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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 17 June 2021
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Maurice Billington
Councillor John Broad
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor Tony Mephram
Councillor Lynn Pratt
Councillor Dorothy Walker

Councillor David Hughes (Vice-Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Patrick Clarke
Councillor Sandy Dallimore
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Les Sibley
Councillor Sean Woodcock

Substitutes

Councillor Mike Bishop
Councillor Tony Ilott
Councillor Richard Mould
Councillor Barry Richards
Councillor Douglas Webb
Councillor Bryn Williams

Councillor Shaida Hussain
Councillor Ian Middleton
Councillor Adam Nell
Councillor Dan Sames
Councillor Fraser Webster
Councillor Barry Wood

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting.

Currently Council meetings are taking place in person (not virtually) with social distancing measures at the meeting. Members of the public who wish to address the meeting can do so 'virtually' and are strongly encouraged to do so to minimise the risk of COVID-19 infection. Any person requesting to address the meeting will be advised of the arrangements for speaking, which are in addition to the usual public speaking rules for Planning Committee.

4. **Minutes** (Pages 5 - 47)

To confirm as a correct record the Minutes of the meeting of the Committee held on 20 May 2021.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. **Proposed Pre-Committee Site Visits (if any)**

Report of Assistant Director - Planning and Development

This will be circulated at the meeting.

Planning Applications

8. **Land North Of Railway House, Station Road, Hook Norton** (Pages 50 - 93)
21/00500/OUT

9. **Land Used For Motorcross, Stratford Road A422, Wroxton, OX15 6HX** (Pages 94 - 122)
21/00517/F

10. **Symmetry Park Morrell Way Ambrosden - 1330** (Pages 123 - 149) **21/01330/F**

11. **Symmetry Park, Morrell Way, Ambrosden - 1331** (Pages 150 - 177) **21/01331/F**

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 178 - 185)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including the scheduling of public inquiries and hearings and decision received.

Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

Councillors are requested to collect any post from their pigeonhole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221591 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Watching Meetings

Please note that Council meetings are currently taking place in person (not virtually) with social distancing at the meeting. Meetings will continue to be webcast and individuals who wish to view meetings are strongly encouraged to watch the webcast to minimise the risk of COVID-19 infection.

Places to watch meetings in person are very limited due to social distancing requirements. If you wish to attend the meeting in person, you must contact the Democratic and Elections Team democracy@cherwell-dc.gov.uk who will advise if your request can be accommodated and of the detailed COVID-19 safety requirements for all attendees.

Please note that in line with Government guidance, all meeting attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Lesley Farrell, Democratic and Elections democracy@cherwell-dc.gov.uk,
01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 9 June 2021

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 20 May 2021 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Patrick Clarke
Councillor Ian Corkin
Councillor Sandy Dallimore
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Tony Mephram
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Sean Woodcock

Substitute Members:

Councillor Richard Mould (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington

Officers:

Alex Chrusciak, Senior Manager - Development Management
Andy Bateson, Team Leader – Major Developments
Matt Chadwick, Senior Planning Officer
Caroline Ford, Principal Planning Officer – Major Projects Planning Team
George Smith, Planning Officer
Nat Stock, Minors Team Leader
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

8. Phase 3 OS Parcel 5863 Adjacent Briar Close And East Of Warwick Road Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

9. Tesco Bicester CR, Lake view Drive, Bicester. OX26 1DE.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

12. 16 - 18 Sheep Street, Bicester, OX26 6TB.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

14. Cherwell District Council Car Park, Upper Windsor Street, Banbury, OX16 5DH.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

15. Coach Park, Compton Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

16. Kidlington Centre Car Park, High Street, Kidlington.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

17. Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

18. Claremont Car Park Public Conveniences Victoria Road Bicester OX26 6RD.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

2 Requests to Address the Meeting

The Chairman advised that requests to address the meeting would be dealt with at each item.

3 Minutes

The Minutes of the meeting held on 15 April 2021 were agreed as a correct record and would be signed by the Chairman in due course.

4 Chairman's Announcements

There were no Chairman's announcements.

5 Urgent Business

There were no items of urgent business.

6 Proposed Pre-Committee Site Visits (if any)

There were no pre-Committee Site visits proposed.

7 **Phase 3 OS Parcel 5863 Adjacent Briar Close And East Of Warwick Road Banbury**

The Committee considered application 19/02126/F for the erection of 36 dwellings with associated infrastructure and public open space at Phase 3 OS Parcel 5863 Adjacent to Briar Close and East of Warwick Road, Banbury for Persimmon Homes Limited.

Elliot Rowen, agent for the applicant, addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the address of the public speaker.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02126/F subject to receipt of satisfactory amended plans/information and no objections to the additional information from the Lead Local Flood Authority and;

1. The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

- a) Provision of at least 30% affordable housing on site
- b) Provision of and commuted sum for maintenance of open space including open space, hedgerows, trees and attenuation features
- c) Provision of and commuted sum for maintenance of equipped Local Area of Play, or off-site contribution towards the improvement of a LAP in the vicinity of the site;
- d) contribution towards Off-site outdoor sports facilities provision
- e) contribution towards Off-site indoor sports facilities
- f) contribution towards Community hall facilities
- g) £106 per dwelling for bins
- h) Provision of 2 new pedestrian accesses up to the boundary of the site and allow public access through these points
- i) £1,429 per dwelling to sustain and enhance the local bus service
- j) £1,869 per dwelling towards 'east west strategic movements – Warwick Road corridor'
- k) Obligation to enter into a S278 agreement to secure the new access and improvements.
- l) contribution towards nursery provision
- m) contribution towards the primary school provision
- n) contribution towards secondary (incl. sixth form) provision
- o) contribution towards provision of biodiversity habitats at Banbury Country Park

2. The following conditions (and any amendments to those

conditions deemed necessary):

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

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

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

3. No development shall commence unless and until a plan showing car parking provision for unallocated provision to be accommodated within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details prior to the first occupation of the development and shall be retained for the parking of vehicles at all times thereafter.
4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

7. Notwithstanding the plans hereby approved, and prior to any construction of the dwelling above slab level, a revised schedule of externally facing materials for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the plans hereby approved, no development shall proceed above slab level on any dwelling until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of those dwellings approved to be in stone pursuant to the requirements of Condition 4 of this permission, and the means of enclosure to those dwellings approved to be in stone pursuant to the requirements of Condition x of this permission, shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning

Policy Framework.

9. Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, full details of the architectural details of the dwelling(s), including windows, doors, heads, cills, lintels, eaves and verges (at a scale of 1:10), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to any landscaping of the site and prior to the first occupation of the development hereby approved, and notwithstanding the submitted details, a revised and fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) means of enclosure and boundary treatments.

The hard landscape elements shall be implemented prior to the first use or occupation of the parts of the development they are intended to serve and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the

sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to the first occupation of the development, a refuse collection strategy shall be submitted for approval of the Local Planning Authority. The refuse collection strategy shall identify the location and dimensions of bin collection points which shall not be located so as not to cause obstruction.

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

14. Before each respective dwelling is first occupied all first floor openings identified on the plans listed in Condition 1 of this permission to be obscurely glazed, that is all bathrooms and en suite bathrooms, shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Before each respective dwelling is first occupied the south east

facing first floor openings and south west facing first floor window in the rear gable projection serving Plot 1, the side facing first floor openings to Plot 10, the south facing first floor window to Plot 13, the west (rear) facing first floor windows to Plot 14, the west facing first floor openings to Plot 32 and the side facing first floor openings to Plot 33 shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), and with the exception of the rear elevations to Plots 15-19, and 24-35 inclusive, no additional windows, doors or any other openings shall be inserted at first floor level or above in the development hereby permitted, or, in the case of the west elevations of Plot 15 and 20, at ground floor level, without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), and with the exception of Plots 10, 30, 31, 32, 33, 34, 35 and 36 in respect of Class A development, no development within Schedule 2, Part 1, Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to ensure a satisfactory living environment for future occupiers, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. In the case of those plots to be externally faced in brick as amended

by the conditions of this permission, the brick headers to those plots shall be constructed only using the same brick as the main walls to that respective plot.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no walls, gates, fences or planting shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access/junction and to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety, and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. 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 implemented before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaway Tanks)
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance

with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. The parking provision shown on the plans hereby approved shall be constructed and made available for use before the development is brought into use and other than in the case of garages shall be retained and maintained for the purposes of car parking at all times.

Reason: To safeguard the character and appearance of the area and the amenities of occupiers of the development and in the interests of highway safety and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

23. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and

specifications. Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

24. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

25. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for Tree Works.
b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this reserved matters permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. If any retained tree is identified as being or having the potential to be a 'veteran tree' [as defined in BS:3998 section 3 - 'Terms & Definitions'], it shall be the subject of a specific management plan

devised by a qualified and competent arboriculturalist. No work to the veteran tree, or within its vicinity, which might compromise the environs of the tree shall be carried out without the written approval of the Local Planning Authority.

Reason - To ensure the retention and protection of veteran trees which are important ecological habitats for a wide range of wildlife including Red Data Book species as identified in the UK Biodiversity Action Plan (BAP) and are of significant cultural value and to comply with the adopted Cherwell BAP and Government guidance contained within the National Planning Policy Framework.

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

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

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

28. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

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

Reason -To protect habitats of importance to biodiversity

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

30. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:
- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
 - a housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

31. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

32. If a potential risk from contamination is identified as a result of the work carried out under condition 31, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and

approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

33. If contamination is found by undertaking the work carried out under condition 32, 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 that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. If remedial works have been identified in condition 33, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 33. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

36. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

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

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

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

38. Notwithstanding the details shown in drawing "P-H-03 Rev C", the ground floor living room window shown to be provided to plot 30 only shall also be provided to plot 5 in its southern elevation, and notwithstanding the details shown in drawing "P-H-01-1 Rev B", a ground floor window shall be added to the southern elevation of the dwelling to serve the lounge, of a size and style to match that shown to serve the dining room on the side elevation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- (2) That it further be resolved that if the section 106

Agreement/undertaking was not completed and the permission was not issued within six months of the Planning Committee meeting on 20 May 2021 and no time extension had been agreed between the parties, that authority be delegated to the Assistant Director Planning and Development to refuse application 19/02126/F for the following reasons:

1. The applicant has failed to demonstrate an appropriate drainage strategy for the site that would avoid harm to trees subject of a Tree Preservation Order and/or to the local area or existing or future occupiers through increased flood risk. The proposed development would be contrary to Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; 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, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, Banbury 5, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8 Tesco Bicester CR, Lake view Drive, Bicester. OX26 1DE

The Committee considered application 20/00059/F for the removal of an existing spoil and erection of two units for non-food retail at Tesco Bicester CR, Lakeview Drive, Bicester for Tesco Stores Limited.

Thomas Marley addressed the Committee on behalf of the applicant in support of the application.

In response to comments from members of the Planning Committee who were also Bicester Town Councillors, that they could not recollect consultation of application 20/00059/F with Bicester Town Council, the Interim Senior Manager, Development Management agreed to provide information regarding the consultation to those members.

In reaching its decision the Committee considered the officer's report and presentation, the address of the public speaker and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00059/F subject to:
1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991 to secure the following (and any amendments as seemed necessary);
 - a. Payment of a financial contribution towards off-site highway works of £71,738.52
 - b. Payment of a financial contribution towards bus services of £43,170
 - c. Payment of a financial contribution towards travel plan monitoring of £2,040
 2. The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement ref:163045 dated April 2019; Transport Assessment and Appendices and further Transport Note Document ref: WCR10002-105-TN-9-1-3 dated 3rd August 2020; FRA dated July 2020; Drainage Strategy Report dated 10th March 2021 Version 6; Ecological Survey Report Ref: 1002878 BN 02 UEA Ap dv1; Tree survey by Aspect Arboricultural; Ground Investigation Report; Site Location Plan AP01; Existing Site Layout AP02; Site Layout Plan AP03C; ground Floor Plan AP04B; Proposed Mezzanine AP05B; Existing Elevations AP06; Proposed Elevations AP07A; Sections AA AP08; Sections BB AP09; Drainage Plan SLP1; Tree Constraints Plan 9994 TCP01 and Proposed Tree Protection Plan 9994 TPP 01.

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

3. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
- The CTMP must be appropriately titled, include the site and planning permission number
 - Routing of construction traffic and delivery vehicles is required to be shown, including means of access to the site
 - Details and approval of any road closures needed during construction
 - Details of and approval of any traffic management needed during construction
 - Details of wheel cleaning/wash facilities to prevent mud etc from migrating onto the highway
 - Details of appropriate signing to accord with the necessary standards/requirements for pedestrians during construction works, including any footpath diversions
 - The erection and maintenance of security hoarding/scaffolding if required
 - A regime to inspect and maintain all lighting and barriers
 - Contact details of the Project Manager and Site Supervisor responsible for on site works to be provided
 - The use of appropriately trained, qualified and certified banksmen for guiding vehicles/unloading etc
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval, Areas to be shown on a plan of not less than 1:500
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution
 - Any temporary access arrangements to be agreed with and approved by Highways Depot
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak hours
 - Hours of work on site
 - The approved CTMP shall be adhered to throughout the construction.

Reason: in the interests of highway safety and the protection of the environment in accordance with Government guidance within the NPPF.

4. Prior to the building being first brought into use, electric vehicle charging points shall be installed for use by the businesses, staff and customers, the number, location and details of which shall first be agreed in writing by the Local Planning Authority. The electric charging points shall thereafter be retained and maintained in accordance with the approved scheme.

Reason: In the interests of sustainability and to comply with Policy ESD1 of the adopted Cherwell Local Plan 2011-2031 and in accordance with Government guidance within the NPPF

5. Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall accord with the approved Travel Plan.

Reason: In the interests of sustainability and to ensure a satisfactory form of development in accordance with Government guidance within the NPPF.

6. The development hereby approved shall be carried out in accordance with the Pinnacle Surface Water Drainage Report Version 6 dated 12 March 2021.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development and to comply with Policy ESD6 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

7. Prior to first occupation, a record of 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 Flood Authority Asset Register. The details shall include:
 - As built plans in both .pdf and .shp file format
 - Photographs to document each key stage of the drainage system when installed on site
 - Photographs to document the completed installation of the drainage structures on site
 - The name and contact details of any appointed management company information

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water and to comply with Policy ESD6 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

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

the remediation strategy shall be carried out in accordance with the approved details.

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

9. The retail units hereby approved shall not be subdivided.

Reason: In order to safeguard the vitality and viability of Bicester Town Centre and to comply with Government guidance within the NPPF.

10. Prior to the commencement of the development hereby approved, a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: In the interests of protecting the environment in accordance with Government guidance within the NPPF.

11. Prior to the commencement of the development hereby approved, where an adverse impact has been identified during works in condition 9 above, an air quality mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures within this strategy shall be implemented as agreed. No development shall take place until the Local Planning Authority has given its written approval that measures are in place which mitigate the impact of the development on local air quality.

Reason: In the interests of protecting the environment in accordance with Government guidance within the NPPF.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the units, or on completion of the development, whichever is the sooner and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for variation.

Reason: To ensure the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance in the NPPF.

13. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 4.23 and 4.26 of the Update Ecological Survey Report by Aspect Ecology dated February 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Government guidance within the NPPF.

14. The buildings hereby approved shall be constructed to at least BREEAM 'very good' standards

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the NPPF.

9 **Land north of Hempton Road and west of Wimborn Close, Deddington**

The Committee considered application 20/02083/OUT, an outline application for the erection of 14 two-storey dwellings at Land north of Hempton Road and west of Wimborn Close, Deddington for Pembury Estates Limited.

Mervin Dobson, agent for the application addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the address of the public speaker and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director, Planning and Development to grant permission for application 20/02083/OUT subject to:
 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):
 - a. Provision of commuted sum of £19,973.10 in lieu of Open Space Provision

- b. Provision of a commuted sum of £32,296.04 to the upgrading of local play equipment at Wimborn Close.
 - c. Off-site outdoor sports facilities capital provision – improvement of sports provision within Deddington - £33,568.50.
 - d. Off-site indoor sports facilities – Towards the replacement of the main hall floor at The Windmill Centre and sports equipment - £13,895.66.
 - e. Community hall facilities - £19,036.94 – To expand and/or enhance Windmill Community Centre.
 - f. £106 per dwelling for bins
 - g. Affordable housing provision – 35%
 - h. £14,518 – Public transport to upgrading of bus frequency to Oxford and Banbury
 - i. £4,500 – Supply and installation of a solar-powered Vehicle Activated Sign
 - j. Education provision contribution of £183,247
 - k. Libraries contribution of £4,166
2. The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limits

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

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

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

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

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

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

Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents: Application form, Design and Access Statement by Pegasus Planning dated July 2020, Ecological Appraisal by Aspect Ecology dated June 2020 and drawing number: 201-305 Rev. B

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

NOTE: The illustrative layout included within the Design and Access Statement accompanying the application is not considered to create an appropriate, locally distinctive or high quality development for the site. The applicant is advised to have regard to the Council's New Residential Development Design Guide and engage in pre-application discussions with the Council regarding the 'reserved matters'.

Finished floor levels

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

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

Land Contamination Desk Study / Site Walkover

6. Prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's

'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

Land Contamination Intrusive Investigation

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

Land Contamination Remediation Scheme

8. If contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Land Contamination Remediation Works

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Drainage

10. Notwithstanding the information submitted, development shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;

- Details of how water quality will be managed during construction

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

11. 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;
- d) The name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

12. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

Construction Environmental Management Plan

13. No development shall take until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a. The parking of vehicles of site operatives and visitors;
- b. The routing of HGVs to and from the site;
- c. Storage of plant and materials used in constructing the

development;

- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

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

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Energy Statement

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

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

Biodiversity enhancement

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

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local

Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Landscape and Ecological Management Plan (LEMP)

16. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

Lighting strategy

17. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, 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 document.

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

Travel information packs

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

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

Water usage

19. No dwelling shall be occupied until it has been constructed to ensure

that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

Compliance with ecological appraisal

20. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains of the Ecological Appraisal carried out by Aspect Ecology dated June 2020.

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

Electrical Vehicle Infrastructure

21. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

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

- (2) It further be resolved that as the statutory determination period of application 20/02083/OUT expired on 4 June 2021, if the Section 106 agreement/undertaking was not completed and the permission was not able to be issued by that date and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director Planning and Development to refuse application 20/02083/OUT for the following reason:

1. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; 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, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, VILLAGES 2, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

10

Tuthill Park, Banbury Road through Wardington, Wardington

The Committee considered application 20/03556/F for the erection of a new building and associated car parking at Tuthill Park, Banbury Road through Wardington, Wardington for Francis Tuthill Limited.

In reaching its decision the Committee considered the officer's report and presentation and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/03556/F subject to the following conditions:

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Site Location Plan – WG1013-001
 - Proposed Site Layout (1) – WG1013-003 C
 - Proposed Floor Plans – WG1013-004 B
 - Proposed Elevations – WG1013-005 B
 - Proposed Site Layout (2) – WG1013-006

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

Details of materials and finishes

3. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Parking and manoeuvring areas retained

4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

Construction Traffic Management Plan

5. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods.

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

11 **16 - 18 Sheep Street, Bicester, OX26 6TB**

The Chairman advised the Committee that application 20/03693/F had been withdrawn from the planning process by the applicant.

12 **3 The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester OX27 9AT**

The Committee considered application 21/00519/F a retrospective application for the erection of new detached dwelling house at 3 The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT for Mobley Limited. This application sought to amend the original dwelling design from 16/00366/REM and Appeal APP/C3105/W/16/3154107 - revised scheme of 20/03426/F.

Claire McCabe, a local resident, addressed the Committee in objection to the application.

Andrew Mobley, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the addresses of the public speakers and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 21/00519/F subject to the following conditions:

CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan (PU1905/19) and Plot 3 Proposals (PU1905/26A).

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

2. The external walls of the development that are to be constructed from natural stone shall be constructed in accordance with the stone sample panel approved under 19/00074/DISC and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The roofs of the development that are to be finished in slates shall be finished in accordance with the slate sample approved under 19/00074/DISC and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Within one month of the date of this consent, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be

submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the dwelling, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas.
 - ii) details of the hard surface areas including pavements, pedestrian areas, reduce-dig areas, crossing points and steps.

The landscaping works shall be carried out in accordance with the approved details and the hard landscaping works shall be carried out before any part of the development is first occupied and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure, in respect of the dwellings they are intended to screen, shall be erected in accordance with the approved details prior to the first occupation of those dwellings and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to any works to provide the access, parking and turning area of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the access between the land and the highway, and the turning area and parking spaces within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the access, turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby approved, the first floor window in the southeast elevation of the en-suite serving bedroom 1 shall be restricted opening to 15 degrees and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be altered or extended, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining buildings in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

13 **Cherwell District Council Car Park, Upper Windsor Street, Banbury, OX16 5DH**

The Committee considered application 21/00949/F for an Electricity kiosk and 5 no. charging stations for Electric Vehicle Charging at Cherwell District Council Car Park, Upper Windsor Street, Banbury, OX16 5DH for EZ Charge Limited.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 21/00949/F subject to the following conditions and an additional Planning Note to highlight Member concern regarding the lack of a Vehicular Restraint System and to encourage the applicant to engage with Local Members regarding the consideration of options to protect the equipment:

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing number OPAC-SSE-WI-XX-DR-E-0002 titled 'Windsor Street Car Park EV Boundary' and images showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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

14

Coach Park, Compton Road, Banbury

The Committee considered application 21/00950/F for an Electricity kiosk and 5 no. charging stations for Electric Vehicle Charging at Coach Park, Compton Road, Banbury for EZ Charge Limited.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 21/00950/F subject to the following conditions and subject to Officers writing separately to the applicant regarding the lack of a vehicular restraint system and to encourage Member involvement in the consideration of options to protect the equipment:

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date

of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing number OPAC-SSE-CR-XX-DR-E-0002 titled 'Compton Road Car Park EV Boundary' and image showing the 'EZC_CPC1_SYSTEM_SPECIFICATION'.

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

Restriction on use until the car park is available for public use

3. No part of the Electric Vehicle Charging Infrastructure shall be used until change of use for the wider Coach Park to public car parking has been implemented and the car park made available for public use.

Reason – To ensure that the EV infrastructure can be accessed within a lawfully permitted public car park and in the interests of highway safety in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

15

Kidlington Centre Car Park, High Street, Kidlington

The Committee considered application 21/00957/F for an Electricity kiosk and 6 no. charging stations for Electric Vehicle Charging at Kidlington Centre Car Park, High Street, Kidlington for EZ Charge Limited.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 21/00957/F subject to the following conditions and subject to Officers writing separately to the applicant regarding the lack of a vehicular restraint system and to encourage Member involvement in the consideration of options to protect the equipment:

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing number OPAC-SSE-CP-XX-DR-E-0002 titled 'Curtis Place Car Park EV Boundary' and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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

16

Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB

The Committee considered application 21/00969/F a retrospective application for an Electricity kiosk and 6 no. charging stations for Electric Vehicle Charging at Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB for EZ Charging Limited.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 21/00969/F subject to the following conditions and subject to Officers writing separately to the applicant regarding the lack of a vehicular restraint system and to encourage Member involvement in the consideration of options to protect the equipment:

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing number OPAC-SSE-CB-XX-DR-E-0004 titled 'Cattle Market Bicester Car Park EV Boundary' and image showing the 'EZC_CPC1_SYSTEM_SPECIFICATION'.

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

17 **Claremont Car Park Public Conveniences Victoria Road Bicester OX26 6RD**

The Committee considered application 21/00986/F for an Electricity kiosk and 6 no. charging stations for Electric Vehicle Charging at Claremont Car Park Public Conveniences, Victoria Road, Bicester. OX26 6RD for EZ Charging Limited.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 21/00986/F subject to the following conditions and subject to Officers writing separately to the applicant regarding the lack of a vehicular restraint system and to encourage Member involvement in the consideration of options to protect the equipment:

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: drawing number OPAC-SSE-CM-XX-DR-E-0003 titled 'Claremont Car Park EV Boundary' and image showing the

'EZC_CPC1_SYSTEM_SPECIFICATION'.

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

18 **4 Water Eaton Lane, Gosford, Kidlington, OX5 2PP**

The Committee considered application 21/00763/CLUP for a Certificate of Lawfulness of a Proposed Development for the conversion of loft space to habitable accommodation at 4 Water Eaton Lane Gosford Kidlington OX5 2PP for Mr Jordan Otwell.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That the Certificate be issued in accordance with the following schedules:

FIRST SCHEDULE

1. Hip to gable roof extension, addition of a rear facing flat roof dormer and roof lights to the front roof slope to facilitate the conversion of loft space to habitable accommodation in accordance with drawings numbered "017/03 REVISION C", "017/04 REVISION C" and "017/07"

SECOND SCHEDULE

2. 4 Water Eaton Lane Gosford Kidlington OX5 2PP

THIRD SCHEDULE

3. The proposal is permitted development under Schedule 2, Part 1, Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

19 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which kept Members informed about planning appeal progress including the scheduling of public inquiries and hearings and decisions received.

Resolved

- (1) That the position on planning appeals contained within the report be noted.

