



Appeal Decision

Inquiry Held on 6–9 and 27–29 February 2024

Site visit made on 7 February 2024

by Peter Mark Sturgess BSc(Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2024

Appeal Ref: APP/C3105/W/23/3331122

Land South of Green Lane, Chesterton, Oxfordshire (Easting 455827, Northing 220960)

- 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 Wates Developments against the decision of Cherwell District Council.
 - The application Ref 23/00173/OUT, dated 16 January 2023, was refused by notice dated 14 July 2023.
 - The development proposed is outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access).
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Decision

1. The appeal is allowed and planning permission granted for outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access) in accordance with the details submitted with planning application Ref 23/00173/OUT and subject to the schedule of conditions set out at Annex D.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for the main access to the site. In this respect I regard the masterplan and all other material that demonstrates how the site could be developed as for illustrative purposes only.
3. A signed planning obligation made in accordance with section 106 of the Town and Country Planning Act 1990 has been submitted following the close of the Inquiry and to an agreed timetable. The planning obligation covers matters related to affordable housing, provision of the recreation areas and open space and their maintenance, education contribution, public transport contribution, a contribution to community facilities (including a development worker), nature conservation and biodiversity and highways improvements. I shall return to the compliance of this agreement with the relevant provisions of the National

Planning Policy Framework (the Framework) and the provisions of the Community Infrastructure Levy Regulations later in this decision.

4. However, it is clear to me and agreed between the parties that the signed planning obligations covers the matters set out in the Council's reasons for refusal. Consequently, this decision will not address the matters set out in the Council's third reason for refusal.

Main Issues

5. The main issues in this appeal are:

- whether the location of the proposal is appropriate having regard to the facilities present in the village and other facilities accessible by sustainable means and the policies of the development plan;
- the effect of the proposal on the character and appearance of the village and the surrounding landscape, including whether the additional housing would constitute a disproportionate extension to the village and whether any of the alleged adverse effects are capable of being mitigated;
- whether the cumulative effects of the appeal proposal and other developments in and around the village would lead to the loss of its identity by closing the gap between Chesterton and Little Chesterton;

Reasons

The location of the proposal

Relationship to Chesterton

6. The appeal site adjoins the southern edge of Chesterton and would have a vehicular access on to Green Lane. Green Lane gives access to the main part of the village, including school/nursery, the pub, the Church and the village hall. It also would facilitate access to other facilities around the village such as sports fields, golf course, hotel/restaurant and the approved Great Wolf water park.
7. In terms of facilities Chesterton accommodates those referred to above but lacks a shop and medical facilities. It is common for villages this size not to have these facilities, especially when they are located close to large centres of population such as Bicester.
8. Overall, the appeal site would have good access to the range of facilities present in the village by means other than the private car and, given the scale of the existing village, the primary means of accessing these facilities would be likely to be on foot.

Relationship to Bicester

9. Chesterton and therefore the appeal site are in reasonably close proximity to a main town of Cherwell, Bicester. The strategy of the current development plan is, amongst other things, to direct new development to the main towns of the District, including Bicester.

Access to services by bike

10. Distances to key facilities in Bicester for shopping, leisure, employment, medical, educational and transportation are all within 5km of the appeal site. This means they fall within a reasonable cycling distance.
11. The desire for people to use cycling as a preferred means of transport is not just about distance, it is also about the condition and attractiveness of the local roads and physical attributes such as gradient and the prevailing weather conditions. The gradients around Chesterton and the appeal site are relatively flat and are in this respect relatively attractive to cyclists.
12. Certain roads around Chesterton are busy and heavily trafficked, such as the A41. However, given its and the site's proximity to Bicester there are alternative routes between it and Chesterton which are less heavily trafficked. These have been set out in the evidence as the route from the Great Wolf water park along the A4095 and the Bicester to Chesterton Oxygen cycle route, which also passes the Bicester Park and Ride. Moreover, new cycling routes are being developed in conjunction with other developments taking place around the village such as Great Wolf.
13. Overall, whilst some of the potential cycling routes between Bicester and Chesterton are well trafficked there are other routes that are less busy and offer friendly gradients to cyclists. It is my view based on the evidence I have read and heard at the Inquiry that it would be reasonable for the occupiers of the appeal proposal to use bicycles to access facilities in Bicester and to take advantages of the opportunities to transfer to other modes of transport present in the area from, for example the Park and Ride situated on Vendee Drive.

Access to services by bus

14. In terms of bus availability Chesterton and the appeal site are currently served by an infrequent and inconvenient bus service into Bicester. However, other development proposals, that at Great Wolf in particular, are changing that picture. As part of its development the developers of the Great Wolf resort are, in addition to a shuttle bus to serve the site directly, making a financial contribution towards a new public bus service which will run frequent daily services between the site and Bicester.
15. The funding which has been made available from the Great Wolf development would ensure that this service would be available for up to 10 years, possibly longer. The appeal proposal, should it be permitted, will contribute to this proposed service. The appeal proposal would add 2 bus stops in Chesterton, including 1 on Green Lane, and a bus shelter. The proposed Great Wolf service is likely to operate as an hourly service starting at 7am and ending at 7pm, for 7 days a week. Therefore, also covering the peak hours. This will make bus journeys between the appeal site and Bicester more attractive and practical than at present and help establish sustainable travel patterns and habits.
16. At the inquiry, some doubt was cast upon whether the Great Wolf proposal would result in the improvement in bus provision anticipated. This was set out in the objection to the proposal from Stagecoach and in the Council's evidence.
17. The Stagecoach response to the planning application accepts that the Great Wolf development could provide funding for the level of service and for the duration set out above. However, the response questions the long-term

viability of any service based on the current population of Chesterton and its experience of operating other such developer funded services in other developments around Bicester.

18. The Great Wolf development will provide funding that would enable a public bus service to operate for at least 10 years that is calculated on no revenue being received from the operation of the service. The appeal proposal would make the service more attractive to Chesterton residents by providing 2 bus stops, a bus shelter and timetable information as well as providing funding for the service itself. Whilst I have had regard to the Stagecoach response to the planning application much of the contents is based upon, albeit informed, speculation on what might happen in the future.
19. Based on the evidence I heard it is clear to me that the Great Wolf public bus service and the enhancements that would be brought about by the appeal proposal would provide an attractive alternative to the private car as a means for Chesterton residents (including those of the appeal proposal) to access Bicester. Therefore, the longer-term ability of this service to change travel patterns and habits in the area should not be underestimated.
20. Oxfordshire County Council, as the local highway authority nor Highways England have objected to the proposal on highways grounds. Furthermore, Oxfordshire County Council have encouraged the contribution to an enhanced bus service and for the proposal to take the opportunity provided by the Great Wolf scheme to improve the sites' accessibility by bus. Moreover, the Framework states that developments should take the opportunities from existing or proposed transport infrastructure to promote, amongst other things, public transport. I therefore conclude that it is reasonable for the appeal proposal to seek to take advantage of the opportunity provided by the Great Wolf development to provide a convenient public transport service for their scheme. Furthermore, this would assist the viability of the service in the long term and help to address the Stagecoach reservations.
21. Moreover, I also heard evidence that payment of the first tranche of the contribution from the Great Wolf scheme has been made and other payments would follow on an annual basis in accordance with the planning obligation. This adds further weight to my view that the approved Great Wolf scheme and the appeal proposal together will increase opportunities for local residents to access local facilities in Bicester by public transport and assist in changing transport habits over time.
22. Overall, with the appeal proposal and other developments in place, I conclude that there should be a considerable improvement in the convenience and frequency of the bus services serving Chesterton and the appeal site and therefore improvement in the public transport routes to Bicester. This would make the appeal proposal more accessible to services outside the village by means other than the private car and help establish sustainable patterns of transport.

