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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 15 July 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 Mepham
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 Adam Nell
Councillor Shaida Hussain
Councillor Ian Middleton
Councillor Barry Richards
Councillor Douglas Webb
Councillor Bryn Williams

Councillor Mike Bishop
Councillor Tony Ilott
Councillor Richard Mould
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 - 30)

To confirm as a correct record the Minutes of the meeting of the Committee held on 17 June 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)

The Committee to be advised of any scheduled pre-committee site visits.

Planning Applications

- 8. Land Northeast of Oxford Road, West of Oxford Canal & East of Bankside, Banbury (Pages 34 - 78) 19/01047/OUT**
- 9. Bicester Eco Town Exemplar Site, Banbury Road, Bicester (Pages 79 - 105) 21/01227/F**
- 10. The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD (Pages 106 - 127) 21/00955/F**
- 11. Land to rear of 160 Bloxham Road, Banbury (Pages 128 - 141) 21/01578/F**
- 12. 14 Beatrice Drive, Banbury, OX16 0DT (Pages 142 - 148) 21/01852/F**
- 13. Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU (Pages 149 - 153) 21/00827/DISC**

14. **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0921)**
(Pages 154 - 159) **21/00921/DISC**
15. **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (3692)**
(Pages 160 - 164) **20/03692/DISC**
16. **36-37 Castle Quay, Banbury, OX16 5UN** (Pages 165 - 169) **21/02162/NMA**
17. **Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1292)**
(Pages 170 - 175) **21/01292/NMA**

Review and Monitoring Reports

18. **Appeals Progress Report** (Pages 176 - 182)

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 pigeon-hole 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 7 July 2021

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 17 June 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 Patrick Clarke
Councillor Ian Corkin
Councillor Sandy Dallimore
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 Colin Clarke)
Councillor Adam Nell (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington
Councillor Colin Clarke
Councillor Simon Holland

Officers:

Alex Chrusciak, Senior Manager - Development Management
Andy Bateson, Team Leader – Major Developments
Wayne Campbell, Principal Planning Officer
Nat Stock, Minors Team Leader
George Smith, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer
Aaron Hetherington, Democratic and Elections Team Leader

Declarations of Interest

9. Land Used For Motocross, Stratford Road A422, Wroxton, OX15 6HX.

Councillor Adam Nell, Declaration, that he lived within earshot of the application site.

10. Symmetry Park Morrell Way Ambrosden - 1330.

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.

11. Symmetry Park, Morrell Way, Ambrosden - 1331.

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.

21 **Requests to Address the Meeting**

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

22 **Minutes**

The Minutes of the meeting held on 20 May 2021 were agreed as a correct record and signed by the Chairman.

23 **Chairman's Announcements**

There were no Chairman's announcements.

24 **Urgent Business**

There were no items of urgent business.

25 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed pre-committee site visits.

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

The Committee considered application 21/00500/OUT for the erection of up to 43 new homes, access from Station Road and associated works including attenuation pond at Land North of Railway House, Station Road, Hook Norton for Greystoke Land Limited.

Janeen Wilson representing Hook Norton Parish Council, addressed the Committee in objection to the application.

Killian Garvey representing the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Brown that application 21/00500/OUT be refused, contrary to the officer recommendations, as the harm of the application outweighed the benefit.

On being put to the vote the motion was carried and the application was refused.

It was subsequently proposed by Councillor Brown and seconded by Councillor Corkin that, as no Section 106 agreement had been agreed, this should be added as a second reason for refusal. On being put to the vote the motion was carried.

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 application 21/00500/OUT be refused contrary to the officer recommendation for the following reasons (with the exact wording of the reasons for refusal delegated to the Assistant Director Planning and Development):
 - (i) Landscape impact
 - (ii) Lack of S106 agreement to secure necessary infrastructure

27 **Land Used For Motocross, Stratford Road A422, Wroxton, OX15 6HX**

The Committee considered application 21/00517/F a retrospective application for the creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold motocross events including set-up, take down and private practice sessions, with associated camping site, for up

to 65 days per year and agricultural grazing at land used for Motocross, Stratford Road (A422), Wroxton, OX15 6HX for Hedges & Kerwood.

Local Ward Member, Councillor Phil Chapman addressed the meeting.

Martin Leay on behalf of Hornton Parish Council and John Offord, Chairman of Hornton Parish Council addressed the Committee in objection to the application.

Fred Quatermain, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Perry and seconded by Councillor Broad that application 21/00517/F be approved subject to additional conditions in relation to track usage, the exact wording to be delegated to the Assistant Director Planning and Development in consultation with the local Ward Members for Cropredy, Sibfords and Wroxton.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Reynolds and seconded by Councillor Brown that application 21/00517/F be approved subject to an amendment of condition 1 to limit the total number of days the track could be used for racing or practising to be no more than 20 days in any calendar year where the motocross track is used for racing or practising with the timings and frequency of these 20 days to be agreed in consultation with the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and the Applicant.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00517/F subject to:
 - 1) No responses being received before the expiry of the consultation period ending 18 June 2021 that raise new material issues that, in the view of the Assistant Director, have not been dealt with in the assessment of the application
 - 2) The resolution of the objections from:
 - (i) The lead local flood authority;
 - (ii) The council's ecology officer; and
 - (iii) Berks, Bucks and Oxon Wildlife Trust
 - 3) The following conditions (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 20 days on which the motocross track is used (that is, for racing or practising) in any calendar year. The timing and frequency of these 20 days to be agreed in consultation with the Ward Members for Cropredy, Sibfords and Wroxton Ward, and the Applicant. 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 details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton , and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. 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.

12. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the application forms and the following plans and documents:

- PI 01
- PI 02
- SU2192 2D-1
- SU2192 2D-2
- SU2192 2D-3
- SU2192 2D-4

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.

13. There shall be no use of the track or set-up or take down of events on the first Bank Holiday Monday in May of each year.

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.

14. There shall be no further practising or competitive racing unless and until a plan showing parking provision for vehicles to be accommodated within the site have been submitted to and approved in writing by the Local Planning Authority. The site shall not be used other than in accordance

with the approved details, and the number of vehicles parking within the site shall not exceed this capacity.

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

15. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes between the hours of 9:00am and 6:00pm.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. There shall be no further practising or competitive racing unless and until a spectator and access strategy has been submitted to and approved in writing by the Local Planning Authority. The spectator and access strategy shall include: -

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used other than in accordance with the approved details thereafter.

Reason - in the interests of general amenity 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.

28

Symmetry Park Morrell Way Ambrosden - 1330

The Committee considered application 21/01330/F 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 at Symmetry Park, Morrell Way, Ambrosden for Tritax Symmetry (Bicester Reid) Limited.

Debbie Jones, 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 updates.

Resolved

(1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01330/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.
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:

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 (07.00-23.00)

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.

29

Symmetry Park, Morrell Way, Ambrosden - 1331

The Committee considered application 21/01331/F 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 at Symmetry Park, Morrell Way, Ambrosden for Tritax Symmetry (Bicester Reid) Limited.

Debbie Jones, 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 updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01331/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.
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:

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) Night-time (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.

30 **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 6.45 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee - 15 July 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 East of Oxford Road West of Oxford Canal and East of Bankside, Banbury	19/01047/OUT	Banbury Calthorpe and Easington	*Grant Permission	Samantha Taylor
9	Bicester Eco Town Exemplar Site, Banbury Road, Bicester	21/01227/F	Bicester North and Caversfield	*Grant Permission	Caroline Ford
10	The Firs Garage, Tadmarton Heath Road, Hook Norton OX15 5DD	21/00955/F	Deddington	*Grant Permission	Wayne Campbell
11	Land to Rear of 160 Bloxham Road, Banbury	21/01578/F	Banbury Calthorpe and Easington	*Grant Permission	Wayne Campbell
12	14 Beatrice Drive, Banbury, OX16 0DT	21/01852/F	Banbury Ruscote	*Grant Permission	John Gale
13	Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU	21/00827/DISC	Banbury Ruscote	*Grant Permission	James Kirkham
14	Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0921)	21/00921/DISC	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor

15	Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (3692)	20/03692/DISC	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor
16	36-37 Castle Quay, Banbury, OX16 5UN	21/02162/NMA	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor
17	Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1292)	21/01292/NMA	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor

*Subject to conditions

**Land North East Of Oxford Road West
Of Oxford Canal And East Of Bankside
Banbury**

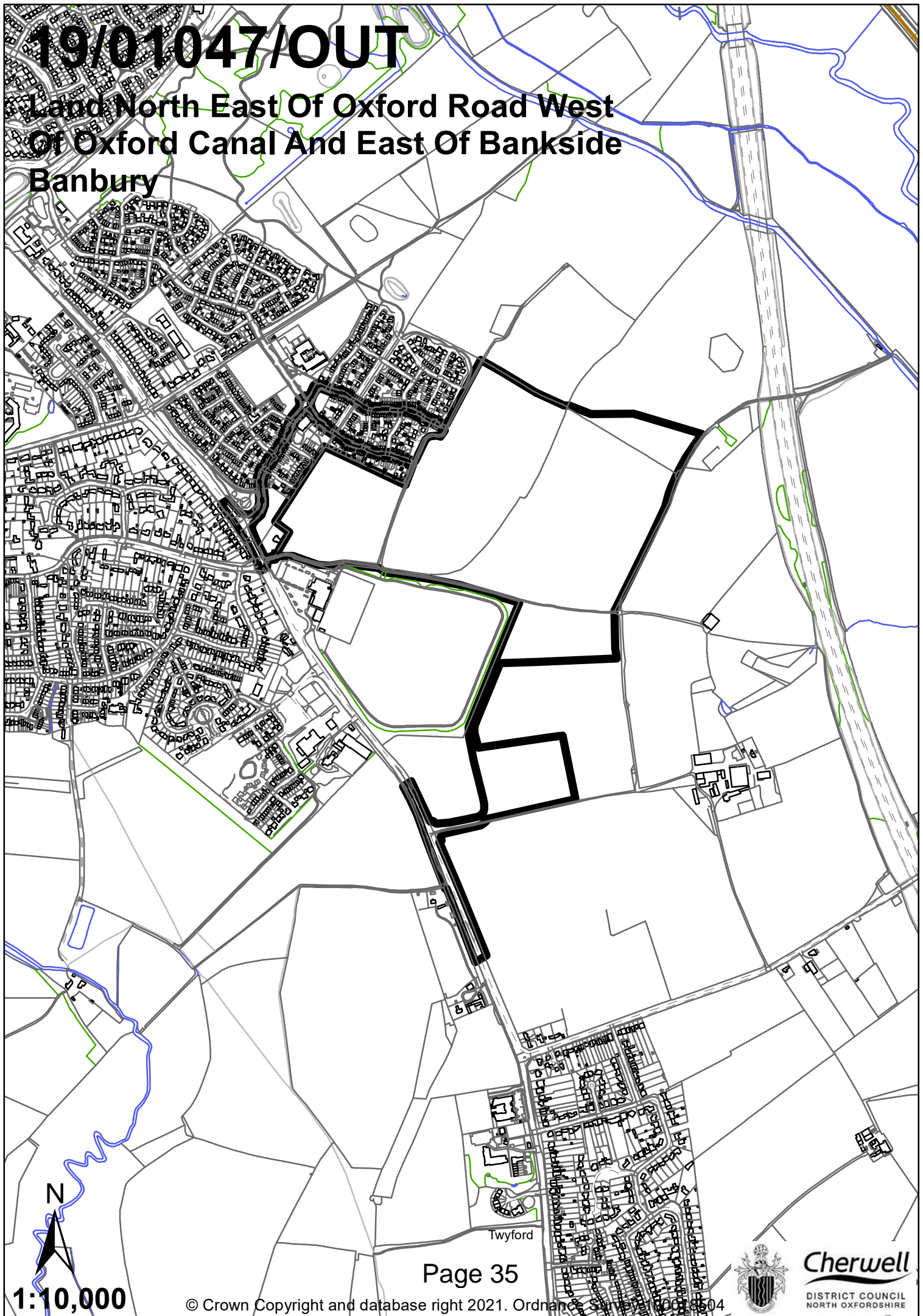


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1:6,000



19/01047/OUT

Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury



N

1:10,000

Twyford

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Samantha Taylor

Applicant: Hallam Land Management Ltd

Proposal: Outline planning application for a residential development of up to 825 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space; landscaping and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road). All matters of detail reserved, save for access.