The meeting ended at 6.15 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 17 June 2021

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land North Of Railway House, Station Road, Hook Norton	21/00500/OUT	Deddington	*Grant Permission	Wayne Campbell
9	Land Used for Motorcross, Stratford Road A422, Wroxton, OX15 6HX	21/00517/F	Cropredy, Sibfords and Wroxton	*Grant Permission	George Smith
10	Symmetry Park Morrell Way Ambrosden – 1330	21/01330/F	Bicester South and Ambrosden	*Grant Permission	Bernadette Owens
11	Symmetry Park, Morrell Way, Ambrosden - 1331	21/01331/F	Bicester South and Ambrosden	*Grant Permission	Bernadette Owens

*Subject to conditions

Agenda Item 8
21/00500/OUT

**Land North Of Railway House
Station Road
Hook Norton**



153.6m

Railway House

STATION ROAD

THE SIDINGS

Play Area

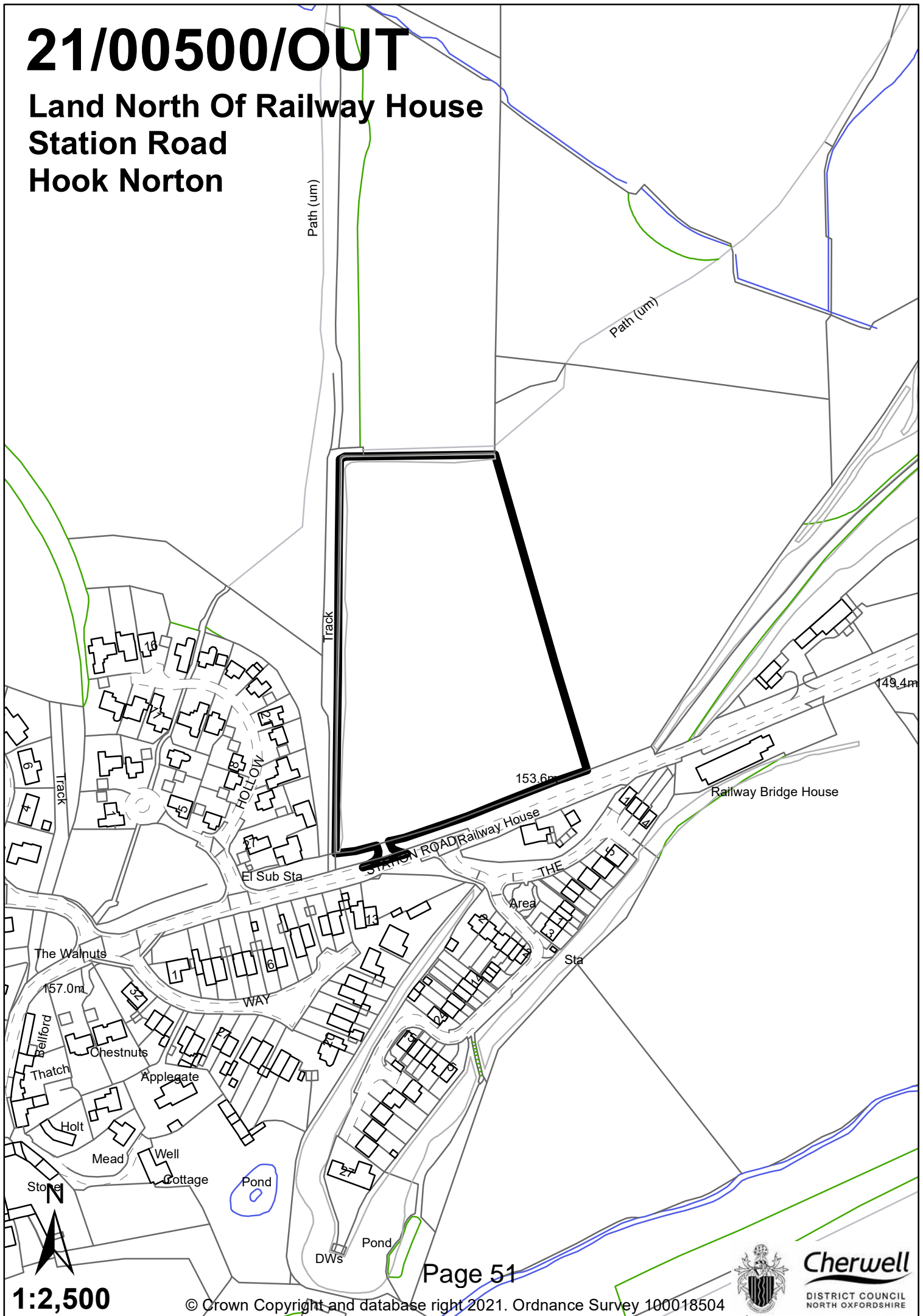
N

1:1,000



21/00500/OUT

Land North Of Railway House
Station Road
Hook Norton



1:2,500



Case Officer: Wayne Campbell

Applicant: Greystoke Land Ltd

Proposal: Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Ward: Deddington

Councillors: Cllr Brown, Cllr Kerford-Byrnes and Cllr Williams

Reason for Referral: 10 or more dwellings

Expiry Date: 18 May 2021

Committee Date: 17 June 2021

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at the eastern end of the village of Hook Norton on Station Road, which is the main road from Hook Norton to Milcombe and Bloxham. The site measures an area of approximately 2.26 hectares and is currently used as arable farmland as part of Crushill Farm. Although the site itself is relatively flat, it sits at a considerably lower level than the adjacent Station Road, as well as the residential development at Ironstone Hollow to the west which was a housing allocation in the Rural Areas Local Plan and constructed in the 1990s on the former quarry.
- 1.2. The site is bounded by Station Road and a hedge and trees to the south, and to the west by a tree embankment along the top of which runs an undesignated track.
- 1.3. A public footpath runs to the north and western side but outside the application site. The application site forms part of a larger field and is therefore currently open to the eastern boundary. On the opposite side of Station Road is a residential development of The Grange, and The Sidings.

2. CONSTRAINTS

- 2.1. The site, which is situated beyond the existing built up limits of the village on the northern side of Station Road, but is outside the Hook Norton Conservation Area.
- 2.2. A public right of way runs along the northern edge of the site but there are no public rights of way across the site. The southern and western edge of the site are significantly lower than the adjoining land levels with a difference of around 1.8 – 2.0m.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal seeks planning permission for the erection of up to 43 new homes, access from station road and associated works including attenuation pond. Vehicular access is proposed directly to Station Road from the south western corner of the site.
- 3.2. The application is made in outline, seeking approval for the principle of the development and the means of access into the site. However, the application is supported by an indicative layout plan. This indicative plan shows the proposed layout of the site providing a range of house types namely: - 10 x 2 bed house types - 27 x 3 bed house types - 6 x 4 bed house types. Of these dwellings the level of affordable units is stated as 15 dwellings on the site in the following provision, 4 x 2 bed houses types, 10 x 3 bed house types, and 1 x 4 bed house types. All dwellings are stated as being two storey in height and a mix of detached, semi-detached and terrace.
- 3.3. The layout plan also makes provision for open space; surface water attenuation pond (to restrict flows to existing greenfield run off with additional capacity provided to account for anticipated rainfall as a consequence of climate change and structural landscaping) on the boundaries of the site. In terms of density the provision of 43 dwellings on the site would, according to the applicant, equate to 20 dwellings per hectare.
- 3.4. *Timescales for Delivery:* The applicant/agent has stated in the Planning Statement that the site would fully deliver up to 43 new homes within the five years, in the event that planning permission is granted.

4. RELEVANT PLANNING HISTORY

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

14/01738/OUT: Outline – Development of 48 houses, access, open space and landscaping. Application was refused for two reasons:

1. Notwithstanding the Council's present inability to demonstrate that it has a five year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal constitutes development which fails to respect the traditional settlement pattern, and extends beyond the existing built up limits of the village into the open countryside. It would by virtue of its layout form and location, together with the significant change in levels from Station Road into the site, result in a incongruous and visually intrusive form of development which would cause demonstrable harm to the visual amenities of the immediate locality and the open countryside, in particular when viewed from Council Hill, contrary to Policies C7, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Local Plan and Central Government Advice within the National planning Policy Framework. Furthermore the development proposed also runs contrary to the Hook Norton Neighbourhood Plan.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan and Policy INF1 of the Submission Local Plan and Government guidance within the National Planning policy Framework.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The application was the subject of a pre-application request, however, the application was submitted before a response was provided as the dead line to respond had expired. As such no advice has been provided to the applicant prior to the submission of this application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, consultation with statutory and non-statutory consultees and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **23 March 2021**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. A total of 30 letters of objection have been received from local residents. The comments raised by third parties are summarised as follows:

- Site encroaches into open countryside and is not allocated either through the Local or Neighbourhood Plan, and *the proposed development is contrary to plan policies and risk losing the village feel*
- No assessment made of the accumulative impact of the recently built developments on the village
- *According to your published "Residential Completions & Permissions at 31/03/2020 (net) (updated 15/07/2020)", from 2011 to 31 March 2020 Hook Norton had a total increase of 163 completed dwellings, or just over 5% of the total from all the villages in the district (3042 homes).*
- Question how access would be formed where there is a steep drop from road to site level – only a simple plan is provided - no sections or detail
- The roads are in poor condition and *adding at least another 100 cars into the village is not sensible (based on each household having 2 cars)*
- *Transport Assessment is based on data collected in a school holiday period which is not representative*
- *Station Road is a busy road and unsuitable for heavier traffic flow as it narrows by the bridge, existing road through the village is very congested now without more traffic flow and is full of dangerous potholes. Before anymore properties are built the existing roads need widening and re-surfacing to make them safe.*
- *The only pavement from / to the village and the existing residential area is on the same side of the road as the proposed access; this would mean all pedestrian traffic would have to cross the proposed vehicular access point.*
- *Access would have severe adversely affect on trees and field boundary vegetation*
- Landscape analysis fails to recognise the close views which are available of the site from Station Road and the PROW which runs along the northern site boundary which would be adversely affected.

- *Site visible from Station Road, with views across towards the ridge and Council Hill beyond.* This open view, is important to the local character and setting of Hook Norton, would be lost by the development
- Application has been rejected previously so why are we considering going ahead with this plan
- Development *would over look my property, causing loss of privacy.*
- This is a Greenfield site - It is agricultural land, used for growing crops unlike The Grange & The Sidings which were built on the Brownfield site of the old Railway line and Stanton Engineering
- No improvement in the village infrastructure as a result of any of the developments that have been granted
- Question *what is the capacity of local schools and health care providers to accommodate increases in the local population? Is further growth within Hook Norton sustainable*
- Amenities, infrastructure, roads and road safety are being stretched beyond what is reasonable
- Health services are currently very stretched and it will be difficult to accommodate more patients and still provide a service that could be considered acceptable
- In terms of energy there is no mention of how the premises might be heated, or the provision of solar panels.
- *Extra development in the village would have a detrimental effect on the local wildlife and current habitats, if permission is granted for this development, Swift bricks integrated into the structure of buildings should be made a condition of the development*
- Housing developments tend to have mixed housing with a high proportion of large houses, but village possibly need low cost houses/ rentals and small family homes
- There are a vast number of houses already being developed in Cherwell providing plenty of housing and choice. *They are better served by the position close to Banbury, which has a well-developed infrastructure, transport links and employment opportunities*
- *No consideration of the potential impact of increased air and noise pollution caused by directly by the proposed construction or the heavy plant that will be necessary to travel through the village during the construction of the proposed dwellings*

6.3. **Local MP.** A letter from the local MP Victoria Prentis has been received. The letter outlines that the application follows a previous application which was refused permission as the development would extend beyond the existing built up limits of the village and would be intrusive from a visual perspective to the immediate locality and the currently open countryside. The MP highlights that a number of constituents have expressed a concern to her that the revised plan does not address nor resolve these previous reasons to refuse the application. The development would result in the loss of productive arable land would be visually

intrusive to current residents and the position of the site in general would make such a development would disrupt the local landscape, notably the rising land to the north which includes Council Hill. Hook Norton has seen a number of substantial housing developments in recent years and the MP states that residents feel strongly that the village has already met its requirements to provide housing under the Local Plan. Understand that both the local primary school and nearest secondary school are oversubscribed. The MP requests that the views of the constituents are fully considered when assessing this application.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. HOOK NORTON PARISH COUNCIL: **Objection:**

The site is in open countryside and beyond the existing built-up limits to the village, there is a significant change in levels from Station Road to the site, meaning visually intrusive engineering works would be required to access the site, which would be out of keeping with the local character the creation of the access would require a significant loss of established field boundary vegetation with significant harm to biodiversity, character and visual amenity. The rising landform, including Council Hill, to the north of the site, is an important element of the local landscape and setting of Hook Norton. The local landscape character and visual amenity would be harmed by residential development of the site. Public Right of Way 253/21/10 is immediately adjacent to the site and is a very well used route. There are open and close views of the site from this path and development of the site would have a severe and harmful visual impact.

The Hook Norton Neighbourhood Plan (HNNP) requires any development to protect and enhance the local landscape (policy HN-CC1), but this application does not address the fundamental landscape and visual objections to development of the site, such as the relationship with local landscape and Council Hill, the open views from the PROW immediately north of the development and open views from Station Road. The suggested boundary planting will not be of sufficient height or depth. Since the traditional pattern of growth is fundamental to the character of Hook Norton and the application does not accord with that traditional pattern of growth, it is contrary to Policies HN-CC1, HN-CC2, HN-CC3 of HNNP. The HNNP describes Hook Norton in a group of 6 villages required to provide housing of 252 up to the year 2031; all of which have had recent approvals for up to 528 dwellings which exceed this. Further development is unsustainable, particularly when considered cumulatively with the already consented and implemented developments. Local opinion regarding the extent, location and size of future residential development has been very clearly expressed and evidenced during consultations associated with the preparation of a HNNP. The application is contrary to the findings on which the HNNP policies are based.

Under policy HN-H2 of the HNNP, any applications for housing development will be assessed for suitability of location according to a set of criteria. The application fails to meet the following criteria because, the application does not comply with

policies in the plan, as set out in this submission in that it is on a greenfield site and the access to the site will be via a significant slope given the lay of the land.

The Transport Statement submitted with the application includes an independent report which argues that traffic volumes going into the village will be minimal as most facilities are in walking distance. However, the traffic count on which the Statement is based was carried out at the end of July 2020 when the roads were quieter as residents were staying indoors more because of COVID-19 and also during school holidays. As such the results from the survey are not an adequate basis from which to draw conclusions.

Plans in the Transport Statement show that the creation of the visibility splays would significantly impact the existing vegetation. Furthermore, if the visibility splay to the west is to be achieved, it appears to be reliant on works to third party property and trees – for which there appears to be no agreement. No consideration is given to how the proposed access will be created with reference to the differing levels of site and Station Road – no sections are provided and no drawings provided of the engineering work needed to create the access – yet access is not a reserved matter, it is to be determined by this application.

Regarding the “S106 offer” to improve the bus stop, the Parish Council can confirm that this merely demonstrates the lack of consultation with the community – which is not only good practice but also strongly encouraged in planning policy. The Hollybush Road bus stop is being provided with a shelter by the Parish Council, with work currently ongoing. Public transport does not serve the working population well and cycle commuting is impractical. The road into the village is a constant series of blind bends and barely wide enough for two cars to pass. The pavements from the site into the village are very narrow and non-existent in places and you are required to step onto the road to allow on-coming people to pass. The application makes no enhancement to the PROW network as sought in policy HN-COM2 – it only detracts from the existing PROW which is immediately adjacent to the site.

There is no case of need for a new housing development and the application does not evidence any benefits that will be derived, given that:

1. Hook Norton has already had substantial recent housing developments in the village which fulfil and exceed (by over 200%) the need for housing as identified by Cherwell District Council including social housing needs.
2. There are no economic advantages to be derived from this development.
3. The village is now not in a sustainable position to support this as local amenities are fully utilised from the recent three housing developments bringing further 107 homes into the village.
4. The location and size of the site is not in line with the HNNP.
5. It would not help reduce traffic or air traffic pollution and the Transport Statement is based on traffic data which is at best questionable and which underestimates the number of people that will drive to use the facilities in the village.
6. The Hook Norton Low Carbon Society have been considering environmental requirements for the village and are proposing creating a wildlife belt; this development would cut right through this.

CONSULTEES

- 7.3. CDC LANDSCAPE ARCHITECT: **Objection.** The visual receptor will experience a view of the development along sections of the PRoW RC 253/21/10 to the northeast, Council Hill, especially so during the winter months when there are no leaves on the intervening trees and hedgerows. Prolonged receptor exposure will occur on a stretch of 277 m (approx.) between viewpoints 9 and 8. The receptor will experience the residential development as a focal point within the landscape. A currently unspoilt landscape with substantial woodland as a strong landscape characteristic. This development will be rather incongruous where the existing urban edge is mainly hidden by trees because there is no similar residential edge character in which to associate with this proposed development. Magnitude of Change of very high (there is a large number of receptors, and the duration of the view is prolonged, uninterrupted and unavoidable), and adverse (proposals result in the total, permanent loss of a highly valued view, and a total and complete change in the composition of the view the introduction features and elements not currently experienced during the transition from VP 9 to VP8), a visual receptor sensitivity of high (observers whose attention or interest will be focussed on the landscape and recognised views in particular).

In reference to The Hook Norton Neighbourhood Plan, section 4.2 Location of development Policy background and reasoning. The presumption of the National Planning Policy Framework is avoidance of new isolated homes in the countryside. This was supported in consultation for the Neighbourhood Plan. Respondents were clearly not in favour of a general expansion of the village beyond existing settlement limits. From the recorded viewpoints and my experience of walking the route it is self-evident that the development will be isolated from this type of development and deemed to be an unwanted 'expansion beyond existing settlement limits'.

Consider the landscape on the northern edge of Hook Norton to be both distinctive and highly valued locally and therefore must be protected from this inappropriate development. Hook Norton Neighbourhood Plan.4.2 Location of development. Policy background and reasoning *the presumption of the National Planning Policy Framework is avoidance of new isolated homes in the countryside. This was supported in consultation for the Neighbourhood Plan. Respondents were clearly not in favour of a general expansion of the village beyond existing settlement limits.*

On the revised details, in order to achieve screening of this development the establishment period for these trees (depending on species selected, maintenance, climate and soil) is approximately 25 years. This will mean the rooflines will still be clearly seen by the visual receptors at viewpoints 8 and 9 with prolong exposure to visual harm on the route between these viewpoints. Furthermore there are factors that will prevent the successful establishment of this 7.5m buffer, such as maintenance, no public access therefore not subject to natural surveillance allowing gardens to encroach, woodland creates shade in adjacent gardens therefore results in complaints.

The amended statement highlights the inter-visibility between the 'old' Church and the proposed 'new' incongruous development and as mentioned above the development could take up to 25 years to effectively screen it and the setting of the Church could effectively be harmed for that period.

When applied to visual receptors, in particular in respect of Council Hill PRoW and a walker's appreciation of a panoramic view that encompasses the Cotswolds AONB, its 'border lands' and the proposed development, will result in the walker/visual receptor experiencing harm from a spoiled panorama, and visual amenity harmed.

In response to this statement note that the application site was referenced in the Neighbourhood Plan as:

'The area between Iron Stone Hollow and the old railway evoked a close split between respondents (my emphasis) who thought it appropriate for housing and those who did not'. The respondents would no doubt expect a comprehensive planning application where the landscape and visual implications are fully explored to enable viable evidence-based decisions to be made. If, indeed, a precedent has been set with other similar developments outside the curtilage of the village, these developments have been rigorously tested through the planning process. Just because 'a precedent' has been set this does not make this development a fait accompli.

This proposed development does not respect or enhance the local landscape character and the development cannot be integrated successfully into the local landscape. I again stress that 'I judge the landscape on the northern edge of Hook Norton to be both distinctive and highly valued locally and therefore must be protected from this inappropriate development'.

The highway access would urbanise the approach from a characterful experience of Station Road with its gradual introduction to the built up village to a very harmful and abrupt urban impact where more of the hedgerow and trees will have to be removed to accommodate bank stabilisation and vision splay, culminating in visual harm not only from the access but the development itself.

- 7.4. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST: **Objection.** The application site is located in close proximity, and uphill from the River Swere, which then flows soon after into the Cradle and Grounds Farm Banks LWS. We are concerned about potential indirect impacts on the nature conservation interest of the LWS, and the River Swere, due to possible changes to the hydrology (water quality in particular, and water quantity). The LWS contains Lowland Fen habitat which is sensitive to hydrological changes. Lowland fen is a priority habitat and an irreplaceable habitat. We do not consider that the application has demonstrated that it will not result in any deterioration of the lowland fen habitat in Cradle and Grounds Farm Banks LWS. As such we consider that at present it is contrary to Policy ESD 10 of the Cherwell Local Plan.
- 7.5. CPRE OXFORDSHIRE: **Objection.** Hook Norton has contributed more than its fair share to requirement in the Plan for 750 new homes across all Category A villages with 107 homes at Bourne Lane, The Grange and Scholars Gate. Therefore, this development is not required. development is in a greenfield location outside the village envelope on the eastern edge of the village where the majority of recent house development has already taken place. In no way can it be described as infilling and with 43 homes it well exceeds the Local Plan's criteria of clusters in villages of no more than between 10 and 20 new homes. Therefore, this site does not comply with the policy and will result in further loss of agricultural land. Village is situated in a relatively isolated location not served by any classified roads. The site is not included in the Hook Norton Neighbourhood Plan nor does it comply with the spirit of the plan.

- 7.6. CDC HOUSING STRATEGY: **Comment.** There has been a relatively large amount of housing growth already in the village which has yielded a number of new affordable homes (most recently 20 new dwellings at Bourne Lane) so we would firstly need to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey. Any new affordable homes that were provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031.

The conclusion at Point 4.1 of the applicant's Planning Statement states that the provision of affordable housing should be given substantial weight, but we could only agree with this if it addressed our – yet to be identified - housing needs. Additionally, point 2.6 in the applicant's Planning Statement references policies HN CC1 – CC5 in the Hook Norton Neighbourhood Plan but does not mention any of the relevant housing policies in the Neighbourhood Plan (HN H1 – H5) and instead refers to general planning considerations. As stated above, our intention is to accommodate the housing policies set out in the Neighbourhood Plan. To ensure the creation of mixed and cohesive communities, affordable housing should be fully integrated with market housing. It should also be visually indistinguishable from the market housing and evenly distributed across the site.

- 7.7. CDC ENVIRONMENTAL HEALTH OFFICER: **No objections** subject to conditions.
- 7.8. ENVIRONMENT AGENCY: No comments to make.
- 7.9. INTERNAL DRAINAGE BOARD: No comments to make.
- 7.10. THAMES WATER: **No objections** subject to conditions.
- 7.11. OCC DRAINAGE (LLFA): **Objection.** Appreciate the information submitted but require more information in order to assess the application in detail. There are discrepancies between the report and the calculations provided and this needs to be clarified. Infiltration trial locations stated in the plan do not correlate with the drainage layout while the trial locations must be where infiltration has been proposed. As there are numerous infiltration locations proposed, several tests are needed in order conclude with a conservative rate. There is no mention soft standing and hard standing areas in the report. A total of 0.062ha is used in the micro drainage calculations, this needs to be clarified. Maintenance plan and exceedance plan are not submitted.
- 7.12. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions
- 7.13. OCC EDUCATION: **No objections.** Site lies in the designated area of Hook Norton Primary School, which the county council has recently expanded to meet the needs of local housing growth and would have sufficient capacity to meet the needs of the proposed development. For secondary education the site lies within the designated area of Chipping Norton School, which would have sufficient capacity to meet the needs of the proposed scale of development.
- 7.14. OCC ARCHAEOLOGY: **No objections** subject to conditions.
- 7.15. CDC BUILDING CONTROL: **No objections**
- 7.16. CDC RECREATION AND LEISURE: **No objections** subject to S106 contributions.
- 7.17. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local*

finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 7.18. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

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

- H13: Residential development in category 1 settlements
- H18: New dwellings in the countryside

- C2: Development affecting protected species
- C5: Protection of ecological value and rural character of specified features of value in the district
- C7: Landscape conservation
- C8: Sporadic development in the open countryside
- C13: Areas of High Landscape Value
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- R12: Provision of public open space in association with new residential development

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan ('HNNP') and the following Policies of the Neighbourhood Plan are considered relevant:

- Policy HN - CC 1: Protection and enhancement of local landscape and character of Hook Norton
- Policy HN - CC 2: Design
- Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness
- Policy HN - CC 4: Resource efficient design
- Policy HN - CC 5: Lighting
- Policy HN - COM 2: Public Rights of Way
- Policy HN - H1: Sustainable housing growth
- Policy HN - H2: Location of housing
- Policy HN - H3: Housing density
- Policy HN - H4: Types of housing
- Policy HN - H5: Provision and retention of affordable housing
- Policy HN - T1: Access and parking
- Policy HN - T2: Non-car transport

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

9. APPRAISAL

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

- Principle of development
- Landscape and visual impact
- Highway implications

- Residential amenity
- Affordable Housing and Housing mix
- Site layout and Design principles
- Flooding and drainage
- Ecology impact
- Infrastructure / S106
- Sustainable Construction

Principle of Development

- 9.2. This application seeks outline planning permission for the development of this agricultural field for 43 dwellings, with associated access, drainage and open space. The site lies outside the confines of Hook Norton and comprises an area of open countryside.

Policy Context

National Planning Policy Framework

- 9.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Governments planning policy for England and how these should be applied.
- 9.4. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5 Paragraph 10 states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development***. Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 9.6 Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making* (my emphasis). *Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.7 Paragraph 13 continues by stating that *the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*. Furthermore paragraph 14

states that 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.

9.8 Section 5 covers the issue of delivering a sufficient supply of homes, and paragraph 59 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.* Paragraph 63 continues with the advice that *the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).* To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

9.9 Paragraph 69 states that *Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.* Paragraph 71 continues by stating that *Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*

- a) *comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) *be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.*

9.10 Paragraph 73 highlights the need for *Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period).* Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*

- b) *incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

Development Plan

- 9.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted CLP 2015 and the saved policies of the CLP 1996.
- 9.12. Policy PSD1 of the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.13. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.14 Cherwell's position on five year housing land supply is reported in the Council's 2020 Annual Monitoring Report (AMR). The 2020 AMR demonstrates that the District presently has a 4.7 year housing land supply for the period 2021-2026. An additional 509 homes would need to be shown to be deliverable within the five year period to achieve a five year supply as required by the NPPF.
- 9.15. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.
- 9.16. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that, *a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.17. Policy Villages 2 continues by setting out that when identifying and considering sites, particular regard will be given to the following criteria:
- *Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*

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

Policy BSC1 of the CLP 2015 states that *Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.*

Hook Norton Neighbourhood Plan

- 9.18 The Hook Norton Neighbourhood Plan was made part of the development plan for the area by Cherwell District Council on 19 October 2015. The Neighbourhood Plan and the Policies contained within are therefore a material consideration in the assessment of this application.
- 9.19 Policy CC 1 considers the protection and enhancement of local landscape and character of Hook Norton. The Policy states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.* The Policy continues by stating that *proposals which would introduce development to isolated sites in the open countryside which would adversely affect the tranquillity, unspoilt character and amenity value of the landscape will not be permitted.* Policy CC 3 looks at the local distinctiveness, variety, and cohesiveness of new development. Under this Policy it states that the traditional pattern of growth which characterises Hook Norton is small scale and gradual change and the Policy highlights that *this must be reflected in the extent and amount of any development in Hook Norton.*
- 9.20 As there is an existing public right of way along the northern edge of the site Policy COM 2 highlights that *existing Public Rights of Way in the parish will be protected. Where re-routeing is essential to accommodate sustainable development any loss of amenity value will be minimised.*
- 9.21 In terms of housing policies the Neighbourhood Plan has several relevant policies which are a material consideration in this application. Policy H1 states that *sustainable housing growth for Hook Norton in this Plan period (2014 to 2031) means conversions, infilling, and minor development.* In terms of this application the proposal is clearly for new dwellings to be built on the site and not conversion. In terms of infill development, the Neighbourhood Plan states that this means *the development of a small gap in an otherwise continuous built-up frontage, typically*

but not exclusively suitable for one or two dwellings. The Neighbourhood Plan defines minor development as small scale development proposals, typically but not exclusively for less than 10 dwellings. To maintain a sustainable community, proposals for up to 20 dwellings may be permitted where this does not result in more than 20 dwellings being built in any one location at any time, taking into account any extant permissions. In all cases, housing growth must comply with all relevant policies in this Plan.