Relationship to Oxford

23. Chesterton and the appeal site is under 50 minutes traveling distance to Oxford via the train, bus or use of the park and ride. It appears likely that commuting from the appeal site to Oxford is practical by means other than the private car or by means that make use of the private car for only part of the journey, such

as accessing the park and ride or bus services starting in Bicester. Therefore, the appeal proposal is in a position to take advantage of sustainable transport options available in the locality.

Other transport related measures proposed

24. It is the developer's intention to provide a number of other measures that will contribute to the accessibility of the site by means other than the private car. These include entering into a planning obligation under s106 of the Town and Country Planning Act 1990 or accepting appropriate conditions to secure a car club within the development, electric car charging points, travel plans for distribution to the new occupiers and vouchers for bikes/ebikes.
25. These measures alongside those related to walking, cycling and the improvement in local bus services set out above would all add to the likelihood that sustainable modes of transport would be used more widely to access services and assist in establishing sustainable transport patterns.

Development plan policy in relation to location of development

26. The development plan for the area is comprised of the Cherwell Local Plan 2011 to 2031 (CLP) and the saved policies from the Cherwell Local Plan 1996 (sCLP). Of particular relevance to this matter are Policies ESD1 and Policy Villages 2 (PV2).
27. Moreover, the Framework expects transport issues to be considered from the earliest stages of development proposals so that, amongst other things, opportunities from proposed transport infrastructure and changing transport technology and usage are realised. Therefore, the opportunities do not need to be currently present in order for them to be considered in development proposals. In this case it is therefore reasonable to take into account the opportunities offered by the transport improvements proposed as part of the Great Wolf development given the stage it has reached, and that contributions have already been made towards a public bus service.
28. Policy ESD1 of the CLP seeks to ensure that new development mitigates and adapts to the impacts of climate change. It does this by aiming to direct growth to sustainable locations as defined in the Local Plan, delivering development that seeks to reduce the need to travel which encourages sustainable travel options including walking, cycling and public transport and reduce dependence on the private car. The development plan identifies Bicester as a sustainable location for development.
29. I have set out above how the appeal proposal, taking advantage of transport opportunities brought about by other developments in the area, is likely to develop into a sustainable location. It does this by the provision a frequent bus service, covering the peak hours, utilising existing and improved cycle routes, the provision of on-site facilities such as electric car charging points, car clubs, a travel plan for each house and providing the ability for residents to walk to services present in the village. Consequently, it would comply with Policy ESD1 of the development plan.
30. In this respect therefore I find that the appeal proposal is in conformity with the development plan and is in a location which is capable of being made more sustainable in the long term by taking the opportunities provided by existing or proposed transport infrastructure in the area.

Locational policies of the development plan

31. The principal policies of the development plan that reference the location of new development are BSC1, Policy Villages 1(PV1) and Policy Villages 2(PV2). BSC1 sets out the overall housing numbers that should be accommodated in the District over the period of the CLP. It relies on directing the majority of the new development in the District to the main towns of Banbury, Bicester and other strategic sites in the District.
32. PV1 for the purposes of the appeal proposal provides a categorisation of the villages of the District in order to define which are the most sustainable in terms of the services they have and their access to services. Chesterton has been identified as a Category A village, which means it is in the top tier of villages in terms of its services and its access to services.
33. PV2 sets an approach for identifying new sites for housing across the rural areas to meet local needs and to meet the strategic targets set in Policy BSC1. In this respect Policies PV1 and PV2 work together. PV1 identifies those villages that are suitable for additional growth, based on their services and access to services and PV2 sets out an approach for assessing sites around those villages as to their suitability for housing development, based upon a set of criteria. Consequently, I do not consider simply because the appeal site is outside the built-up limits of Chesterton it is in conflict with PV1.
34. The key as to whether the appeal proposal is consistent with Policies PV1 and PV2 is how far it complies with the criteria set out in PV2. It is also clear from the wording of PV2, which requires the decision taker to have "*particular regard*" to its criteria, it does not mean that proposals need to meet all of its criteria in order to be policy compliant. As this section of the decision is dealing with locational factors that apply to the appeal proposal I shall apply only those criteria in PV2 that relate to the location of development. I shall cover the other relevant criteria later in this decision.
35. The criterion of PV2 that relates to the location of the development refers to "*whether the site is well related to services and facilities*". I have demonstrated above that the site is well related to services and facilities that exist in and around Chesterton which can be accessed by walking. Moreover, the site is in close proximity to Bicester, a main service centre of the District, existing routes from Chesterton to Bicester offer reasonably convenient cycling routes. Furthermore, whilst the village currently has an infrequent bus service, it is likely that this situation will improve once the bus service associated with the Great Wolf development has been established. The attractiveness of this service to passengers will improve should the appeal proposal proceed with the provision of additional bus stops and a bus shelter in Chesterton itself.
36. Finally with regard to a criterion of PV2, and in terms of access, there is no dispute between the parties that safe access can be made to the site from Green Lane.
37. Overall, for the reasons given above, I find that the appeal proposal complies with the policies of the development plan that relate to the location of development. These include Policies BSC1, ESD1 and the parts of PV1 and PV2 that relate to the location of development.

The character and appearance of the area

38. Chesterton has developed over the years from an historic core mainly linear in form. The majority of this development has taken place to the west and has changed the form of the settlement from predominantly linear to more of an amorphous form. However, the historic core of the village retains the linear form, and this is not affected by the appeal proposal. The appeal proposal would continue this western pattern of growth.
39. The village, including the historic core, is relatively low density and the built development is interspersed with elements of open space, such as the grounds of Bruern Abbey School, the grounds of the church, allotments, the cricket club and woodlands. This character is reinforced by some of the houses being set well back from the road with large front gardens. The appeal proposal would reflect this pattern of development by providing areas of open space (including that for recreation and drainage), woodland and relatively low-density housing.
40. The appeal site is comprised of two relatively featureless fields which lie on the edge of Chesterton village. They have no landscape designation and are not a valued landscape. A landscape feature common to the area are the hedges and trees that make up the field boundaries, although in some instances they have been removed or degraded. The fields have a common boundary with the village along the relatively new development of Vespasian Way, Green Lane, the Community Centre and Cricket Club. To the south lies countryside, to the east the grounds of the Bruern Abbey School and to the west sports grounds and fields.
41. Vespasian Way is a relatively new development which has a suburban character. It wraps around the rear of older housing on Green Lane. Due to its recent construction, it currently presents a hard edge to the countryside surrounding the village. However, it has a relatively shallow landscape buffer on its periphery and that emphasises this hard built-up edge of the village, when viewed from the west and the south. This means that it is visible from across the fields from the direction of Little Chesterton, a public footpath and the unnamed lane to the west of the village. Accessed from Vespasian Way is a Community Centre and cricket pitch. These would have a common boundary with the proposed recreational area/open space of the appeal scheme.
42. The vehicular access to the appeal site would be taken from Green Lane. Green Lane borders the appeal site to the north and has well vegetated boundaries. To its north lies an open field and further housing development beyond. It has recently had a footpath installed as part of improvements required by other recent developments in the locality. The footpath extends to a cross roads comprised of Green Lane, The Hale and the unnamed lane which gives access to Little Chesterton. Beyond this cross roads, heading west, are a Golf Club and the Bicester Sports Associations (BSA) grounds. Further a long Green Lane is the approach to a bridge over the M40. As a result of these developments, whilst the character of Green Lane cannot be described as urban, it displays urban elements and is not deeply rural.
43. There was some discussion at the Inquiry about the 'gateway' to the village on Green Lane. Whilst it could be argued that this is around the point of access to the Vespasian Way development I consider that the new footpaths have moved the gateway of the village to the cross roads where Green Lane meets the Hale. The appeal proposal would not alter this position.