Ward: Banbury Calthorpe and Easington

Councillors: Councillor Clarke, Councillor Mallon, and Councillor Mepham

Reason for Referral: Major development and a Departure from the Development Plan

Expiry Date: 15 July 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: DELEGATED POWERS TO GRANT PERMISSION SUBJECT TO: THE PRIOR PROVISION OF A SUITABLE MECHANISM TO SECURE THE LAND REQUIRED FOR THE RELOCATION OF BANBURY UNITED FOOTBALL CLUB, S106 PLANNING OBLIGATIONS, AND CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site lies to the southeast of Banbury. The Site's north-western boundary adjoins the residential area of Longford Park (Hobby Road & Songthrush Road). To the east of the site lies open countryside, used for agricultural purposes. The site extends to the south of Bodicote Park and the Bannatyne Health Club, before reaching the A4260 Oxford Road. Further to the south lies Adderbury/Twyford and to the west lies Bodicote and recent development at Cotefield Farm.
- 1.2. The site is generally flat, sloping further to the east of the site towards the Oxford Canal and River Cherwell beyond the M40. An existing tree belt and woodland copse provides screening to the M40.
- 1.3. The site is currently used for arable purposes, with field boundaries largely consisting of hedgerows with some trees and fencing. A substantial tree belt sits adjacent to the site boundary enclosing Bodicote Park and Bannatyne's Health Club.
- 1.4. An existing traffic lighted access serves Longford Park Phase 1 before extending the network into the residential streets of the development. Hobby Road and

Songthrush Road would be used in part to serve the development once vehicles have entered Longford Park Phase 1. In addition, a new principal access to serve the development and areas of land reserved for the football club relocation, a secondary school, community pitches and pavilion and also provide access into the residential development is proposed to the south of Bodicote Park, from the A4260 Oxford Road.

- 1.5. A public footpath extends through the site and adjacent to the Bodicote Park boundary, linking to Oxford Road. This public right of way would not be diverted as a result of the proposal. To the north of the site runs a Public Bridleway connecting Canal Lane, Longford Park and Oxford Road.

2. CONSTRAINTS

- 2.1. The application site constraints are:
 - Public Right of Way 101/4
 - Public Right of Way 137/2
 - Public Bridleway Way 101/15
 - Medium Press Gas Pipeline and 25m buffer zone
 - Minerals Consultation Area
 - Archaeological Alert Area – DOX16724, Neolithic Cropmark
 - Recorded Protected and Notable Species Presence on site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning permission for the provision of up to 825 residential dwellings, with associated green infrastructure, informal open space, landscaping and other necessary infrastructure. Access is to be taken from the existing Longford Park traffic lighted access and the creation of a new access from the A4260 Banbury Road. All matters are reserved, except for access.
- 3.2. An Environmental Statement accompanies the application following determination of an earlier Scoping Opinion that determined the proposal required an EIA. The full Screening and Scoping Opinions are available on the Council's website
- 3.3. Parameter plans have been submitted as part of the application, which provide further detail on the proposed density of site development.

4. RELEVANT PLANNING HISTORY

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

17/01408/OUT - Outline planning application for a residential development of up to 700 dwellings, multi-purpose community building incorporating sports pavilion and changing rooms, green infrastructure including formal and informal open space landscaping and associated infrastructure including a balancing pond on land of A4260 Oxford Road with alteration to existing access from A2460. Application is **Currently held in abeyance awaiting a Decision.**

17/00061/SO - Screening opinion for up to 700 dwellings, multi-purpose community building incorporating a sports pavilion and changing rooms, green infrastructure including formal and informal open space, landscaping and associated infrastructure including a balancing pond on land of A4260 Oxford Road with alteration to existing access from A2460. **Screening Opinion Issued.**

16/00051/SCOP - Scoping Request for residential development of up to 750 new homes, including provision for vehicular access from Oxford Road, open space and associated infrastructure, Bankside Phase II. **Scoping Decision Issued.**

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 site notices 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 **9 May 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Objections from 127 properties have been received, plus 5 further comments neither supporting nor objecting to the proposal and 2 letters of support. The comments raised by third parties are summarised as follows:

- Concerns with existing traffic volume that will worsen as a result of the proposed development to an unacceptable level, causing harm to highway safety;
- Existing issues with the access to Longford Park will worsen, in particular, concerns are raised with the use of Hobby Road and Songthrush Road for access to the site;
- Local services would not be able to cope with additional housing/residents, including doctor's surgeries, schools, community facilities;
- Access from Oxford Road should be the primary access;
- Access to the town centre should be improved;
- Noise nuisance during construction;
- Additional sports pitches and changing facility is not required on the site;
- Insufficient community facilities being provided on the development;
- Pollution concerns from additional traffic on health and the environment;
- Concerns with publicity of the application;
- Increased risk to local flooding;
- Increase in pollution;
- Construction traffic should not go through the residential roads of Longford Park;
- The delivery of the access from Oxford Road at an early stage is important;

- Harm caused to wildlife/protected species;
- Unknown impact on the existing Banbury Rugby Club;
- Pleased with the delivery of sports pitches/sports hub;
- Traffic improvement works may require the removal of trees, which would be of detriment to the local area;
- Protection should be afforded for greenfield sites;
- Conflict with relevant policies, such as the Adderbury Village Plan;
- Loss of wildlife/ecology;
- Proposed location of secondary school on the site is not acceptable;
- Only 30% of development is affordable housing; and
- Harm to the character of the site and local area.
- Growth of Banbury is too quick;
- Existing parking issues on Longford Park and high number of vehicles per household;
- Delays with doctor and dentist appointments;
- Disagreement with the location of the development and use of Longford Park for access;
- Personal views on their property or the local area;
- Failures of the delivery of development/developers at Longford Park and that this development should be completed before considering the current application;
- Loss of private views;
- Development on this site was not known to purchasers of properties on Longford Park;
- Wider investment should be made in existing community facilities;
- Development should not be for developer profit;
- Development of the site is inconsiderate to adjacent residents;
- The development is speculative;
- Housing market in Banbury is saturated;
- Existing drainage issues within Longford Park;
- No need for additional houses;
- Impact upon house values;
- Marketing of development on other sites; and
- Reducing greenbelt land.

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. Adderbury Parish Council: **Object** on the grounds of: 1) Existing traffic and highway safety issues; 2) Unacceptable access; 3) Lack of a need for a secondary school; 4) Lack of relocation of BUFC; 5) Lack of separation buffer between southern boundary and Adderbury; 6) Harm through high density and lack of garden space to serve residents; and 7) Coalescence with Adderbury.
- 7.3. Banbury Town Council: **Object** on the grounds: 1) Due to increased housing numbers delivery of Banbury 12 is compromised; 2) Unacceptable site access through Longford Park; and 3) Concern regarding the transport impact assessment.
- 7.4. Bodicote Parish Council: **Comments:** Note the location of the site within a mix of Parish/Town Council boundaries; note number of applications for the site; outline relevant planning policies, completion of Longford Park is required, concerns with traffic and note OCC J10A proposals.

CONSULTEES

- 7.5. Environment Agency: **No objections.**
- 7.6. Thames Valley Police: **Objections**, concerns raised regarding the use of parking areas and crime prevention.
- 7.7. Highways England: **No objections.**
- 7.8. Natural England: **No objections.**
- 7.9. Thames Water: **Comments:** note that there is currently sufficient capacity with the existing foul and surface water drainage systems to cope with the proposed development, however, note that suitable capacity can be made subject to further design work between the applicant and Thames Water. Recommend that conditions are applied to ensure that this work is undertaken prior to the commencement of development.
- 7.10. Oxfordshire Clinical Commissioning Group: **Comment:** request for contributions towards primary health care.
- 7.11. CDC Building Control: **Comment:** the development will require a building control application.
- 7.12. CDC Strategic Housing: **Comment:** request for affordable housing and extra care housing be secured in line with Planning Policy.
- 7.13. CDC Leisure: **Comment:** request for contributions/planning obligations towards a Community Development Worker, Community Development Fund, Outdoor Sports Provision, Indoor Sport Provision and Public Art.

- 7.14. CDC Environmental Health: **No objection** in respect of noise, air quality, contaminated land or odour. Request for standard conditions relating to ground contamination, noise and electric vehicle charging points.
- 7.15. CDC Licensing: **No comments**.
- 7.16. CDC Landscaping: **Comments**: agreement with the ability of the site to accept residential development being high as outlined in the LVIA, appropriate assessment of the LVIA, concerns with reliance on tree/shrub planting and recommend this is addressed, LAP play spaces will need to be included.
- 7.17. CDC Planning Policy: **Objection**: exclusion of land for the football outside of the red edged site boundary (now addressed in revised plans) and to the additional housing numbers on the grounds of impact on the countryside and harm through place shaping principles conflict.
- 7.18. OCC Councillors (Cllr Mallon, Cllr Reeves, Cllr Fatemian): **Object** on the grounds that insufficient detail provided and errors with the information in the traffic impact assessment. Request application is not determined until mitigation measures are secured as part of the application.
- 7.19. OCC Minerals and Waste: **No objection**: not in a mineral safeguard area or safeguarded waste site.
- 7.20. OCC Rights of Way: **No objections**: the proposal does not require diversion of the public rights of way.
- 7.21. OCC HIGHWAYS: **No objections**: subject to the S106 contributions and requirements outlined (including strategic transport contributions, junction improvements, cycleway, public transport, rights of way enhancements and travel plan monitoring), an obligation to enter into a s. 278 and s.38 agreement and the recommended planning conditions. The earlier objections in respect of access through Longford Park, insufficient information within the TA and visibility splay information have been overcome by additional information submitted within the application process.
- 7.22. OCC Drainage: **No objections**: subject to the conditions recommended.
- 7.23. OCC Local Lead Flood Authority: **No objections**: subject to the conditions recommended requiring a suitable surface water management scheme, and SuDS design. The earlier objections have been overcome subject to the recommended conditions.
- 7.24. OCC Education: **No objections**: subject to the land reservation for the secondary school and future expansion option and payment of required financial contributions.
- 7.25. OCC Archaeology: **No objections**: subject to the recommended standard archaeological planning conditions.