- 9.22 Policy H2 highlights the location of housing and states that *any applications for housing development will be assessed for suitability of location using the following criteria. Suitable locations will: (i) Not be in Flood Zone 2 or 3 or within 8 metres of a watercourse (ii) Comply with policies in this Neighbourhood Plan (iii) Take account of existing or potential alternative site uses which shall be identified in consultation with the Parish Council.*
- 9.23 In terms of density for new housing developments Policy H3 states that *for housing development within Hook Norton the maintenance of local character has a higher significance than achieving a minimum housing density figure. The appropriate density for a housing site should in every case within Hook Norton result in a development that is in character with the local surrounding area.* In considering the type of housing to be provided Policy H4 highlights that *a mix of dwelling types and sizes that has regard to the needs of current and future households in Hook Norton will be sought in any development resulting in 3 or more homes. Scheme proposers are required to submit with any planning application a statement setting out how the proposed housing types, sizes and tenures comply with the most up to date Strategic Housing Market Assessment and Local Housing Needs Survey.*
- 9.24 Where affordable housing is required as part of any new development Policy H5 states that *any affordable housing provided as a Rural Exception Site development in Hook Norton will be subject to a legally binding obligation to ensure that initial occupation, and any subsequent lettings or sales, is limited to people meeting Hook Norton Needs or Connections Criteria as set out in Appendix D to the Neighbourhood Plan. This obligation will have permanent effect unless it can be demonstrated that there is no longer any requirement for the affordable housing. Where affordable housing is provided under a Section 106 agreement or similar planning obligation Agreement as a requirement of a housing development under Local Plan policy, the maximum proportion possible of the total units provided under Cherwell District Council's Allocation Scheme shall at every opportunity be allocated to people meeting Hook Norton Needs or Connections Criteria as set out in Appendix D. This obligation will have permanent effect unless it can be demonstrated that there is no longer any requirement for the affordable housing.*

Assessment

- 9.25 The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form.
- 9.26. The Council's housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policy Villages 1 of CLP 2015, saved Policy H18 of CLP 1996 and Policies H1 and H2 of the HNNP, and the weight to be afforded these policies is therefore reduced. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.27. Hook Norton is recognised as a 'Category A' village and is a large village with a reasonable range of community facilities and services. The village has a relatively regular bus service in the form of the 488 route which provides an hourly service between Banbury and Chipping Norton. Overall, Hook Norton is considered one of the more sustainable Category A villages.
- 9.28. The acceptability of the proposal therefore needs to be tested against Policy Villages 2 of the CLP 2015 (as set out above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the CLP 2015.
- 9.29. The Council's Annual Monitoring Report (AMR) 2020 identifies that in the 12 months to 31 March 2020 there were 144 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 193 dwellings under construction from the supply of permitted sites. Between 1 April 2014 and 31 March 2020 there were a total of 415 net housing completions on the above sites. This equates to 55.3% of the total requirement of 750 dwellings. These sites are fully committed to help deliver the Policy Villages 2 requirement.
- 9.30. Once those houses have been completed, on which there were commencements at 31 March 2020, the Council will have delivered 81% of the PV2 target. In addition, development has commenced at sites that would deliver a further 136 dwellings (66 at Launton, 40 at Milcombe, 20 at Weston on the Green, and 10 at the British Waterways site in Kidlington).
- 9.31. The Council is therefore well on the way to delivering the total of 750 dwellings set out at Policy Villages 2. The Inspectors' decisions at Ambrosden which allowed an appeal for up to 84 dwellings and for up to 25 dwellings at Sibford Ferris found that there could be demonstrable harm from exceeding delivery of 750 dwellings at Category A villages within the plan period. However, that figure has not yet been *delivered* and so at this time in terms of delivery this development would appear to be acceptable in policy terms. In addition, the proposals would assist in further meeting overall Policy Villages 2 housing requirements and could also contribute to the provision of affordable housing.
- 9.32. The NPPF places great importance on boosting the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (NPPF, Para 59). And further, that: '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly*' (NPPF, Para 59).
- 9.33. This site was considered in the Housing & Economic Land Availability Assessment (HELAA) final report of 2018 which is a technical study that determines the suitability, availability and achievability of land for development. This report is an important evidence source to inform plan making although it is accepted that the

report does not in itself represent policy, nor does it determine whether a site should be allocated for future development. In considering this site the HELAA highlighted that the site was not considered suitable for the following reasons:

The site is considered to be unsuitable for development as the site has a rural character that relates much more to the countryside to the north and east than to existing development to the west and south, which feel like the edge of the settlement. The site is separated from existing development by a significant hedgerow which adds to the distinction between the site and the existing settlement. Development on the site would have an adverse impact on the character and appearance of the area and the setting of the village.

- 9.34 Notwithstanding the fact that the Council cannot demonstrate a 5 year supply of housing land, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that *where a Council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic. It is necessary for the decision maker to assess whether or not the development would lead to harm which would not be outweighed by the benefit of the new housing.* In assessing the development on this site, the impact of the proposal on the rural character of the village is a material consideration before the principle of the development can be considered.

Landscape and Visual Impact

Policy Context

- 9.35. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.36. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, *new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.*
- 9.37. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*
- 9.38. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.*

- 9.39. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.* The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*
- 9.40 Further as noted above, Policy Villages 2 of CLP 2015 states that in identifying site, particular regard will be given to:
- *Whether land has been previously developed land or is of less environmental value;*
 - *Whether development would contribute in enhancing the built environment*
 - *Whether significant adverse landscape and impacts could be avoided*
- 9.41. As outlined in paragraph 9.21 above the Hook Norton Neighbourhood Plan Policy H1 states that *sustainable housing growth for Hook Norton in this Plan period (2014 to 2031) means conversions, infilling, and minor development.* Policy CC 1 of the Hook Norton Neighbourhood Plan is also relevant in that it states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.*
- 9.42 The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment

- 9.43 The site is not located within the built-up area of Hook Norton but comprises part of a large agricultural field on the edge of the village. The field is open in nature other than the existing landscape boundary treatment to the south along Station Road and along both the western and northern edge shared with the existing development of Ironstone Hollow and the remainder of the open countryside. However, as the application site forms part of a larger agricultural field the western boundary is not defined. The site is currently used as an agricultural field and although no information is provided to demonstrate the quality of the agricultural land it is noted that there are areas of both grade 2 and 3 quality land in and around the area of Hook Norton. Notwithstanding this point it is considered that the area of the site is of high landscape value providing an attractive rural setting for the approach to Hook Norton from the east with a very rural and tranquil character. It is also considered that due to the strong existing natural boundary to the west, south and north the site appears on the edge of the built area of the village and with the site being part of a larger field with no clear boundary to the site along the eastern edge the site is not viewed as a built form of the village.
- 9.44 The development of this site with 43 dwellings would clearly change this approach and view of the village into a more urban approach. The applicant clearly

acknowledges this point by stating that the eastern edge will be the subject of an extensive landscape buffer suggesting that the harm of the development on the area is high. The applicant also states that *“seeing elements of new built form is not necessarily unacceptably harmful particularly where the well treed character of the village is replicated to ensure that the development assimilates into its settlement edge location”*..

- 9.45 Policy CC 1 of the Neighbourhood Plan states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton*. Given the changes in levels, the existing character of the site and the lack of natural boundary to the site's eastern edge, and the presence of footpaths adjacent to the site, the proposal would have a significant local visual impact.
- 9.46 As highlighted above the Council's Landscape Architect considers that the development would have an adverse impact on the landscape setting of the village. In considering this impact the concern is that those using the public right of way would experience a view of the development along sections of the PRoW RC 253/21/10 to the northeast, Council Hill, and especially so during the winter months when there are no leaves on the intervening trees and hedgerows. This prolonged receptor exposure would occur on a stretch of 277 m (approx.) between viewpoints 9 and 8. The receptor would experience the residential development as a focal point within the landscape which at the moment is an unspoilt landscape with substantial woodland as a strong landscape characteristic. This means a Magnitude of Change of very high (there is a large number of receptors, and the duration of the view is prolonged, uninterrupted and unavoidable), and adverse (proposals result in the total, permanent loss of a highly valued view, and a total and complete change in the composition of the view the introduction features and elements not currently experienced during the transition from VP 9 to VP8), a visual receptor sensitivity of high (observers whose attention or interest will be focussed on the landscape and recognised views in particular. The development would cause major alteration to the landscape by including elements totally uncharacteristic of the current visual experience.
- 9.47 It is accepted that the proposed development would appear as an urban form on the edge of the village in an area currently of open countryside / agricultural field. The impact of the development could be viewed as an incongruous feature whereas the existing urban edge of Ironstone Hollow is mainly hidden by trees because there is no similar residential edge character in which to associate with this proposed development. However, the Ironstone Hollow development was visually stark when first built and formed the new urban edge to the village but due to the existing landscape boundary the impact of this existing residential estate is screened and softened to a point that the development is part of the character of the approach to Hook Norton. The development of this site with a strong landscape buffer will, over time, replicate this existing landscape boundary along the edge of Ironstone Hollow and therefore replicate the rural edge of the village.
- 9.48 The impact of the development at a closer point of view along the public right of way along the northern section of the site is considered by the Council's Landscape officer as very harmful. From this point of view the site gradually becomes open to view to almost its full extent. As such the magnitude of change is considered to be very high with a high receptor sensitivity resulting in a significance of effect of high adverse. The northern section of the site is marked by a public right of way and this right of way continues along the western edge of the site between the site and the residential area of Ironstone Hollow. The proposed development would have a significant impact on views from this right of

way. However, this impact would be reduced with the provision of the landscape along the north and western boundary of the site. Furthermore, the indicative layout plan submitted with the application shows the development would allow for an area of open space on the western side of the development which would ensure that the impact of the development on the footpath along the shared boundary with Ironstone Hollow is reduced to a minimum.

- 9.49 Notwithstanding the above, by virtue of its nature, being the development of a green field site beyond the existing built up limits of the village into the open countryside, the development would also result in localised harm within the immediate vicinity of the site. This includes at the point of access into the site off Station Road, which is situated at approximately 2m above the level of the site. In order to provide the access road, the development would require one of two things - the first would be for the need for considerable excavation of the verge to enable an access to be achieved, with significant existing tree and hedge removal as a result. The alternative would be for the import of further materials onto the site to provide a ramp access point to allow the access road to drop into the site at a gradual gradient for vehicle and pedestrian safety. This approach would also impact on the trees and hedgerow along Station Road as well as elevate highway features such as street lighting in the site further urbanising the site and the locality.
- 9.50 Seeking to address this issue the applicant has provide details on the indicative plan of a landscape buffer to form the eastern edge of the development site. This buffer would be to a depth of 7.5m and would provide a significant green edge to the development. As highlighted by the Council's landscape officer, this buffer would take time to establish and to mitigate the visual impact of the development. It is an established planning principle that landscaping cannot make an otherwise unacceptable development acceptable, but it is the case that over time the landscape buffer would become established and when mature would provide a new green edge to the village.
- 9.51 As such, while the proposal would result in built development on a green field site and would urbanise the countryside and would thus conflict with Policy ESD 15 where new development is expected to *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features*, the impact would be localised and would reduce over time.
- 9.52 The applicant has confirmed that the proposal is for the creation of a ramped access into the site which would allow for the access road to gradually drop into the site. The creation of the new access point would result in the loss of parts of the existing landscape boundary along Station Road, which would have the impact of creating a view into the site from Station Road and a significant change in character from agricultural land to a new housing estate. In this instance the existing landscape boundary is a traditional field boundary with a mix of trees and hedgerow. None of the landscaping is of a high quality other than it creates a soft edge along Station Road. The proposals include enhancement of the landscaping along Station Road, which would mitigate the impact of the loss of the landscaping in order to create the access point.
- 9.53 That said, the proposed access road would have a significant impact on the street scene and on the rural setting to this part of the village. The development would therefore be contrary to Policy Village 2 as well as Policies C28 and C30 of the CLP 1996 and Policy ESD13 of the CLP 2015.

9.54 As outlined in Policy Villages 2 there is a requirement that a number of key criteria be taken into account in considering the development of housing in the village. Of these criteria the following are relevant to this application:

- *Whether the land has been previously developed land or is of less environmental value;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether significant adverse landscape impacts could be avoided*

9.55 In considering these points the development of this open countryside site would not be on previously developed land but on land that has a high environmental value for its contribution to the setting of Hook Norton. The development of the site on its own would not enhance the built environment as the site is open countryside but with the provision of the significant landscape buffer the development as a whole would ensure that the edge of the village would be enhanced. This approach was also adopted in the appeal decisions at Ambrosden for 84 dwellings and Sibford Ferris for 25 dwellings where both appeals were allowed for development located in areas of the same character to the current application at Hook Norton.

Conclusion

9.56 For these reasons it is considered that the development of the site would comply with the criteria under Village 2 Policy and the harm of the development would be outweighed by the benefits of the residential development. The development would also comply with saved Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 as well as Policies CC1 and H1 of the Hook Norton Neighbourhood Plan.

Highway Implications

Policy context

9.57 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 109 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

9.58 This application seeks outline permission for the development of the site with all matters other than access to be reserved for a later date. As such the application is supported by details of the access into the site which would be via a new single access road off Station Road.

- 9.59 The transport statement submitted in support of the application outlines that the traffic generated by the proposed development is not considered to have a severe impact on the existing highway network given the scale of the development and the nature of the roads.
- 9.60 Notwithstanding the issues of the construction of the access the Local Highway Authority (LHA) has raised no objections to the principle of the access arrangement to serve the development subject to conditions and contributions to be secured through S106 Agreement. The LHA does, however, raise a question over the indicative layout and position of the access road to trees on the site although the LHA notes that full details of the site layout, access and parking arrangements would be considered under future reserved matters applications.
- 9.61 The LHA has requested a contribution of £52,550 for enhancement to the Public Transport Services serving Hook Norton, which would help in the village being more accessible by a sustainable mode of transport as encouraged by the NPPF and this would be secured through a Section 106.

Conclusion

- 9.62 The LHA advises that the proposals are acceptable in terms of highways safety and potential impacts on the local road network and officers see no reason to disagree with the LHA's assessment.

Residential Amenity

- 9.63 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.64 The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.65 The proposed development would be located away from surrounding residential properties. The existing properties which would be most impacted upon by the proposed development would be the properties to the west of the site in Ironstone Hollow. These properties are separated by the application site by landscaping belt, and as shown on the indicative plan a significant distance from the proposed development.
- 9.66 Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Affordable Housing and Housing Mix

- 9.67 Policy BSC3 of the CLP 2015 states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to

meet current and expected future demand creating socially mixed and inclusive communities.

- 9.68 The applicant has committed to entering into a planning obligation that may be lawfully demanded pursuant to Regulation 122 of the CIL Regulations 2010 which will include a policy compliant provision for affordable housing providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative.
- 9.69 In considering the details of the application the advice from the Strategic Housing Officer is that there has been a relatively large amount of housing growth already in the village which has yielded several new affordable homes (most recently 20 new dwellings at Bourne Lane). As such before a final figure of affordable housing can be agreed it would first be necessary to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey.
- 9.70 Any new affordable homes provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031. Notwithstanding this point it is accepted that there is a District-wide need for more affordable housing, but that new affordable housing provided in the village should primarily meet a local need. In terms of this application it is also noted that the house types proposed are 2, 3 and 4-bedroom homes but as these house types have already been provided on recent new sites in the village it may be that other house types of housing would be required such as 1-bedroom houses or bungalows in addition to these. In terms of tenure it is suggested by the Strategic Housing Officer that the proportions should be split 70/30 between Rented units/Shared Ownership units and that social rent would be required.
- 9.71 It is acknowledged that the applicant has confirmed that the proposal would provide the Policy compliant provision of 35% affordable housing on the site. Notwithstanding the comments of the Strategic Housing Officer stating that the level of affordable housing needs to be the subject of a Parish needs survey, it is clear that outlined in Policy BSC3 there is a high level of need for affordable housing in the District. As such there is no objections raised to the development from an affordable housing point of view subject to the necessary number, type, tenure and secured by a legal agreement to ensure compliance with Policy BSC3 of the CLP 2015.
- 9.72. It is also noted that the Strategic Housing officer has requested that at least 50% of the rented dwellings to meet Approved Document Part M4(2) Category 2. The applicant cannot be formally required to comply with this requirement as there is no adopted policy in place. However, they will be requested to include comply with this requirement through the final built form on the site.

Site Layout and Design Principles

Policy Context

- 9.73. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.

- 9.74. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.
- 9.75. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.76. Although this application is in outline form and therefore only seeks approval of the principle of a residential development on the site an indicative layout has been provided in support of the application. This layout shows an estate of 43 dwellings with a single access point off Station Road. Presumably due to the levels difference this access road has a long lead into the site and forms a single spine road through the development with dwellings fronting onto this spine road as well as a series of small private driveways / cul-de-sacs serving other dwellings.
- 9.77. In the suggested layout a significant number of dwellings are positioned close to the eastern boundary of the site, all of which would back onto the suggested landscape boundary. The end result would be that the eastern edge of the development would form a relatively hard edge and would be a significant change to the approach of Hook Norton to the detriment of the rural character of this part of the village. However, as outlined above the indicative plan shows a significant landscape buffer to be provided along the eastern edge of the development site which would help reduce the impact of the development. This landscape buffer would repeat the traditional landscape lead edge of the village as currently seen along the edge of the Ironstone Hollow development. Furthermore, it is also the case that the landscape buffer is significantly wider than the landscape buffer shown in the previous application refused outline permission in 2014 and is a material change and improvement upon this earlier application.
- 9.78. Overall, although it is considered that the current layout presented would result in an unacceptable form of development, but it has to be recognised that the application is made in outline with all matters reserved. Therefore, the layout, scale and appearance of the development would be considered at a later stage. Given the relatively low density of the scheme and the not irregular shape of the site it is considered that a revised layout could be negotiated at reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme.
- 9.79. The density of the scheme is stated by the applicant in their Design & Access Statement as 20 dwellings per hectare which is lower than the 30 dwellings per hectare sought under Policy BSC3 of the CLP 2015. However, in this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the boundaries of the site, it is considered that the lower density is, on balance, justifiable in this instance.

Conclusion

- 9.80. Although the details of the layout and dwelling designs would be the subject of further reserved matters application there is concern over the proposed layout and design principles for the development as indicated within the current submission. However, given the context and arrangement of the site it is considered that in granting outline permission an acceptable layout would be negotiated, and that

such matters would be fully considered as part of any such reserved matters application.

Flooding Risk and Drainage

Policy context

9.81. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.82 Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.83 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.84. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

9.85 The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.

9.86 The applicant has submitted a Flood Risk Assessment (FRA) which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin

feature in the western area of the site which also doubles up as part of the area of open space serving the development.

- 9.87 In considering the details of the initial FRA the Local Lead Flood Authority Officer (LLFA) has questioned some of the advice provided in the applicants FRA and in doing so has requested further information to be submitted. The applicant has provided additional information and at the time of drafting this report the further comments from the LLFA was awaited. However, until this advice is received there is an outstanding objection on the details submitted with the application and as such the application has failed to address the need to ensure that adequate drainage is provided on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites. The development therefore fails to comply with policies ESD6 and ESD7 of the CLP 2015 as well as advice contained within section 14 of the NPPF.

Conclusion

- 9.88 This application seeks to develop a green field site for 43 dwellings and associated access. At the time of drafting this report there were still outstanding questions regarding the details of the FRA submitted with the application. Additional information had been provided by the applicant to address the concerns raised by the LLFA and a response to this additional information is awaited. Providing that the LLFA confirms that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage.

Ecology

Legislative context

- 9.89. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.90. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.91 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.92. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.93. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.94. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.95. Paragraph 175 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- 9.96. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.97. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

- 9.98. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.99 This application is supported by a Preliminary Ecological Appraisal (PEA) of the site with an Extended Phase 1 Habitat Survey of the site in April 2020 undertaken by a suitably experienced ecologist. The results of this PEA underline that the majority of the site is comprised of arable land and has low ecological value. Hedgerows, which are anticipated to be retained, form the northern, western and southern site boundaries and are of site level value to nature conservation.
- 9.100 Members will see that the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) raises an objection to the application. In their view the application site is located in close proximity, and uphill from the River Swere, which then flows soon after into the Cradle and Grounds Farm Banks Local Wildlife Site (LWS). BBOWT is concerned about potential indirect impacts on the nature conservation interest of the LWS, and the River Swere, due to possible changes to the hydrology (water quality in particular, and water quantity). They advise that the application has failed to demonstrate that it would not result in any deterioration of the lowland fen habitat in Cradle and Grounds Farm Banks LWS. As such the BBOWT considers that at present the application is contrary to Policy ESD 10 of the CLP 2015. In addition BBOWT also considers that the application does not provide evidence of a net gain in biodiversity. As such the application is contrary to Policy ESD10.
- 9.101 With regards to the issue over the impact on the LWS the applicant has responded by stating that the Flood Risk Assessment supporting the current application identifies that a SuDS arrangement utilising infiltration (soakaways and permeable paving) provides a suitable means of disposing of all surface water from the site. The applicant continues by stating that the introduction of this SUDs system within the site will intercept overland exceedance flows. Accordingly, as at present, there will be no direct surface hydrological pathway between the site and these tributaries of the River Swere. It is also considered by the applicant that the quantity of rainwater which presently falls on the site would not change as a result of this development and that the use of filtration features ensures that there would be no change in water quality leaving the site. In terms of water quality, the applicant is of the view that as the current use of the site is for agriculture which would have been subject to regular use of fertilizers and pesticides. The development of the site for residential use would result in a significant reduction in the use of pesticides and agricultural fertilizers. Rainwater falling on roofs would flow directly to soakaways and would therefore be “clean” water.
- 9.102 In response to this objection the applicant has stated that, as the proposal is in outline form, with all matters reserved except access, landscape planting details are not available to use in a Biodiversity Impact Calculator to determine a net gain in biodiversity. In addition the applicant also points out that when they ran the development proposal through the DEFRA v2 Biodiversity Impact Calculator selecting baseline as arable and generic ‘Urban - Suburban/ mosaic of developed/natural surface’ for post-development, due to the lack of landscape planting details at this stage showed there would be a 40% increase in Biodiversity Net Gain. Furthermore, as the proposed development can clearly deliver

Biodiversity Net Gain in principle, given that the site is under arable production and the proposed development as shown on the submitted illustrative layout includes large areas Green Infrastructure which could be planted with native species mixes. It is suggested that a planning condition is imposed which requires the detailed landscaping proposals to be submitted at the reserved matter stage and demonstrate how Biodiversity Net Gain will be delivered through selection of appropriate species mixes.

- 9.103 BBOWT has been re-consulted on the revised / further information submitted by the applicant and at the time of drafting this report no further comments had been received. Any comments received prior to the planning committee meeting will form part of a verbal update on this item. Notwithstanding this point, unless the BBOWT responds with further objections or maintains its initial objection, it is considered that the applicant has provided evidence to demonstrate that the development would not result in any adverse impact on the ecology on / near the site and that the development through conditions would allow for a net biodiversity gain.

Infrastructure / S106

- 9.104 Due to the level of development on the site the issue of S106 contributions along with an element of affordable housing should be taken into account. A number of contributions are sought by Cherwell District Council, via the adopted Developers Contributions Supplementary Planning Document February 2018, which follows the tests of the National Planning Policy Framework and is therefore relevant to this planning application.

Policy Context

- 9.105 Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Development Plan

- 9.106 Policy INF 1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*

- Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

- 9.107 Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.*

The Policy continues by stating that, *all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.108 The Council also has an adopted Developer Contributions SPD in place which was adopted in February 2018. Under the SPD it is outlined that Although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for:

- Affordable housing; and
- Infrastructure which is required to mitigate the direct impact of a development.

It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case by case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

Assessment

9.109 Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 64 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 43 dwellings on the site which would represent a major application in terms of definition. As such the application should provide an element of affordable housing as part of the proposal. In addition, this it is also considered that the development should contribute towards community hall facilities, Indoor and outdoor sports provision, towards Public Art and highway infrastructure improvements necessary for the development.

9.110 In considering the issue of affordable housing the advice from the Strategic Housing Officer is that the total number of affordable dwellings shall be at least 35%, as outlined in Policy BSC3. Furthermore, it is outlined that the tenure proportions would be split 70/30 between Rented units/Shared Ownership units and we would seek social rent. Notwithstanding this point however, it is also highlighted that there has been a relatively large amount of housing growth already in the village which has yielded a number of new affordable homes (most recently 20 new dwellings at Bourne Lane) so we would firstly need to determine if there is sufficient need for more affordable homes in the area by way of a Parish Needs Survey. Any new affordable homes that were provided must be appropriate to the findings from this and be in-line with the housing policies outlined in the Hook Norton Neighbourhood Plan 2014 – 2031. Although it is noted in the applicant's Planning Statement that the provision of affordable housing should be given substantial weight, the view of the Strategic Housing Officer is that this could only be agreed if it addressed our – yet to be identified - housing needs. It is accepted that there is a need across the District for more affordable housing, but it has to also be accepted that new affordable housing provided in the village should primarily meet a local need. It is also the case that this approach also has to be taken into account in the consideration of the development of this site in the open countryside.

- 9.111 As also outlined in the response from the Council's Recreation and Leisure Officer there is a need for contributions towards community facilities to be included as part of any S106 agreement. Finally, there is a need for contributions towards highway infrastructure requires to be covered by a S106 agreement.
- 9.110 The application is not supported by any draft heads of terms although it is accepted that the applicant has confirmed that they are prepared to enter a planning obligation that may be lawfully demanded pursuant to Regulation 122 of the CIL Regulations 2010. The obligation will include a policy compliant provision for affordable housing; education facilities; health facilities and other facilities considered lawful. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 will progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

Conclusion

- 9.111 The application is not supported by any draft heads of terms for a S106. But as noted above of the applicant is in agreement to comply with a S106 requirement in association with the development. Therefore, this application will comply with Policy INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

Sustainable Construction

Policy Context

- 9.112. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Development Plan

- 9.113. Policy ESD1 in the adopted Cherwell Local Plan covers the issue of Mitigating and Adapting to Climate Change and includes a criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*

9.114. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.

9.115. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

Assessment

9.116. This application seeks outline planning permission for a new development of 43 dwellings on the site. As such the final design of the building is not provided as this will be the subject of a reserved matters application. At that stage it is considered that the full details of the sustainability measure to be incorporated into the design will be provided and agreed. A condition is attached to this outline permission which highlights the need to ensure that the final design of the building complies with Policy ESD3 as well as the requirements of Section 14 of the NPPF.