44. From the cross roads referred to above, an unnamed road runs south towards Little Chesterton. This lane, for part of its length, borders the appeal site with the grounds of the BSA to its west. It is partly contained by hedgerows and trees that become denser and more complete the nearer the lane gets to Little Chesterton. It is certainly more rural in character than Green Lane, however the traffic noise from the M40 can be clearly heard, which affects the areas' tranquillity, and the BSA sports grounds and its approved extension presents an urbanising influence to the west.
45. To the south the site borders open fields. These fields are relatively small, contained by hedgerows and trees which are a characteristic of the area and crossed by a public footpath. Beyond these fields is the hamlet of Little Chesterton which is comprised of a small group of loose knit houses. Further open fields lie to the east together with the grounds of the Bruern Abbey School. Whilst further south, beyond Little Chesterton on the A41, there is permission for a new development by Siemens,.
46. The appeal site is approximately 14.9ha in area, However the net developable area of the site would be around 4.9ha which would give a density of 30 dwellings per hectare(dph). The balance of the site which would principally be in the east (to the south of the existing Community Centre and cricket pitch) would be retained as recreational open space. Additionally, an area of mosaic scrub and woodland would be located to the south of the site. As referred to earlier this pattern of development interspersed with open space and woodland is not untypical of the character of Chesterton and the area around it as a whole.
47. The application is in outline with all matters reserved apart from access. However, an illustrative master plan was supplied with the planning application. This shows open space within the housing area as well as the recreational area to the east. In addition, the proposal is shown benefiting from planting around its edges which reinforces the existing hedgerows. Furthermore, a more extensive area of mosaic scrub and woodland is shown to the south of the site which would help mitigate the impact of the houses when viewed from this direction. Whilst the appeal proposal is in outline form, the master plan clearly shows generous amounts of incidental and recreational space which is not uncharacteristic of other parts of Chesterton.
48. The development plan policies that are relevant to character and appearance are Policies ESD1, ESD13, ESD15 and PV2 of the CLP and saved Policies C28 and C30 of the sCLP. Dealing first with the saved Policies of the sCLP these are essentially design policies which are more relevant to the submission of reserved matters. However, Policy C30 does seek to ensure that new development is compatible with the appearance and character of the area in terms of layout, scale and density and in terms of its relationship with other dwellings in the vicinity.
49. Whilst Chesterton has retained its village character it has had new development, especially on its western side. The appeal proposal is on this western side of the village and adjacent to some of the new development, Vespasian Way. This development is of conventional layout and design. The appeal proposal is of a scale that is compatible with other developments that have taken place nearby and reflects the density of the older part of the village. Moreover, the appeal proposal would incorporate open space and

recreational facilities and consequently reflect the character and features present in the village. I therefore find that the appeal proposal is in conformity with Policy C30 of the sCLP.

50. The appeal proposal would extend the village out into the countryside surrounding it. However, whilst some of the area surrounding Chesterton can be described as countryside, it is not deeply rural, but heavily influenced by the M40, leisure, recreation and other new developments, the A41 and its proximity to Bicester.
51. The countryside around the village is relatively flat and is characterised by small fields surrounded by mature trees and hedgerows, giving the area an enclosed character. A consequence of this is that the appeal proposal would not be visible in the wider landscape, especially when the typical features of hedges and hedgerow trees are reinforced as part of the proposal. Additionally, the proposal within the scheme to restore degraded hedgerows, provide a mosaic of scrub and woodland planting to the south and improve boundary planting overall would mean that the site would integrate well with the local landscape.
52. In terms of landscaping enhancement which would be brought about by the appeal proposal these include the restoration of gappy hedgerows, the provision of a softer edge to the village than that of Vespasian Way, tree planting as well as the green and blue infrastructure proposed within the site. I see this as not necessarily screening the houses but replacing landscape elements which have become degraded over time.
53. Overall, the restoration of gappy hedge rows and tree planting will not screen the development in its entirety, which is not necessary, but restore its landscape context. Whilst the loss of fields to development can be considered to harm the landscape surrounding the village, the benefits I have outlined above significantly assist in mitigating that harm and will produce landscape benefits overall.
54. I note that there is some dispute about the location of the redline, and therefore the land under the appellant's control. I have had regard to this in this decision. However, the appeal proposal is in outline with all matters reserved except for access and given the density of the appeal proposal overall there is scope for planting within the redline to the extent outlined by the appellants. I therefore conclude that the planting anticipated can be achieved within the redline shown.
55. Policies ESD1, ESD13, ESD15 and the relevant criteria from PV2 all broadly seek to ensure that new development is well designed and compatible with the character and appearance of its surroundings, as well as enhancing them in appropriate circumstances. I have set out above that I consider the development to respect and enhance the character of the countryside around the village by improving and reinstating hedgerows and introducing more tree planting.
56. Moreover, the provision of open space within the development and the arrangement of buildings and areas for recreation reflect the way the existing village is arranged and therefore its character and appearance. I have acknowledged that the loss of countryside to development does cause harm.

However, the policies, in particular Policy ESD13, do not expect development to cause no harm in order for them to be acceptable.

57. This approach is also reflected in the criteria set out in Policy PV2 which refers to significant landscape impacts. I therefore consider that the amount of harm caused by the appeal proposal to be not undue, and the landscape impacts are not significant, as the proposal only affects the land itself and a small area around it. Furthermore, any harm is offset by the landscape benefits of the scheme in terms of the restoration of landscape features referred to above.
58. In terms of Policy ESD15 I consider that the development would complement and enhance the character of the area by such things as the restoration of hedgerows. This will improve the quality and appearance of the area. Overall, and for the reasons given above, I find that the appeal proposal is in compliance with these policies of the CLP and consequently would not unduly harm the character and appearance of the area.