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)

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable Housing
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Wellbeing
- 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
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD8 – Water Resources
- 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
- ESD17 – Green Infrastructure
- BANBURY 4 – Bankside Phase 2 – 27ha for 600 homes and associated infrastructure
- BANBURY 12 – Land to be secured for the relocation of Banbury United FC. Any remaining land suitable for a new secondary school.
- INF1 – Infrastructure

ADDERBURY NEIGHBOURHOOD PLAN

- AD5 – Local Gaps, specifically Twyford and Bodicote/Banbury

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- 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
- Environmental Impact Assessment
- Transport and Highways
- Landscape and Arboricultural Matters
- Design and Impact on the Character of the Area
- Ecology
- Flood Risk and Drainage
- Environmental Matters
- Residential Amenity
- Planning Obligations

Environmental Impact Assessment

9.2. The application is accompanied by an Environmental Impact Assessment, following the determination of a Screening Request and subsequent Scoping Opinion. The full Screening and Scoping Opinions are available on the Council's website.

Principle of Development

Policy Context

9.3. 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.

9.4. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (CLP 2031), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and several adopted 'made' Neighbourhood Plans.

- 9.5. The application site falls outside of the designated Bodicote Neighbourhood Plan Area. The site does not fall within a designated Neighbourhood Plan area and as such, this is not a material consideration of the application.
- 9.6. Policy Banbury 4 of the CLP 2031 Part 1 allocates an area of 27 hectares to the southeast of Banbury described as Bankside Phase 2, for the provision of 600 homes with associated services, facilities and other infrastructure. This policy sets out that 30% affordable housing should be achieved, with the dwelling mix informed by Policy BSC4 of the CLP 2031. The policy includes a number of key place-shaping principles to create a high-quality development as well as to provide a well-connected development in transport and access terms to the wider area and the Policy Banbury 12 site, which is located immediately to the south, fronting the A4260 Banbury Road.
- 9.7. Policy Banbury 12 of the CLP 2031 Part 1 allocates an area of land to the east of Oxford Road for the purposes of securing the relocation of Banbury United and for sport and recreation use. The Policy sets out that where any land is not required for the relocation of the football club, it should be considered suitable for a new secondary school.
- 9.8. Policy BSC1 of the CLP 2031 Part 1 outlines the Districts strategy for delivering a wide choice of high-quality homes within the plan period. The Plan is supportive of the strategic allocations within the Plan.
- 9.9. Policy BSC2 of the CLP 2031 Part 1 requires that housing developments make effective and efficient use of land, using an appropriate housing density.
- 9.10. In March 2017 the Government committed to the Oxfordshire Housing and Growth Deal (the deal), to support ambitious plans to deliver 100,000 new homes across the County by 2031. The deal committed to an Oxfordshire-wide Joint Statutory Spatial Plan to be adopted by 2021, and to be supported by £215 million of funding to help deliver more affordable housing and infrastructure improvements to support sustainable development across the county.
- 9.11. As part of the deal, to support this strategic approach to supporting housing delivery through joint working, Oxfordshire was temporarily granted flexibility from the National Planning Policy Framework policy on maintaining a five-year housing land supply. Since 2018, Oxfordshire have had to provide proof of a three-year land supply for planning purposes. This has worked to support the delivery of the local plans for the area and ensure that the local authorities could focus their efforts on their Joint Spatial Strategy. This flexibility was laid out at the time by the then Secretary of State in a Written Ministerial Statement on 12 September 2018.
- 9.12. The Oxfordshire authorities have not yet been able to finalise and adopt their Joint Statutory Spatial Plan, which is now known as the Oxfordshire Plan 2050. Therefore, in the best interests of housing delivery in the region, the current Secretary of State has extended the time afforded to Oxfordshire for the delivery of this plan to 2023. However, this extension will not be subject to the original land supply flexibilities. From 1st April 2021, all Oxfordshire authorities need to maintain

a five-year housing land supply, in accordance with the National Planning Policy Framework (NPPF).

- 9.13. In Cherwell District, a five-year housing land supply does not presently exist. The Council's latest Annual Monitoring Review (AMR, 2020), prepared in accordance with NPPF paragraph 73 guidance, identifies only a 4.7-year land supply for 2021 across the majority of the District (excluding the areas around the north of Oxford, near Kidlington, where the Local Plan Review proposes additional site allocations to meet Oxford's unmet housing needs and which are currently the subject of Judicial Review).
- 9.14. For development proposals in Cherwell District outside of Kidlington, Yarnton and Begbroke, the 4.7-year housing land availability figure equates to a shortfall of 509 homes. In accordance with NPPF paragraph 11 guidance and Footnote 7, the normal presumption in favour of a Development Plan is replaced with a presumption in favour of sustainable development because housing policies in the Development Plan are rendered out of date until such time as any shortfall has been overcome. For decision taking in Cherwell, this means granting permission for sustainable residential developments unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing a development proposal;
 - any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of development, when assessed against the policies in the NPPF taken as a whole.
- 9.15. The application proposes up to 825 dwellings to be constructed on the allocated site Banbury 4 and partially on Banbury 12. Whilst the application is in outline, it is expected that approximately 700 residential properties could be accommodated within the Banbury 4 allocation and approximately 125 could be accommodated on part of the Banbury 12 allocation. In total, the proposal would provide up to 225 more residential properties than envisaged by Policy Banbury 4 and would require some residential development on the Banbury 12 site, which is not allocated by the Policy.
- 9.16. During the application process, amended plans have been received which extended the red edged site boundary to extend around both Banbury 4 and Banbury 12 in their entirety.
- 9.17. The proposal also includes a small area of land to the east of Banbury 4 extending into the open countryside, which is proposed to be used as open space, including a surface water balancing pond.
- 9.18. In addition, within Banbury 12, the proposal includes provision of sport pitches and a pavilion associated with the 825-home residential development, whilst maintaining sufficient land to ensure compliance with the policy requirements of Banbury 12.

Assessment

- 9.19. The strategy of the CLP 2031 Part 1 as set out in Policy BSC1 is to focus the majority of new residential development needs at Bicester and Banbury, with limited development accommodated elsewhere within the district. Whilst Banbury 4 is allocated for 600 residential units, the addition of up to 225 extra residential units across Banbury 4 and part of Banbury 12 would be counted as windfall development, contributing to the delivery of boosting housing supply.
- 9.20. Banbury is a sustainable location for additional residential growth. In this case, the land is situated to the south of Banbury and adjacent to Bodicote. There are a range of complimentary uses within the local area and good connections into Banbury town centre. The provision of walking, cycling and public transport links to the application site and the surrounding area means that the site is well connected to local services and facilities at Longford Park, Bodicote and Banbury.
- 9.21. In the view of Officers, the site is considered to be a sustainable Location. The additional residential units above the allocated 600 houses on Banbury 4 would help contribute towards reducing the Council's Housing Land Supply deficit, which is currently at 4.7-years and represents a shortfall of 509 dwellings. Given the current shortfall in the 5-year land supply requirement, the 'titled balance' outlined at paragraph 11d of the NPPF is engaged. Therefore, planning permission must be granted for residential development in sustainable locations unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of boosting housing supply.
- 9.22. Part of the additional residential units, approximately 125 houses, are proposed on part of the Banbury 12 allocation. The purpose of Policy Banbury 12 is to firstly secure sufficient land for the relocation of Banbury United football club, provide open public leisure space and for the construction of a secondary school to serve the town. Given that paragraph 11d is engaged, it is relevant to consider whether the development could impact upon the delivery of Banbury 12 as a policy and whether that would have a significant and demonstrable adverse effect.

Conclusion

- 9.23. As set out, the proposal would deliver additional homes above that required by Policy Banbury 4 and proposes residential development on part of the allocated site Policy Banbury 12. As such, Officers consider the proposal conflicts with Policies Banbury 4 and Banbury 12.
- 9.24. As required by NPPF Paragraph 67, where an Authority is unable to demonstrate a sufficient 5-year housing land supply, there is a presumption (NPPF paragraph 11) in favour of sustainable development unless the harmful impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 9.25. Given the proximity of the site to Banbury and adjacent services, the compatibility of the additional residential properties with the surrounding uses and the ability to accommodate the football club relocation and secondary school and public open space as required by policy Banbury 12, the principle of the development including the additional residential units is considered acceptable.

- 9.26. On the basis of the above, it is considered that the proposal could be concluded to be acceptable in principle subject to a consideration of other material considerations and whether there would be a significant and demonstrable harmful impact.

Transport and Highway Safety

Legislative and Policy Context

- 9.27. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires all developments to facilitate the use of sustainable modes of transport, making the fullest use of transport, walking and cycling. Where development is not suitable for the roads that serve the development and which have a severe traffic impact, these will not be supported.
- 9.29. Policy Banbury 4 of the CLP 2031 Part 1 outlines the site-specific infrastructure that should be delivered by the proposal. In highways terms, Banbury 4 requires a bus route extension from Phase 1 Longford Park, along with good accessibility with effective footpaths and cycle routes, retained and improved Public Rights of Way and provision of access into site Banbury 12.
- 9.30. Policy Banbury 12 requires vehicular access to be taken from the Oxford Road to the football ground.

Assessment

- 9.31. The application is accompanied by a Transport Assessment, which considered the proposed development against consented and existing development within the local area. Additional information has been submitted in support of the Transport Assessment. This is presented as representing a robust basis from which to assess the traffic impacts of the development and associated trip rates.
- 9.32. In their initial comments dated 7 August 2019, Oxfordshire County Council (OCC) objected to the proposal on highways grounds. The reasons given in that response related to concerns with the information provided within the Transport Assessment, the access via Longford Park Phase 1 was considered unsuitable and concerns over visibility and vehicle tracking. Since receipt of that initial objection, the applicant submitted additional revised information and plans, which OCC considers now to overcome their original objection.

Access

- 9.33. Access to the site is sought from 2 points on the Oxford Road. It is proposed that the existing signalised junction into Longford Park Phase 1 is used with through access created along Hobby Road and a new access created just to the south of Rugby Club providing access through the Banbury 12 site.
- 9.34. Details of the construction access has also been provided and confirms that construction traffic would access the site on a separate haul road, avoiding the

need for this traffic to be taken through the existing residential development at Longford Park.

- 9.35. A clear concern and objection by members of the public was the usage of the existing Longford Park junction to serve the development.

Traffic Movements and Modelling

- 9.36. A further key concern of the public representations received is the potential number of traffic movements that would result because of the scale of development and that this would cause significant delays along Oxford Road and harm to highway safety with the local highway network.

- 9.37. In response to OCC's earlier objection, the traffic modelling has been amended and OCC have accepted the modelling used. The OCC Highways Officer has confirmed they are now satisfied with the updated modelling, including the trip generation and distribution assumptions. Whilst the modelling shows that the development would have a detrimental impact upon a number of junctions along the Oxford Road corridor, the modelling also shows that strategic transport improvements within the town would bring the level of impact to an acceptable level.

- 9.38. OCC considers that the package of mitigation that would be required to overcome traffic concerns for the Oxford Road should focus on enhancements to sustainable transport access between the site and key destination. This would reduce the number of associate vehicle movements, leading to a reduction in impact. The Highways Officer has advised that this package of mitigation must include provision of direct pedestrian and cycle access between the site towards the town centre and contributions towards existing improvement schemes to improve the accessibility and reliability of public transport.

Conclusion

- 9.39. The proposed development has been concluded by your Officers to be acceptable in highway safety terms as set out above both in terms of the impact of the development on the highway network and the contribution to off-site mitigation. On the basis of the above, the application is considered to meet the requirements of Policies Banbury 4 and 12 and SLE4 of the CLP 2031 Part 1.