Conclusion

9.117. Although it is accepted that at this stage no information is provided with regards to the final design and hence sustainability measures to be used on this site. However, it is considered that the imposition of a condition to secure the sustainability credentials of the development would comply with the aspirations of these policies.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11d of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.4. The site is an open agricultural field unallocated in the adopted CLP 2015 and in the Neighbourhood Plan. Hook Norton is designated as a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances, this development would be for 43 dwellings and therefore fall within this category. 750 homes are to be delivered across these villages. The Council has yet to deliver 750 homes under PV2. When considering sites under this policy several criteria apply relating to the site's environmental value and impact and deliverability.
- 10.5. It is considered that the site being an area of open countryside on the approach to Hook Norton has a tranquil and rural character which would be lost as result of this development. The field boundaries to the west, north and south are strong reference points outlining the area of the agricultural field as different to the built form of development of the village. The site is clearly outside the built form of the village and the proposal would urbanise the countryside. However, a significant landscape buffer is proposed along the eastern boundary which over time would help to screen the development and would mitigate the visual impact of the development.
- 10.6. The proposals are considered acceptable in terms of transport, and neighbour amenity. It is further considered that a net gain in biodiversity across the site can be achieved and that subject to confirmation from the Local Lead Flood Authority that an acceptable drainage solution is achievable at the site that would ensure that flood-risk is not exacerbated. The application due to its size and nature requires the submission and agreement of a S106.
- 10.7. It is accepted that the development would make a valuable contribution to housing delivery and that significant weight should be attached to this benefit. Significant weight would be given to the provision of affordable housing as part of this but in this instance there is a question over the need for and quantum of affordable housing required due to the level of existing and recent new development in the village. There would also be some economic benefit in the support of construction jobs and spending in the area those future residents would bring about although this is only afforded minor to moderate weight.
- 10.8. It is recognised that in recent appeal decisions in similar scenarios, albeit where the Council could demonstrate the required housing supply (3 years at that time), e.g. at Ambrosden and Sibford Ferris, the principle impact was on the character and appearance of the countryside and the local landscape and yet that impact was considered not to outweigh the benefits of additional housing. Officers consider the same applies here.

- 10.9. Overall, it is considered that the harm in the form of the views into the site and the loss of landscaping as identified in this report would not outweigh the benefits of the additional housing in the District. Given the above assessment and in light of current guiding national and local policy set out in the report, it is considered that the proposal would amount to sustainable development and therefore the recommendation is that outline planning permission be refused in this instance.

11. RECOMMENDATION

RECOMMENDATION – SUBJECT TO NO OBJECTIONS BEING RAISED BY THE LOCAL LEAD FLOOD AUTHORITY OFFICER AND THE BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST AMENDED INFORMATION, TO DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

S106 Obligations

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards Community Hall Facilities in the locality of £55,075.58
- c) Payment of a financial contribution towards Outdoor Sport Provision in the locality of £97,182.15
- d) Payment of a financial contribution towards Indoor Sport Provision in the locality of £40,228.34
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)
- f) Payment of a financial contribution towards the improvements of 488 bus service in the village of £52,550
- g) Payment of the Council's monitoring costs of £1500].

Conditions

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

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

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

Reason : To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

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

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

4. Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that for a modern family vehicle and refuse vehicle can safely and easily pass one another throughout the development site.

Reason: In the interest of highway safety

5. No development shall take place [on any phase], including any works of demolition until a Construction Method Statement [for that phase] has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;
 - j) The mitigation measures recommended at (ADD REFERENCES) of the submitted Environmental Statement (DATE)

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason - To ensure appropriate levels of cycle parking are available at all times to

serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

7. A Residential Travel Information Pack is required prior to first occupation and then distributed to all residents at the point of occupation.

Reason – to ensure all residents are aware of the travel choices available to them from the outset.

8. The development shall not be occupied until confirmation has been provided that either:-

1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

9. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. Following the approval of the Written Scheme of Investigation referred to in condition 9, 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 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 within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019)

11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are

submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

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

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

13. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- ii) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

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

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

15. If a potential risk from contamination is identified as a result of the work carried out under condition 14, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

16. If contamination is found by undertaking the work carried out under condition 15, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

17. If remedial works have been identified in condition 16, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

18. If, during development, contamination not previously identified is found to be

present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

19. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve, and retained as such thereafter.

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

20. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of the Land North of Station Road, Hook Norton by Harris Lamb Property Consultancy dated 11/01/2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

21. A method statement for enhancing the Biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

22. 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.

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

23. Details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of

those works. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall take place until the existing tree(s) to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
- a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
 - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
 - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
 - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. A detailed drainage scheme to prevent surface water from the development being discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use or occupation of the development hereby approved.

Reason: In the interests of highway safety and to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1

26. The landscaping scheme to be provided as part of the reserved matters submission shall show details of the landscape boundary along the eastern boundary of the development site to a depth of not less than 7.5 metres. The landscaping details shall show a mix of species of trees, hedgerow and plants to provide a screen for the site along its eastern and northern boundaries. The trees shall be to a height of not less than 3 metres and shall be completely implemented

within the first planting season following the first date on which any part of the approved development is completed.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. OR

27. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of development above slab level, a design stage confirmation that the development shall be constructed to high environmental standards, demonstrating sustainable construction methods and measures to reduce impact on the environment 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.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

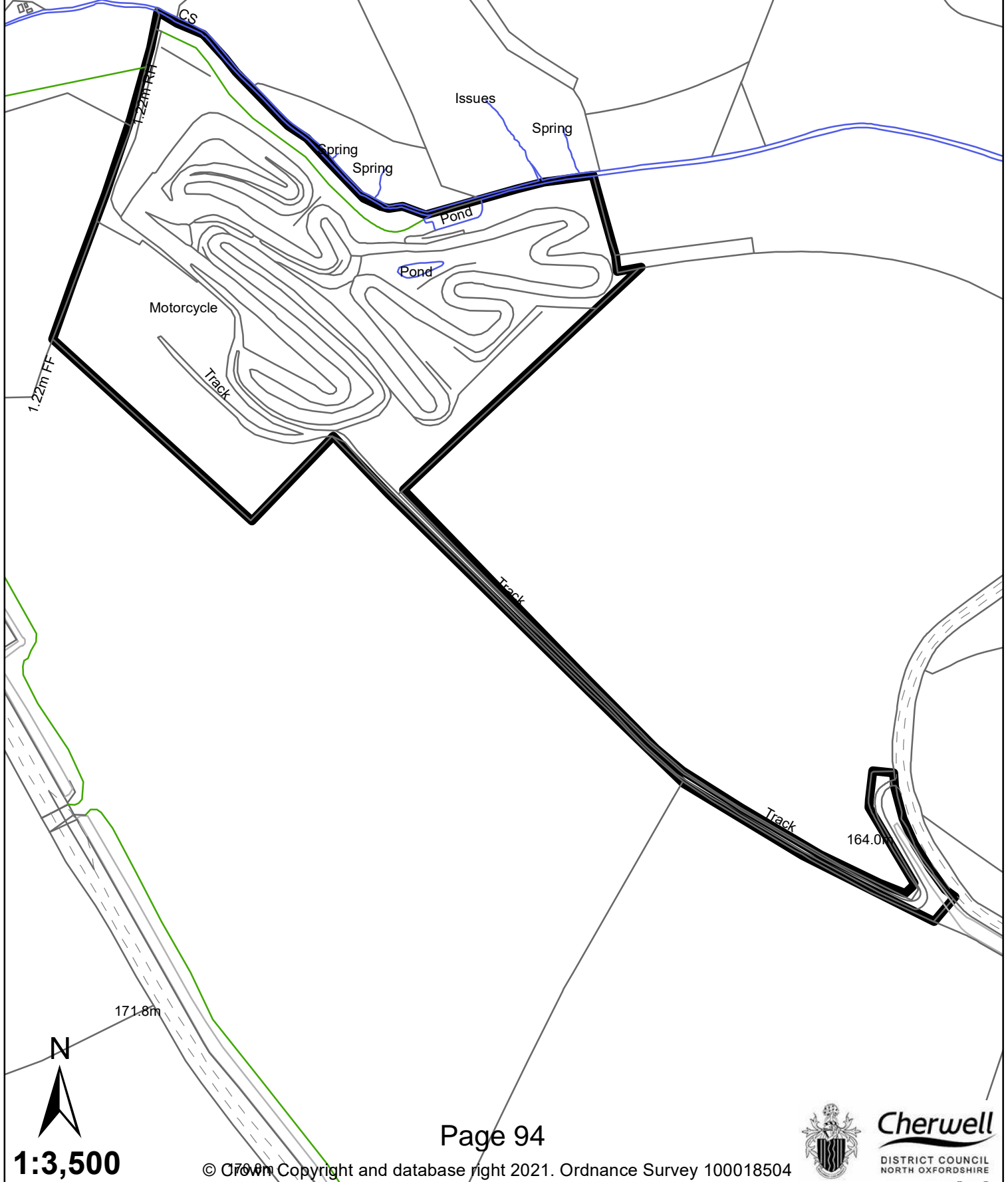
29. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

CASE OFFICER: Wayne Campbell

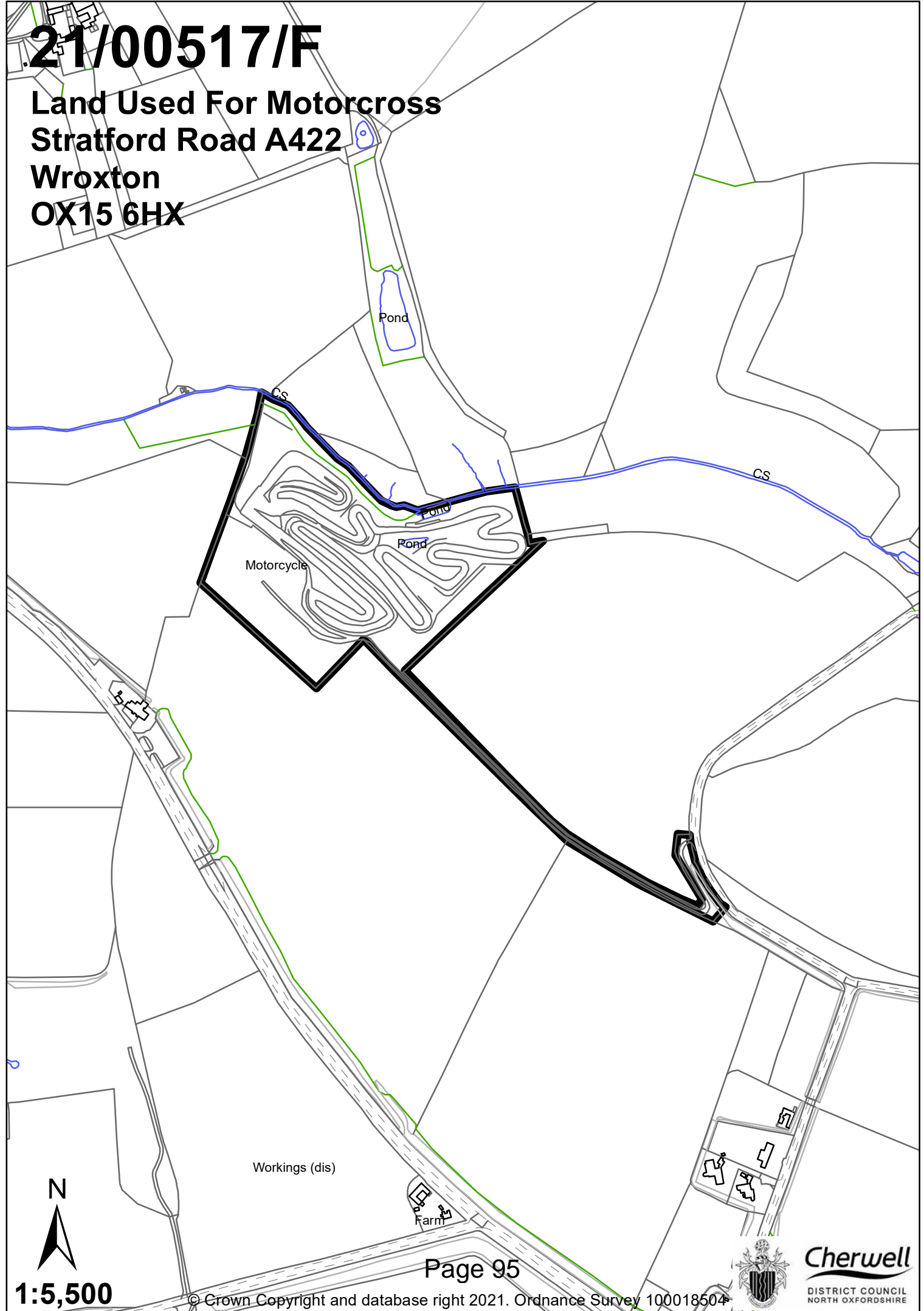
Agenda Item 9 21/00517/F

**Land Used For Motorcross
Stratford Road A422
Wroxton
OX15 6HX**



21/00517/F

Land Used For Motorcross
Stratford Road A422
Wroxton
OX15 6HX



1:5,500



Case Officer: George Smith

Applicant: Hedges & Kerwood

Proposal: Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

Reason for Referral: Level of public interest

Expiry Date: 22 June 2021

Committee Date: 17 June 2021

SUMMARY OF RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;

2) THE RESOLUTION OF THE OBJECTIONS FROM:

- (i) THE LEAD LOCAL FLOOD AUTHORITY;**
- (ii) THE COUNCIL'S ECOLOGY OFFICER; AND**
- (iii) BBOWT**

INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND

3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is occupied by a motocross track, accessed off the unnamed lane to the east.
- 1.2. The track is located in open countryside, being c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote and c1.2km from the eastern edge of Alkerton. There are several out-of-settlement dwellings in closer proximity, the closest being Hornton Grounds (550m).

2. CONSTRAINTS

- 2.1. The application site is partially within a Conservation Target Area and partially within a NERC Act S41 Habitat – namely Lowland Mixed Deciduous Woodland. The Traditional Orchards Habitat is located nearby. The site is bound on the western side by a footpath (339/18/10). Another footpath (255/4/10) runs close to the entrance to the site from the west. The site sits on potentially contaminated land and naturally elevated arsenic, which are common features across the Cherwell District.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks use of the parcel of land for motocross purposes for 65 days per year. This would include 24 event days i.e. the application if approved would not grant permission for 65 event days. The 65 days would include the 24 events, as well as set-up and set-down days either side of an event.
- 3.2. The Transport Statement explains in more detail the nature of the use. A typical event is held on Sunday, with an average rider entry of 160-200, and most riders arriving with immediate family and support crew on the Saturday before the event day. The majority of campers are said to arrive between 5pm and 8pm. The report estimates that 180-220 people would typically camp.
- 3.3. The Transport Statement sets out that, during a Club event, there may be around 600 – 800 people on site over the course of race day, travelling in 250 – 350 vehicles
- 3.4. The Transport Statement sets out that a National event are said to occur once or twice a year and can attract a maximum of 320 competitors and 1,300 to 1,500 people in total. A National event can attract around 400 – 600 vehicles, depending upon how many people travel together in each one.

4. RELEVANT PLANNING HISTORY

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

20/02126/CLUE: Certificate of Lawfulness of Existing Use for the use of the land for a mixed use of agriculture and as a motocross track with race meetings for up to 24 days a year (excluding set up, preparation, clear up and private practice sessions) – Withdrawn

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3 June 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Officers have counted the number of objections received as 172 and the number of letters in support to be 11. Four representations have been recorded as *comments*. The representations made by third parties are summarised as follows:

Objection

Principle of development

- The application does not provide any material/substantive information in respect of the claims that the proposals support local policy
- Up until 2017 the track was operated within the 14-day permitted development limited but have not done so since. It should be reinstated to this 14-day use.
- There is no access via public transport and poor walking and cycling routes, which would not reduce need to travel by private vehicle, not offering alternative travel modes.
- Provision of this facility is not needed as four other similar developments and approved sites are within easy travel distance
- Does not support tourism as people camp and do not spend money in local area or mix with local villagers
- It is only a commercial success for the landowner rather than local community
- Could harm local B&Bs and pubs
- Sheep have never been seen grazing at the track
- Track operators have continued to flaunt regulations through this planning application process
- Is suitable as a local club, reverting back to its former use. Is not suitable to be an international track.
- Several third-party representations have raised concern that the track would hold motocross racing or practice on 65 days of the year and made comments on this basis. Whilst the proposal seeks 24 race or practice days, several have raised this ambiguity as a concern.
- There is no local need for the facility.
- At what point does this go from farm diversification to being the primary business.

Landscape and visual impact (including heritage)

- Approval would result in further expansion
- This area is valued for its tranquillity and beauty, something the track is ruining.
- Contrary to the LVIA, the current track does not use natural landform as there has been extensive excavation and raising of the land in many areas. LVIA report contains various misinformation.
- Cherwell District Council themselves have sought to protect the Ironstone Downs in their own Local Plan.

- The landscape assessment identifies that the site is currently in poor condition and the works have been done to a poor standard and further remediation is required to put the site in good condition.
- Track did not used to be visible but can now be seen from 3 different roads and the footpath adjacent. This is as a result of bigger jumps and more prominent features such as railings.
- The resulting highways, visual, and noise impact that would arise from the proposal on the nearby AONB would outweigh its public benefit, contrary to paragraph 172 of the NPPF.
- Events look like a large music festival.

Noise

- Unfavourable wind direction increases the perceived level of noise, which is the norm rather than the exception due to prevailing wind.
- Was tolerated by locals prior to 2016, but increase in size and the events are now starting earlier, finishing later, are noisier as the size of bikes have increased, and the number of events has virtually doubled
- Causes stress and annoyance for people who want to enjoy peace and quiet in gardens. Note in summer this is particularly vexatious as it is often necessary to keep windows and doors open to keep the house cool. Impacts on mental health and drives people to go away for the weekend.
- Rather than an occasional disturbance a Motocross event can affect a whole weekend if the wind is blowing in a certain direction as the noise is so loud it is not a pleasant experience to be outside in the garden.
- Noise on occasional weekends was tolerable, but noise is now incessant.
- Third party took several noise meter readings in 2019 and have records to show sound levels frequently between 65dB and 95dB during race time.
- Questioning of the usefulness of the noise survey being undertaken on a practice day in the off-season. Evidence is potentially deliberately misleading.
- It may be that measurements of noise are beneath the British Standards and WHO indicative level of 50 decibels, but this may not be the most appropriate measure in an environment with much lower levels of ambient noise.
- Noise nuisance to Indian Queen restaurant and instances of anti-social behaviour.
- The Council's Environmental Health Officer appears not to have taken account of other data provided, outside of the applicant's report. Applicant's report is incorrect on the noise effect.
- Additional screening would not make the noise impact acceptable.

Highways

- Increased vehicle movements, vans and cars going over speed limit through villages of Wroxton, Hornton, the A422 and surrounds.
- There has been an increase in vehicle movements in the locality over a number of years more generally, due to other developments (Hornton Quarry, Banbury expansion etc.)
- Up to 200 vehicles are camped there at weekends impacting on entry and exit on narrow country lanes. Objections to positioning of site entrance
- This road should never be blocked by heavy traffic, which it certainly would be if this planning permission were approved. Limits access for emergency service vehicles
- Would eventually cause death or serious injury
- Access to the site and the surrounding roads should be reviewed and improved if this application is approved. The windy country roads are not suitable for the development. Vehicles travelling to track has led to potholes and damaged verges.
- Unsafe to walk along footpath adjacent to track on race days. Also, a risk to cyclists and children.
- Damage to surrounding roads from the large vehicles and camper vans that are associated with the use. Small roads are unsuitable for 100+ larger vehicles all arriving for weekend use
- Mud is dragged out onto the road from the access

Ecology

- Effect on local wildlife and countryside
- This whole valley forms part of the Northern Valleys Conservation Target Area (NVCTA). The NVCTA is an important wildlife site which has been targeted specifically for biodiversity conservation. Cherwell District Council's (CDC) Local Plan 2040 states that CTAs would be the most important areas to target for biodiversity improvement. Locating large BMX track capable of hosting international motocross events in this CTA is clearly contrary to that ambition.
- Track would have a significant detrimental impact on biodiversity in areas surrounding the site and the loss of at least some of the red list/internationally threatened species in the area.
- The area surrounding the proposed site is richly biodiverse, holding healthy remnant populations of farmland birds, mammals and plants which have experienced huge declines with the industrialisation of agriculture, which continues today. Many of these species are internationally threatened, indicating that this area has International Conservation Importance and must be protected from development.
- The potential risk to contamination from fuel leaks, chemical toilets and general waste of the Sor Brook, including the potential downstream impact to wildlife.

- It is just a few hundred metres from a Site of Special Scientific Interest, managed by the Banbury Ornithological Society, where many rare species of bird can be found including the curlew. The noise pollution from the track may prevent birds from staying in this area as they are sensitive to noise.
- Ecology walk over survey undertaken at massively suboptimal season. Report points at potential for GCN as well as protected species including bats, but no mitigation/compensation is identified.
- Policy ESD11 - insufficient information has been provided to show the proposal adheres with the policy; demonstrating the proposal does not conflict with the aims of the conservation target area as well as identifying constraints and opportunities for biodiversity enhancement.

Pollution

- Diesel fuelled vans travelling large distances to get to event
- Believe the CDC should not be supporting further expansion of a sport which is potentially detrimental to the health of the participants and local people. These are not 'essential' emissions.
- Litter from track including plastic helmet visors are found nearby to track and lining the tributary of Sor Brook, having an impact on ecology also.
- Rubbish is stored or burnt on site.
- Littering along Wroxton main road
- In contravention of Government stated objectives to reduce CO2 emissions which are proven to adversely affect climate

Drainage

- there have been breaches of the Land Drainage Act in that unauthorised works have happened in damming and draining the watercourse
- Drainage and pollution of the water levels threaten the surrounding area.

Other

- Disregard for planning and process
- Implies weekday events as well as weekends
- Devalues properties
- Why CDC has allowed this Wroxton Motocross development to get to this point without adequate planning permission.

Support

- Safe and accessible motorsport facilities is key to avoid illegal riding and driving on roads
- Benefits to physical and mental health

- Supports local businesses
- Oxfordshire has insufficient motorsport facilities relative to size
- Additional screening would reduce the noise impact

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. HORNTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Unjustified and unsustainable form of development in a rural location – contrary to the provisions and aims of SLE1, SLE4 and ESD1 of the Local Plan
- Development is an alien feature within the rural landscape, out of scale and character within setting. Detrimental visual impact on rural character and appearance of locality, including adverse disturbance for wildlife habitats and species and harm to the rights of way amenity and open rural landscape of the area – contrary to Policies ESD13 and ESD15.
- Adverse traffic congestions on Friday – Sunday, with hundreds of vehicles using the narrow local lane network. The proposals are therefore contrary to saved Policies TR10 and C31 of the 1996 LP and ESD15 of the CLP 2015.
- The change of use cannot be to a mixed agricultural use as the vast majority of the racetrack is bare mud and could not support sheep grazing.
- The application form, Design and Access Statement and technical submissions contain numerous factual inaccuracies.
- A Hornton Parish Council commissioned “Expert Witness Statement” from Air Photo Services Ltd Report, taking evidence from aerial and satellite photography and Lidar data, concluded that between 2012 and 2020; the racing track was lengthened by over 500m (33%), the track area and bare earth features increased by over 1500sqm and the average width of the track increased from 11.08m to 12.15m.
- A Hornton Parish Council commissioned “Noise Impact Assessment Review” from Clarke Saunders Acoustics has been submitted, which considers that the applicants Noise Impact Assessment does not address many key requirements, concluding that it cannot be relied upon to describe the community impact of the proposals.
- The Parish Council have provided a list of events, stating that greater events had taken place (or at least been planned) than the applicant asserts, with 26 events having been listed in 2019.

7.3. WROXTON AND BALSCOTE PARISH COUNCIL: **Objects** – for reasons summarised below:

- Brings no benefit to the local economy as competitors and guests stay in caravans on-site and are likely to self-cater.
- Disbenefits in terms of noise, increased traffic, damage to verges and anti-social behaviour
- Wroxton and Balscote residents in general accepted the original intention of the operation for the first 35 years or so i.e. recreational activities for local people on several weekends annually. However, the nature of the activity has changed, increasing in size and frequency and interfering significantly with the local environment
- Wroxton and Balscote Parish Council would support strict conditions imposed limiting the number of racing/practice days, to the prior acceptable volume of activity. Conditions should also protect immediate environmental requirements i.e. litter, toilets and protection of watercourses.

7.4. SHENINGTON AND ALKERTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Noise nuisance to parish residents. 65 days is unreasonable, the applicant should request a more reasonable level of activity. The Parish Council would like to see calendar coordinated with Shenington Kart Club as the noise complaints are received for this as well.

7.5. HORLEY PARISH COUNCIL: **Objects** – for reasons summarised below:

- Increased intensity of the use of the site.
- Parish Council are concerned about increased number of events to 65 days per year, over one per week.
- Noise pollution is a major concern which can already be heard throughout the village – increasing if this is approved.
- Parish Council has received individual complaints from residents in the village regarding existing site.

CONSULTEES

- 7.6. CDC ECOLOGY: **Comments** – that the information is currently insufficient in relation to ecology enhancement and great crested newt mitigation
- 7.7. CDC ENVIRONMENTAL HEALTH: **No objections** – on grounds of noise, contaminated land, air quality, odour or light.
- 7.8. CDC LANDSCAPE: **Comments** that a landscaping scheme and management/mitigation measures are required.
- 7.9. CDC ARBORICULTURE: **Comments** – that the landscaping plan as submitted requires further clarifications.
- 7.10. CDC DRAINAGE: **Comments** – that the Flood Risk Assessment is acceptable in hydraulic terms. Comments that the watercourse could be affected by ecology in regard to siltation and loss of amenity to allow fish/invertebrate passage along the watercourse, however they note that they are not qualified to comment on this aspect.

- 7.11. CDC SPORT AND LEISURE: **Comment** – that there is insufficient evidence which demonstrates that the provision meets a local need, or that its increased use addresses deficiencies in provision.
- 7.12. OCC HIGHWAYS: **No objections** – subject to conditions for; means of access improvements, vision splays to be non-obstructed, provision of two pairs of passing places and for the submission of an Event Traffic Management Plan.
- 7.13. OCC RIGHTS OF WAY: **No objections** – subject to condition relating to fence along western boundary.
- 7.14. OCC DRAINAGE: **Objections** – as a detailed surface water management strategy has not been submitted.
- 7.15. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** – due to impact on tranquillity of area
- 7.16. COTSWOLD NATIONAL LANDSCAPE: **Neither support nor object**
- 7.17. ENVIRONMENT AGENCY: **Comments** – that application falls outside remit
- 7.18. BERKS, BUCKS & OXON WILDLIFE TRUST (BBOWT): **Comments** – that they would object to any increase in the extent of the track or increase in events. Comment that there should be less exposed soil overall, particularly next to the brook, and certainly no increase. They advocate requirements to be made for biodiversity net gain, stating this should be at a 20% level, to be achieved on site. A series of recommendations are made.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- ESD8: Water Resources

- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

Other material considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Ecology impact

Principle of Development

Policy Context

9.2. The application is retrospective and was submitted as the result of an enforcement investigation. The current application is being put forward by the applicant to regularise the existing motocross facility. The applicant states that the track has been in situ since 1981. However, the track has gradually expanded from an informal local facility to one capable of hosting international events. Figures 1 to 4 below show the gradual expansion of the track over the last 20 years.