The village of Chesterton- disproportionate

59. The reasons for refusal and the evidence I heard at the Inquiry made reference to the appeal proposal being a disproportionate addition to the village. I accept that the proposal would significantly increase the size of the village. However, whether it is disproportionate would depend on a number of factors, including how the proposal would be viewed in relation to the existing area of the village, the consequences for the facilities in the village of introducing this amount of housing and for example how the development would affect the identity of the village as a separate settlement in its own right.
60. I have also had regard to the strategy of the CLP which is to direct growth to the most sustainable locations in the District which it regards as Banbury and Bicester and a number of other strategic locations and whether by locating this amount of housing at Chesterton this locational strategy would be compromised. In other words, by locating a disproportionate amount of the 750 houses earmarked for Category A villages at 1 settlement would harm this locational policy.
61. I shall deal with the policy issue first. Additions to Category A villages are to a large extent controlled by Policies PV1 and PV2. It was largely agreed at the Inquiry that the 750 homes to be located in the Category A village was not a ceiling and could be exceeded. It was also accepted that this total would be exceeded within the plan period. I also heard evidence the Cherwell was delivering new housing albeit at a declining rate when compared to previous years. A factor in this declining rate of delivery was the difficulty in bringing forward significant amounts of housing on the large, allocated sites around the sustainable locations of Banbury, Bicester and Oxford as well as other strategic locations.
62. In this context the rural sites brought forward around the Category A villages have an important role in maintaining a deliverable supply of new houses. The CLP covers a period from 2011 to 2031 and is now in the second half of its period. I also heard evidence that a number of the strategic sites are unlikely to deliver during the plan period. Therefore, in view of the stage the CLP has reached it is unlikely that this proposal would prejudice its locational strategy. Moreover, sites such as this will help the Council maintain supply ahead of the adoption of a new local plan. Consequently, it is unlikely that this proposal

- would be disproportionate in relation to the strategic allocations and would not prejudice their delivery.
63. Moreover, the amount of housing in Chesterton which has been developed during the plan period would amount to a small proportion of the overall total of the housing requirement for the District. This reinforces my view that in this regard the appeal proposal would not be disproportionate.
64. In other terms, whether the effect of the appeal proposal on Chesterton would be disproportionate depends upon its effect on the existing character and appearance of the village, its location in relation to the village and the effect it would have on the people of the village including the services they currently access. As with other things the starting point in determining whether a development is disproportionate is the development plan, in this instance Policy PV2. Policy PV2 permits development outside the built-up area of Category A villages provided the development has regard to its criteria. None of its criteria includes a reference to a development being disproportionate.
65. To my mind a judgement as to whether a development next to an existing settlement is disproportionate should be made by reference to the criteria in the policy. The criteria in PV2 which can be said to relate to disproportionality are: "*whether the development would contribute in enhancing the built environment*", as a disproportionate development would harm rather than enhance the built environment; "*whether significant adverse landscape impacts could be avoided*", again with a disproportionate development, significant landscape impact would be difficult to avoid; and, "*whether the necessary infrastructure could be provided*", similarly, a disproportionate development would have problems accommodating the infrastructure necessary to deal with its effects.
66. I have dealt with 2 of these matters above and have found that the development does not harm the character and appearance of the landscape surrounding the village and it would have the effect of enhancing the built environment. With regard to infrastructure no issue is taken by either party with regard to this matter. Consequently, and in terms of the criteria set out under PV2 I find that the appeal proposal would not constitute a disproportionate extension to the village.
67. Moreover, there is a need to look at what might be the consequences should the total set out in Policy PV2 be exceeded in 1 particular settlement, other than compromising the strategy of the local plan which I have dealt with above. In terms of other settlements being unable to meet their own needs, say for affordable housing, I do not consider that this is an issue that should prevent the appeal proposal from being allowed as the needs of other villages would need to be considered having regard to the criteria set out in Policy PV2 at the time of any proposal coming forward.
68. In terms of facilities the only facility in Chesterton that has been specifically mentioned in terms of its capacity is the primary school. It is clear that the parties agree that the primary school is at capacity. There is also agreement by reference to the evidence and the officer's report that the main reason the school is at capacity is because of children attending the school who are resident in Bicester.

69. They do that because the school that they would normally attend in Bicester is also at capacity. It is proposed that a contribution would be made through a Planning Obligation made under s106 of the Town and Country Planning Act 1990 to expand the capacity of the school in Bicester so that there was no longer a need from Bicester children to attend the Chesterton primary school. I have no reason to disagree with this approach and would if implemented alleviate the pressure on the Chesterton primary school. I therefore do not regard the lack of capacity at the Chesterton primary school as an indication that the appeal proposal is disproportionate in relation to the facilities in the village.
70. Various appeal decisions, including a decision at the Hale in 2016¹, have been brought to my attention regarding this matter. The Hale decision in particular was referred to at various points in the Inquiry. Whilst I have had regard to this decision it was issued at a point in time when the CLP was recently adopted, it was also made prior to the submission and approval of the Great Wolf proposal. It therefore did not take account of the urbanising effects of some of the elements of those proposals such as the improvements to footpaths in the locality. Moreover, the operation of PV2 and the amount of growth in Category A villages would not have been apparent. Therefore, and whilst I have taken account of this decision, it is due to its age and the change in circumstances in the locality since 2015 of limited relevance to this decision.
71. Finally, an argument has been advanced with regard to proportionality concerning the imposition of the appeal proposal on the village “all at once” or “over a short timescale”. Given the likely build out rates of 147 houses I do not see that they would be imposed on the village “all at once”. Furthermore, Policy PV2 sees virtue in sites that can either be developed within the plan period or those that can be developed within the next 5 years. I heard evidence from the appellant that the site could be developed relatively quickly, and that the developer has a good track record of developing sites quickly. Consequently, I do not consider that the development would be completed all at once and even if it were this would be in compliance with Policy PV2. I therefore do not consider that the rate at which the development might be completed to be an indication of disproportionality.
72. Overall and for the reasons given above I do not consider that the appeal proposal is disproportionate.

Separate identity Chesterton and Little Chesterton – cumulative development

73. This matter relates not only to the appeal proposal but to its cumulative impact on the separate identities of Chesterton and Little Chesterton in combination with other developments that have been allowed in the area recently. Some of these have been implemented and some have yet to start. I have made the assumption that all the developments will be completed. These developments include, the BSA development, the Siemens development and the Great Wolf development.
74. The appeal proposal would lie on the southern edge of Chesterton and extend built development out into the countryside towards Little Chesterton. In physical terms there would still be open fields between the appeal proposal and

¹ CD4.03 – APP/C3105/W/15/3130576

the dwellings in Little Chesterton, should it be implemented. To its west would lie the BSA development. However, this would also stop short of the built development in Little Chesterton. Therefore, in terms of separation there would still be space between Chesterton and Little Chesterton with the BSA and appeal proposal in place. Although the distances would be reduced the two villages would still be clearly separate.

75. The countryside to the south of Chesterton between it and Little Chesterton, including the appeal site, is relatively flat farmland and contains hedgerows and hedgerow trees. Much of this would remain, should the appeal site be developed, and the hedgerows and hedgerow trees would be reinforced. Therefore, the vegetation and topography around the appeal site would mean there would be little if any intervisibility between the appeal site and the housing in Little Chesterton.
76. Moreover, the density of vegetation along the southern part of the unnamed road to the west of the appeal site close to Little Chesterton would be unaffected by either the appeal proposal or the BSA development. Meaning that its character would be retained and there would still be a distinct feeling when using that lane of leaving Chesterton at the Green Lane Cross Roads and entering Little Chesterton after the end of the road side vegetation.
77. The other developments referred to are either on the other side of the village from the proposed development (Great Wolf) or beyond Little Chesterton, towards the A41 and therefore would have no effect on the separation of the villages.
78. I therefore conclude that the appeal proposal in combination with the other developments in the area would not materially affect the separate identities of Chesterton and Little Chesterton.

