it to assess the impact of the proposed development on its surroundings.
25. I have had regard to the advice in the Planning Practice Guidance with regard to Design and Access Statements (DAS) and to the two court cases³ submitted in Closing by the appellant to address the concern of the adequacy of the DAS. Given that the application is in outline with all matters reserved, other than access, much of the detailed layout, design and appearance are matters more properly considered at reserved matters stage. With the application before me the focus is on whether the scale and quantum of development could be satisfactorily accommodated on the site. As the PPG advises DASs are concise reports to provide a framework for applicants to explain how the proposed development is a suitable response to the site.
26. The PPG goes on to advise that the DAS must explain the design principles and concepts and demonstrate the steps taken to appraise the context and how the design takes that context into account. There is no prescriptive formulaic sequencing or ordering of steps that are to be undertaken or how these are to be ordered or reported in the final report. Given the outline nature of the application I am satisfied that there is sufficient depth and detail of analysis of the site and context and how the scheme has taken these matters on board in reaching its proposed outcome. The illustrative master plan is also just that, illustrative as one way in which the scheme could come forward, and is not set in stone.
27. The Council's witness Mr Stock confirmed under cross examination that he accepted that there was sufficient information before the Inquiry to enable me to make a proper assessment of these matters. I am satisfied that the amended DAS, the proofs of evidence of the various witnesses, the additional information submitted during the Inquiry including APP 8, along with my visits to the site and surrounding area enable me to come to an informed conclusion on the effect of the development on the character and appearance of the surrounding area.
28. Launton is a category A larger village in the rural area of the district. Its historic form was based on a linear settlement pattern focused predominantly along Station Road and West End. There was some consolidation of built form around the cross roads created by Blackthorn Road and Bicester Road. There remain a number of historic buildings fronting primarily onto Station Road and West End with a scattering along Bicester Road and a number at the junction of Blackthorn Road and Station Road. The historic core and buildings are identifiable and visible along the main roads and it is from these vantage points that the visual contribution the historic buildings make is most readily apparent. To the north and west Launton has significantly increased in density, depth of development and form which readily detaches the historic linear form

³ Two High Court Decisions: Michael Jonathan Parker v Secretary of State for Communities and Local Government and Rother District Council and Peter Bull [2009] EWHC 2330 (Admin). & [2011] EWHC 2325 (Admin) the Queen on the application of Bizzy B Management company Limited v Stockton-on-Tees Borough Council v Python Properties (A Firm).

of the village from the countryside and surrounding fields. Similarly to the south much of the physical relationship to the rural hinterland has been interrupted with more modern development.

29. The appeal site is located to the east and south of Station Road. The site is open fields. However the site is not readily appreciated or viewed from Station Road and there are limited views when the historic core and field pattern surrounding the village would be read in the same views. There have been some modern developments to the rear of these properties in Station Road including at The Green which further detaches the rural fields from the historic core of the settlement.
30. Approaching the village from the south along Blackthorn Road there is modern development on one side of the road up to the point where the entrance feature demarking the entrance to the village is located. On the opposite side of the road the land is also developed, in the form of a pumping station and water works. The proposed development would abut the built development of the edge of the village and provide for a significant area of retained open space. The site is reasonably well screened from the wider countryside, with significant areas of tree planting and hedge boundaries. In this regard I am satisfied that, designed with care, the proposed development would not be unduly assertive or excessively intrusive such that it would undermine the intrinsic character and beauty of the countryside at this location. A suitable layout arrangement could address Blackthorn Road in a manner consistent with the existing development fronting the road. The development would not, in my view, result in the appearance that the village boundary had appreciably extended into the open countryside as the development would be within the village entrance demarcation and would be well contained by landscape features.
31. The development is proposed with a single point of access. It would therefore be a cul-de-sac of some 72 units. The illustrative layout suggests this would be with a principle spine with roads off it. I saw a number of Culs-de-sac in the village. Whilst none contained as many dwellings as that proposed in this scheme, there were a number with a similar pattern (single point of entry and accesses off a central spine) and a comparable size, eg at Sherwood Close (57 properties) and Skinner Road and Ancil Avenue (46 properties). I do not consider that the scale of development would inevitably lead to an excessively complex road layout.
32. It is no part of the Council's case that the setting of individual listed buildings would be affected by the proposed development. Further, the Council does not object to the effect of the development on landscape character. The design and appearance of the buildings, the materials to be used, the layout of the scheme are all matters that would be considered at the reserved matters application. I have neither seen nor heard anything to suggest that a competent architect could not design a scheme that would be in keeping with its surroundings.
33. I am satisfied that the provision of a Cul-de-sac including development fronting Blackthorn Road could be made to reflect the character and appearance of the surrounding area and the village. There would be change, that is not in dispute; a field would be developed for housing but that would not in my view result in material harm to the character and appearance of the village. There is