Area



Figure 1 – 1999 aerial photography



Figure 2 – 2009 aerial photography

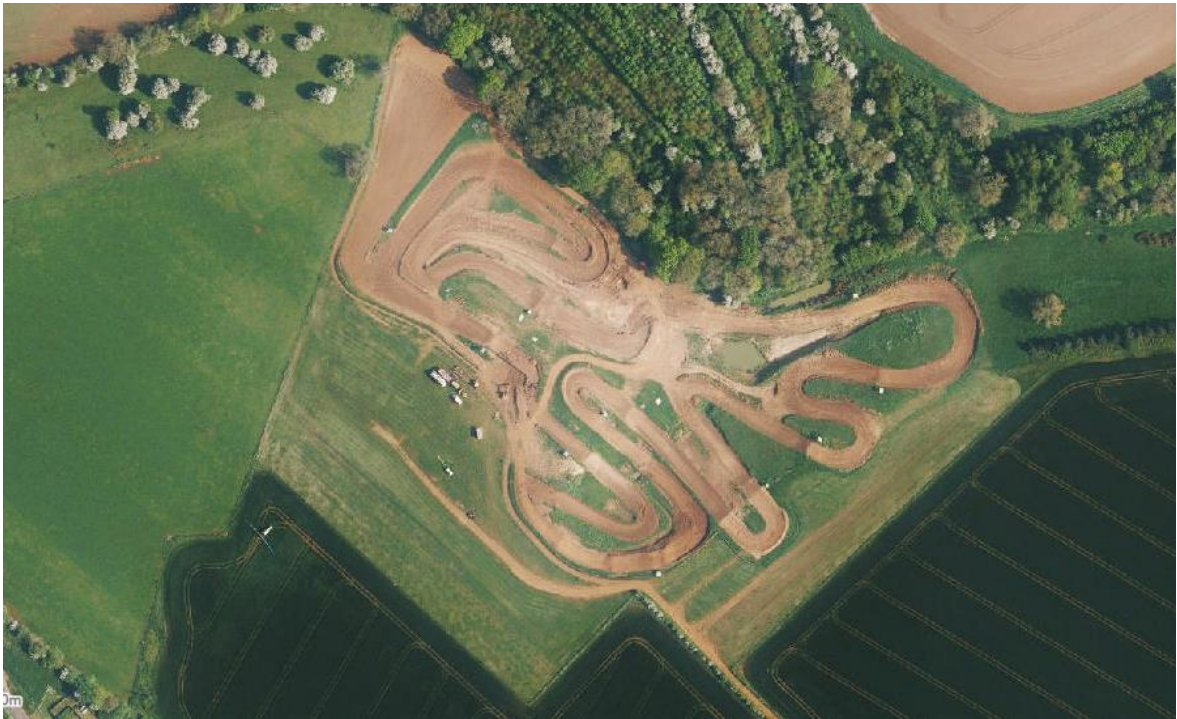


Figure 3 - 2014/15 aerial photography



Figure 4 – 2019 aerial photography

- 9.3. Policy BSC 12 of the CLP 2015, which governs the provision of community sporting and recreational facilities states *'Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.'*
- 9.4. Policy BSC 10 of the CLP 2015 states that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and through addressing deficiencies in provision

through enhancement to existing sites or securing new provision. In determining the nature of new provision, the Council will be guided by the evidence base and consult with parish and town councils. The supporting text notes that development which result in the loss of facilities will be assessed in accordance with the NPPF and will not be permitted unless the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided in an agreed time period. Paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2 (now the review of the Local Plan).

- 9.5. The NPPF at paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.6. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.7. NPPF paragraph 84 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.8. Paragraph 86 and 87 of the NPPF state that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.9. The NPPF advises that the 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 and paragraph 97 of the NPPF states existing open space, sports and recreation buildings and land, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Assessment

- 9.10. This application seeks use of the parcel of land for motocross purposes for 65 days per year, with 24 days where the track is used. The site is outside of a sustainable settlement and set in a rural context. Given the location, nature of the development and lack of public transport links the proposed development would be heavily reliant on the use of the private motor vehicle to access the facility via the route of minor rural roads.
- 9.11. It is relevant to assess whether the use is a 'Main Town Centre Use' as defined by the NPPF. The NPPF definition names sport and recreation, as well as leisure.

Whilst one might ordinarily deduce that the motocross track could be a leisure use, those two things are intended to be different, i.e. this is under sport and recreation rather than leisure. The question is then whether it's a "more intensive" sports and recreation use, (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls). As this motocross use is not similar to those listed within the NPPF, Officers would conclude that that it is not a main town centre use. It is also not a use that could reasonably be expected to be provided in the town centre due to its nature.

- 9.12. The Council's Sport and Leisure Team states that there is insufficient evidence to demonstrate that the provision meets a local need, or that its increased use addresses deficiencies in provision. Officers agree with this view and recognise based on the submitted information that the facility holds national events and draws participant from across the country, rather than providing a local need. Therefore, Policies BSC10 and BSC12 of the CLP 2015 are not necessarily met.
- 9.13. The applicant contends that the track can currently operate under permitted development right allowances. However, Officers consider the land is not returned to agricultural use whilst the track is not being used for motocross events, and that a permanent change of use has taken place, in particular because there has been operational development, for instance through the formation of track jumps, which require planning permission.
- 9.14. As per section 171B of the Town and Country Planning Act 1990, development involving a change of use (other than to a single dwellinghouse) is immune from enforcement action should no action be taken within 10 years of such a breach. The parcel of land has been used for motorsport purposes for approximately 40 years and but for track expansion having taken place in the preceding 10 years a lawful development certificate would likely have been granted. The use of the majority of the site for motocross purposes, but for two small sections in the east and northeast, is considered to be well established. The lawful development certificate application was subsequently withdrawn and the applicant invited to submit a full planning application.
- 9.15. On this basis, your officers are satisfied that the development is acceptable in principle.

Conclusion

- 9.16. The site is not sustainably located, but a similar facility could be achieved here within permitted development rights. The nature of the use means that it is not likely compatible with a location within or at the edge of a settlement. The principle of the development is therefore considered acceptable; its overall acceptability is dependent on the proposal not causing material harm in other respects. These are outlined in more detail below.

Design and landscape and visual impact

Policy Context

- 9.17. Policy ESD13 of the CLP 2015 advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.

- 9.18. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.19. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.20. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - (d) establish or maintain a strong sense of place.
- 9.21. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Assessment

- 9.22. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The site is solely within the Northamptonshire Uplands, Cotswolds and Chilterns character area. This landscape type includes pastoral and wooded landscapes associated with the steep slopes and valleys of small streams and main rivers.
- 9.23. The Landscaping Scheme identifies that the site is on agricultural land in the open countryside, with land undulating and sloping down to a small valley with a small stream running along the valley floor.
- 9.24. The site's position within the valley means that it is not readily visible from the majority of public vistas in the locality. The site is clearly visible from the footpath (339/18/10) which runs along the north-western boundary of the site.
- 9.25. The applicant's LVIA notes that the Motocross track is an established landscape feature in the landscape, with events and races having been held for approximately 40 years throughout the year. It adds that the track has been specially designed so as to reflect the existing site levels which make the track a popular and challenging race circuit.

- 9.26. As noted above, much of the development at least in terms of its size and area has occupied the site for 40 years. Much of the development would have been immune from enforcement action under the 10-year rule.
- 9.27. Officers note that the site has developed more significantly over the last 3-5 years, with the track now longer and wider, with additional jumps and green space reduced within the track confines. There is no doubt that the motocross track has a landscape impact, being clearly visible from the footpath to the east and in several other vistas, including local roads. The track is not visible from any settlement, due to topography and distance.
- 9.28. The track associated infrastructure, i.e. toilets and marshal huts also have a visual impact, but this is infrastructure that is clearly related to the use of the site for these purposes. They are structures which are not particularly large so, although visible from some public vantage points, they are not considered intrusive.
- 9.29. The caravans and motorhomes, which occupy the camping area during an event, also have a visual impact. They occupy a portion of the site to the south and east of the track. Were planning permission to be granted for this application, caravans/motorhomes could occupy the site for 65 days per year.
- 9.30. The Council's Landscape Officer had raised no objections to the proposal as originally submitted but states that it is essential to achieve the appropriate standard of landscaping for this development, and that the landscape proposals must indicate:
- Planting positions of all trees with projected canopy growth at 25 years to ensure a continuously linked canopy
 - A double-staggered row hedgerow with planting distances indicated
 - Trees and shrub supplied sizes of all the shrubs
 - Planting and 2-year aftercare specification.
 - A management and maintenance plan for 15 years.
 - The access track to the site must be landscaped with native trees and hedgerows to ensure its use is screened on busy race days.
 - Latin names of trees and shrubs.
 - Tree pit planting details.
- 9.31. Subject to a suitable landscaping scheme and management and maintenance plans being submitted, which can be sought via condition, Officers are satisfied that the landscape impact of the proposed motocross track, associated infrastructure and the occasional occupation of the camping area can be successfully mitigated against.
- 9.32. The applicant has latterly submitted a revised landscape plan, contained within the Ecological Enhancement Measures documentation. As this alters the existing landscaping provision that our Landscape Officer had commented on, planning officers considered this warranted re-consultation. The recommendation to Planning Committee reflects this consultation.

Conclusion

- 9.33. Subject to conditions and no new issues being raised by consultees, the development subject of this application is considered to be acceptable in visual and landscape terms, compliant with Policy ESD13 and ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Heritage Impact

- 9.34. The site is approximately 1km from the nearest Conservation Area boundary.
- 9.35. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.36. Conservation Areas are designated heritage assets, and paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.37. Given the nature of the proposal and its distance from Conservation Area boundaries of nearest villages, Officers are satisfied that the proposal does not result in harm to the setting or significance of heritage assets. The proposal is therefore considered acceptable on these grounds.

Residential impact

Policy

- 9.38. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development. Local Plan Saved Policy ENV1 of CLP 1996 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment

- 9.39. The track is located c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote, c1.2km from the eastern edge of Alkerton.
- 9.40. There are other out of settlement dwellings located closer to the site, including, but not exclusively; Meddoms Farm Barn (c.900m), Manor Farm (c.750m), Hornton Grounds (c.550m), The Dairy Cottage (c.700m), Wroxton Hall (c.700m), Heath Farm (c.700m) and Langley House (c.900m).
- 9.41. Given the nature of activity and proximity to neighbours, no third party is considered materially harmed in terms of loss of light, outlook or privacy.
- 9.42. The Council's Environmental Health Officer (EHO) notes the concerns raised around disposal of waste through burning but advises this will be dealt with by the Environmental Protection team outside of the planning process.
- 9.43. Furthermore, the EHO notes that the activities at the site do not trigger a requirement for an air quality assessment.

- 9.44. The applicant has submitted a Noise Impact Assessment (NIA) from Parker Jones Acoustics. The report sets out that noise emissions, when the track is in typical use of 20-30 bikes at a time, levels reach 29-33 decibels in the south and central parts of Hornton, increasing to 37 decibels in the northern part of the village where ground levels are higher. Noise levels are at 44-46 decibels at isolated properties closer to the track than Hornton and are at around 32 decibels at the outskirts of Alkerton and Balscote. The report concludes that, whilst noise from the Motocross is audible, it is not so significant as to be considered a statutory noise nuisance, i.e. it is at or below the LOAEL (Lowest Observed Adverse Effect Level), which is a sound above 50 decibels.
- 9.45. It is noted that Hornton Parish Council has objected on the grounds of noise nuisance and several third-party representations have objected on these grounds. Hornton Parish Council has conducted an independent Noise Impact Assessment Review, from Clarke Saunders Acoustics. This concludes that the Parker Jones Acoustics NIA is 'highly suspect' and, in some cases, 'fundamentally flawed' in its calculations and reasoning. The HPC consultant also questions the validity of the applicant's report due to the readings being taken on a practice day rather than a race day, together with a lack of consideration relating to the directivity (i.e. orientation of the machines).
- 9.46. The Council's EHO has commented on this application, offering no objections. The EHO undertook their own noise measurements of three full race events in 2019. The EHO acknowledges that the NIA was undertaken on a practice day but notes that the measurements are consistent with the findings of Council Officers in 2019. The EHO notes that, whilst directivity is an important factor in determining noise levels on or close to the subject, the distance of nearest receptors in this case, together with the continuous change of direction as the bikes travel around the track, means that this is not an important factor in this case.
- 9.47. Your Officers see no reason to disagree with the assessment made by the EHO in this case and on the basis of the advice given do not consider that a refusal reason on these grounds of an unacceptable noise nuisance could be sustained. Therefore, for the level of activity proposed, Officers consider that the proposal is acceptable in this regard.

Conclusion

- 9.48. For the reasons set out, the proposed development would not have a significant detrimental impact upon residential amenity in terms of reduction in privacy, impact upon light, light pollution, air quality and noise and vibration which cannot be mitigated via a planning condition. The proposal is therefore considered acceptable in terms of residential impact, compliant with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Highway safety

- 9.49. Strategic objective 13 of the CLP 2015 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars.
- 9.50. Regarding the access to the site, the Local Highway Authority (LHA) recognises that motocross events have been taking place here for a number of years, so the principle of the access to the highway is well established. However, given the size

and quantity of vehicles that now use this access, the LPA considers that the entrance must be formalised with a kerbed bellmouth junction and asphalt surfacing. This can be conditioned.

- 9.51. Regarding traffic, the LHA notes that congestion can occur on connecting roads to and from the A422. The LHA states that this is not necessarily a road safety issue and is relatively short term in duration and thus cannot reasonably form an objection. The number of visitors would also be capped by the space available within the site for parking/camping. Your Officers have considered factors which could mitigate queuing or congestion on the highway, for instance an access management condition. However, we do not consider that such a condition would meet the tests of paragraph 55 of the NPPF. We note that OCC Highways have suggested that this condition *could* be imposed, but do not state that this is *required* to make the development acceptable.
- 9.52. OCC Highways also advise that a passing place condition *could* be required should members see this as necessary, to mitigate against highway impacts at peak times. Again, OCC Highways have not stated that this condition is necessary for the development to be acceptable.
- 9.53. The OCC Rights of Way Officer considers that a fence shall be erected on the western boundary, to ensure that members of the public do not enter the site from this side. This matter can be controlled via condition.
- 9.54. Overall, the proposal is considered not to have a severe detrimental impact on the highway network or safety of its road users, subject to conditions. The proposal is thus considered in accordance with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Ecology Impact

Legislative context

- 9.55. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.56. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.57. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.59. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.60. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.61. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.62. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.63. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.64. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.65. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.66. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.67. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.68. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.69. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.70. The Council's Ecologist and BBOWT have raised objections related to the information submitted with the application. The Ecology Survey submitted with the application fails to demonstrate that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. At present the proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and NE's Standing Advice, and section 15 of the National Planning Policy Framework.

9.71. That said, the applicant has latterly carried out a Great Crested Newt survey and has submitted a Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures, on which a two week re-consultation has commenced. Providing that the additional information addresses the objections raised by the Council's Ecologist and BBOWT, then officers consider that a refusal of the current application on ecological grounds would not be warranted. The recommendation to Planning Committee reflects this.

Conclusion

9.72. At present, Officers are not satisfied that the development has shown to be acceptable on ecology grounds. Officers therefore request that authority is delegated to Officers to resolve this outstanding issue.

Flood risk and drainage

9.73. A Flood Risk Assessment and drainage strategy is submitted with the application in line with the requirements of Policy ESD6 of the CLP 2015 and the NPPF. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.

9.74. The site is located in Flood Zone 1, which has the lowest probability of flooding and is considered to be appropriate for such facilities.

9.75. The LLFA has commented on the application and states that the FRA submitted with the application has failed to demonstrate that the development would provide adequate drainage on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites.

9.76. The applicant has provided further clarification. This information has been published on the Council's website and officers have initiated a two week consultation on the additional information submitted.

9.77. Providing that the additional information addresses the objections raised, then a refusal of the application on flood risk and drainage grounds would not be warranted in this case. Officers seek delegated authority to resolve this outstanding issue.

Sustainability and Mitigating Climate Change

Policy

9.78. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the CLP 2015. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.

9.79. Local Plan Policy ESD1: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.

- 9.80. Policy ESD2 of the CLP 2015 requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.81. Local Plan Policy ESD3 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.
- 9.82. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments.
- 9.83. ESD5: Renewable Energy states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

Assessment

- 9.84. The use of the site for a motocross use is long established. It is hoped that the evolution of the electric vehicles would allow in the future for electric bikes to participate, in line with local and national directives. However, bearing in mind the long-established use, it would not be reasonable for such a condition to be inserted on any planning permission given.
- 9.85. There is also very little built development on site (i.e. only marshal huts and a shelter for portable toilets). Therefore, sustainable construction and renewable energy principles do not apply.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The principle of the motocross track development is considered acceptable, and the development has no significant impact in heritage terms, and subject to conditions is acceptable in terms of highway safety, residential amenity and landscape impact. The development has impacts on ecology and drainage / flood risk which need to be

resolved. The proposal has some benefits in terms of sport and recreation, though it contributes little to the local economy. However, subject to resolution of the ecology and drainage issues, the adverse impacts of the development do not demonstrably outweigh the benefits and officers therefore recommend that planning permission be granted subject to resolution of outstanding matters relating to ecology and drainage.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;

2) THE RESOLUTION OF THE OBJECTIONS FROM:

- (i) THE LEAD LOCAL FLOOD AUTHORITY;**
- (ii) THE COUNCIL’S ECOLOGY OFFICER; AND**
- (iii) BBOWT**

INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND

3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

1. The site shall not be used for motocross purposes for more than 65 days in any calendar year and that 65 days shall be comprised of no more than 24 days on which the motocross track is used (that is, for racing or practising) in any calendar year. The site shall not be used for motocross purposes for more than 18 days in any three-month period and in that three month period the motocross track shall not be used (that is, for racing or practising) for more than 6 days.

Reason – In the interests of highway safety, the general amenity of the area, the living conditions of local residents, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. The vision splays shown in the plans approved pursuant to the requirements of Condition 2 of this permission shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. There shall be no further practising or competitive racing unless and until a landscaping scheme has been submitted to the Local Planning Authority. The scheme for landscaping the site shall include: -
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.

Reason – To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Within three months of the date of this planning permission, a schedule of landscape maintenance for a minimum period of two years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to the Local Planning Authority.

The development shall not take place other than in accordance with the landscape maintenance schedule approved pursuant to the requirements of this condition.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. There shall be no further practising or competitive racing unless and until a landscape amenity plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The site shall not be used for the purposes stated in the application description other than in strict accordance with the approved details.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The existing hedgerow adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details submitted, there shall be no further practising or competitive racing no development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved drainage system has been implemented in accordance with the approved Detailed Design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policy ESD7 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

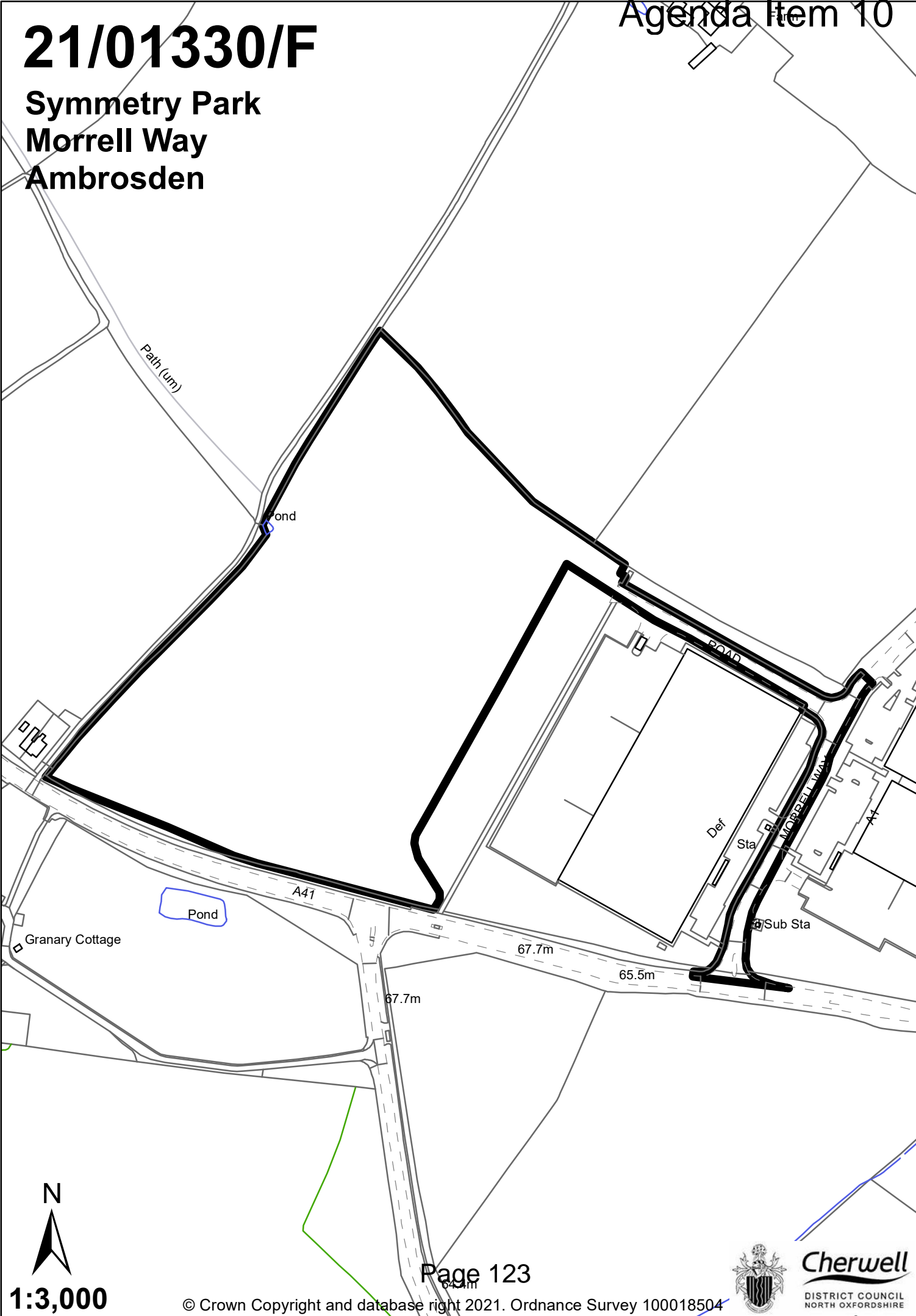
11. Notwithstanding the details submitted, there shall be no further practising or competitive racing until further ecological surveys have been carried out (in optimum conditions) and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved mitigation measures have been implemented and the said measures shall be retained as such thereafter.

Reason: In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: George Smith

21/01330/F

**Symmetry Park
Morrell Way
Ambrosden**

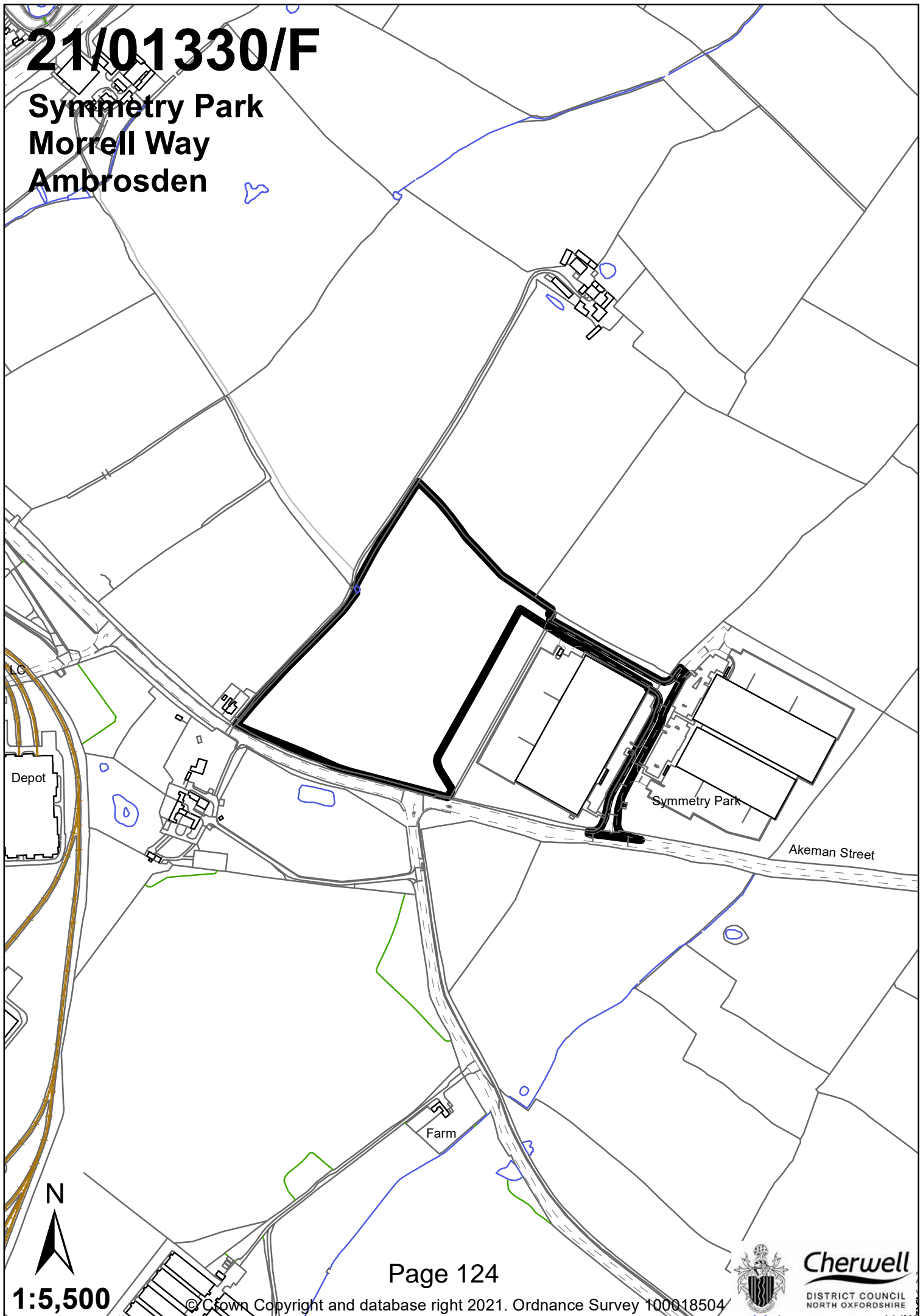


1:3,000



21/01330/F

Symmetry Park
Morrell Way
Ambrosden



Depot

Symmetry Park

Akeman Street

Farm

N

1:5,500

Page 124

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Bernadette Owens

Applicant: Tritax Symmetry (Bicester Reid) Ltd

Proposal: Full Planning Permission for 23,195sqm of logistics floor space within Class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary Class E(g)(i) (offices) (1,750 sqm), erection of security gatehouse (24sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road; associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12, storm water drainage infrastructure and private sewage treatment plant

Ward: Bicester South and Ambrosden

Councillors: Cllr Cotter, Cllr Sames and Cllr Wing

Reason for Referral: Major development

Expiry Date: 4 August 2021

Committee Date: 17 June 2021

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the Symmetry Park commercial development site approximately 3.2km to the southeast of Bicester town centre and 0.5km north of the village of Ambrosden and sits immediately adjacent to the A41. The site currently stands in open countryside but forms part of the Bicester 12 South East Bicester strategic allocation for mixed use development within the Cherwell Local Plan 2011-2031.
- 1.2. The application site extends to 6.75 hectares and has frontage to the A41 along the whole of its southern boundary. Further to the west along the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages, and approximately 400m to the north of the site is Little Wretchwick Farm and associated farm buildings. Open agricultural land currently lies to the north of the site although this will eventually come forward for development as part of the strategic allocation under Policy Bicester 12. To the south of the site on the opposite side of the A41 are two Grade II Listed Buildings and Graven Hill is situated to the southwest of the site.
- 1.3. Within the Symmetry Park development, B8 buildings have been granted consent under planning permission ref. 16/00861/HYBRID (Units A1 and A2 occupied by Bentley Designs and Medline Services, respectively); planning permission 18/00091/F and 20/03404/F (Unit B to be occupied by Ocado); planning permission 19/00388/F (Unit C development not yet commenced) and a further B8 unit was also granted consent under planning permission 20/00530/F (Unit D to be occupied by DPD).