Other Matters

79. There was much discussion at the Inquiry about the availability or otherwise of a 5-year supply of deliverable housing land within the District. However, as can be seen from the above I have found that the proposal is consistent with the development plan policies for the area. Therefore, and in accordance with paragraph 11 of the Framework the matter of housing land supply in the District is not relevant to the determination of this proposal. However, the delivery of housing is still capable of being a material consideration in this case.
80. At the appeal, the issue of an increase in traffic brought about by the appeal proposal and its effects on the local road network was raised. I have had regard to the representations made by Oxfordshire County Council, as the County Highways Authority and the assessment of the District Council in the officer's report. Moreover, the Framework at paragraph 115 states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the local road network would be severe. It appears to me from the evidence I have heard that the appeal proposal can be accommodated within the local road network without having an unacceptable impact on highway safety and neither would the proposal have a severe impact on the local road network.
81. In terms of wildlife, whilst I heard and have seen evidence that the site is used by a variety of wildlife, it does not have wildlife/nature conservation

designation and contains no specific elements of nature conservation value, apart from the hedgerows which are proposed to be retained and enhanced. Furthermore, it is the intention of the developers to ensure that the appeal proposal contributes to biodiversity net gain (BNG) in the area. I therefore conclude that the appeal proposal would not be unacceptable in terms of its effect on the local wildlife.

82. I have heard and seen evidence that the appeal proposal would either cause or exacerbate existing flooding experienced in the area, especially in Little Chesterton. However, the appeal proposal includes measures to deal with surface water run-off from the development including swales as part of a sustainable urban drainage (SuDs) scheme. I have no reason to doubt that these measures will be effective given the comments from the statutory bodies such as the Environment Agency and the Lead Local Flood Authority. I therefore conclude that the appeal proposal in terms of its effect on flooding in the locality would be acceptable with the appropriate mitigations in place.
83. I heard evidence that the appeal proposal forms part of a draft allocation of around 500 houses in the emerging Cherwell Local Plan (eCLP). The eCLP is at a fairly early stage in its preparation and there appear to be numerous unresolved objections in relation to the larger allocation. It also appeared to me that both parties were seeking to use the proposed draft allocation to support their respective cases. Therefore, whilst I have had regard to this proposal in this decision I have determined the proposal on the development plan for the area, as I am required to do.
84. Furthermore, the appellant appeared to be arguing that because the Council had allocated their site as part of the larger allocation then it was suitable for development. On the other hand, the Council were arguing that the appeal proposal would not integrate efficiently or effectively with the draft proposed larger scheme therefore it was not acceptable. The Council refuted the suggestion that they were objecting to the appeal proposal on the grounds of prematurity. Whilst I have had regard to these arguments they do not add weight to either party's case.
85. There was some discussion as to whether the site is comprised of the Best and Most Versatile (BMV) agricultural land. It appears to me from the officer's report that the land is comprised of class 3b and therefore is not part of the BMV category. I have no reason to disagree with that assessment and in any case the Framework only requires that planning decisions recognise the economic and other benefits of BMV.

Planning balance/overall consistency with the development plan

86. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan contains policies that are relevant to the appeal proposal, and these have been set out above.
87. In terms of the location of the development I have found that the policies which are most important to the determination of this proposal are Policy EDS1 and PV2. These policies, amongst other things, seek to direct development to sustainable locations. The Framework also seeks to do this. However, it also assists by stating that development proposals can also take advantage of opportunities from proposed transport infrastructure.

88. I have therefore given significant weight to the proposal to establish a public bus service as part of the Great Wolf development as well as the transport infrastructure improvements which would be brought about by the appeal proposal and its accessibility to Bicester. I therefore find that in terms of the location of development the appeal proposal is consistent with these policies of the development plan for the reasons given above.
89. In terms of character and appearance of the development the policies which are most important in the determination of this proposal are ESD1, ESD3, ESD15 and PV2 of the CLP and C28 and C30 of the sCLP. Some of these policies C30 in particular is more relevant to a reserved matter or full planning application. However, all the policies seek to support development that does not significantly harm the character and appearance of an area and in some cases they seek to ensure that an area is enhanced by proposals for development.
90. I have found that the appeal proposal does not significantly harm the character or appearance of the area. In terms of such things as softening the urban edge of the village through tree planting and the reinforcement of hedgerows, which are a characteristic of the area, would lead to enhancement of the area. Consequently, and for the reasons given above I have found that the appeal proposal is consistent with these policies of the development plan.
91. In terms of other criteria of PV2 relevant to the appeal proposal, it complies with those relating to whether the proposal would have a significant effect on heritage or wildlife as it contains no wildlife or heritage assets, and those that are present in the area would not be affected by the appeal proposal. I have dealt with the criteria relating to flooding above.
92. However, PV2 contains a criterion relating to whether the land has been previously developed or is of lesser environmental value. Clearly the land is not previously developed, but it is not of significant environmental value, having no environmental designation. I therefore find that the land is of lesser environmental value and therefore complies with this criterion. Finally with regard to these criteria it is clear as the policies states that proposals expects that *"particular regard will be given"* to the criteria and not that they should all be complied with.
93. In terms of other material considerations that might count against the proposal it appeared that the Council advanced 2 principal arguments: that the proposal might constitute 'disproportionate development' and that the proposal might lead to the closing of the gap between Chesterton and Little Chesterton to the extent that they lose their separate identity.
94. In terms of disproportionate development, I have dealt with this above. Policy PV2 does not place a limit on development at Category A settlements and it does not refer to minor development only being acceptable in these locations. Therefore, in terms of development plan policy the appeal proposal is in compliance. I recognise that other material considerations are capable of counting against a policy compliant proposal. However, in this instance I have set out above the reasons why I do not consider that the appeal proposal is disproportionate.
95. In terms of the effect of the appeal proposal in closing the gap between Chesterton and Little Chesterton to the extent that the villages lose their

identity I have found that even with the appeal proposal in place there would still be a gap between the 2 villages. Moreover, when travelling on the unnamed lane to the west of the appeal site between Chesterton and Little Chesterton, with the appeal proposal in place, there would still be the feeling of leaving 1 place and entering another.

96. There was much discussion at the Inquiry concerning whether the Council could demonstrate a 5-year (or 4 year) supply of deliverable housing sites. This discussion and the evidence around it would only become relevant to this decision should I have found that the development was in conflict with the relevant policies of the development plan. However, the appeal proposal would deliver housing and therefore contribute to the Government's objective of significantly boosting the supply of homes. I therefore give significant weight to the delivery of additional housing.
97. I have set out above that I consider the proposal to be in compliance with the development plan for the area and the material considerations in this case do not indicate that I should decide the matter other than in accordance with those policies.

Planning Obligation

98. The Framework at paragraph 57 and the Community Infrastructure Levy Regulations (CIL) Regulations 2010 at section 122 require that planning obligations must meet all of the following tests: necessary to make the development acceptable in planning terms; directly relate to the development; and fairly and reasonably related in scale and kind to the development.
99. The completed planning obligation sets out requirements for either the provision of or a contribution to the following; affordable housing at 35% across a range of types of provision; the provision of incidental open space including LEAPs, LAPs and SuDs; the provision of open green space and sports facilities; the provision of sustainable transport; financial contributions payable to the District Council for a range of services and provision of services; financial contributions to the County for a range of services and provision of services; and a contribution towards highways and transport facilities necessary for the development to access the public highway and improve transport infrastructure around the site.
100. All the above provisions are covered by policies set out in the development plan and are calculated in accordance with a formula. This has been set out in the CIL compliance statements. I therefore consider that the provisions are necessary to make the development acceptable in planning terms, directly relates to the development and fairly and reasonably related to the development in scale and kind.
101. As well as the contributions towards the provision of the services and facilities referred to above the planning obligation includes clauses that relate to contributions towards the maintenance of the services and facilities once installed. There is a disagreement between the parties on the appropriate level of maintenance contribution that should be paid. Whilst with the possible exception of 1 area there is agreement that the contributions towards maintenance are necessary and that they are directly related to the development. The area of dispute relates to whether they are fairly and reasonably related in scale and kind to the development.