Landscape and Arboricultural Matters

Policy Context

- 9.40. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.41. Policy Banbury 4 of the CLP 2031 Part 1 sets out the requirements for development proposals to be accompanied and influenced by landscape/visual and heritage impacts assessments and it requires structural planting and landscape proposals within the site such as the inclusion of a green buffer to the

north and east of the Rugby Club and to limit the visual impact of new buildings in relation to the rural setting of the site.

- 9.42. AD5 of the Adderbury Neighbourhood Plan defines the Twyford and Bodicote/Banbury Local Gap to ensure that development proposals do not harm either individually or cumulatively the open character.
- 9.43. The National Planning Policy Framework as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Assessment

- 9.44. The application is accompanied by a Landscape and Visual Impact Assessment which finds that the likely visual and landscape character impacts are likely to be slightly adverse, and that the current proposals are broadly consistent with the previously consents scheme at Longford Park in terms of massing, height and associated visibility within the surrounding landscape albeit, the public right of way view point would suffer some harm. The LVIA finds that views of the proposed development would be well screened from the vast majority of properties within Banbury and Bodicote. Due to the site context, the visual receptors already have views of an urban edge at Banbury including Longford Park with the proposal being viewed in this context.
- 9.45. As such, the landscape character and visual impact of the development would generally be limited and localised in extent and would not result in any significant major adverse effects in the long term.
- 9.46. The Landscape Officer accepts that the LVIA is a fair assessment of the impact of housing development on the site. However, the Officer does raise concerns with the reliance upon on tree and shrub planting as a mitigation treatment.
- 9.47. A small area of the new access falls within the Parish area of Adderbury. Therefore, the Adderbury Neighbourhood Plan is relevant to the consideration of the application. AD5 of the Neighbourhood Plan recognises the importance of retaining the local gap between Twyford and Bodicote/Banbury, seeking to ensure that any development within the local gap does not harm the open character it seeks to protect. The area of land which falls within the Adderbury Parish boundary will be used to provide safe access to the site at Banbury 12, with land used for visibility splays and a small part of the access to serve the site. The development is positioned on the parish boundaries, with minimal intrusion on the Twyford Gap. Officers consider that given the part of the proposal that would impact upon the Twyford Gap is for an access and visibility splays, this is relatively low scale development. The field gap would be retained between Bodicote/Banbury and Twyford, retaining the visual separation between the application site and Twyford. As such, Officers consider that the proposal would not cause harm to the open character of the Twyford Hap and therefore, would accord with Policy AD5 of the Adderbury Neighbourhood Plan.

- 9.48. During the application process, parameter plans showing how density will be used to soften the edges of the development to create an urban/rural fringe on the periphery of the development. This would soften the edges of the development facing the rural receptors and the longer distance viewpoints.

Conclusion

- 9.49. Overall, given that this application is at outline stage where all matters are reserved including landscaping (save for access), it is considered that an appropriate density and landscape strategy could be developed.
- 9.50. On the basis of the above assessment, Officers consider that the landscape and visual impacts of the proposal are acceptable having regard to the site context and extant development at Longford Park. The proposal would be visually prominent initially, but if this were to be delivered to a high quality, any potential impact could be mitigated. In addition, the delivery of residential development in a sustainable location on and adjacent to allocated site where development has been anticipated is considered to be acceptable. On this basis, the proposal is considered to comply with Policies Banbury 4 and ESD13 of the CLP 2031 Part 1 and the NPPF.

Design and Impact on the Character of the Area

Policy Context

- 9.51. Policy Banbury 4 of the CLP 2031 Part 1 requires compliance with Policy ESD15 and requires that proposals should provide high-quality well-designed development which accords with the Design Code for Phase 1, building on this to ensure a well-designed approach.
- 9.52. Policy ESD15 of the CLP 2031 Part 1 relates to the character of the built and historic environment, seeking to ensure that development complements and enhances the character of its context as well as being designed to meet high design standards.
- 9.53. The National Planning Policy Framework also sets out the importance of good design, advising that this is a key aspect of sustainable development and enables better places to live and work to be achieved.

Assessment

- 9.54. As the application is currently at outline stage, the application is accompanied by parameter plans and a design and access statement, showing indicative details. During the application process, amended parameter plans showing a mixed housing density across the site, interwoven with green public spaces, key feature areas and connectivity through the site have been provided.
- 9.55. As shown on the Parameter Plan, an average housing density across the site of 37 dwellings per hectare (dph) is achieved, with areas designated of lower (up to 30dph), medium (up to 35dph) and higher density (up to 40dph). Areas of higher density have been positioned adjacent to the existing development at Longford Park and towards the north east corner of the Rugby Club. These areas are situated within the site and read within the context of adjacent development. Areas

of medium density have been used to break up the areas of higher density and towards the periphery of the site, before lower density areas on the site's north-eastern and eastern edges. The use of this approach helps to achieve a softened urban/rural fringe.

- 9.56. The proving layout, which provides a detailed indicative layout of a small potential area of the development, shows how higher density development will be used around the primary street, with careful use of apartment buildings, terraced and semi-detached properties. Development along the secondary street because less dense, with an increase in use of semi-detached and detached properties, before the private drive area is reached on the edge of the development with larger detached and semi-detached properties. Green spaces along the primary street are shown with set in parking areas. Where possible, private drives or shared parking facilities at the front of the properties have been used, with some parking courts used for apartment buildings to the side/rear. Around the parcel edge areas designated as Public Open Space Corridor are annotated within pedestrian linkages through.
- 9.57. The proving layout demonstrates that an acceptable housing layout, with a mix of property sizes and necessary infrastructure can be provided within the site and including the additional housing numbers proposed above the strategic allocation of Policy Banbury 4.
- 9.58. It is important to note that approximately 50 additional houses are proposed to be accommodated on Banbury 4 with an extra 125 houses on the Banbury 12 site which has not been allocated for residential development.
- 9.59. It is also important to consider whether there is sufficient space on the Banbury 12 site for the allocated uses to be achieved to an acceptable standard, together with development hereby proposed. The red edged site boundary has been extended around both Banbury 4 and Banbury 12 but planning permission has not been expressly sought for either the secondary school or relocated football club.
- 9.60. The area of land retained for the purposes of providing a football club is 2.81ha and is the primary focus of Policy Banbury 12. The intention behind Policy Banbury 12 is the relocation of Banbury United, who currently have a ground within the centre of Banbury, on the Policy Banbury 1 site which is allocated for redevelopment in the CLP 2031 Part 1. It is therefore relevant to consider the existing facility and whether a similar development could be accommodated and secured on the reserve site.
- 9.61. The existing football ground within Banbury centre measures around 1ha in area. The site which is to be secured measures 2.81ha. Whilst it is noted that the reserve site on Banbury 12 is considerably larger than the existing facility, given the alternate locations and need for parking to support the football club on Banbury 12, it is reasonable that the site is larger. However, Officers still consider, even with additional land for parking, the site being secured for the football club would be larger than the existing facility on Banbury 1, giving options for flexibility in design when proposals for this element come forwards.

- 9.62. Officers have been seeking to secure the transfer of Banbury United Football via planning mechanisms. However, the land owners of Banbury 12 have separately approached the Council and commenced negotiations to secure an Option for the Council to acquire a lease for use of the land for a football club. This negotiation is being processed separately from the planning process. Should this current negotiation (or similar) prove successful in securing an appropriate and robust means of facilitating the relocation of the Banbury United Football Club, it may obviate the need for a planning mechanism being required to achieve the same outcome. Even if this is achieved outside the formal planning application process, it would be a material consideration for the Council in assessing the merits of this proposal. It is therefore recommended that delegated authority is provided to the Assistant Director, Planning and Development, to proceed to issue a permission only when they are satisfied such mechanisms are in place to ensure compliance with Policy Banbury 12. The reasonable likelihood at this time is that this will be achieved via the ongoing Option negotiations. However, the delegated authority being sought is not tied to this and seeks authority to allow officers to secure the transfer of Banbury United Football Club by any appropriate mechanism (planning or otherwise). The limitation is that this must be in place before any planning permission is granted.
- 9.63. In terms of the secondary school site, responses from OCC Education Officers have confirmed that the land for the secondary school of 4.88ha and the safeguarded land for future expansion of 1.92ha is sufficient to meet the requirements for a new Secondary School. It is envisaged that this site would be delivered later within the plan period and the s106 Deed will make appropriate provision for the secondary school site land transfer.
- 9.64. The Authority is satisfied that an appropriate site layout can be achieved for the Policy Banbury 12 site which delivers the allocation and also provides an acceptable residential development of approximately 125 residential properties. A similar design approach to density is proposed and would be consistent with the development on Banbury 4 and within the local context.
- 9.65. The indicative layout plan shows that equipped play facilities can be positioned within the development with areas of open space and public open space corridors have been created around the development edges. Sports pitch provision is to be provided adjacent to the land reserved for the football club.
- 9.66. The Thames Valley Police Crime Prevention Design Advisor has raised a number of comments regarding potential issues that could result from the information provided to date. As the application is at the outline stage and the material submitted is indicative only, it is appropriate for these comments to be considered in detail as part of the consideration of a reserved matters scheme.

Conclusion

- 9.67. On the basis of the above assessments, Officers consider that the information submitted to date provides a satisfactory basis against which future detailed design proposals can be assessed against at reserved matters stage. This will ensure that the proposed development complies with the high-quality design aspirations for the

site as set out within Policies Banbury 4, Banbury 12 and ESD15 of the CLP 2031 Part 1.

Heritage Impact

Policy Context

- 9.68. There are no designated Listed Buildings in proximity of the site that would warrant full assessment. The closest Listed Buildings are located close to 1km away to the west of the site, along Weeping Cross. The Bodicote Conservation is also a similar in distance and location to the west of the site, approximately 1km. There is an area of archaeological alert to the south of the site, identified as a Neolithic crop mark. There are no other areas of local or designated heritage significance which the proposed development is considered to impact upon.
- 9.69. 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’. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 9.70. 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’. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 9.71. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

- 9.72. With regard to the setting of designated Heritage Assets, the Bodicote Conservation Area and Listed Buildings are some distance from the site and therefore this separation distance, as well as the existing residential development in between, means that there would be very limited impact upon the setting of this heritage asset. Any limited impact would be outweighed by the public benefit of providing residential development in a sustainable location.
- 9.73. The Archaeological survey and trenching evaluation recorded a range of archaeological features on the site. The evaluation identified some potentially significant archaeological deposits within the southern part of the site adjacent to the Oxford Road.

- 9.74. Oxfordshire County Council's Archaeological Officer has assessed the proposal and the archaeological report, raising no objections to the development subject to the use of recommended conditions. The Officer notes that the area archaeological potential would need to be preserved which the proposal achieves by locating the playing fields and parking area in this area. In addition, a method statement setting out construction methods will also be required by condition.

Conclusion

- 9.75. On the basis of the above assessment, it is considered that sufficient safeguards are in place to ensure that archaeological interests on the site itself can be sufficiently safeguarded. This is by further investigation work and appropriate construction methods post decision. On this basis, it is considered that the development would not cause harm to archaeological remains as preservation would be ensured.
- 9.76. With regard to the setting of designated heritage assets, Officers consider that on the basis that the scheme is situated at a substantial distance from the assets and that the archaeological assets would be preserved, that there would be very limited, if any, harm and that the proposal is therefore acceptable. Officers agree that any harm would be minor and that this would be outweighed by the significant economic public benefits associated within the proposed development.