- 1.4. This application relates to the Unit C site which is the final development parcel within the Symmetry Park site.

2. CONSTRAINTS

- 2.1. The application site lies within 2km of the Arcott Bridge Meadows SSSI and the Gavray Drive and Blackthorn Meadows Local Wildlife Sites are situated to the north of the site. There are a number of protected and notable species, including Great Crested Newts which have been identified within a 250m buffer of the site. There is a public right of way which runs outside the site along the western boundary. The deserted Wretchwick Medieval Settlement, a Scheduled Ancient Monument is located outside the application site but within the wider Bicester 12 strategic allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks detailed planning consent for 23,195sqm of B8 logistics floorspace within a single unit (Unit C) including 1,750 sqm of ancillary office space, external service yard and lorry parking, car and cycle parking and associated landscaping.
- 3.2. Full planning permission has already been granted on the Unit C site (19/00388/F) for 29,350sqm of logistic floorspace. Following approval of that application, a further application was submitted and approved on the adjacent Unit B site for the extension of the service yard to accommodate the specific requirements of the occupier, Ocado. This has resulted in the reduction in the size of the Unit C site so that the existing consent could not be implemented.
- 3.3. This current application therefore seeks consent for a smaller single logistics unit within the site of similar layout and appearance to the approved scheme. The development also incorporates the footpath links and green corridor secured through the previous applications. Access is to be taken from the existing site access and estate roads.
- 3.4. A second application (21/01331/F) has also been submitted and is being considered concurrently for a second proposal on the same site, comprising two smaller logistics units to maximise flexibility in bringing the site forward, allowing the applicant to respond to market need.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/02316/OUT	Outline - Proposed development of up to 69,677sqm (750,000 sq. feet) of logistics floorspace, within Class B8 of the Town and Country Planning Use Classes Order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.	Appeal lodged against non-determination but later withdrawn

16/00861/HYBR ID	HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B8, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8	Application permitted
16/01268/OUT	Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems.	Committee resolution to grant planning permission. S106 negotiations on-going.
18/00091/F	14,200 sqm of logistics floor space, within class B8, including ancillary class B1 (a) offices (929 sqm), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant.	Application permitted
19/00388/F	Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private	Application permitted

sewage treatment plant.

20/00530/F Full planning application for 4,635sqm of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sqm), a customer collection facility (112sqm), staff mess pod (142sqm), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant. Application permitted

20/03404/F 1. Alterations and enlargement of existing service yard to provide additional spaces for car and van parking, new access point to van parking and dispatch area, new access to staff parking area; 2. Built development, comprising building and plant, associated with the proposed occupation of Ocado comprising: Vehicle Maintenance Unit (VMU); Technical Services Block (TSB); Vehicle Inspection Hub (VIH); Comms Container (CCR); Sprinkler Tanks and Pump House; Vehicle wash (with underground waste water tank) and Van Fuel Station (with canopy over); smoking and vaping shelter; compaction area (with canopy over) and cycle store; 3. Site fencing enclosure with electricity supply substation; standby generator; enclosed storage units and Pallet Stack; 4. Realignment of existing cycle and footpath between A41 and Site boundary with Wretchwick Green, including landscaping; and 5. Minor realignment of existing storm water drains and installation of storm water attenuation tanks. Application permitted

5. PRE-APPLICATION DISCUSSIONS

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

21/00571/PREAPP

5.2 This pre-application enquiry put forward the two alternative schemes which are now subject of the current applications, to replace the scheme permitted under planning permission ref. 19/00388/F (Unit C) with either one single unit or two smaller units.

5.2. Officers advised that both proposals could be supported.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **27 May 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. AMBROSDEN PARISH COUNCIL: **Comments made.** Conditions requested to limit working hours, restrict external lighting, control soil heaps and require wheel washing, and secure adequate tree planting
- 7.3. BLACKTHORN PARISH COUNCIL: **No objection.**
- 7.4. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments received.**
- 7.5. BICESTER TOWN COUNCIL: **Comments made.** Concerns relating to the proximity to Wretchwick Cottages and requests that traffic routing is followed, and that appropriate wheel washing is in place.

CONSULTEES

- 7.6. CDC ARBORICULTURE: **No comments received.**
- 7.7. CDC BUILDING CONTROL: **Comments made.** A full plans building regulation application will be required for the proposals.
- 7.8. CDC ECOLOGY: **No comments received.**
- 7.9. CDC ENVIRONMENTAL HEALTH: **No comments to make.** The EH officer has reviewed the information submitted to support the application and is satisfied with the content.
- 7.10. CDC LANDSCAPE SERVICES: **Comments made.** Further/alternative planting required to mitigate the impact of the development. Additional/revised information required in respect of landscape management.
- 7.11. OCC HIGHWAYS: **No objection** subject to conditions and S106 legal agreement.
- 7.12. OCC DRAINAGE: **No objection** subject to conditions.
- 7.13. OCC ARCHAEOLOGY: **No objection**
- 7.14. ENVIRONMENT AGENCY: **Comments awaited** (due by 4th June)
- 7.15. THAMES VALLEY POLICE: **No objection.**

- 7.16. THAMES WATER: **No objection** subject to conditions.
- 7.17. BICESTER BIKE USERS GROUP: **Objection**. There needs to be segregated walking and cycling along the A41 and access to the development by foot or cycle from the carriageway needs to be more direct.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy hierarchy and allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised energy systems
- ESD5: Renewable energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Bicester 12: South east Bicester
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Obligations SPD (February 2018)

9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Design, Layout and Appearance
- Transport, Access and Highway Safety
- Impact on Neighbouring Amenity
- Landscaping
- Ecology
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Environmental Impact Assessment

- 9.2. The application is supported by an Environmental Statement (ES). The existing planning permissions for the site (16/00861/HYBRID and 19/00388/F) were also accompanied by an Environmental Statement.
- 9.3. The ES submitted to support this application has considered up to date environmental information, utilising the baseline 2016 HYBRID planning application and any changes to the baseline including the additional floor area created by the development at Unit D and the extension of the Unit B sites within the Symmetry Park development.
- 9.4. The scope of the submitted ES considers the following topics: Transport and Access; Air Quality; Noise and Vibration; Ecology; Flooding and the Water Environment; Socio Economics; Cultural Heritage; Ground Conditions and Geology; Climate Change; Human Health; Lighting, Waste and Landscape.
- 9.5. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.
- 9.6. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.7. The PPG advises '*The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application*'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

Policy Context

- 9.8. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031.
- 9.9. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed-use site for employment and residential development of up to 1500 new homes and supporting infrastructure. This policy specifies that approximately 40 hectares shall be for employment use of which this application forms a part.
- 9.10. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 9.11. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

Assessment

- 9.12. The principle of development on this site as set out in policy allocation Bicester 12 and has already been established by the granting of the outline and detailed planning permissions under the hybrid application (16/00861/HYBRID) and specifically the existing detailed planning permission for this site (Unit C – 19/00388/F) for B8 logistics development.
- 9.13. In addition, Policy Bicester 12 sets out a target to deliver approximately 3,000 jobs across 40ha of employment land. Whilst the policy refers to B1, B2 and B8 use, B8 is identified as the predominant use for delivering employment development in this location.
- 9.14. In considering the consented scheme (16/00861/HYBRID) for the Symmetry Park site, 2010 HCA job density figures were applied at 1 job per 70sqm equating to 930 jobs across the Symmetry Park site. This was considered acceptable at the time being approximately one third of the jobs delivered from one third of the Bicester 12 employment allocation. Planning permission was subsequently granted for 62,709sqm of employment development and applying the updated 2015 HCA density figures at 1 job per 77sqm, the baseline job creation from the Symmetry Park site would be 814 jobs.
- 9.15. Whilst the extension of the adjacent Unit B site has reduced the employment floorspace to be brought forward within the Unit C site from 29,350sqm to 23,195sqm (in the case of this single unit scheme), information submitted with the extended Unit B application, based on the intensive operation of Ocado on that site, set out that forecast job number across the Unit B and Unit C sites would substantially exceed the policy requirement for the whole Symmetry Park development with Ocado creating 900 jobs on the Unit B site alone.

- 9.16. Whilst the current Unit C scheme is speculative, it is forecast that some 301 warehouse jobs would be created as a result of the proposals with around 145 office staff, resulting in an overall provision of 446 jobs.

Conclusion

- 9.17. The application site forms part of the Bicester 12 policy allocation where the principle of development is considered acceptable in accordance with the CLP 2031 Part 1.
- 9.18. The site has an important role to play in the delivery of new employment, to secure economic growth. The level of job creation as a result of the development proposed through this application, is consistent with the aspirations of policy Bicester 12 and will assist in delivering the local jobs and securing the economic future of the District in accordance with the CLP 2031 Part 1.

Design, Layout and Appearance

Policy Context

- 9.19. Policy Bicester 12 requires commercial buildings to have a high quality design and finish with careful consideration given to layout, architecture, materials and building heights to reduce the overall visual impact of development. A well designed approach to the urban edge is also required.
- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.21. The application proposals have evolved from the indicative masterplan layout and parameter plans which formed part of the Hybrid application, to respond to the market requirements for logistics floorspace. As such, the design for development on the site has moved away from some of the Hybrid proposals, this includes an increase in the height of the building, the orientation of the building, developable area and the design of the unit.
- 9.22. Notwithstanding this, the current detailed application broadly follows the design, layout and external appearance of the previous Unit C (19/00388/F) scheme which is in keeping with the wider Symmetry Park development.
- 9.23. The proposed building would be constructed to 18 metres in height with a barrel vaulted roof to reduce the visual massing and finished with grey metal cladding to match the existing buildings with large sections of glazing to the north elevation.
- 9.24. The orientation and layout of the building has been designed in order to create minimal visual impact from the A41 and to protect the amenities of the adjacent cottages and wider Wretchwick Green development in terms of noise and nuisance from servicing and lighting.
- 9.25. Surface finishes within the development will also be in keeping with the existing Symmetry Park development.

- 9.26. Boundary fencing to the site is incorporated for site security utilising Paladin mesh fencing with galvanised steel posts to be coloured dark green to match the existing Symmetry Park development. The substantial existing hedgerows and mature trees already well established along the site boundaries will be retained and enhanced through further native structural planting and the existing bund to the southern boundary which has already been implemented prior to the development of this part of the site, provides landscaped screening which significantly reduces the visual impact of the building to the A41.

Conclusion

- 9.27. It is considered that the proposed development is acceptable in visual and design terms being typical of a building of this nature and consistent with the design of adjacent buildings within the wider Symmetry Park site. The substantial banded landscaping to the south and further planting within the site will provide for adequate screening of the site to the A41 and surroundings so that there would be no adverse visual impact as a result of the proposals.
- 9.28. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

Transport, Access and Highway Safety

Policy Context

- 9.29. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.30. Policy Bicester 12 of the CLP 2031 Part 1 requires that development is well integrated, with improved sustainable connections between the existing development and new development on the site. It requires that new footpaths and cycleways should be provided for that link to existing networks in the wider area.

Assessment

- 9.31. Access to the Symmetry Park site is from the A41 and the application site takes access from the existing estate road to staff car parking at the front of the building to the north and service yard to the eastern side of the building.
- 9.32. Car parking, including some electric vehicle charging points, is proposed to be provided in accordance with OCC car parking standards, in this case the design and layout of the scheme has led to an overprovision of parking by 1 space. This is not considered to have a negative impact on the ability of the site to achieve modal shift towards more sustainable modes of transport.
- 9.33. As part of the development of the Symmetry Park site, pedestrian and cycle access to the site is provided by way of the 3 metre wide shared footway/cyclepath which is situated within a 10 metre wide 'green corridor' and runs from the A41 between the Unit B and Unit C sites and connects with the wider Wretchwick Green development to the north. A further 'green corridor' link is also proposed along the north of the Unit C site providing further links to the Wretchwick Green development to the west and connecting with existing and proposed connections to the north and west.

- 9.34. Contributions have also been secured through the development of Symmetry Park for improvements to pedestrian and cycle facilities along the A41 contributing to the provision of safe pedestrian and cycle links to the site. Secure and covered cycle parking is proposed to be provided and would be conveniently located adjacent to the building entrance.
- 9.35. The site is served by frequent bus services and bus stops on the A41 which have been provided as part of the wider Symmetry Park development.
- 9.36. A Framework Travel Plan is already in place for the Symmetry Park site as a requirement of the outline planning consent. The targets and measures set out in that Framework Travel Plan will apply to the proposed development and an updated site specific Travel Plan will also be required to be agreed prior to the occupation of the development. This will be secured by condition. A Travel Plan Monitoring fee is also requested by OCC to be secured through a S106 legal agreement.
- 9.37. A Transport Statement has been submitted to support the application which is a reduction in scale to that approved under the extant consent (19/00388/F). Given the revised scale of development within the context of the extant consent, OCC as local highway authority has accepted that the generated development traffic impacts on the local highway and site access will be negligible.

Conclusion

- 9.38. The site is within a sustainable location within the Bicester 12 strategic policy allocation and is within easy reach of bus services and walking and cycling links which have been provided and improved as a result of the Symmetry Park development. The wider development of the adjacent Wretchwick Green site will further improve the connections to the site providing expanded links to wider Bicester.
- 9.39. The proposals are therefore in accordance with policies Bicester 12 and SLE4 of the CLP 2031 Part 1 in this regard.

Impact on Neighbouring Amenity

Policy Context

- 9.40. Policy Bicester 12 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.41. The extant planning approvals for the Symmetry Park development have already established that development in this location is acceptable and would not adversely impact the amenity of neighbouring occupiers.
- 9.42. The closest existing residential properties to the application site are the pair of cottages immediately to the west of the site and Little Wretchwick Farm is located approximately 400m to the north of the site. The site also adjoins the Wretchwick Green development site where the land use plan for the mixed-use development shows commercial development.

- 9.43. The landscaped bund to the southern boundary of the site with the A41 provides separation and substantial screening to the south eastern corner adjacent to the residential cottages. The proposed building is also set away from the boundary with the proposed residential development on the Wretchwick Green site and allows for further areas of substantial planting to reduce the impact to future residential occupiers. The layout of the site with the building effectively screening residential occupiers from the servicing to the east is also considered to reduce the impact to residential amenity.

Conclusion

- 9.44. Whilst there would be some impact to residential properties by virtue of the scale, form and type of development proposed, the site is within an area allocated for mixed-use development. Detailed proposals for the development of this part of the site have included substantial landscaping to reduce the visual impact of the development which has been implemented early to provide an established screen to the development of the site and to reduce the impact on neighbouring residential amenity. Conditions have been imposed on previous consents to ensure noise levels are restricted. These conditions will be re-imposed.
- 9.45. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

Landscaping

Policy Context

- 9.46. Policy ESD 13 of the CLP 2031 Part 1 requires development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.47. Policy ESD 15 of the CLP 2031 Part 1 requires development to contribute positively to an area's character and identity including respecting local topography and landscape features such as significant trees.

Assessment

- 9.48. The Environmental Statement submitted with the Hybrid application included a Landscape and Visual Impact Assessment which considered the effects of the proposed development on the landscape character of the area. A further ES was submitted with the previous application 19/00388/F and considered the increase in height of the building from the 15.5 metres set through the Hybrid consent and the 18 metres proposed. The ES concluded that there would be no additional significant visual effects as a result and officers were in agreement with that assessment.
- 9.49. To support the current application, the accompanying ES has also reviewed the baseline condition and character of the landscape. It concluded that, following the completion of Units A1 and A2 and Unit B and the construction of the DPD parcel depot, when assessed against the current baseline conditions, the proposed Unit C would not be fundamentally altered
- 9.50. The substantial earth bunding to this part of the Symmetry Park site has already been carried out and forms a landscaped buffer along the southern boundary of the site with the A41 and to the western boundary adjacent to Wretchwick Cottages. The landscape buffer would remain robust to ensure that screening is provided so that the development would only be partially visible, in the long term.

- 9.51. The Council's landscape officer has made some detailed comments in relation to the need for additional landscape planting in certain locations, the need to replace some species for more appropriate types and on the landscape management for the site. These comments have been reviewed by the applicant and have been incorporated where possible to improve the landscape scheme within the application site.

Conclusion

- 9.52. Taking the supporting ES and Landscape Technical Note into account and the findings of the further review, it is considered that the landscape proposals already secured through the consented scheme(s) and the additional measures to be implemented as part of the current scheme would secure adequate landscape mitigation appropriate to the impact.
- 9.53. When assessed against the proposed changes to this part of the Symmetry Park development which fall outside of the parameters set at the outline stage, the development would not give rise to significant landscape and visual environmental impacts.
- 9.54. The proposals are therefore in accordance with policies Bicester 12, ESD13 and ESD15 of the CLP 2031 Part 1 in this regard.

Ecology

Legislative context

- 9.55. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.56. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.57. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.59. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.60. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.61. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.62. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.63. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.64. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.65. Policy Bicester 12 of the CLP 2031 Part 1 requires adequate investigation of, protection of, and management of protected species on the wider site. The policy requires that biodiversity be preserved and enhanced.
- 9.66. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.68. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.69. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the River Ray and has a seasonably wet ditch running adjacent to the western boundary. There are a number of mature trees and hedgerows along the southern boundary of the site. The site therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts and invertebrates.
- 9.70. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.71. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for

the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.72. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.73. The ES submitted with the Hybrid application included an ecological assessment of the site which found that the habitats within the site are of generally minimal ecological value reflecting its former agricultural use. This current application is supported by an ES and Ecology Technical Note which consider is the proposed development will have any significant impact on the retained ecological features within the site, not assessed in the Hybrid application.
- 9.74. An updated walk over survey was undertaken and it was found that habitats present remain of negligible ecological value and isolated from those habitats of higher value by wildlife fencing. In the absence of any protected species constraints on the site and in consideration of the mitigation and habitat enhancement already included in the development of the Symmetry Park site, the ES concludes that when assessed against the proposed changes that fall outside the parameters set at the outline stage, the development will not give rise to any significant ecological or environmental impacts.

Conclusion

- 9.75. Officers are satisfied, on the basis of the ES and Ecology Technical Note submitted with the application, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.76. Reasonable mitigation is proposed to protect and enhance habitats within the site to achieve biodiversity gain. The proposals are therefore considered to be in accordance with the requirements of policies Bicester 12 and ESD10 of the CLP 2031 Part 1 in this regard.

Flood Risk and Drainage

Policy Context

- 9.77. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.78. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.79. The site lies within Flood Zone 1.
- 9.80. The ES submitted with the Hybrid application assessed the likely water resource impacts for the Symmetry Park development. The ES and Flood Risk Assessment submitted with this current application confirm that the findings of the FRA that accompanied the Hybrid application remains relevant. The ES also confirms that, when assessed against the proposed changes that fall outside the approved parameters, the development will not give rise to any significant environmental effects.
- 9.81. A Drainage Strategy has been submitted with the application which addresses the strategy for surface and foul water drainage. OCC Drainage engineers are satisfied that the submitted Strategy is acceptable subject to conditions requiring compliance with the plans and specification set out in the application.
- 9.82. Thames Water have also raised no objection to the application but request that standard conditions are imposed relating to construction in proximity to the strategic water main and for a piling method statement prior to any piling taking place.

Conclusion

- 9.83. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy Context

- 9.84. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.85. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.86. The Energy Statement that accompanied the Hybrid application set out energy targets for the Symmetry Park development including the achievement of BREEAM 'Very Good' standard. An Energy Statement has been submitted to support the current application which addresses how the development will seek to comply with policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good'. The application is also supported by a Photovoltaic Report which proposes photovoltaic panels across the entire usable roof space of the building.
- 9.87. In June 2020, Tritax Symmetry announced that all new development within its portfolio will be constructed to net zero carbon construction in line with the UK Green Building Council's (UKGBC) Net Zero Carbon Building Framework. The DPD parcel depot on the Symmetry Park site was one of the first Tritax Symmetry

buildings to achieve net zero carbon in its construction. It is proposed that the Unit C building will be constructed to those same standards.

Conclusion

- 9.88. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Statement, Planning Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.89. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.90. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.91. Officers have had regard to the statutory tests in considering the application and recommend that the following items be secured, in the event that planning permission is granted, in order to mitigate the impact of the proposed development;

Contribution	Amount £	Price base	Index	Towards (details)
Travel Plan Monitoring Fee	£2,379	Dec 2020	RPI	Towards the monitoring of the Travel Plan.

- 9.92. A linking agreement will also be required to link the proposed development to the S106 agreement attached to the Hybrid consent and the obligations within that agreement.
- 9.93. The District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within any S106 agreement and the District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the an agreement.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material

considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.

- 10.3. The Council is committed to B8 development on this site through the strategic Bicester 12 policy allocation and the principle of development has already been accepted through the granting of planning permission as set out above.
- 10.4. The application proposal is considered to be in accordance with Policy Bicester 12 and the associated policies within the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF and will ensure the development of an allocated site which will enable the delivery of new employment development supporting economic growth in accordance with the strategic objectives of the local plan.
- 10.5. The information in the accompanying ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES identifies mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

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

Dwg no 4036-015 P21 Parameter Plan
Dwg no 4036-C03-001 P6 – Masterplan
Dwg no 4036-C03-002 P6 - Site Layout
Dwg no 4036-C03-006 P3 - GA Plans
Dwg no 4036-C03-007 P2 - GA Elevations and Section
Dwg no 4036-C03-010 P5 - Parking Layout
Dwg no 4036-C03-011 P5 - Fencing Layout

Dwg no 4036-C03-012 P3 - Roof Plan –
Dwg no 4036-C03-013 P5 - Parameters Line Overlay
Dwg no 4036-C03-014 P2 - Sprinkler Tank and Pump House Details
Dwg no 4036-C03-015 P2 - Gatehouse Details
Dwg no 4036-C03-016 P1 - GA Elevations (Clean Version)
Dwg no 4036-C03-020 P1 - Site Sections
Dwg no 4036-C03-100 P2 - Location Plan
Dwg no 4036-C03-101 P4 - Application Red Line Plan

Dwg no CPW-181093-E-010 P2 Lighting Plan
Symmetry Park Bicester Unit C External Luminaire Schedule (version 2)

Dwg no: edp6569_d002-C-Detailed Landscape Design Unit C

Environmental Statement Volume 1 Main Text
Environmental Statement Volume 2 Appendices

- Transport Statement 11238-HYD-XX-XX-RP-TP-4001-P04_S3
- Technical Note Ecology edp6569_r001
- Technical Note Air Quality SPC-HYD-XX-ZZ-RP-Y-2004_P02
- Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100_2
- Noise Assessment- 11238-HYD-ZZ-XX-RP-Y-1002-P01
- Waste Management Single Unit 11283-HYD-XX-XX-RP-Y-5000
- Health Impacts Scoping
- Landscape Technical Note edp6569_r005-B

Environmental Statement Volume 3 Non- technical Summary

Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100_2
Dwg no C11238-HYD-XX-XX-DR-C-0110_P2_External Levels_1 Unit

Planning and Design and Access Statement

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

3. The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason – To ensure sustainable construction and to reduce carbon emissions in accordance with Policies ESD1-5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the operation of the service yard, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 , saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Except to allow for the provision of the footpath/cycle link into the adjacent site along the western boundary (as shown on Drawing No. 4036-C03-002 P6) the existing hedgerows to the northern, southern and western boundaries shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced in the current/next planting season with others of similar size and species and thereafter be properly retained in accordance with this condition

Reason – In the interests of the visual amenities of the area, in the interests of biodiversity and to provide effective screening to the proposed development and to comply with Policy ESD 13 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. The development hereby permitted shall be carried out strictly in accordance with the Drainage Strategy -11238-HYD-XX-XX-TN-0100_2 dated 1st April 2021 and the following plans:

Dwg no: C11238-HYD-XX-XX-DR-C-0100 P2 Drainage Layout Sheet 1
Dwg no: C11238-HYD-XX-XX-DR-C-0101 P1 Drainage Layout Sheet 2
Dwg no: C11238-HYD-XX-XX-DR-C-0102 P1 Drainage Layout Sheet 3
Dwg no: C11238-HYD-XX-XX-DR-C-0105 P1 Catchment Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0107 P1 Flood Extants Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0109 P1 Drainage Maintenance Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0150 P1 Drainage Standards Details Sheet 1
Dwg no: C11238-HYD-XX-XX-DR-C-0151 P1 Drainage Standards Details Sheet 2
Dwg no: C11238-HYD-XX-XX-DR-C-0152 P1 Drainage Standards Details Sheet 3
Dwg no: C11238-HYD-XX-XX-DR-C-0153 P1 Drainage Standards Details Sheet 4

The approved Drainage Strategy shall be fully implemented prior to the service yard area coming into first operation and shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

Pre-commencement conditions

8. No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;
- Routing of construction traffic and delivery vehicles including means of access into the site;
 - Details of and approval of any road closures needed during construction;
 - Details of and approval of any traffic management needed during construction;
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
 - Measures to control the emission of dust and dirt during construction;
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
 - The erection and maintenance of security hoarding / scaffolding if required;
 - A regime to inspect and maintain all signing, barriers etc;
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
 - Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
 - Details of arrangements for site related vehicles (worker transport etc);
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
 - Any temporary access arrangements;
 - Delivery, demolition and construction working hours;
 - Storage of plant and materials used in constructing the development;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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

Policy Framework.