102. In order for me to resolve this matter I have been offered an option in each area where there is a disagreement and asked to choose between option A and option B. Where I choose 1 option over another the other will automatically fall due to the "*blue pencil test*" set out at clause 9 on page 11.
103. The starting point for the consideration of whether option A or option B should be applied is the Council's guidance "*Developer Contributions Supplementary Planning Document*" (SPD), February 2018. The Appendices to that document contain maintenance contributions that would be sought for various types of contributions including hedgerows, new woodland, public open space and mature trees. It is clear to me in view of this that a commuted sum to deal with maintenance of the areas set out in Schedule 2 and 3 of the planning obligation are appropriate in this case.
104. However, the document is now 6 years old and the figures within it are possibly older than that. Moreover, the document itself states at paragraph 4.128 that sums (for maintenance) will be based on the Council's actual cost. I note that whilst the appellant has submitted a document confirming that this is how the Council has calculated the maintenance commuted sums, the Council has not supplied the actual calculations due to reasons of commercial confidentiality. In order to determine this matter, it is not necessary for me to see the Council's calculations. I simply need to be sure that the sums involved are fairly related in scale and kind to the development.
105. Since the SPD was published there have been various shocks to the economy that has meant prices have risen in certain areas faster than they normally do. The levels of commuted sums for the areas set out in the planning obligation are not unreasonably and therefore could be fairly and reasonably related in scale and kind to the development. I therefore determine that the Option A is adopted in relation to the commuted sum payments set out in Schedule 2 and 3 in the planning obligation.
106. However, there is 1 exception and that is the commuted sum payment related to the Multi-Use Games Area(MUGA). I agree with the appellant that in accordance with the table on page 53 of the SPD the maintenance cost for the MUGA is included in the maintenance cost for the Neighbourhood Equipment Area of Play (NEAP). In this respect therefore I determine that Option B (£0) should apply.

Conditions

107. The test for conditions is set out at paragraph 56 of the Framework and I shall be applying this to assess whether a particular condition set out in the proposed draft conditions list (ID8) should be applied to the appeal proposal. I also note that there are a number of pre-commencement conditions on this list, and I take this as a written indication that these are agreed.
108. A standard time limit condition is necessary in order to comply with the relevant provisions of the Town and Country Planning Act 1990. I note that it is agreed that this can be varied to shorten the period allowed for the submission of reserved matters.
109. A condition is necessary, for the avoidance of doubt, specifying the reserved matters that need to be applied for and the plans to which any approval would apply.

110. Bearing in mind the features of the proposal and the need to ensure that these are, as far as possible with an outline planning permission, incorporated in to the final development in order to ensure its acceptability and to increase the level of certainty required in the submission of the reserved matters, I consider it necessary to include a condition referencing the illustrative material which has been submitted with the outline application and to set out the specific requirements.
111. A condition requiring a phasing plan to be submitted prior to the commencement of development is necessary to ensure that the benefits of the proposal are delivered alongside the proposed housing.
112. A condition is necessary to ensure that any below ground archaeology is recorded and taken account of in the implementation of the proposed development. To ensure that any feature of archaeological interest on the site is recorded or preserved.
113. A condition is necessary to ensure that any contamination present on the land is dealt with prior to the occupation of the development in order to protect the future occupants.
114. A condition requiring the submission of a Construction Environment Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP) is necessary in order to protect the living conditions of those living near to the site, during the construction period.
115. In order to ensure that habitats present (trees and hedgerows) on the site are protected a condition requiring the submission of a Landscape and Ecology Management Plan, together with a requirement that the provisions of the LEMP are adhered to during the construction period is necessary.
116. A condition is necessary in order to ensure that the proposed sports pitches are implemented so that they endure for the long term for the benefit of the occupants of the development.
117. I consider a condition is necessary, for the avoidance of doubt, to ensure that the landscape strategy is implemented for the site so the site can be assimilated acceptably into the local landscape. The degree of duplication between this condition and the creation of wildlife habitats is necessary as the matters often overlap.
118. A condition is necessary to ensure that the proposed houses meet the net zero carbon development standard in order to ensure that the houses themselves do not contribute to climate change.
119. A condition is necessary to ensure that the living conditions of the occupants of the proposed dwellings are protected from traffic noise.
120. A condition is necessary to ensure that the proposed scheme contains an appropriate housing mix in order for it to comply with the relevant policy of the development plan and therefore to meet the housing needs of the area.
121. A condition is necessary to control the operation of the site during construction, which will include hours of operation in order to protect the living conditions of those living near the site.

122. A condition is necessary to control external lighting on the site so that light spill is minimised and to protect the surrounding countryside and adjacent occupiers from unnecessary light pollution.
123. A condition is necessary to control foul and surface water drainage from the site to ensure that the site is adequately drained and to protect neighbouring development from flooding.
124. A condition is necessary to ensure that a record is kept of the installed SuDs scheme to ensure that adequate maintenance can take place and the SuDs scheme remains effective in controlling surface water discharge from the site and thereby preventing flooding on surrounding land.
125. A condition is necessary to ensure that a strategy for Youth Facilities and Children's Play provision is approved by the Council and implemented along with the reserved matters to ensure that youth facilities and children's play facilities are accommodated on the site.
126. A condition is necessary to ensure that the details of the formal play equipment on site are submitted to and approved in writing by the Council so that play provision of the right type is made on the site and available for the occupiers of the development.
127. A condition is necessary to ensure that the details of the Local Area for Play are submitted with the reserved matters to ensure that play provision of the right type and amount is made across the site.
128. A condition is necessary to ensure that changes in levels on the site brought about by the movement of soil is controlled in order to protect the living conditions of those living nearby.
129. A condition is necessary to ensure that as part of the reserved matters adequate provision is made for the installation of fibre optic cables and this provision is implemented as part of the development in order to ensure that residents have adequate access to digital services.
130. A condition is necessary to ensure that all existing trees and hedgerows to be retained as part of the development are protected during construction in order to ensure that the landscape setting of the site is protected.
131. A condition is necessary to ensure that parking on the site is controlled, electric vehicle charging points are installed at appropriate locations and provision is made for cycle parking and that this provision is implemented. In order to ensure that the site encourages the use of more sustainable means of private transport.
132. A condition is necessary to ensure that there are adequate waste and recycling facilities associated with the new houses in order to ensure that these are properly integrated with the development to protect its appearance.
133. A condition is necessary to ensure that the ecological enhancements proposed as part of the development are implemented to ensure the anticipated biodiversity net gain is achieved.
134. A condition is necessary to ensure that the key recommendations from the Ecological Appraisal submitted with the proposal are implemented in order to ensure that the development meets the requirements set out in the appraisal.