no identified landscape harm and any residual impact can be addressed by condition, the reserved matters can ensure the design and appearance of the scheme is compatible with and reflects local distinctiveness.

34. For the reasons given above I conclude that the proposed development would not harm the character and appearance of the settlement of Launton and the surrounding area. Consequently the proposal would not conflict with policies ESD15 of Policy Villages 2 in the CLP 2031 (part 1) or policies C28 and C30 in the CLP 1996. The development would therefore comply with the development plan in these regards.

Planning Obligations

35. The appellant has provided a planning obligation in the form of a deed of agreement under section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
36. Overall the Obligations of the agreement are related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development where appropriate. The planning obligations therefore comply with the tests set out in the Framework, the advice in the National Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL). There is no conflict with CIL Regulation 123(3).

Other matters

37. At the outset of the Inquiry in my opening I identified whether the Council can demonstrate a five year supply of deliverable housing sites as a main issue to address. I dealt with housing land supply as a discreet topic and conducted this as a hearing style discussion session. I have taken account of the latest Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. However, given my conclusions in respect of the main issues above, if I accept the Council's position on its Housing Land Supply, my overall conclusion would be that the proposals accord with an up-to-date development plan. They would therefore benefit from the presumption in favour of sustainable development under paragraph 11 c of the Framework. This overall conclusion would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire. It is therefore not a matter on which my decision turns.
38. The proposed development would provide for market housing and affordable housing. The positive contribution to the supply and delivery of housing in the district given the Government's objective of significantly boosting the supply of homes (Framework paragraph 59) is a benefit of significant weight. The District has identified it has a high need for affordable housing. Securing the provision of affordable housing, through the planning obligation, therefore is also a significant positive benefit of the scheme.
39. The appeal scheme identifies a significant area of public open space the scheme would include details to enhance the biodiversity and conservation target area landscape qualities in the area. In this regard this would assist in fulfilling policy ESD11 and a minor benefit is derived from the scheme as a

result of the enhancements to biodiversity that could be secured through the development of the site.

40. The additional traffic generated by the proposed development would not result in material harm to highway safety. There is no objection from the Highway Authority and the design of the access has been accepted on the basis of the information submitted. There was no evidence to demonstrate that there would be significant inconvenience or hazard that would be caused by the proposed access location or the additional traffic that would pass through the cross roads in the centre of the village.