10. Prior to the commencement of the building hereby approved above slab level, full details of Photovoltaic (PV) cells which shall be installed on at least 25% of the roof coverage of the whole building, shall be submitted to and approved in writing by the Local Planning Authority. The PV cells shall be installed in full working order prior to first occupation and shall thereafter be retained and maintained in accordance with the approved detail.

Reason – In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework

11. No development shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details

Reason – In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework

Pre-occupation conditions

12. Prior to the first occupation of Unit C, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the first occupation of Unit C, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-C03-010 P5 - Parking Layout). Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

14. Prior to the first occupation of Unit C, a record of the approved SuDs and site wide drainage details shall be submitted to and approved in writing by the Local

Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (.pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;

Management company information must also be provided clearly identifying the name of the company and contact details.

Reason – In accordance with section 21 of the Flood and Water Management Act 2010.

15. Prior to the first occupation of the building hereby approved, and unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the external lighting shall be installed strictly in accordance with the details shown on drawing number CPW-181093-E-010 P2 Lighting Plan

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

16. Prior to the first occupation of the building hereby approved, the 12 number vehicle electricity charging points shall be provided for use in the positions shown and in accordance with the details shown on the approved plans; and ducting for a further 25 vehicle charging points and ducting for HGV charging points shall also be installed for future charging point provisions in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Ongoing regulatory conditions to be complied with at all times

17. Following the occupation of Unit C, no goods, materials, fixed plant or machinery, other than that approved by this permission, shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):

a) Daytime (0.700-23.00)

i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq

ii) Little Wretchwick Farm: 34dB LAeq

b) Nighttime (23.00-07.00)

i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq

ii) Little Wretchwick Farm: 28dB LAeq

Reason - To ensure the creation of a satisfactory environment free from intrusive

levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and thereafter re-used during the preparation of the site and implementation of the approved landscaping scheme.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

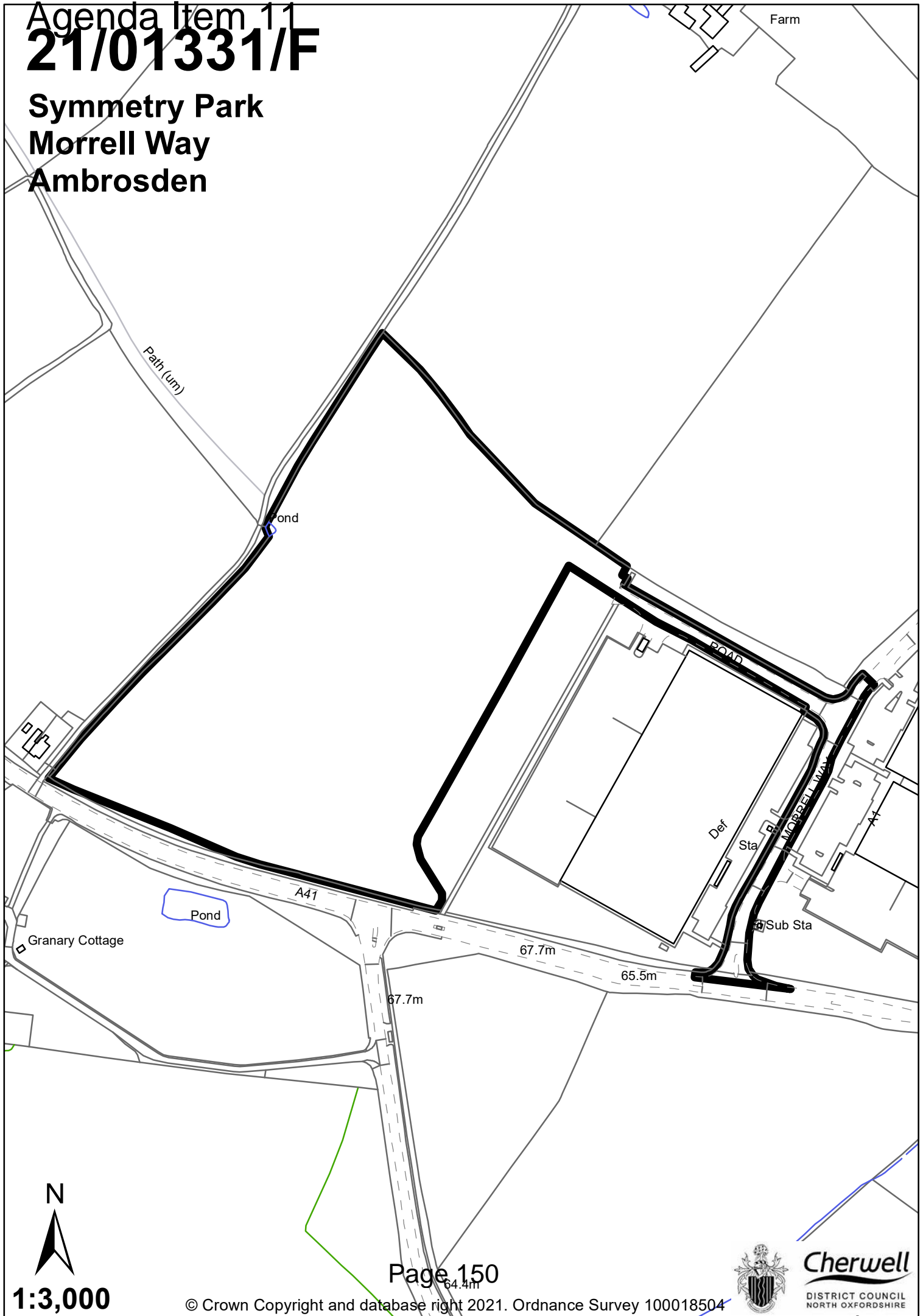
20. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in view of the exceptional circumstances that justify approval in this case, and in the interests of highway safety and residential amenity, in accordance with Policies SLE1, SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government Guidance in the NPPF.

CASE OFFICER: Bernadette Owens

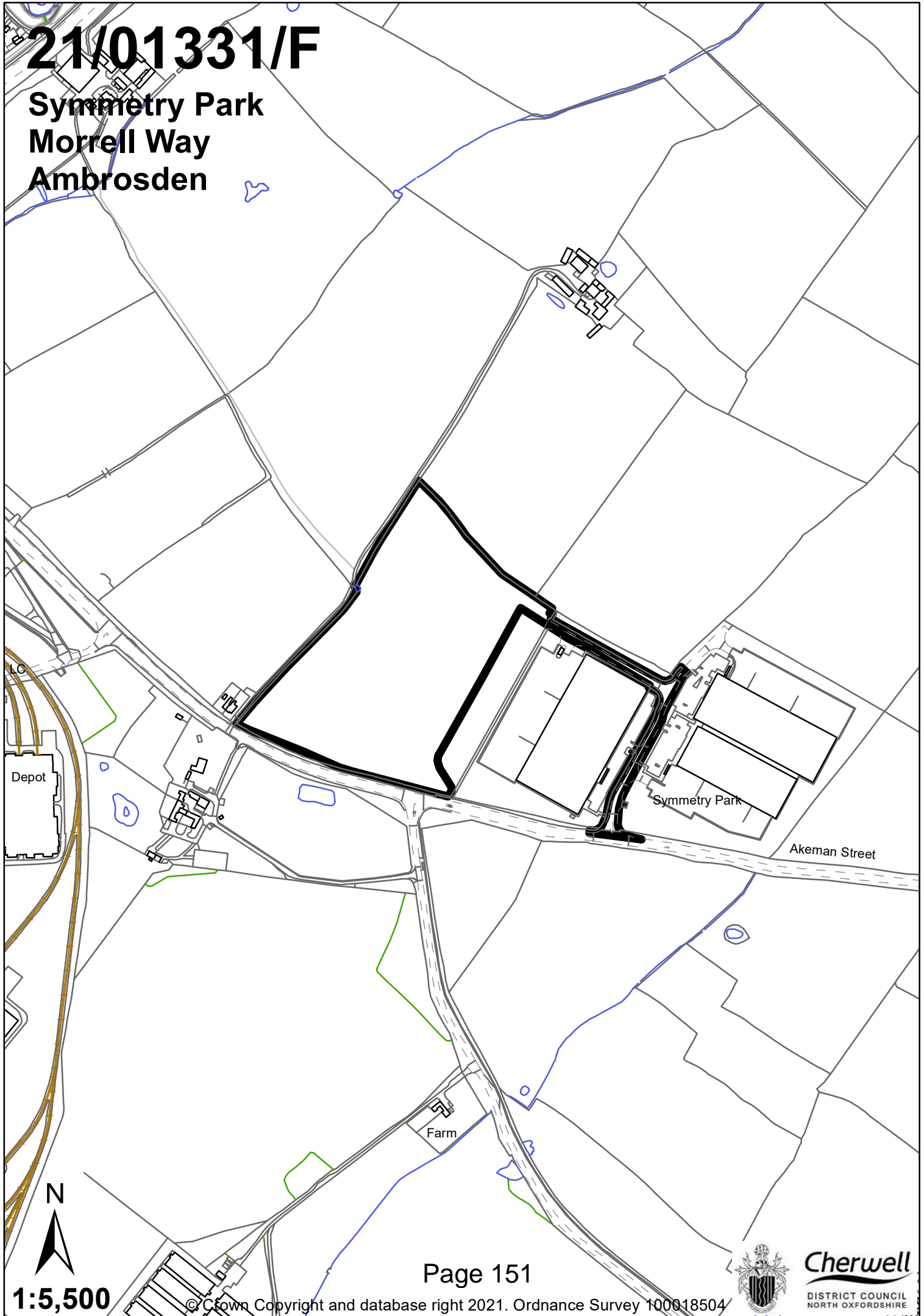
Agenda Item 11 21/01331/F

**Symmetry Park
Morrell Way
Ambrosden**



21/01331/F

Symmetry Park
Morrell Way
Ambrosden



Case Officer: Bernadette Owens

Applicant: Tritax Symmetry (Bicester Reid) Ltd

Proposal: Full Planning Permission for 22,986sqm of logistics floor space within class B8 of the Town and Country Planning Use Classes Order 1987, including 1,399sqm ancillary Class E(g)(i) offices, comprising (i) Unit C1: 15,267sqm of Class B8 and 729sqm of ancillary Class E(g)(i) offices, (ii) Unit C2: 7,719sqm of Class B8 and 670sqm of ancillary Class E(g)(i) offices accessed from the existing Symmetry Park estate road; erection of security gatehouse (Unit C1 only), security fence, sprinkler tank and pump house; associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space (Units C1 and C2), 10m green corridor with 3m foot path and cycle link to wider Bicester 12, storm water drainage infrastructure and private sewage treatment plant

Ward: Bicester South And Ambrosden

Councillors: Cllr Cotter, Cllr Sames and Cllr Wing

Reason for Referral: Major development

Expiry Date: 4 August 2021

Committee Date: 17 June 2021

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the Symmetry Park commercial development site approximately 3.2km to the southeast of Bicester town centre and 0.5km north of the village of Ambrosden and sits immediately adjacent to the A41. The site currently stands in open countryside but forms part of the Bicester 12 South East Bicester strategic allocation for mixed use development within the Cherwell Local Plan 2011-2031.
- 1.2. The application site extends to 6.75 hectares and has frontage to the A41 along the whole of its southern boundary. Further to the west along the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages, and approximately 400m to the north of the site is Little Wretchwick Farm and associated farm buildings. Open agricultural land currently lies to the north of the site although this will eventually come forward for development as part of the strategic allocation under Policy Bicester 12. To the south of the site on the opposite side of the A41 are two Grade II Listed Buildings and Graven Hill is situated to the southwest of the site.
- 1.3. Within the Symmetry Park development B8 buildings have been granted consent under planning permission ref. 16/00861/HYBRID (Units A1 and A2 occupied by Bentley Designs and Medline Services, respectively); planning permission 18/00091/F and 20/03404/F (Unit B to be occupied by Ocado); planning permission 19/00388/F (Unit C development not yet commenced) and a further B8

unit was also granted consent under planning permission 20/00530/F (Unit D to be occupied by DPD).

- 1.4. This application relates to the Unit C site which is the final development parcel within the Symmetry Park site.

2. CONSTRAINTS

- 2.1. The application site lies within 2km of the Arcott Bridge Meadows SSSI and the Gavray Drive and Blackthorn Meadows Local Wildlife Sites are situated to the north of the site. There are a number of protected and notable species, including Great Crested Newts which have been identified within a 250m buffer of the site. There is a public right of way which runs outside the site along the western boundary. The deserted Wretchwick Medieval Settlement, a Scheduled Ancient Monument is located outside the application site but within the wider Bicester 12 strategic allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks detailed planning consent for 22,986sqm of B8 logistics floorspace within two separate units (Unit C1 – 15,267sqm and Unit C2 – 7,719sqm) including 1,399sqm of ancillary office space (Unit C1 – 729sqm and Unit C2 – 670sqm), external service yard and lorry parking, car and cycle parking and associated landscaping.
- 3.2. Full planning permission has already been granted on the Unit C site (19/00388/F) for 29, 350sqm of logistic floorspace. Following approval of that application, a further application was submitted and approved on the adjacent Unit B site for the extension of the service yard to accommodate the specific requirements of the occupier, Ocado. This has resulted in the reduction in the size of the Unit C site so that the existing consent could not be implemented.
- 3.3. This current application therefore seeks consent for two smaller logistics units within the site with an altered layout to the approved scheme. The development also incorporates the footpath links and green corridor secured through the previous applications. Access is to be taken from the existing site access and estate roads.
- 3.4. A second application (21/01330/F) has also been submitted and is being considered concurrently for a second proposal on the same site, comprising a single logistics unit to maximise flexibility in bringing the site forward, allowing the applicant to respond to market need.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/02316/OUT	Outline - Proposed development of up to 69,677sqm (750,000 sq. feet) of logistics floorspace, within Class B8 of the Town and Country Planning Use Classes Order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means	Appeal lodged against non-determination but later withdrawn

	of access included for approval.	
16/00861/HYBR ID	HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B8, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8.	Application permitted
16/01268/OUT	Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems.	Committee resolution to grant planning permission. S106 negotiations on-going.
18/00091/F	14,200 sqm of logistics floor space, within class B8, including ancillary class B1 (a) offices (929 sqm), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant.	Application permitted
19/00388/F	Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm	Application permitted

water drainage infrastructure and private sewage treatment plant.

20/00530/F Full planning application for 4,635sqm of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sqm), a customer collection facility (112sqm), staff mess pod (142sqm), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant. Application permitted

20/03404/F 1. Alterations and enlargement of existing service yard to provide additional spaces for car and van parking, new access point to van parking and dispatch area, new access to staff parking area; 2. Built development, comprising building and plant, associated with the proposed occupation of Ocado comprising: Vehicle Maintenance Unit (VMU); Technical Services Block (TSB); Vehicle Inspection Hub (VIH); Comms Container (CCR); Sprinkler Tanks and Pump House; Vehicle wash (with underground waste water tank) and Van Fuel Station (with canopy over); smoking and vaping shelter; compaction area (with canopy over) and cycle store; 3. Site fencing enclosure with electricity supply substation; standby generator; enclosed storage units and Pallet Stack; 4. Realignment of existing cycle and footpath between A41 and Site boundary with Wretchwick Green, including landscaping; and 5. Minor realignment of existing storm water drains and installation of storm water attenuation tanks. Application permitted

5. PRE-APPLICATION DISCUSSIONS

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

21/00571/PREAPP

5.2. This pre-application enquiry put forward the two alternative schemes which are now subject of the current applications, to replace the scheme permitted under planning permission ref. 19/00388/F (Unit C) with either one single unit or two smaller units.

5.3. Officers advised that both proposals could be supported.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **27 May 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. AMBROSDEN PARISH COUNCIL: **Comments made.** Conditions requested to limit working hours, restrict external lighting, control soil heaps and require wheel washing, and secure adequate tree planting

7.3. BLACKTHORN PARISH COUNCIL: **No objection.**

7.4. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments received.**

7.5. BICESTER TOWN COUNCIL: **No comments received.** Concerns were raised in response to the concurrent application 19/01330/F relating to the proximity to Wretchwick Cottages and requests that traffic routing is followed, and that appropriate wheel washing is in place.

CONSULTEES

7.6. CDC ARBORICULTURE: **No comments received.**

7.7. CDC BUILDING CONTROL: **Comments made.** A full plans building regulation application will be required for the proposals.

7.8. CDC ECOLOGY: **No comments received.**

7.9. CDC ENVIRONMENTAL HEALTH: **No comments to make.** The EH officer has reviewed the information submitted to support the application and is satisfied with the content.

7.10. CDC LANDSCAPE SERVICES: **Comments made.** Further/alternative planting required to mitigate the impact of the development. Additional/revised information required in respect of landscape management.

7.11. OCC HIGHWAYS: **No objection** subject to conditions and S106 legal agreement.

7.12. OCC DRAINAGE: **No objection** subject to conditions.

7.13. OCC ARCHAEOLOGY: **No objection**

7.14. ENVIRONMENT AGENCY: **Comments awaited** (due by 4th June)

- 7.15. THAMES VALLEY POLICE: **No objection.**
- 7.16. THAMES WATER: THAMES WATER: **No objection** subject to conditions.
- 7.17. BICESTER BIKE USERS GROUP: **Objection.** There needs to be segregated walking and cycling along the A41 and access to the development by foot or cycle from the carriageway needs to be more direct.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy hierarchy and allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised energy systems
- ESD5: Renewable energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Bicester 12: South east Bicester
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Obligations SPD (February 2018)

9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Design, Layout and Appearance
- Transport, Access and Highway Safety
- Impact on Neighbouring Amenity
- Landscaping
- Ecology
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Environmental Impact Assessment

- 9.2. The application is supported by an Environmental Statement (ES). The existing planning permissions for the site (16/00861/HYBRID and 19/00388/F) were also accompanied by an Environmental Statement.
- 9.3. The ES submitted to support this application has considered up to date environmental information, utilising the baseline 2016 HYBRID planning application and any changes to the baseline including the additional floor area created by the development at Unit D and the extension of the Unit B sites within the Symmetry Park development.
- 9.4. The scope of the submitted ES considers the following topics: Transport and Access; Air Quality; Noise and Vibration; Ecology; Flooding and the Water Environment; Socio Economics; Cultural Heritage; Ground Conditions and Geology; Climate Change; Human Health; Lighting, Waste and Landscape.
- 9.5. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.
- 9.6. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.7. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

Policy Context

- 9.8. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031.
- 9.9. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed-use site for employment and residential development of up to 1500 new homes and supporting infrastructure. This policy specifies that approximately 40 hectares shall be for employment use of which this application forms a part.
- 9.10. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 9.11. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

Assessment

- 9.12. The principle of development on this site as set out in policy allocation Bicester 12 and has already been established by the granting of the outline and detailed planning permissions under the hybrid application (16/00861/HYBRID) and specifically the existing detailed planning permission for this site (Unit C – 19/00388/F) for B8 logistics development.
- 9.13. In addition, Policy Bicester 12 sets out a target to deliver approximately 3,000 jobs across 40ha of employment land. Whilst the policy refers to B1, B2 and B8 use, B8 is identified as the predominant use for delivering employment development in this location.
- 9.14. In considering the consented scheme (16/00861/HYBRID) for the Symmetry Park site, 2010 HCA job density figures were applied at 1 job per 70sqm equating to 930 jobs across the Symmetry Park site. This was considered acceptable at the time being approximately one third of the jobs delivered from one third of the Bicester 12 employment allocation. Planning permission was subsequently granted for 62,709sqm of employment development and applying the updated 2015 HCA density figures at 1 job per 77sqm, the baseline job creation from the Symmetry Park site would be 814 jobs.
- 9.15. Whilst the extension of the adjacent Unit B site has reduced the employment floorspace to be brought forward within the Unit C site from 29,350sqm to 22,986sqm (in the case of this dual unit scheme), information submitted with the extended Unit B application, based on the intensive operation of Ocado on that site, set out that forecast job number across the Unit B and Unit C sites would substantially exceed the policy requirement for the whole Symmetry Park development with Ocado creating 900 jobs on the Unit B site alone.

- 9.16. Whilst the current Unit C1 and Unit C2 scheme is speculative, it is forecast that some 298 warehouse jobs would be created as a result of the proposals with around 116 office staff, resulting in an overall provision of 414 jobs across the site.

Conclusion

- 9.17. The application site forms part of the Bicester 12 policy allocation where the principle of development is considered acceptable in accordance with the CLP 2031 Part 1.
- 9.18. The site has an important role to play in the delivery of new employment, to secure economic growth. The level of job creation as a result of the development proposed through this application, is consistent with the aspirations of policy Bicester 12 and will assist in delivering the local jobs and securing the economic future of the District in accordance with the CLP 2031 Part 1.

Design, Layout and Appearance

Policy Context

- 9.19. Policy Bicester 12 requires commercial buildings to have a high quality design and finish with careful consideration given to layout, architecture, materials and building heights to reduce the overall visual impact of development. A well designed approach to the urban edge is also required.
- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.21. The application proposals have evolved from the indicative masterplan layout and parameter plans which formed part of the Hybrid application, to respond to the market requirements for logistics floorspace. As such, the design for development on the site has moved away from some of the Hybrid proposals, this includes an increase in the height of the buildings, the orientation of the building, developable area and the design of the unit.
- 9.22. Notwithstanding this, the current detailed application broadly follows the design and external appearance of the previous Unit C (19/00388/F) scheme which is in keeping with the wider Symmetry Park development.
- 9.23. The proposed buildings would be constructed with a barrel vaulted roof to reduce the visual massing and finished with grey metal cladding to match the existing buildings with large sections of glazing to the north elevation. It is proposed that Unit C1 would be constructed to 18 metres (as per the approved Unit C scheme) and that Unit C2 would be constructed to 15 metres. This differentiation in height between the two buildings has the effect of breaking up the bulk of the built form at this location and provides a transition to the wider Wtetchwick Green development and the other smaller scale units within the Symmetry Park site.
- 9.24. Surface finishes within the development will also be in keeping with the existing Symmetry Park development.

- 9.25. Boundary fencing to the site is incorporated for site security utilising Paladin mesh fencing with galvanised steel posts to be coloured dark green to match the existing Symmetry Park development. The substantial existing hedgerows and mature trees already well established along the site boundaries will be retained and enhanced through further native structural planting and the existing bund to the southern boundary which has already been implemented prior to the development of this part of the site, provides landscaped screening which significantly reduces the visual impact of the building to the A41.

Conclusion

- 9.26. It is considered that the proposed development is acceptable in visual and design terms being typical of a development of this nature and consistent with the design of adjacent buildings within the wider Symmetry Park site. The substantial bunded landscaping to the south and further planting within the site will provide for adequate screening of the site to the A41 and surroundings so that there would be no adverse visual impact as a result of the proposals.
- 9.27. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

Transport, Access and Highway Safety

Policy Context

- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.29. Policy Bicester 12 of the CLP 2031 Part 1 requires that development is well integrated, with improved sustainable connections between the existing development and new development on the site. It requires that new footpaths and cycleways should be provided for that link to existing networks in the wider area.

Assessment

- 9.30. Access to the Symmetry Park site is from the A41 and the application site takes access from the existing estate road to staff car parking at the front of the building to the north and service yard to the eastern side of the building.
- 9.31. Car parking, including some electric vehicle charging points, is proposed to be provided in accordance with OCC car parking standards. Initially the design and layout of the scheme had led to an overprovision of parking by 18 spaces across the site. The applicant has now reviewed the proposals and a revised parking layout has been submitted which is now in full accordance with OCC car parking standards.
- 9.32. As part of the development of the Symmetry Park site, pedestrian and cycle access to the site is provided by way of the 3 metre wide shared footway/cyclepath which is situated within a 10 metre wide 'green corridor' and runs from the A41 between the Unit B and Unit C sites and connects with the wider Wretchwick Green development to the north. A further 'green corridor' link is also proposed along the north of the Unit C site providing further links to the Wretchwick Green development to the west and connecting with existing and proposed connections to the north and west.

- 9.33. Contributions have also been secured through the development of Symmetry Park for improvements to pedestrian and cycle facilities along the A41 contributing to the provision of safe pedestrian and cycle links to the site. Secure and covered cycle parking is proposed to be provided and would be conveniently located adjacent to the building entrance.
- 9.34. The site is served by frequent bus services and bus stops on the A41 which have been provided as part of the wider Symmetry Park development.
- 9.35. A Framework Travel Plan is already in place for the Symmetry Park site as a requirement of the outline planning consent. The targets and measures set out in that Framework Travel Plan will apply to the proposed development and an updated site specific Travel Plan will also be required to be agreed prior to the occupation of the development. This will be secured by condition. A Travel Plan Monitoring fee is also requested by OCC to be secured through a S106 legal agreement.
- 9.36. A Transport Statement has been submitted to support the application which is a reduction in scale to that approved under the extant consent (19/00388/F). Given the revised scale of development within the context of the extant consent, OCC as local highway authority has accepted that the generated development traffic impacts on the local highway and site access will be negligible.

Conclusion

- 9.37. The site is within a sustainable location within the Bicester 12 strategic policy allocation and is within easy reach of bus services and walking and cycling links which have been provided and improved as a result of the Symmetry Park development. The wider development of the adjacent Wretchwick Green site will further improve the connections to the site providing expanded links to wider Bicester.
- 9.38. The proposals are therefore in accordance with policies Bicester 12 and SLE4 of the CLP 2031 Part 1 in this regard.

Impact on Neighbouring Amenity

Policy Context

- 9.39. Policy Bicester 12 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.40. The extant planning approvals for the Symmetry Park development have already established that development as proposed is acceptable and would not adversely impact the amenity of neighbouring occupiers.
- 9.41. The closest existing residential properties to the application site are the pair of cottages to the west of the site and Little Wretchwick Farm is located approximately 400m to the north of the site. The site also adjoins the Wretchwick Green development site where the land use plan for the mixed-use development shows commercial development.

- 9.42. The landscaped bund to the southern boundary of the site with the A41 provides separation and substantial screening to the south eastern corner adjacent to the residential cottages. The proposed building Unit C1 has also been oriented and set away from the boundary to maximise the separation to the existing cottages. The buildings are also set off the boundary with the proposed residential development on the Wretchwick Green site which allows for further areas of substantial planting to reduce the visual impact to future residential occupiers.
- 9.43. The development of the site for two separate units has resulted in an altered orientation of the buildings so that service yard areas are not as well screened by the buildings as they would have been in the single unit scheme. This means that nuisance may occur from light and noise as a result of the operation of the service yard. A Noise Survey and Lighting Plan have been submitted to support the application these conclude that there would be no significant noise, vibration and lighting impacts when assessed against the baseline conditions. The Council's Environmental Protection officer has also reviewed the submitted information and is satisfied with its content and has no further comments to make.