Conclusion

85. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals for planning permission should be determined in accordance with the development plan unless other material considerations indicate otherwise. I have found that the proposed development complies with the requirements of the development plan for the area and therefore the appeal is allowed.

Peter Mark Sturgess

INSPECTOR

Richborough

ANNEX A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Sarah Clover

Barrister

Instructed by Kim Maher, Solicitor (Locum) Law and Governance, Cherwell DC

She Called:

Mark Topping MA(Hons), CMLI

Director, Lanpro Design Services Limited

Jon Goodall MA(Cantab), MSc, MRTPI

Director DLP Planning Ltd

Andrew Thompson, BSc (Hons), MPhil, MRTPI

Principal Planning Officer, Cherwell DC

Chris Nicols²

Transport Development Control, OCC

Richard Oliver³

Infrastructure Funding Negotiator, OCC

FOR THE APPELLANT

Charles Banner

KC

Assisted by Robert Williams

Barrister

Instructed by Asher Ross, Wates Development Limited

He Called:

Jeremy Smith, BSc(Hons), DipLA, CMLI

Director, SLR Consulting Ltd

James Bevis, MEng, CMILT, MCIHT

Partner, i-Transport

Richard Burton, AOU, BA(Hons), DipLA, CMLI

Director, Tor & Co

Christopher Roberts, MSc, MRTPI

Associated Director, Boyer

Asher Ross, BSc(Hons), MPhil, MRTPI

Director, Wates Development Ltd

Beth Gascoyne⁴

Partner Cripps

INTERESTED PARTIES

Mr Webster

Chesterton Parish Council

Mr Hughes

Bicester Bike Users Group

Mr Jones

Local Resident

Mr Grant

Local Resident

² Roundtable Session conditions and s106 only

³ Roundtable Session conditions and s106 only

⁴ Roundtable Session conditions and s106 only

ANNEX B

INQUIRY DOCUMENTS

- ID1 - Opening on behalf of Cherwell District Council
- ID2 – Opening submissions on behalf of the Appellant
- ID3 – Witnesses and timings – Cherwell District Council
- ID4 - Walking Route for site visit
- ID5 – Representations, Chesterton Parish Council (Script)
- ID6 – Printed extract, Chesterton Parish Council website
- ID7 – i-Transport, Green Lane Chesterton: Local Facilities and Services Table
Correction.
- ID8 – Bicester Bike Users Group Statement to the Inquiry (Script)
- ID9 – Proposed Draft Planning Conditions (revised)
- ID10 – Statement of Common Ground – Housing Land Supply
- ID11- Planning Performance Agreement, Bloor Homes and Cherwell District Council
- ID12 – Oxfordshire CC response to p/a Land adjoining Withycombe Farmhouse,
Stratford Road, Drayton.
- ID13- Letter, Bloor Homes – Land adjoining Withycombe Farmhouse, South of
Banbury Rise, Banbury
- ID14 – Mr Jones – Script
- ID15 – Mr Grant – Script
- ID16 – Attendance list for conditions/s106 RTS
- ID17- Council closing submission
- ID18- Appellant closing submission

ANNEX C

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY (Post Inquiry Document – PID)

PID1 –Email - Appellant attaching the Heyford Park Appeal Decision – 3326761

PID2- Email - Council's response revised conditions

PID3 –Email - Council's response Heyford Park Decision – 3326761

PID4 –Email - Appellant non-agreement on conditions

PID5 – Email – Appellant's response Heyford Park Decision – 3326761

PID6 – Email – Signed copy of the s106 agreement

Richborough

ANNEX D

SCHEDULE OF CONDITIONS

1. Application for reserved matters for all phases of the development shall be made before the expiry of 2 years. Application for approval of all the reserved matters for all phases of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
2. Details of the layout, scale, appearance, access (save for those approved on approved plans under reference ITB14377-GA-001 Rev G, ITB14377-GA-006 Rev B and ITB14377-GA-007 Rev B) and landscaping (hereafter referred to as 'the reserved matters') for all phases of the development 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.
3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans:
Site Location Plan - 353-ACG-XX-00-DR-A-1000 Rev P3
Proposed Site Access Arrangement - ITB14377-GA-001 Rev G,
Proposed Pedestrian / Cycle Access Arrangement - ITB14377-GA-006 Rev B
Proposed Access Strategy - ITB14377-GA-007 Rev B
Drainage Strategy (Sheet 1 of 2)- C86354-JNP-92-XX-DR-C-2003
Drainage Strategy (Sheet 2 of 2) - C86354-JNP-92-XX-DR-C-2004
Exceedance Flow Plan (Sheet 1 of 2) - C86354-JNP-92-XX-DR-C-2005
Exceedance Flow Plan (Sheet 2 of 2) - C86354-JNP-92-XX-DR-C-2006
4. Unless justified through the application submission, the Reserved Matters submission shall follow the principles and parameters of the Illustrative Master Plan (reference: 353-ACG-XX-00-DR-A-1050 Rev P2) and Illustrative Landscape Strategy (reference:) in the established parameters for future development. In particular:
 - Up to 147 homes in a mix to be agreed;
 - Net zero carbon development;
 - 35% affordable housing (including First Homes);
 - Homes limited to two storeys in height;
 - Development density of approximately 30 dwellings per hectare (net);
 - A new priority junction on Green Lane;
 - Parking provision in accordance with relevant standards;
 - Additional points of pedestrian access to Green Lane and Little Chesterton Lane;
 - Green infrastructure and biodiversity enhancements, achieving a positive biodiversity net gain;
 - Public open space with recreational walking paths and trim trails
 - Provision of Local Areas of Play (LAPs), a Locally Equipped Area for Play (LEAP) and a Neighbourhood Equipped Area for Plan (NEAP);
 - A recreational playing field area which, could include formal sports pitches with associated parking, within the eastern parcel of the site;
 - Sustainable Drainage systems including swales throughout the site, as a part of the green infrastructure;

- A permeable layout with a clearly defined street pattern, separating the public and private realms; and,
 - Retaining existing trees along the boundary of the site and integrating existing landscaping features.
5. Prior to the commencement of development or as part of the first Reserved Matters submission a phasing plan shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing plan shall include full details of the development parcels (including affordable housing), open space and sport pitches delivery, roads, cycleways and footpaths, including construction access, play facilities, and new landscaping of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.
6. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

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

If contamination is found by undertaking the work carried in accordance with that set out above, 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.

If remedial works have been identified in the first paragraph above, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under the second paragraph set out above. 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.

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 relevant phase of development is resumed or continued.

8. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP) and Construction Traffic Management Plan (CTMP), which shall include details of:
 - a. the measures to be taken to ensure construction works reduce the impact on neighbouring and nearby residents through detail of temporary fencing, lighting and construction compounds and management of activity through the construction of development;
 - b. implementation air quality and dust suppression management measures through a Dust Management Plan;
 - c. the protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features in particular those identified at Section 3 of the submitted Ecological Appraisal, adjacent to or surrounding the site;
 - d. arrangements for a site walkover/ update survey to be carried out prior to the commencement of works to ensure no additional ecological constraints would be affected by the development and to ensure this is mitigated for if necessary;
 - e. 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;
 - f. a Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed;
 - g. there shall be no piling on the site unless measures are agreed to mitigate and manage the impact of noise and vibration on the site.