Conditions

41. A list of draft conditions was provided by the Council (CDC1) and updated during the Inquiry (CDC 6). I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions. A number of the suggested conditions are in effect informative or advisory indicating the content of future submissions under the reserved matters, or cover matters that fall squarely within the ambit of the reserved matters. Unless it is necessary to restrict the discretion of both applicant and local planning authority at this outline stage, I have not imposed such conditions, as the submission of details/reserved matters would be the subject of evaluation.
42. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these other than removing access as a reserved matter as that was the basis of the application. Conditions 4 through to 8 address matters related to access, parking and travel. They are required to ensure the development is satisfactorily accessed and that suitable parking provision (both car and cycle) is provided and maintained on site and to ensure that the site is accessible by a range of modes of transport.
43. Conditions 9 through to 11 are required to ensure that the development is safe from flooding and does not result in an increased risk of flooding elsewhere. Launton is not connected to mains gas. Conditions 12 and 13 are required to avoid an excessive proliferation of above ground fuel tanks that could compromise the design and appearance of the final development. It could be argued that this could be left to the reserved matters but it is an important design principle and the imposition of such a condition now will ensure this matter is properly addressed at an early point in the consideration of the design of the detailed scheme.
44. Condition 14 will ensure that adequate regard is paid to the potential for buried remains and condition 15 ensures that appropriate consideration is given to securing the biodiversity enhancements and on the basis of policy ESD11. A Construction Environment and Management Plan (condition 16) is required to ensure the site is safely accessed during development, to safeguard the living conditions of surrounding residents and to ensure the development is carried out in a neighbourly manner. The site includes previously developed land and conditions 18 through to 21 address the potential for the site to be contaminated and the necessary steps to be undertaken in the event contamination is encountered. Condition 22 requires the removal of an existing residential dwelling unit to ensure the satisfactory completion of the proposed development.

45. Conditions 4, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 22 are 'pre-commencement' form conditions, or include such elements, and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

Overall conclusions

46. I have concluded that the proposed development would accord with the strategy and objectives of the CLP 2031 (part1) and that there would be no conflict with policies BSC1 or Policy Villages 1 or Policy Villages 2 in that plan in respect of the scale and location of the development. Moreover, I have concluded that there would be no material harm to the character and appearance of the village or the surrounding area and therefore no conflict with policy Villages 2 or ESD15 in the CLP 2031 (Part 1) or policies C28 and C30 in the CLP 1996. On this basis I conclude that the proposed development would be in accordance with the development plan as a whole and as such would amount to sustainable development in the context of paragraph 11 of the Framework for which there is a presumption in favour of.
47. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
48. Even if I were to accept the Council's position in terms of its five year housing land supply, that there was a 5.4 year supply, that would not alter my conclusions in respect of the development plan, the presumption in favour of development or the section 38(6) position. The issue of housing land supply therefore is not determinant in this appeal.
49. The proposal accords with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. The scheme benefits from the presumption in favour of development as set out in the Framework. I therefore will grant planning permission without delay.
50. With the imposition of the above mentioned conditions and for the reasons given above, I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis	Counsel, instructed by Amy Jones, Solicitor Cherwell District Council
He called	
Yuen Wong BA(Hons) MA MRTPI	Principal Planning Policy Officer Cherwell District Council
Nathaneal Stock BA(Hons) DipTP MRTPI	Team Leader General Developments Team Cherwell District Council

FOR THE APPELLANT:

Paul Tucker (and Sarah Reid)	Queens Counsel, instructed by Huw Mellor
He called	
Huw Mellor BA(Hons) MRTPI	Partner Carter Jonas LLP.
Ashley Thompson BA(Hons) PGDip ARCH MA ARB RIBA	Director ATA (Architecture) Ltd.
Jacqueline Mulliner BA(Hons) BTP(Dist) MRTPI	Director and Head of National Planning Terence O'Rourke Ltd.