Conclusion

- 9.44. Whilst there would be some impact to residential properties by virtue of the scale, form and type of development proposed, the site is within an area allocated for mixed-use development. Detailed proposals for the development of this part of the site have included substantial landscaping to reduce the visual impact of the development which has been implemented early to provide an established screen to the development of the site and to reduce the impact on neighbouring residential amenity. Conditions have been imposed on previous consents to ensure noise levels are restricted. These conditions will be re-imposed.
- 9.45. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

Landscaping

Policy Context

- 9.46. Policy ESD 13 of the CLP 2031 Part 1 requires development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.47. Policy ESD 15 of the CLP 2031 Part 1 requires development to contribute positively to an area's character and identity including respecting local topography and landscape features such as significant trees.

Assessment

- 9.48. The Environmental Statement submitted with the Hybrid application included a Landscape and Visual Impact Assessment which considered the effects of the proposed development on the landscape character of the area. A further ES was submitted with the previous application 19/00388/F and considered the increase in height of the building from the 15.5 metres set through the Hybrid consent and the 18 metres proposed. The ES concluded that there would be no additional significant visual effects as a result and officers were in agreement with that assessment.
- 9.49. To support the current application, the accompanying ES has also reviewed the baseline condition and character of the landscape. It concluded that, following the

completion of Units A1 and A2 and Unit B and the construction of the DPD parcel depot, when assessed against the current baseline conditions, the proposed Unit C would not be fundamentally altered

- 9.50. The substantial earth bunding to this part of the Symmetry Park site has already been carried out and forms a landscaped buffer along the southern boundary of the site with the A41 and to the western boundary adjacent to Wretchwick Cottages. The landscape buffer would remain robust to ensure that screening is provided so that the development would only be partially visible, in the long term.
- 9.51. The Council's landscape officer has made some detailed comments in relation to the need for additional landscape planting in certain locations, the need to replace some species for more appropriate types and on the landscape management for the site. These comments have been reviewed by the applicant and have been incorporated where possible to improve the landscape scheme within the application site.

Conclusion

- 9.52. Taking the supporting ES and Landscape Technical Note into account and the findings of the further review, it is considered that the landscape proposals already secured through the consented scheme(s) and the additional measures to be implemented as part of the current scheme would secure adequate landscape mitigation appropriate to the impact.
- 9.53. When assessed against the proposed changes to this part of the Symmetry Park development which fall outside of the parameters set at the outline stage, the development would not give rise to significant landscape and visual environmental impacts.
- 9.54. The proposals are therefore in accordance with policies Bicester 12, ESD13 and ESD15 of the CLP 2031 Part 1 in this regard.

Ecology

Legislative context

- 9.55. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.56. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.57. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an

operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

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

- 9.59. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.60. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.61. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.62. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.63. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including

a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.64. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.65. Policy Bicester 12 of the CLP 2031 Part 1 requires adequate investigation of, protection of, and management of protected species on the wider site. The policy requires that biodiversity be preserved and enhanced.
- 9.66. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.68. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.69. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the River Ray and has a seasonably wet ditch running adjacent to the western boundary. There are a number of mature trees and hedgerows along the southern boundary of the site. The site therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts and invertebrates.
- 9.70. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be

included on the decision notice and is considered sufficient to address the risk of any residual harm.

- 9.71. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.72. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.73. The ES submitted with the Hybrid application included an ecological assessment of the site which found that the habitats within the site are of generally minimal ecological value reflecting its former agricultural use. This current application is supported by an ES and Ecology Technical Note which consider is the proposed development will have any significant impact on the retained ecological features within the site, not assessed in the Hybrid application.
- 9.74. An updated walk over survey was undertaken and it was found that habitats present remain of negligible ecological value and isolated from those habitats of higher value by wildlife fencing. In the absence of any protected species constraints on the site and in consideration of the mitigation and habitat enhancement already included in the development of the Symmetry Park site, the ES concludes that when assessed against the proposed changes that fall outside the parameters set at the outline stage, the development will not give rise to any significant ecological or environmental impacts.

Conclusion

- 9.75. Officers are satisfied, on the basis of the ES and Ecology Technical Note submitted with the application, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.76. Reasonable mitigation is proposed to protect and enhance habitats within the site to achieve biodiversity gain. The proposals are therefore considered to be in accordance with the requirements of policies Bicester 12 and ESD10 of the CLP 2031 Part 1 in this regard.

Flood Risk and Drainage

Policy Context

- 9.77. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should*

incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

- 9.78. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.79. The site lies within Flood Zone 1.
- 9.80. The ES submitted with the Hybrid application assessed the likely water resource impacts for the Symmetry Park development. The ES and Flood Risk Assessment submitted with this current application confirm that the findings of the FRA that accompanied the Hybrid application remains relevant. The ES also confirms that, when assessed against the proposed changes that fall outside the approved parameters, the development will not give rise to any significant environmental effects.
- 9.81. A Drainage Strategy has been submitted with the application which addresses the strategy for surface and foul water drainage. OCC Drainage engineers are satisfied that the submitted Strategy is acceptable subject to conditions requiring compliance with the plans and specification set out in the application.
- 9.82. Thames Water have also raised no objection to the application but request that standard conditions are imposed relating to construction in proximity to the strategic water main and for a piling method statement prior to any piling taking place.

Conclusion

- 9.83. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy Context

- 9.84. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.85. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.86. The Energy Statement that accompanied the Hybrid application set out energy targets for the Symmetry Park development including the achievement of BREEAM 'Very Good' standard. An Energy Statement has been submitted to support the current application which addresses how the development will seek to comply with policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good'. The application is also supported by a Photovoltaic Report

which proposes photovoltaic panels across the entire usable roof space of the building.

- 9.87. In June 2020, Tritax Symmetry announced that all new development within its portfolio will be constructed to net zero carbon construction in line with the UK Green Building Council's (UKGBC) Net Zero Carbon Building Framework. The DPD parcel depot on the Symmetry Park site was one of the first Tritax Symmetry buildings to achieve net zero carbon in its construction. It is proposed that the Unit C building will be constructed to those same standards.

Conclusion

- 9.88. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Statement, Planning Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1.

Planning Obligations

- 9.89. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.90. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.91. Officers have had regard to the statutory tests in considering the application and recommend that the following items be secured, in the event that planning permission is granted, in order to mitigate the impact of the proposed development;

Contribution	Amount £	Price base	Index	Towards (details)
Travel Plan Monitoring Fee	£2,379	Dec 2020	RPI	Towards the monitoring of the Travel Plan.

- 9.92. A linking agreement will also be required to link the proposed development to the S106 agreement attached to the Hybrid consent and the obligations within that agreement.
- 9.93. The District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within any S106 agreement and the District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the an agreement.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three

dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.
- 10.3. The Council is committed to B8 development on this site through the strategic Bicester 12 policy allocation and the principle of development has already been accepted through the granting of planning permission as set out above.
- 10.4. The application proposal is considered to be in accordance with Policy Bicester 12 and the associated policies within the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF and will ensure the development of an allocated site which will enable the delivery of new employment development supporting economic growth in accordance with the strategic objectives of the local plan.
- 10.5. The information in the accompanying ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES identifies mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

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

Dwg no 4036-015 P21 Parameter Plan

Dwg no 4036-C06-001 P6 – Masterplan
Dwg no 4036-C06-002 P8 - Site Layout
Dwg no 4036-C06-006 P2 – Unit C1 GA Plans
Dwg no 4036-C06-008 P2 – Unit C2 GA Plans
Dwg no 4036-C06-017 P1 – Unit C1 GA Elevations
Dwg no 4036-C06-018 P1 – Unit C2 GA Elevations
Dwg no 4036-C06-007 P2 – Unit C1 GA Elevation/Section
Dwg no 4036-C06-009 P3 – Unit C2 GA Elevation/Section
Dwg no 4036-C06-010 P7 - Parking Layout
Dwg no 4036-C06-011 P6 - Fencing Layout
Dwg no 4036-C06-012 P3 – Unit C1 Roof Plan
Dwg no 4036-C06-013 P3 – Unit C2 Roof Plan
Dwg no 4036-C06-014 P6 - Parameters Line Overlay
Dwg no 4036-C06-015 P3 - Sprinkler Tank and Pump House Details
Dwg no 4036-C06-020 P1 - Site Sections
Dwg no 4036-C03-100 P2 - Location Plan
Dwg no 4036-C03-101 P4 - Application Red Line Plan

Dwg no CPW-181093-E-011 P2 Lighting Plan
Symmetry Park Bicester Unit C External Luminaire Schedule (version 2)

Dwg no: edp6569_d001-C-Detailed Landscape Design Unit C

Environmental Statement Volume 1 Main Text
Environmental Statement Volume 2 Appendices

- Transport Statement 11238-HYD-XX-XX-RP-TP-4001-P04_S3
- Technical Note Ecology edp6569_r001
- Technical Note Air Quality SPC-HYD-XX-ZZ-RP-Y-2004_P02
- Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100_2
- Noise Assessment- 11238-HYD-ZZ-XX-RP-Y-1002-P01
- Waste Management Single Unit 11283-HYD-XX-XX-RP-Y-5000
- Health Impacts Scoping
- Landscape Technical Note edp6569_r005-B

Environmental Statement Volume 3 Non- technical Summary

Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100_2
Dwg no C11238-HYD-XX-XX-DR-C-0110_P2_External Levels_1 Unit

Planning and Design and Access Statement

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

3. The building hereby approved shall be constructed to at least BREEAM ‘Very Good’ standard.

Reason – To ensure sustainable construction and to reduce carbon emissions in accordance with Policies ESD1-5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping

shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the operation of the service yard, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 , saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Except to allow for the provision of the footpath/cycle link into the adjacent site along the western boundary (as shown on Drawing No. 4036-C06-002 P8) the existing hedgerows to the northern, southern and western boundaries shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced in the current/next planting season with others of similar size and species and thereafter be properly retained in accordance with this condition

Reason – In the interests of the visual amenities of the area, in the interests of biodiversity and to provide effective screening to the proposed development and to comply with Policy ESD 13 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. The development hereby permitted shall be carried out strictly in accordance with the Drainage Strategy -11238-HYD-XX-XX-TN-0200_2 dated 1st April 2021 and the following plans:

Dwg no: C11238-HYD-XX-XX-DR-C-0200 P2 Drainage Layout Sheet 1
Dwg no: C11238-HYD-XX-XX-DR-C-0201 P1 Drainage Layout Sheet 2
Dwg no: C11238-HYD-XX-XX-DR-C-0202 P1 Drainage Layout Sheet 3
Dwg no: C11238-HYD-XX-XX-DR-C-0205 P1 Catchment Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0207 P1 Flood Extants Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0209 P1 Drainage Maintenance Plan
Dwg no: C11238-HYD-XX-XX-DR-C-0250 P1 Drainage Standards Details Sheet 1
Dwg no: C11238-HYD-XX-XX-DR-C-0251 P1 Drainage Standards Details Sheet 2
Dwg no: C11238-HYD-XX-XX-DR-C-0252 P1 Drainage Standards Details Sheet 3
Dwg no: C11238-HYD-XX-XX-DR-C-0253 P1 Drainage Standards Details Sheet 4

The approved Drainage Strategy shall be fully implemented prior to the service yard area coming into first operation and shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

Pre-commencement conditions

8. No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;
- Routing of construction traffic and delivery vehicles including means of access into the site:
 - Details of and approval of any road closures needed during construction;
 - Details of and approval of any traffic management needed during construction;
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
 - Measures to control the emission of dust and dirt during construction;
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
 - The erection and maintenance of security hoarding / scaffolding if required;
 - A regime to inspect and maintain all signing, barriers etc;
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
 - Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
 - Details of arrangements for site related vehicles (worker transport etc);
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
 - Any temporary access arrangements;
 - Delivery, demolition and construction working hours;
 - Storage of plant and materials used in constructing the development;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to

the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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

10. Prior to the commencement of Unit C1 hereby approved above slab level, full details of Photovoltaic (PV) cells which shall be installed on at least 25% of the roof coverage of the whole building, shall be submitted to and approved in writing by the Local Planning Authority. The PV cells shall be installed in full working order prior to first occupation and shall thereafter be retained and maintained in accordance with the approved detail.

Reason – In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework

11. Prior to the commencement of Unit C2 hereby approved above slab level, full details of Photovoltaic (PV) cells which shall be installed on at least 25% of the roof coverage of the whole building, shall be submitted to and approved in writing by the Local Planning Authority. The PV cells shall be installed in full working order prior to first occupation and shall thereafter be retained and maintained in accordance with the approved detail.

Reason – In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework

12. No development shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase of the development. Prior to the first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details

Reason – In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework

Pre-occupation conditions

13. Prior to the first occupation of Unit C1, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan

shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of Unit C2, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

15. Prior to the first occupation of Unit C1, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-C06-010 P7 - Parking Layout). Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

16. Prior to the first occupation of Unit C2, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-C06-010 P7 - Parking Layout). Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

17. Prior to the first occupation of the development, a record of the approved SuDs and site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (.pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;

Management company information must also be provided clearly identifying the name of the company and contact details.

Reason – In accordance with section 21 of the Flood and Water Management Act 2010.

18. Prior to the first occupation of the development hereby approved, and unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the external lighting shall be installed strictly in accordance with the details shown on drawing number CPW-181093-E-010 P2 Lighting Plan

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

19. Prior to the first occupation of the Unit C1 hereby approved, the 8no. vehicle electricity charging points shall be provided for use in the positions shown and in accordance with the details shown on the approved plans; and ducting for a further 15 vehicle charging points and ducting for HGV charging points shall also be installed for future charging point provisions in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

20. Prior to the first occupation of the Unit C2 hereby approved, the 4no. vehicle electricity charging points shall be provided for use in the positions shown and in accordance with the details shown on the approved plans; and ducting for a further 10 vehicle charging points and ducting for HGV charging points shall also be installed for future charging point provisions in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Ongoing regulatory conditions to be complied with at all times

21. Following the occupation of the development, no goods, materials, fixed plant or machinery, other than that approved by this permission, shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):

a) Daytime (0.700-23.00)

i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq

ii) Little Wretchwick Farm: 34dB LAeq

b) Nighttime (23.00-07.00)

i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq

ii) Little Wretchwick Farm: 28dB LAeq

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and thereafter re-used during the preparation of the site and implementation of the approved landscaping scheme.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

24. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in view of the exceptional circumstances that justify approval in this case, and in the interests of highway safety and residential amenity, in accordance with Policies SLE1, SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government Guidance in the NPPF.

CASE OFFICER: Bernadette Owens

Agenda Item 12

Cherwell District Council Planning Committee

17 June 2021

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To keep Members informed about planning appeal progress including the scheduling of public inquiries and hearings and decisions received.

1. Recommendations

1.1 To note the position on planning appeals contained within the report.

2. Introduction

2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress and determined appeals.

3. Report Details

3.1 New Appeals

20/03542/F – 91 Mallards Way, Bicester, OX26 6WT - Single storey extension at principal elevation

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 18.05.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00017/REF

3.2 New Enforcement Appeals

None.

3.3 Appeals in Progress

19/00934/F - Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester, OX26 1TH - Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Start Date of Inquiry – Tuesday 29th June – Expected to last 4 days

Start Date: 31.03.2021 **Statement Due:** 07.05.2021 **Decision:** Awaited

Appeal reference – 21/00012/REF

19/00963/OUT - OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road Adderbury - Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access)
Officer recommendation – Refused (Committee)

Method of determination: Hearing

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Hearing date – Tuesday 22nd June 2021

Hearing originally scheduled for 5th May was postponed by the Planning Inspectorate.

Appeal reference – 21/00004/REF

20/00789/CLUE – Belmont, 8 Foxglove Road, Begbroke, Kidlington, OX5 1SB - Certificate of Lawful Use Existing for amenity land to west of dwelling at no. 8 Foxglove Road as a domestic garden, with the introduction of boundary fence and hedge on the western and northern boundaries.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 11.12.2020 **Statement Due:** 22.01.2021 **Decision:** Awaited

Appeal reference – 20/00035/REF

20/00805/F – Highway House, Park Road, Hook Norton, OX15 5LR - Demolition of existing dwelling, demolition of existing outbuildings/structures, erection of replacement dwelling and new outbuilding containing a garage, residential annexe and associated landscaping.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 16.12.2020 **Statement Due:** 13.01.2021 **Decision:** Awaited

Appeal reference – 20/00034/REF

20/00871/F - OS Parcel 3300 North Of Railway Line Adjoining, Palmer Avenue, Lower Arcott - Erection of a free range egg production unit, gatehouse and agricultural workers dwelling including all associated works - re-submission of 19/00644/F

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 26.02.2021 **Statement Due:** 02.04.2021 **Decision:** Awaited

Appeal reference – 21/00007/REF

20/00964/OUT – The Beeches, Heyford Road, Steeple Aston, OX25 4SN - Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 07.01.2021 **Statement Due:** 11.02.2021 **Decision:** Awaited

Appeal reference – 20/00037/REF

20/01650/TPO - Pendula House, 9 Old School End, Hook Norton, OX15 5QU – Application for works to a Tree Preservation Order - T1-3 (Silver Birch) - Removal of trees to prevent damage to drains running under the property and to the property itself - Subject to TPO 07/1991

Officer recommendation – Refusal (Delegated)

Method of determination: Fast Track

Start Date: 16.03.2021 **LPA Questionnaire Due:** 30.03.2021 **Decision:** Awaited

Appeal reference – 21/00010/REF

20/01747/F - Land South Side Of, Widnell Lane, Piddington - Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing.

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Appeal reference – 21/00003/REF

20/01891/F - Land North East Of Fringford Study Centre Adjoining, Rectory Lane, Fringford, OX27 8DD - Erection of a 4 bedroom detached dwelling with garage and access.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 21.04.2021 **Statement Due:** 26.05.2021 **Decision:** Awaited

Appeal reference – 21/00015/REF

20/02504/F – 11 The Holt, Mollington, OX17 1BE - Single storey front extension.

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 23.04.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00016/REF

20/02592/F - 28 The Moors, Kidlington, OX5 2AJ - Variation of Condition 2 (plans) of 20/01170/F to allow for amendments to the layout of bin and cycle stores, the relocation of the second parking space to Plot 1, amendments to landscaping, alterations to fenestration, and alterations to the externally facing materials of the dwellings.

Reason for Appeal - Appeal made against conditions imposed on the approval decision notice.

Officer recommendation – Approved (Delegated)

Method of determination: Written Representations

Start Date: 11.02.2021 **Statement Due:** 18.03.2021 **Decision:** Awaited

Appeal reference – 21/00002/CON

20/02669/F - Moorlands Farm, Murcott, OX5 2RE - Demolition of existing agricultural buildings and erection of three dwellings.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 06.04.2021 **Statement Due:** 11.05.2021 **Decision:** Awaited

Appeal reference – 21/00013/REF

20/02717/HPA - 4 Summer Ley, Barford St Michael, Banbury, OX15 0RG - Demolition of existing conservatory and erection of lounge dining room extension, kitchen extension to form utility room - length 4.2m, height to eaves 2.7m, overall height 3.8m.

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 06.04.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00014/REF

3.4 Enforcement Appeals in Progress

18/00059/ENFB - Land at The Digs and The Studio, Heathfield, OX5 3DX – Appeal against the enforcement notice served for Without the benefit of planning permission the erection of two units of residential accommodation with associated residential curtilages.

Method of determination: Written Representations

Key Dates:

Start Date: 01.02.2021 **Statement Due:** 15.03.2021

Decision: Awaited

Appeal reference: 21/00001/ENF

20/00419/ENF - The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire, OX17 1QU

Appeal against the enforcement notice served for without planning permission the change of use of the land to use as a caravan site currently accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and trailer, storage of touring caravans and associated domestic paraphernalia.

Method of determination: Hearing

Key Dates:

Start Date: 24.02.2021

Statement Due: 07.04.2021

Hearing date: TBC

Decision: Awaited

Appeal reference: 21/00008/ENF

3.5 Forthcoming Public Inquiries and Hearings between 18 June 2021 and 15 July 2021

19/00963/OUT - OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road Adderbury - Resubmission of application 17/02394/OUT –

Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access)

Virtual Hearing to be held on Tuesday 22nd June at 10:00.

Details on how to register to attend Hearing can be found on the Council's online planning register

19/00934/F - Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester, OX26 1TH - Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works.

Virtual Public Inquiry Start Date and Days of Inquiry: Tuesday 29th June – 2nd July 2021

Details on how to register to attend Inquiry can be found on the Council's online planning register.

3.6 Results

Inspectors appointed by the Secretary of State have:

1. **19/00128/ENFC – Dismissed the appeal by Mr Featherstone against the enforcement notice being served on the address of OS Parcel 3349, Spruce Meadows, Cropredy Lane, Williamscot for the breach of planning control of change of use of the Land to use as a caravan site accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of shipping containers, erection of a summer house/shed type wooden structure, erection of a free-standing canvas shelter and associated domestic paraphernalia.**
Appeal reference - 20/00019/ENF

The enforcement notice related to the unauthorised use of the land as a caravan site including the stationing of a caravan/mobile home and its use for residential purposes as an independent unit of occupation in the open countryside, together with associated vehicles and structures facilitating this change of use.

The notice required a number of actions to remedy the breach including the cessation of the unauthorised use, removal of the caravan/mobile home and the removal of the associated structures and domestic paraphernalia.

The time period given with which to comply was 4 months.

The appeal was submitted under ground (a), ground (c) and ground (g) of section 174(2) of the Town and Country Planning Act 1990 as amended. (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged; (c) that the matters alleged do not constitute a breach of planning control and (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Under the ground (a) appeal the Inspector considered the main issues to be:

- (i) Whether the development accords with National Policy
- (ii) Whether there was an essential need for a rural worker to live permanently on the site
- (iii) The effect of the development on the character and appearance of the rural area.

The Inspector concluded that an essential need had not been established, that the residential use would undermine the Council's spatial strategy for sustainable accommodation and that it would cause significant harm to the character and appearance of the rural area and Williamscott Conservation Area and that the appeal on ground (a) failed.

Under ground (c) the Inspector found that in the absence of evidence to the contrary and on the balance of probability, the matters alleged in the Enforcement Notice were part and parcel of the material change of use of the land to a residential use and that the appeal on ground (c) failed.

Under ground (g) the appellant argued that the compliance period was too short. Following discussions, the Inspector concluded that an extension of the compliance period from 4 to 6 months would strike a proportionate and reasonable balance and that to that extent the ground (g) appeal succeeded.

The description of the breach was amended to read:

"Without the benefit of planning permission, the material change of use of the land by the stationing of a caravan and using the caravan and land for residential purposes together with associated parking of cars, associated domestic paraphernalia, the storage of motor vehicles, and the use of shipping containers and a summer house for storage, as shown in current locations on the attached Plan".

Other minor amendments to the wording were also made.

The appellant now has until 21 November 2021 to fully comply with the requirements of the notice and an inspection will take place shortly after that date to ensure compliance.

The full requirements of the notice (as varied) are as follows:

1. Cease the residential use of the land.
2. Remove from the land the caravan currently in the approximate location shown in Blue on the attached plan.
3. Remove from the land the shipping containers in the approximate location shown in Green on the attached plan.
4. Remove from the land the summer house in the approximate location shown in Yellow on the attached plan.

5. Remove from the land the motor vehicles currently stored and cars parked on the land in the approximate location shown in Purple on the attached plan.
 6. Remove from the land all domestic paraphernalia brought onto the land in connection with the residential use of the land, and
 7. Return the land to its previous condition before the breach took place.
- 2. 20/00841/F – Dismissed the appeal by Mr R Bratt against the refusal of planning permission for Erection of garage adjacent to approved dwelling and change of use of agricultural land to residential use. Barn And Land South West Of Cotefield Farm, Church Street, Bodicote.**
Officer recommendation – Refused (Delegated)
Appeal reference – 20/00039/REF

The Inspector for this case identified the main issue to be the effect on the character and appearance of the area.

In making their assessment the Inspector considered that the proposed garage would share a close physical and visual relationship with the dwelling and would be seen in this context. Further, whilst acknowledging the scale and somewhat commercial appearance of the garage, concluded that it would not be at odds with the character of the site and its surroundings, and that the appeal scheme would not be harmful.

However, the Inspector was conscious that since the time of the refusal of the planning application, a further planning permission had been granted by the Council for the erection of the same garage in a different position. The Inspector noted that the two garages (appeal scheme and approved scheme) could both be constructed independently. The Inspector noted that there was willingness, by the appellant, for the granted planning permission to be revoked, but that this would need to be the subject of a separate process which had not been undertaken.

In drawing a conclusion, the Inspector considered that by allowing the appeal in light of the granted planning permission, that this would potentially lead to increased quantum of built development and harmful proliferation of buildings at the site, harming the rural character of the location. Accordingly, he dismissed the appeal.

- 3. 20/01643/OUT – Allowed the appeal by Lone Star Land against refusal of planning permission for Erection of up to 49 homes, public open space and other infrastructure, with all matters reserved except access - revised scheme of 19/01811/OUT. Land North And West Of Bretch Hill Reservoir Adj To Balmoral Avenue, Banbury.**
Officer recommendation – Approval (Committee)
Appeal reference – 21/00011/REF

Following a confidential report to the planning committee of 15 April 2021 where officers sought instructions from Members on the conduct of the appeal, and the case conference with the appointed Inspector in May where the Inspector determined that having regard to the statement of common ground jointly submitted by the appellants and the Council the appeal could now be conducted as a written representation case.

The Inspector in allowing the appeal considered that the Council no longer had a 5 year land supply and that the requirements of the National Planning Guidance Framework paragraph 11d and footnote 7 on page 6 of the Framework was engaged, namely that unless there were any adverse matters which outweighed the 'tilted balance' the appeal should be considered acceptable. The inspector found that neither the effect of the

adjoining water tower or lattice telecommunications mast whilst being unsightly were such as to provide arguable reasons to reject the appeal.

The Inspector also found that the 3rd party objections on grounds of highway safety were not sufficient to warrant refusal. Nor was the reason for refusal on the basis of biodiversity an arguable reason for refusal that could not be dealt with by planning condition.

The necessary S106 dealing with contributions for necessary infrastructure including off site highway works, education, community facilities, open space, refuse and waste, and affordable homes was concluded by the appellants, the land owners, CDC and OCC prior to the Inspectors decision, who was satisfied that the agreement was compliant with section 122 of the CIL regulations.

4. Conclusion and Reasons for Recommendations

- 4.1 The report provides the current position on planning appeals which Members are invited to note.

5. Consultation

None.

6. Alternative Options and Reasons for Rejection

- 6.1 None. The report is presented for information.

7. Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Karen Dickson, Strategic Business Partner, 01295 221900,
karen.dickson@cherwell-dc.gov.uk

Legal Implications

- 7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Matthew Barrett, Solicitor, 01295 753798
matthew.barrett@cherwell-dc.gov.uk

Risk Implications

- 7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786
louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

7.4 The recommendation does not raise equality implications.

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707

Emily.Schofield@oxfordshire.gov.uk

8. Decision Information

Key Decision:

Financial Threshold Met No

Community Impact Threshold Met No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Seeking to uphold the Council's planning decisions is in the interest of meeting the strategic priorities from the Business Plan 2020/21:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

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