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

9. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
10. The playing pitches shall not be laid out unless and until:
 - a) a detailed assessment of ground conditions of the land proposed for the new playing pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality;
 - b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary), and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority; and

c) detailed submissions with regard to lighting (including light spillage details), permanent sports equipment and practice areas.

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

11. As part of the Reserved Matters submission a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Landscape Strategy (reference: CSA/3263/124 Rev A)

These details will include the following in relation to the submission:

- identification of existing trees, shrubs and other vegetation to be retained;
- wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described;
- the creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site;
- details of street furniture including bins, seating, dog bins, and boundary treatment;
- the eradication of Japanese knotweed or other invasive species on the site, if applicable;
- the replacement of trees proposed to be lost in site clearance works;
- details of the future management of the landscape scheme;
- ground preparation measures to be adopted;
- full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme;
- existing and proposed levels; and
- programme for delivery of the approved scheme.

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

12. As part of the Reserved Matters submissions a statement shall be submitted demonstrating how the proposal meets sustainability standards to achieve net zero carbon. The development shall be implemented in accordance with the relevant agreed details and timescales.
13. Within any reserved matters application in relation to residential development a noise impact assessment and a noise attenuation / insulation scheme (having regard to the building fabric, glazing and background and purge / rapid ventilation requirements) to protect occupants or other users internally and externally as appropriate from Green Lane and primary routes through the site traffic noise in accordance with the requirements of British Standard 8233:2014 'Sound Insulation and noise reduction for buildings-Code of Practice' (or as superseded), shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

The noise insulation scheme shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" (or as superseded) shall be reasonably achieved and shall include a timescale for phased implementation, as necessary.

The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

i) anticipated housing mix for the development shall be for delivery of affordable homes as 25 to 30% of the homes as one-bedroomed properties, 30 to 35% as two-bedroomed properties, 30 to 35% as three-bedroomed properties and 5 to 10% as four+ bedroomed properties unless otherwise agreed with through the Reserved Matters submission;

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

ii) a Strategy for the delivery of self/custom build homes.

15. As part of the construction of development there shall be:

- no burning of waste on the site;
- no demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays;
- no plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours;
- no use of the audible 'beeping' reversing alarms on construction or construction delivery vehicles. Alternative vehicle alarms should be used such as the use of white noise, infrared, or visible alarm systems.

15. Prior to the commencement of development, a detailed lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall include:

- lighting for play;
- lighting for public realm and walking and cycling routes;
- areas of ecological areas where lighting will be prohibited;
- a strategy for roads and development parcels; and
- a strategy for mitigation to reduce light pollution during construction.

16. Any Reserved Matters shall include a detailed surface water strategy and drainage plans relating to that Reserved Matters submission. The strategy shall demonstrate how the management of water within the submission accords with the approved details of the outline Flood Risk Assessment (Flood Risk Assessment (Brookbanks 10669 FRA01 Rv 1) and Foul Water Strategy Technical Note (Brookbanks 10669 TN12 - Rv2)). The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the Reserved Matters site or joins any water body.

The submitted strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDS features within the Reserved Matters submission and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities relating to that Reserved Matters submission.

The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.

The development of each Reserved Matters submission shall be carried out in full accordance with the approved detailed surface water strategy for that Reserved Matters submission shall be occupied or used until such time as the approved detailed surface water measures serving that building have been fully completed in accordance with the approved details.

17. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - (a) as built plans in both .pdf and .shp file format;
 - (b) photographs to document each key stage of the drainage system when installed on site;
 - (c) photographs to document the completed installation of the drainage structures on site; and
 - (d) the name and contact details of any appointed management company information.
18. Prior to or concurrently with the submission of the first of the reserved matters submission for a Strategy for Youth Facilities and Children's Play provision across the development shall be made. The Youth and Play Strategy shall include sufficient details to demonstrate the implementation of the Sports strategy including specifications, location and phasing and include details of management, maintenance and governance. Reserved matters submissions shall take account of and be submitted in accordance with the approved strategy.
19. The Reserved Matters submission which includes formal play facilities (e.g., LEAPs and NEAPs) shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management.

The development of the Development Parcel shall be carried out in accordance with the relevant agreed details and retained thereafter.

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

20. Any Reserved Matters submission which incorporates Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play in accordance with the Site-Wide Youth and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management.

The development of each Development Parcel shall be carried out in accordance with the relevant agreed details and retained thereafter.

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

21. Notwithstanding the approved plans, as part of the Reserved Matters, details shall be submitted of site levels, following earthworks and ground contamination for that Reserved Matters area to include protection of ground to be reinstated to landscape; methodology of any soil stripping, storage, handling, formation level decompaction, and soil re-spreading.

All groundworks for that development should be carried out in accordance with the approved details.

22. As part of a residential Reserved Matters submission, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure.

The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

23. As part of the Reserved Matters submission a strategy and associated plans for the following shall be submitted to and agreed in writing by the Local Planning Authority:

- a strategy for the ongoing management, felling and replacement planting of existing trees within or adjacent to the development;
- a strategy for other standalone and groups of trees and hedgerows on the within the Reserved Matters;
- details of tree protection measures relating to that Development Parcel in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction; and
- a strategy for implementation and retention of new and existing trees, tree groups, tree belts or hedgerows within the Development Parcel

The development of each Development Parcel shall be implemented in accordance with the agreed strategy and timescale relating to that Development Parcel and retained thereafter.

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

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

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

25. The Reserved Matters submission will include details of proposed refuse and waste recycling facilities for the proposed building(s). The approved scheme for any individual building shall be implemented before that building is brought into use and shall be thereafter retained. No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site.
26. Prior to, or concurrent with, the submission of the first reserved matters submission(s), a Biodiversity Net Gain (BNG) Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The BNG Strategy shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all on-site habitats and any off-site habitats required to deliver at least 20.68% habitat enhancement and 54.84% hedgerow improvement. The BNG Strategy shall use the Biodiversity Metric 4.1 Calculation Tool. On completion of each Phase, an update to the BNG Strategy shall be submitted to the Local Planning Authority, demonstrating how BNG has been delivered for that Phase and how the minimum levels of Biodiversity Net Gain is anticipated to be delivered on site during the remaining course of development and the provision of additional enhancement if minimal levels are met.
27. The Reserved Matters submissions for landscaping and appearance shall have regard to the recommendations and conclusions submitted Ecological Appraisal (prepared by BSG, Ref P21-537) and shall include the following matters which form the recommendations and conclusions as to the ecological assessment of the site:
- species-rich meadow grassland should be incorporated where possible into areas of public open space and wildflower meadow planting;
 - farm bird mitigation including skylark and yellow wagtail;
 - new native and species rich in the soft landscaping scheme to mitigate for hedgerow loss;
 - any SuDS features proposed should be engineered to retain an area of standing water and planted with marginal plant species;
 - bat and bird boxes are recommended to be integrated into the walls of the residential properties including swift boxes and/or may be installed on mature trees within hedgerows or along the woodland edge;
 - bug hotels in appropriate locations;
 - log and brash piles in appropriate locations;
 - any fencing that is to be installed should include gaps to allow for easy movement of hedgehogs;
 - retention of existing habitats and trees;
 - other features of ecological enhancement as appropriate; and
 - A timescale for implementation and management to be not later than final occupation of the development.

END