9.77. On this basis, the application is considered to accord with Policies Banbury 4, Banbury 12 and ESD15 of the CLP 2031 Part 1 and the NPPF.

9.78. Residential Amenity

Policy Context

- 9.79. Policy ESD15 of the CLP 2031 Part 1 refers to the need for the amenity of both existing and future development to be considered including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space. The National Planning Policy Framework also refers to the creation of places with a high standard of amenity for existing and future users that are safe, inclusive accessible and which promote health and well-being.

Assessment

- 9.80. Part of the development is situated adjacent to the existing residential properties within Longford Park. Where properties within Longford Park are situated along the shared boundary with Banbury 4, these properties tend to front the highway. In addition, some properties have rear gardens which back on to the site.
- 9.81. Given the existing arrangements, and as shown on the indicative layout, it is possible to create a development that would not cause harm to the amenity of both existing and future residents along the shared boundary. As the application is at outline stage, full details of the layout would be provided and assessed as part of a reserved matters application.
- 9.82. The development itself will require care to be taken in its design to ensure that the amenity of residential units on site can be accommodated without causing harmful amenity impacts. This would form part of a reserved matters application and is

likely to need careful consideration of detailed matters such as window positioning and detailing given the proximity of the buildings to each other as indicatively shown. Officers are content that a future design can be achieved to protect residential amenity.

- 9.83. Issues of impact upon residential amenity by way of environmental nuisance matters are addressed later in this report. Nevertheless, with regard to the compatibility of adjoining land uses the existing sports facility (Bannatyne's and Banbury Rugby Club) is situated to the west of the residential development.
- 9.84. The facility is located in relatively close proximity to existing residential development along the Oxford Road and College Farm House. The Sports Facility is a compatible use with residential development. Other adjacent uses include the residential properties of Longford Park and agricultural fields.

Conclusion

- 9.85. Based on the above assessment, it is considered that a satisfactory arrangement can be achieved at reserved matters stage to ensure the amenity of existing and proposed residential occupiers are protected. This includes ensuring that they are not impacted by environmental nuisance matters, are compatible with surrounding land uses and they can achieve acceptable levels of privacy, outlook, light, and sufficient outdoor space to enable healthy development. On this basis, the proposal is considered to comply with Policy ESD15 of the CLP 2031 Part 1 and guidance contained within the NPPF.

Ecology Impact

Legislative context

- 9.86. 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.
- 9.87. 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.

Policy Context

- 9.88. 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.

- 9.89. 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.
- 9.90. 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.
- 9.91. 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.
- 9.92. 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.
- 9.93. 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.
- 9.94. 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.
- 9.95. 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

- 9.96. The application is supported by an Ecological Appraisal, Arboricultural Assessment and confidential Badger Report. The report provides
- 9.97. There is only one statutory site with relative proximity to the site, Adderbury Lakes LNR around 1.6km to the south. There are no non-statutory designations within close proximity to the site or likely to be significantly affected by the proposals.

- 9.98. The site comprises of a series of managed arable fields with some grassland/poor grassland species. There is a small copse woodland just outside of the site to the north east, with the field boundaries formed of hedgerows, some treelines, farm roads or post and rail fences.
- 9.99. The arable areas and were found to have a low diversity of species and lack of other features, was considered to have a negligible nature conservation value. The hedgerows forming the field boundaries, were found to be dominated by native species and considered to be of local nature conservation value.
- 9.100. Protected species were found to be present on site such as habitats for badgers, bats and breeding birds. These were found to be of either local or site nature conservation area.
- 9.101. The Ecological Appraisal outlines that following a review of the ecological baseline and the potential effects arising as a result of the development, it is possible to mitigate the potential impacts through design, layout and construction methods. As a result. the majority of Valued Ecological Receptors identified can be avoided through sensitive design.
- 9.102. Natural England have confirmed they consider that the proposed development would not have significant adverse impact on designated sites or protected landscapes.
- 9.103. Full details of the ecological mitigation would be required at reserved matters stage and would be secured by way of condition.

Conclusion

- 9.104. Officers are satisfied on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species habitats under the Conservation of Habitats and Species Regulations 2017, have been met and discharged.

Flood Risk and Drainage

Policy Context

- 9.105. The NPPF states at Paragraph 163 that *when determining 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.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.106. Policy Banbury 4 of the CLP 2031 Part 1 requires that a full surface water management framework and the use of SuDS including infiltration and attenuation techniques where appropriate.
- 9.107. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in

areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 9.108. The site is located within Flood Zone 1 and within an area at the lowest risk of flooding.
- 9.109. The application has been supported by a Flood Risk Assessment, which considered the potential effects of both the construction and operational aspects of the development.
- 9.110. The information demonstrates that the site has some risk from surface water flooding, but that this risk is low and that a suitable drainage scheme can be achieved.
- 9.111. Whilst a full drainage scheme is not included as the application is an Outline stage, details of the mitigation that would be included as part of a reserved matters application have been included. The FRA outlines a proposed storm water management system, with SuDS management train, incorporating source control measures and infiltration drainage systems. The SuDS scheme will incorporate permeable paving and an infiltration basin. These will be incorporated into the Green Infrastructure framework, forming both a drainage and ecological function.
- 9.112. The development would be implemented with an adoptable foul drainage network with potential upgrading to the existing infrastructure network where necessary.
- 9.113. The OCC Local Lead Flood Authority have confirmed they have no objection to the proposed development subject to the recommended conditions securing detailed drainage and water management information.

Conclusion

- 9.114. On the basis of the above information, Officers consider that a suitable drainage system for both foul and surface water drainage can be achieved to ensure the risk of flooding on and off site is minimised.

Environmental Matters

Policy Context

- 9.115. Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

Assessment

- 9.116. The Environmental Protection Team have recommended a series of planning conditions be imposed. With regard to noise, a condition securing a Construction Environment Management Plan is recommended and a recommendation that the noise measures provided as mitigation within the Noise Report are implemented to achieve an acceptable noise climate.
- 9.117. The Council's standard contaminated land conditions are recommended to be imposed on any permission. Whilst there is limited scope for the site to be contaminated, it is considered that as sensitive residential uses are now proposed on the site, it is reasonable and necessary to require the standard conditions.
- 9.118. With regards to air quality, the Council's Environmental Protection Officer does not raise any concerns in this respect and recommends a condition supporting the installation of a ducting system for electrical charging infrastructure to serve each dwelling.
- 9.119. In respect of odour, Environmental Protection have received occasional odour complaints from the Thames Water rising sewage pipes that cross the site.
- 9.120. The Officer recommends that consideration is had during the detailed planning stage to divert the pipes and locate the vents such as not to cause odour nuisance to future residents.
- 9.121. In respect of lighting the Officer notes that floodlighting is not included as part of the application. Should any floodlighting be required, an application should be provided with full details of the proposed lighting and a Light Impact Assessment.

Conclusion

- 9.122. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV2, ensuring the amenities of the residential properties are not unduly affected by environmental pollution.

Energy Efficiency and Sustainability

- 9.123. Policy Banbury 4 of the CLP 2031 Part 1 expects development on the allocation to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.124. Policy ESD3 of the CLP 2031 Part 1 requires all new residential development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day.

Assessment

- 9.125. The application is accompanied by a Climate Change Statement which highlights the potential sustainable design measures for the reduction of CO2 emissions and energy demand for the proposed development that could be considered further at the detailed design stage. The appraisal considers passive design measures that could be taken, how system efficiency measures could be incorporated, how water conservation could be undertaken and what renewable energy technology and low carbon heating/ cooling sources could be incorporated.

Conclusion

- 9.126. Subject to the imposition of a condition to ensure that measures are taken forward for further consideration during detailed design and incorporated where feasible at reserved matters stage, Officers are satisfied that the proposed development will be able to be designed to achieve the requirements of Policies ESD1-5 of the CLP 2031 Part 1.

Planning Obligations

- 9.127. A s106 legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing in accordance with Policy BSC3. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

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

- 9.128. Having regard to the consultation responses received, the CLP 2031 Part 1 and the Council's SPD for Developer Contributions (2018), the following matters have been put to the applicant for inclusion in a s106 agreement:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent, 30% comprising social rent and shared ownership;
- Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management and maintenance;
- Open space of around 5.98 hectares with either a transfer to the Council and commuted sum for ongoing maintenance or the developer to use a management company for ongoing maintenance without transfer;
- Allotment site with pathways to and within the site;
- Outdoor sports provision to include the sports pitches and community pavilion/changing rooms constructed to Sport England Standards, adequate car parking;

- Indoor sports contribution of £688,831.11 (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury;
- Community development worker contribution of £65,941.26 to facilitate the integration of the new community to the application site with the existing community in the local area;
- Community development fund contribution of £400 towards supporting the activities of the Community Development Worker;
- Waste and recycling contribution of £111 per dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
- Cemetery contributions of £xx (tbc) per dwelling;
- Strategic Transport contributions of £121,476 towards BAN1 Hennef Way improvements;
- Strategic Transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements;
- Bridge Street junction improvement contributions of £150,750 towards improvements to the public transport access at this junction;
- Oxford Road Cycleway contributions of £47,466 towards the provision of a shared use cycleway between the southern site access and Cotefield Drive. This is sought as part of the contribution towards the funding of the secondary school;
- Oxford Canal Pedestrian and Cycle Route contribution of £610,000 towards BAN 4 scheme, to provide a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas;
- Public Transport Service contributions of £770,000 towards the cost of pump-priming a public transport service;
- Traffic Regulation Order (if not dealt with under s.278/s.38 agreement of £6,380 towards extending the 40mph speed restriction beyond the southern access and to enable on-street parking restrictions along the bus route within Longford Park;
- Travel Plan Monitoring contribution of £2,346 to enable the Residential travel Plan to be monitored for 5years following occupation;
- Public Rights of Way contribution of £90,000 towards the enhancement of the Public Rights of Way network in the vicinity of the development;
- Nursery and Primary Education contributions of £2,776,896 towards the expansion of primary and nursery capacity serving the site;
- Secondary Education contributions of £6,050,576 towards a new secondary school in Banbury;
- SEN contributions of £411,345 towards the expansion of SEN capacity serving the site;

- Land reservation of 4.88ha to supply a 600-place secondary school, to be provided at no cost to the County Council;
- Land option of 1.89ha for a potential future expansion to accept a further 2 forms of entry if required; and
- Monitoring Fees for both Cherwell District Council and Oxfordshire County Council to be agreed whilst drafting the s106.

9.129. The applicant has raised concerns regarding the compliance of a number of the requested contributions against the CIL Regulation Tests. The application has also provided information to demonstrate that the request for Extra Care Housing on this site is not viable as an interested registered provider could not be found for the site, despite direct contact with recommended registered providers from the CDC Housing Officer.

9.130. In addition, there has been on-going correspondence with the OCCG in respect of the primary healthcare contribution sought. Unfortunately, the OCCG have not identified a specific project that the contribution is sought towards and as such, the request fails to meet the legislative requirements for securing contributions. Therefore, this contribution cannot be sought.

9.131. The above list of obligations and contributions has been agreed with the applicant except for the contribution towards of £610,000 towards the upgrading of the Oxford Canal Towpath to create a pedestrian and cycle route link between the site and town centre. An update will be provided to the Committee on this outstanding s106 matter.

9.132. In addition to the above, the Council's Developer Contributions SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the application that this can be secured through a planning condition addition attached to a consent.