INTERESTED PERSONS:

Mr Robert Armstrong	Local Resident
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DOCUMENTS SUBMITTED BY CHERWELL DISTRICT COUNCIL (CDC)

CDC1	Draft List of suggested conditions
CDC2	Signed copy of the Statement of Common Ground
CDC3	Opening submissions on behalf of the Council
CDC4	Extract of Planning Supporting Statement by Barwood Strategic Land II LLP in respect of Land West of Bloxham Road, Banbury
CDC5	Home extensions and Alterations – Design Guide for Householder Applications March 2007 Cherwell District Council
CDC6	Updated Draft list of suggested conditions
CDC7	Update from Oxford County Council on its submissions in respect

- of Planning Obligations and compliance with Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010.
- CDC8 Copy of Developer Contributions Supplementary Planning Document (SPD) February 2018 published by Cherwell District Council.
- CDC9 Closing submissions on behalf of Cherwell District Council

DOCUMENTS SUBMITTED BY the APPELLANT (APP) – MANOR OAK HOMES

- APP1 List of appearances for the appellant
- APP2 Unsigned final draft of the Statement of Common Ground
- APP3 Draft of Final version of the Planning Obligation agreement
- APP4 Schedule of developer responses to the 2017 AMR comprehensive review of sites (on disputed sites only)
- APP5 Pack containing details of consultation on amended illustrative amended plan carried out by the appellant.
- APP6 Revised Flood Risk Assessment (Revision E: June 2018 R-FRA-T7866PM-01-E) by JPP Consulting.
- APP7 Opening submissions on behalf of the appellant
- APP8 Aerial photograph with existing Culs-de-sac and dwelling numbers identified.
- APP9 Extract from Planning Policy Guidance on Design and Access Statements.
- APP10 Letter from one of the site owners to confirm the tenancy arrangements related to the existing 'caravan' on site.
- APP11 Certified copy of the planning obligation by deed of agreement
- APP12 Closing submissions on behalf of the appellant (including two attachments of cited court cases).

Schedule of conditions for appeal APP/C3105/W/17/3188671

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby approved, full details of both means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority.

The means of access shall also include:

- lengths of footway on the north side of Blackthorn Road in either direction from the site access
- two uncontrolled crossing points
- alterations to the existing traffic calming and village entry treatment

Thereafter and prior to the first occupation of the development, the means of access shall be constructed and retained in accordance with the approved details.

- 5) No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6) No dwelling shall be occupied until cycle parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
- 7) Prior to occupation of the first dwelling hereby approved, a Residential Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be operated and reviewed in accordance with details to be included in the agreed Travel Plan Statement.
- 8) Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every resident on first occupation of each dwelling.

- 9) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Proposed Residential Development, Land off Blackthorn Road, Launton, Bicester, Oxfordshire by JPP Consulting Civil and Structural Engineers, Revision E, June 2018 R-FRA-T7866PM-01-E and the following mitigation measures detailed within the FRA:

- There shall be no built development within the 1% annual probability (1 in 100) flood extent with 35% allowance for climate change; and
- Finished floor levels will be located a minimum of 150mm above the predicted flood level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings to which they relate and in accordance with the timing/phasing arrangements embodied within the scheme.

- 10) No development shall take place until a scheme for the provision and management of a minimum 10m buffer zone alongside the Launton Brook shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The buffer zone covered by the scheme shall be free from built development (including lighting), domestic gardens, footpaths and formal landscaping.

The scheme shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example native species);
- Details of the timing and implementation of the scheme;
- Details demonstrating how the buffer zone will be protected during development and maintained over the longer term including proposed financing, the body responsible for management and production of a detailed management plan.

- 11) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. . The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDs
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers

- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details

- 12) Prior to the commencement of development details of the services and energy infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
- 13) Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), No above ground fuel tanks to serve the proposed development shall be provided unless with the prior written approval of the local planning authority.
- 14) An archaeological investigation shall be completed in accordance with a Written Scheme of Investigation which shall first be submitted to and approved in writing by the Local Planning Authority prior to any demolition on the site and the commencement of the development.
- 15) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 16) Prior to the commencement of the development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1630. Thereafter the development shall be carried out in accordance with the approved CEMP.
- 17) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local

Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 19) If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 20) If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 21) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 22) No development subject of this permission shall commence until the mobile home that is the subject of certificate of lawfulness 09/01814/CLUE dated 18 March 2010, and associated structures, have been removed from the site.

END