9.133. Similarly, the provision of public art within the site will also be secured by condition. Members will note that a final list of conditions has not been presented within the report, however, these will be provided in the written updates prior to the Committee. A list setting out the headline matters is provided below.

9.134. Any variation to the above list of Heads of Terms will be presented to Members prior to the completion of a s106 agreement and issuing of a decision notice.

10. PLANNING BALANCE AND CONCLUSION

10.1. 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.

10.2. The application site comprises of the allocated sites Banbury 4 and Banbury 12 of the CLP 2031 Part 1 and some allocated land for access and balancing pond. The current application proposes up to 825 dwellings across Banbury 4 and partially on Banbury 12. The proposal is inclusive of the land required to secure the football club relocation and secondary school. The s106 agreement will make suitable

provision for the secondary school. A suitable mechanism to secure the land required for the relocation of the football club will be secured prior to the grant of any planning permission.

- 10.3. The application also includes the provision of both formal and informal green infrastructure, with playing fields, a changing facility and allotments included. To the east of the site, just outside of the allocated Banbury 4 site, a balancing pond is proposed. The new site access from the A4260 Oxford Road will also require some additional land outside of the site allocation of Banbury 12 for the provision of acceptable visibility splays.
- 10.4. The proposal represents a departure from the Development Plan in respect of the additional residential dwellings sought on Banbury 4 and the provision of approximately 125 residential dwellings on Banbury 12. Provided that the land can be secured for the football club and secondary school, the Authority is satisfied that the provision of residential development on Banbury 12 would not preclude the football club transfer or the secondary school coming forwards. Therefore, the requirement of Banbury 12 would be met. In terms of the additional residential properties sought, these would contribute to the supply of housing within the district which is currently below the 5-year housing land supply threshold and would be in a sustainable location.
- 10.5. For these reasons and noting the guidance in the NPPF on the need for planning policies and decisions to be flexible to respond to changes in business and employment needs and demand for land, Officers consider the proposal to be acceptable and to outweigh the Policy conflict caused by a departure to the Development Plan in principle.
- 10.6. The proposal provides for suitable means of access and contributes to improving access by sustainable modes (with the final details still being discussed) such that the application can allow for a high degree of connectivity enabling residents to safely access the wider town.
- 10.7. The report considers all material considerations and finds that the proposal can be suitable accommodated subject to the satisfaction of planning conditions to ensure the site constraints are suitable considered and the s106 contributions and obligations set out above.
- 10.8. For the above reasons and as set out within the appraisal, Officers consider that the planning balance lies in favour of approving the application. It is therefore recommended that Members resolve to support the application.

11. RECOMMENDATION

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

- (i) THE PRIOR PROVISION OF A SUITABLE MECHANISM TO SECURE THE LAND REQUIRED FOR THE RELOCATION OF BANBURY UNITED FOOTBALL CLUB WHICH SECURES, TO THE SATISFACTION OF THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT,**

COMPLIANCE WITH POLICY BANBURY 12;

- (ii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- (iii) THE PRIOR 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 Heads of Terms:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent, 30% comprising social rent and shared ownership;
- Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management and maintenance;
- Open space of around 5.98 hectares with either a transfer to the Council and commuted sum for ongoing maintenance or the developer to use a management company for ongoing maintenance without transfer;
- Allotment site with pathways to and within the site;
- Outdoor sports provision to include the sports pitches and community pavilion/changing rooms constructed to Sport England Standards, & adequate car parking;
- Indoor sports contribution of £688,831.11 (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury;
- Community development worker contribution of £65,941.26 to facilitate the integration of the new community to the application site with the existing community in the local area;
- Community development fund contribution of £400 towards supporting the activities of the Community Development Worker;
- Waste and recycling contribution of £111 per dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
- Cemetery contributions of £xx (tbc) per dwelling;
- Strategic Transport contributions of £121,476 towards BAN1 Hennef Way improvements;
- Strategic Transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements;
- Bridge Street junction improvement contributions of £150,750 towards improvements to the public transport access at this junction;
- Oxford Road Cycleway contributions of £47,466 towards the provision of a shared use cycleway between the southern site access and Cotefield Drive.

This is sought as part of the contribution towards the funding of the secondary school;

- Oxford Canal Pedestrian and Cycle Route contribution of £610,000 towards BAN 4 scheme, to provide a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas;
- Public Transport Service contributions of £770,000 towards the cost of pump-priming a public transport service;
- Traffic Regulation Order (if not dealt with under s.278/s.38 agreement of £6,380 towards extending the 40mph speed restriction beyond the southern access and to enable on-street parking restrictions along the bus route within Longford Park;
- Travel Plan Monitoring contribution of £2,346 to enable the Residential travel Plan to be monitored for 5years following occupation;
- Public Rights of Way contribution of £90,000 towards the enhancement of the Public Rights of Way network in the vicinity of the development;
- Nursery and Primary Education contributions of £2,776,896 towards the expansion of primary and nursery capacity serving the site;
- Secondary Education contributions of £6,050,576 towards a new secondary school in Banbury;
- SEN contributions of £411,345 towards the expansion of SEN capacity serving the site;
- Land reservation of 4.88ha to supply a 600-place secondary school, to be provided at no cost to the County Council;
- Land option of 1.89ha for a potential future expansion to accept a further 2 forms of entry if required; and
- Monitoring Fees for both Cherwell District Council and Oxfordshire County Council to be agreed whilst drafting the s106.

Planning Conditions:

Time Limits and General Implementation 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. 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).

4. Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s), the development shall be carried out strictly in accordance with the following plans and documents:

Site Location Plan 6392-P-08 Rev I dated 22 March 2021

Parameters Plan 6394-P-01 REV AW dated 22 March 2021

Oxford Road Corridor Improvements Sheet 1 of 2, 16052-01-106 Rev C

Oxford Road Corridor Improvements Sheet 2 of 2 16052-01-107 Rev B

Proposed Southern Access, 16052-01-124 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 to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

5. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Except to allow for the creation of means of access with associated vision splays hereby approved, the existing hedgerows along the boundaries of the site shall be retained and properly maintained from the date of this planning permission (unless

otherwise approved as part of the approval of reserved matters submitted in requirement of Condition 2), and if any hedgerow plant/tree 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 Policies ESD13 and 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.

7. 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 building(s) or on the 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 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.

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 Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase. Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of the grant of reserved matters approval.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings 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.

10. All applications for approval of reserved matters relating to an approved phase shall

be accompanied by details of the proposed ecological enhancement measures to be incorporated within that phase in line with the recommendations at paragraph 18 of the Ecology Briefing Note prepared by Ecology Solutions Limited. All proposed ecological enhancement measures shall thereafter be installed in accordance with the details approved as part of the grant of reserved matters approval.

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

11. All applications for approval of reserved matters relating to an approved phase shall be accompanied by an Energy Statement that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power (except any approved renewable energy infrastructure) and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity 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.

13. Construction related vehicle are to be prohibited from accessing the development site via the existing Longford Park Phase 1 residential development. All construction related traffic is to access the development site via a temporary construction haul road to the south of the development site.

Reason: In the interest of highway safety.

14. All applications for reserved matters approval relating to a phase (as approved under a phasing condition) shall include details of the alignment and specification of any and all new and / or enhanced footpaths, bridleways and cycle tracks to be provided within / through that phase together with a timetable for their provision / completion. These routes shall be in accordance with an approved access parameter plan, masterplan and design code. Thereafter and

prior to first occupation of that phase, the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

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

15. No development shall take place within 10m of an existing Public Right of Way until the affected Public Right of Way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the Local Planning (or Highway) Authority to be diverted or extinguished. Thereafter, the Public Right of Way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

16. No works shall be undertaken that results in the temporary or permanent need to divert an existing Public Right of Way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the Local Planning Authority. The existing Public Right of Way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Conditions

17. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority identifying the phases by which development will take place. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Banbury 4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

18. No development shall take place on any phase, including any works of demolition

until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- The routeing of HGVs to and from the site;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Spoil locations;
- Water management;

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.

19. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of 'Biodiversity Protection Zones';
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;

- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs.

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.

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. No development shall take place on any phase until an Arboricultural Method Statement for that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a plan identifying which trees are to be retained and details of how they will be protected, is 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 and any tree protection measures shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

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 C28 of the adopted 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.

22. No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

23. No development shall take place until a Detailed Design, Surface Water Management Strategy, Drainage Strategy (including calculations, ground levels and plans), associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of the phasing of its provision has been submitted to and approved in writing by the Local Planning Authority.
- 10327 Technical Note 05 Technical Note: Outline Drainage Strategy, 17th June 2020
 - Technical Note: Response to Oxfordshire County Council's (Drainage) Comments dated 12th May 2020 for Application 19/01047/OUT-2, 22nd May 2020

The scheme shall include:

- Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality as set out in the FRA, and in accordance with adopted policy and best practice guidance including the SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS features;
- Detailed cross sections and construction details of the proposed SuDS measures;
- Details of how the scheme shall be maintained and managed after completion;
- Details of how water quality shall be maintained during and after construction;
- Detailed drainage calculations, using FEH methodology, for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features can cater for the critical storm event for its lifetime;
- The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners;
- Sequencing for implementation; and
- The scheme shall be implemented in accordance with the approved details and timetable.

The approved Sustainable Drainage System shall be implemented in accordance with the approved Detailed Design and prior to the first occupation of the development in that phase. The Sustainable Drainage Scheme 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 in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 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.

24. No phase of the development 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 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. If a potential risk from contamination is identified as a result of the work carried out under condition 28, 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 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.

26. If contamination is found by undertaking the work carried out under condition 29, 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 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.

27. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays and vehicle tracking shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained 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.

28. Prior to the commencement of each phase of the development hereby approved, full specification details of the site's roads, turning areas and car parking to serve that part of the development, which shall include construction, layout, surfacing, lighting drainage and the location and layout of car parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of each phase of the development, the site roads and turning areas for that phase shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority,

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.

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

30. Following the approval of the Written Scheme of Investigation referred to in condition 1, 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.

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).

31. Prior to the commencement of any development, drainage or any other works, including the removal of top soil, a detailed method statement for the preservation and protection of the Neolithic Cursus and Roman Temple/Shrine

during the construction of the playing fields, 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 method statement.

Reason: To ensure that the archaeological features identified within the area of the proposed playing fields are preserved in situ and not impacted by any drainage or landscaping works associated with the construction of the playing fields.

32. A design code and masterplan must be submitted to, and agreed by, the Local Planning Authority prior to the commencement of any phase of the development.

This is required to ensure the satisfactory delivery of the following:

- The street form, street frontage and hierarchy for all types of street / road including details of street design and surfacing;
- The approach to car and cycle parking across all areas of the site;
- The treatment of all retained public rights of way;
- locations of existing, enhanced and new footpath / bridleway / cycle links including pedestrian and cycle connections with Longford Park Phase 1; and
- The alignment of the spine road and general location of bus stops/crossing points on it as well as the alignment of principal estate roads.

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.

Conditions requiring approval or compliance before specific construction works take place

33. No development above slab level on any building proposed to contain residential units shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve internal levels that shall not normally exceed 30dB LAeq (8 hour) and 45dB L_{AmaxF} in all sleeping areas between 2300 hours and 0700 hours. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. An external level of 55dB LAeq (16 hours) shall be achieved in garden areas and balconies unless a higher level has been demonstrated as being acceptable through noise modelling. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all

supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

Conditions requiring approval or compliance before occupation

35. No part of the development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water 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: 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. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. In order to comply with Policy ESD8 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

36. If remedial works have been identified in condition 30, the relevant part of the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 30. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

37. Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

38. 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.

39. The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

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 Government guidance within the National Planning Policy Framework.

40. Details of external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

41. No development shall be occupied until a scheme for the commissioning and provision of public art to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the occupation of 300 residential units.

Reason: To create an attractive and distinctive development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

42. The dwelling(s) hereby approved shall not be occupied until bins for the purposes of refuse, food waste, recycling and green waste have been provided for use by each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason: To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

43. 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.

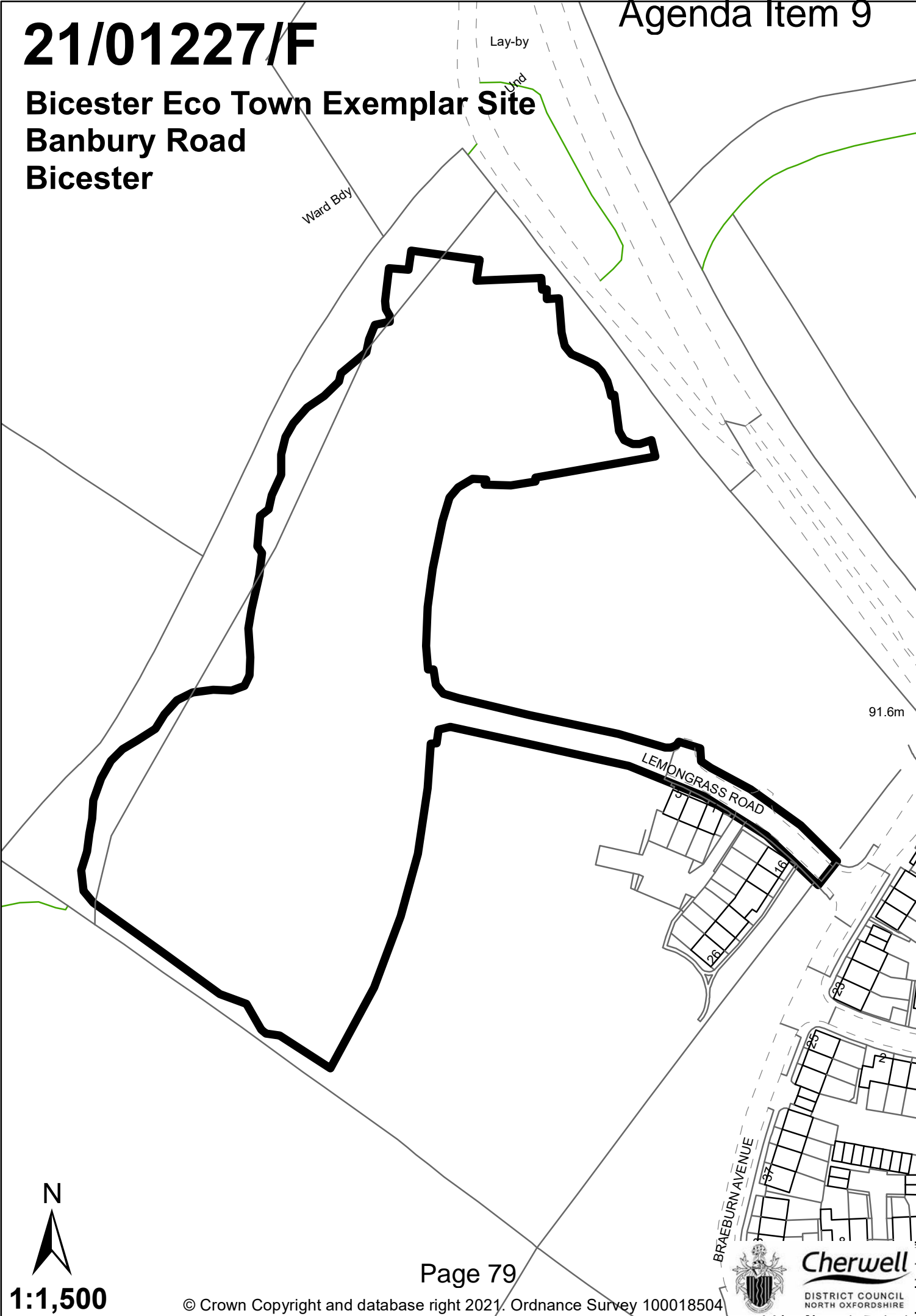
Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

44. Prior to occupation, a record of the approved SuDS 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 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.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

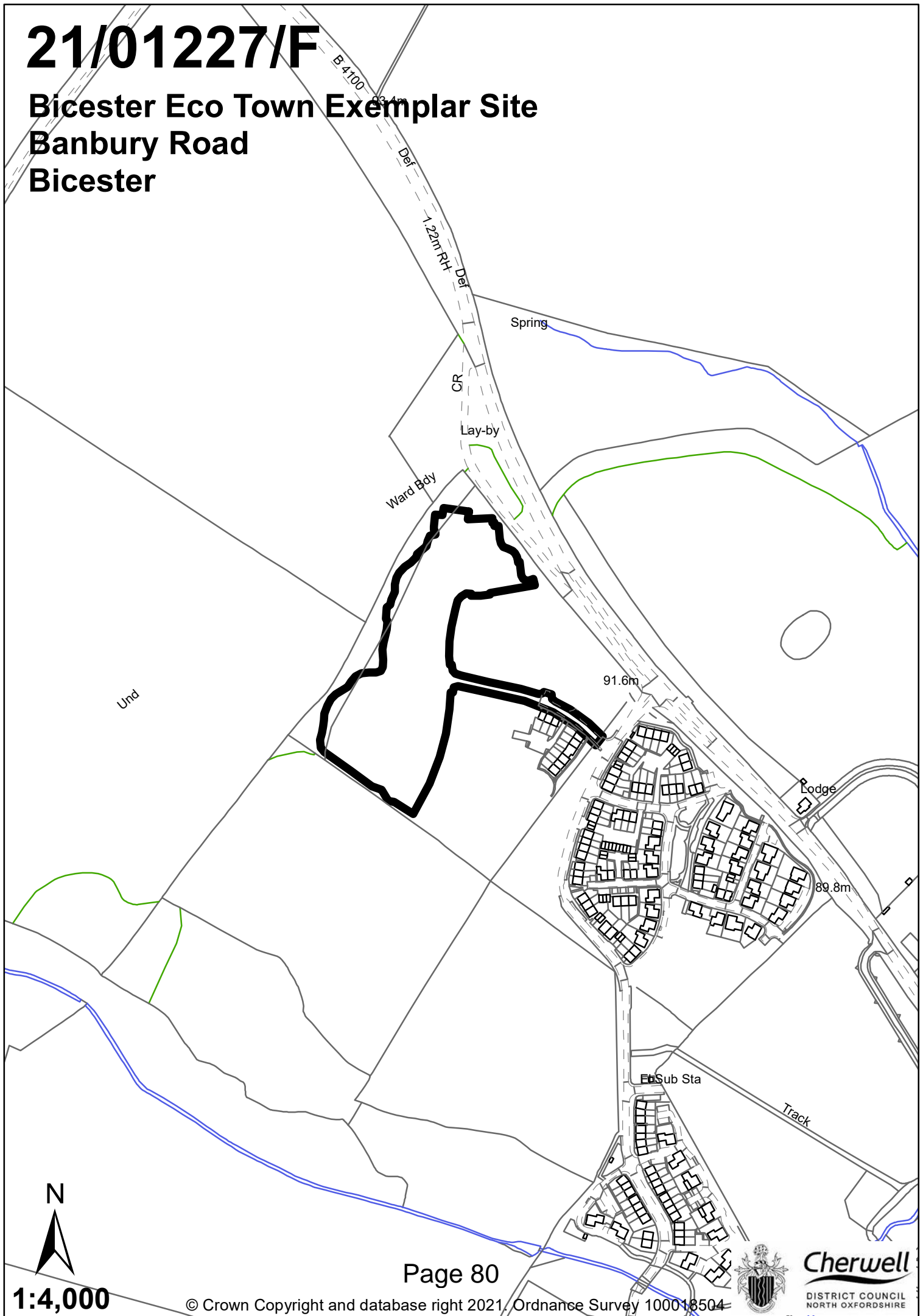
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Bicester Eco Town Exemplar Site Banbury Road Bicester



21/01227/F

Bicester Eco Town Exemplar Site Banbury Road Bicester



1:4,000



Case Officer: Caroline Ford

Applicant: Crest Nicholson Operations Limited

Proposal: A full planning application for 57 dwellings and associated infrastructure

Ward: Bicester North and Caversfield

Councillors: Councillor Pratt, Councillor Slaymaker, Councillor Mawer

Reason for Referral: Major development

Expiry Date: 6 August 2021

Committee Date: 15 July 2021

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of the Elmsbrook development, specifically the western part of Phase 4 which is currently under construction by Crest Nicholson. This area of Phase 4 has planning permission for 54 dwellings. The site is accessed from the Exemplar northern access (now Braeburn Avenue) and then from Lemongrass Road, which runs west from Braeburn Avenue.
- 1.2. The wider Phase 4 parcel is bound by field hedgerows and this particular site area is set away from those features which were retained by the original scheme with buffers to them.

2. CONSTRAINTS

- 2.1. The application site is on land allocated by Policy Bicester 1 of the Cherwell Local Plan 2011- 2031 Part 1. This part of the site itself is not heavily constrained with there being some evidence of ecology in the local area and some potential for contamination. Otherwise, there are natural features such as the field hedgerows which form a constraint.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for 57 dwellings and associated infrastructure which includes re-planning the 54 dwellings already approved on this part of the site and the provision of 3 additional dwellings. The proposal involves a re-design of the units but within the extent of the approved block structure and the approved highway arrangement. The proposal also involves changing the housing mix with 6 less 2 bed units proposed, 3 additional 3 bed units, 2 additional 4 bed units and 4 additional 5 bed units proposed. This is to reflect market conditions and customer feedback. This would mean that overall, the Exemplar would provide 396 dwellings.

4. RELEVANT PLANNING HISTORY

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

10/01780/HYBRID – Approved – Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

17/00116/NMA – Approved – Non-material amendment to 10/01780/HYBRID – Improvements to consented scheme (Phases 3 and 4)

There have been numerous discharge of condition applications for the Exemplar phase as a whole including Phases 3 and 4. Other non-material amendments have also been approved for the wider site. There have also been applications made on the wider Exemplar site, mainly relating to the local centre area.

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 site notices 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 **11 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. One public comment has been received and this comment can be summarised as follows:

- Object as it does not meet the requirements of the NW Bicester Masterplan or the Bicester Local Cycling & Walking Infrastructure Plan. The existing footpath that runs from the B4100 to Bucknell is identified as a key route in the NW Bicester Masterplan and this has not been connected to the Exemplar phase, so it is unusable. Bucknell is only accessible by car as there is no safe walking route from the Eco-Town. Access to the footpath should be integrated as part of the development plans in order to meet the Masterplan requirement and provide footpath access from Bicester, through Elmsbrook to Bucknell.

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. BICESTER TOWN COUNCIL: No comments received.
- 7.3. CAVERSFIELD PARISH COUNCIL: No comments received.

CONSULTEES

- 7.4. CDC STRATEGIC HOUSING: **Comment** – No additional affordable housing is required for the proposed increase in the number of units on this part of the site. This is because the original application (10/01780/HYBRID) included 393 dwellings, of which 119 dwellings were allocated as affordable housing. This figure is slightly above the expected 30% allocation. An increase of 3 dwellings would give 396 overall and 30% of 396 is 118.8 and 119 have already been secured. It is accepted that the number of affordable homes on Phase 4 is as previously agreed with the remainder of the allocation located elsewhere on the wider development. The planning layout for the affordable units is agreed. The materials are acceptable as they do not differ from the market housing because the house types are the same.

- 7.5. CDC ENVIRONMENTAL HEALTH:

Noise: No comments but a Construction Environment Management Plan should be sought.

Contaminated Land: No comments.

Air Quality: A condition is required to secure electric vehicle charging for the dwelling.

Odour: No comments.

Light: No comments.

- 7.6. CDC RECREATION AND LEISURE: Financial contributions in the S106 agreement will need to be updated to account for the new number of dwellings.

- 7.7. CDC ARBORICULTURE: The Arboricultural Method Statement demonstrates suitable protection for retained trees in line with BS5837:2012. The methods described for works within the RPAs of Trees 88 and 89 are acceptable. There is some concern regarding the proximity of plot 4 to retained vegetation and the risk that ongoing reduction works to tree 91 would be required. However, as the tree is an ash tree, an amendment to the proposal is not warranted, however consideration should remain relating to the proximity of the adjacent retained vegetation in the north east corner.

- 7.8. CDC Building Control: No comments received.

- 7.9. CDC Ecology: No comments received.

- 7.10. CDC Landscape: Comments received but they were queried as they were not made in the context of a comparison to the approved landscape scheme. Officers have agreed with the Landscape Officer that as the applicant has confirmed that no substantial changes have been made (for which Officers have reviewed and

generally confirmed to be the case) that further detailed comments from the Landscape Officer would not be provided.

- 7.11. CDC Planning Policy: No comments received.
- 7.12. CDC Public Art: No comments received.
- 7.13. CDC Waste and Recycling: No comments received.
- 7.14. CDC Bicester Delivery Team: No comments received.
- 7.15. OCC HIGHWAYS: **No objections** subject to a S106 agreement to link the new consent to the S106 for the HYBRID consent and a planning condition. It is noted that the access arrangements for the site are unchanged, the configuration of road layout remains unchanged, the parking and cycling provision still accords with the principles established by the approved scheme and the extent of the development blocks remains unchanged. In addition, the transport statement addendum considers the potential increase in movement to be negligible and so there would be no material difference between this and the existing permission in terms of capacity and flow on the local highway network.
- 7.16. OCC DRAINAGE: There was no drainage strategy or flood risk assessment submitted which led to an initial objection. Following the receipt of additional information and explanation of the proposals, OCC have confirmed they have **No Objection** as the proposal is only for an additional 3 dwellings and the supplied documents (drawing and calculations) illustrate the amended proposals satisfy their expectations.
- 7.17. CPRE: No comments received.
- 7.18. Oxfordshire CCG: No comments received.
- 7.19. Langford Village Community Association: No comments received.
- 7.20. Thames Valley Police Design Advisor: No comments received.
- 7.21. Bicester Bike Users Group: No comments received.
- 7.22. THAMES WATER (amended response):

Waste: Thames Water have been unable to determine the wastewater infrastructure needs of the application and as such a planning condition is recommended to ensure that capacity exists to serve the development or that network reinforcement works as necessary can be planned in.

Water: Thames Water have no objection with regard to water network infrastructure capacity.

Informative: Thames Water provide advice regarding the likely water pressure that would be achieved on the site and relating to water mains which cross the site and because Thames Water underground assets are within 15m of the site.

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
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, 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
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control

- 8.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North West Bicester SPD (February 2016)
- Cherwell Residential Design Guide SPD (July 2018)

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
- Residential amenity
- Transport
- Drainage
- Ecology

- Eco Town standards
- Conditions/ S106

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan Part 1 2011-2031, the saved Policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans (although there is no Neighbourhood Plan relevant to this application).
- 9.3. The Cherwell Local Plan seeks to allocate land to meet District Wide Housing Needs. The overall strategy is to focus strategic housing growth at Banbury and Bicester and a small number of strategic sites outside of these towns with Policy BSC1 setting out the numbers to be delivered in each area. Policy ESD1 sets out that distributing growth to the most sustainable locations will assist to mitigate the impact of development within the District on Climate Change.
- 9.4. The site is situated on land allocated by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. The policy allocates a 390ha site to the north west of Bicester for a new zero carbon mixed use development including 6000 homes. The policy requires a comprehensive Masterplan for the whole site which has been received and incorporated into a Supplementary Planning Document (SPD) for North West Bicester (February 2016). The policy sets out detailed requirements for the whole site in terms of employment, housing, infrastructure needs, monitoring and a range of key site-specific design and place shaping principles.
- 9.5. As mentioned above, an SPD applies for the whole NW Bicester site and this expands upon the Policy Bicester 1 requirements, provides further detail to the policy and a means of implementing the strategic allocation at the site.
- 9.6. The National Planning Policy Framework is a material consideration and it explains that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that the supply of housing is boosted and it also sets out the requirement 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 requirements.
- 9.7. The Council's five-year supply position is reported in the Council's 2020 Annual Monitoring Report (AMR). The 2020 AMR sets out that the District currently has a housing land supply of 4.7 years 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.
- 9.8. As the Council cannot demonstrate a five-year housing land supply, in accordance with Paragraph 11d of the NPPF, the Policies in the Development Plan relating to housing provision must be considered out of date. The NPPF sets out that there is, in this circumstance, a presumption in favour of granting permission for sustainable forms of development unless:
- the application of policies in the 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 the Framework taken as a whole.*
- 9.9. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but it is a strong material consideration in the consideration of development proposals.
- 9.10. The proposal is for residential development on an allocated site. In this particular case it relates to the re-plan of 54 dwellings which already have planning permission and the addition of 3 additional dwellings. The plan involves the loss of some smaller units and their replacement with larger units and Officers do not consider this to be unacceptable in principle. In broad terms therefore, Officers consider that the proposed development, in principle, would be acceptable. Whilst the number of additional dwellings is low, there would still be a small additional contribution to the number of dwellings provided on the site. The impact of the changes to the approved scheme and the additional dwellings should now be considered to assess the acceptability of this proposal.
- 9.11. The provision of affordable housing is required but, Officers consider it to be appropriate to consider this in the context of the wider exemplar site given the proposal relates to the re-design of this area of the site and the addition of just 3 dwellings (which in itself could have justified the addition of a unit in the context of the wider site). However, the Council's Housing team have confirmed that the original scheme actually slightly overprovided affordable housing and so even taking into account the 3 additional dwellings now proposed, the Elmsbrook scheme as a whole will provide 30% affordable housing in accordance with Policy BSC3 of the Cherwell Local Plan Part 1 2011-2031. This part of the site provides for just 3 affordable houses, but this is consistent with the distribution of affordable housing more widely, there are units elsewhere across Phases 3 and 4 and earlier phases provided for a greater proportion of the affordable housing numbers.
- 9.12. The original HYBRID application was subject to EIA, however the current application has been separately screened and it has been determined that EIA is not required given the scope of this proposal and the fact that the proposed amendments and addition of 3 units, particularly as the development complies with the broad parameters established by the extant consent, would not raise significant environmental effects beyond those already considered, approved and mitigated for.

Design and Impact on the Character of the area

- 9.13. Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 sets out that development will be required to meet high design standards and to complement and enhance the character of its context. It has a number of criteria which are used to assess development proposals. Policy Bicester 1 includes a number of key site specific design and place-shaping principles which, amongst others requires a high quality exemplary development and design standards, a well designed approach to the urban edge which relates development to its rural setting and to respect its landscape setting whilst incorporating open space (40% of the site) and landscaping. The NPPF emphasises that good design is a key aspect of sustainable development and it should be ensured that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NW Bicester SPD includes various development principles, but it also emphasises that sustainability should be a key driver in the design of the eco-town.
- 9.14. Planning permission was granted under 10/01780/HYBRID for the wider Exemplar site (now known as Elmsbrook), however various amendments were agreed via

non-material amendment. In respect of Phases 3 and 4, the approved layout and house types now being implemented were approved by application 17/00116/NMA.

- 9.15. A comparison of the planning layout between that approved and that now proposed demonstrates that there are no significant changes to the layout between that now proposed compared to that previously approved. The extent of the development blocks are unchanged as the road layout remains consistent and the arrangement of dwellings and garaging is changed mainly to create a greater number of detached units, to re-orientate some units and to rearrange the plan to account for the 3 additional dwellings. The dwellings all still provide frontage to the surrounding road network. Officers consider the amended layout to be acceptable.
- 9.16. The approved house types for this part of the site consisted of the Character Type 1 and Character Type 3 styles. The Type 1 units were a more traditional design (both gable and linear roof forms) with brick or Bekstone at the bottom and render at the top and the Type 3 units were a more contemporary design, with, on the smaller units a vertical split between the material (usually render and timber) and commonly the roof arranged gable onto the road (arranged as a traditional gable or a sawtooth roof). The design of the house types approved for this area are consistent with those provided on Phase 3 and on what has been constructed on Phase 4. Enriched units were provided across the Exemplar site and two enriched units are present on the part of the site now being considered. The enriched units were intended to be specially designed units showcasing high quality design and testing standards.
- 9.17. The house types now proposed appear to be more standard in design and are less well handled in terms of features such as the arrangement and proportions of windows and doors. However, references are made to the approved design, particularly around materials, the distribution for which has been amended following advice from Officers (albeit no timber is now proposed). In addition, the enriched units previously approved are now more standard than they were previously approved. Whilst Officers are disappointed that the house types have moved away from those previously approved, especially to a more standard house type and that this will introduce a difference in Phase 4, it is considered that the designs proposed are acceptable. It is also noted that the dwellings are positioned to the west of Phase 4 and that those closest to Braeburn Avenue are to be constructed in accordance with the approved plans giving consistency along this main route. On balance, Officers consider that the house types proposed are acceptable.
- 9.18. Four plots within the red line site area remain as per the approved arrangement and design and therefore Officers have referred to those approved plans within the list of plans for approval for completeness.
- 9.19. Four dwellings are proposed at 2.5 storey height (all other dwellings across phases 3 and 4 are two storey). The introduction of this scale will add some variety, the dwellings are located internally to the site and they are situated in such a position that there is some distance between other dwellings to be constructed elsewhere on Phase 4. As such, the introduction of this scale in one area with a limited number of dwellings is considered to be acceptable.
- 9.20. Plans providing confirmation of the details of the scheme have also been provided for approval such as the proposed boundary treatments, the proposed materials (and a schedule is provided which confirms the materials to be consistent with those used elsewhere across the Exemplar site, other than no timber is now proposed. This has been queried and it is understood that this has arisen due to supply issues creating uncertainty), the proposed hard surface treatments and the proposed garage and cycle store types. The plans submitted show consistency with the details

previously approved for this phase and therefore with the arrangement on the wider Phase 3 and 4 (beyond this site). Officers are content with the proposals for this site.

- 9.21. With regard to landscaping, detailed landscape plans have been provided. The Council's Landscape Officer commented upon the plans raising various points, but Officers asked that the comments be reviewed to take into account the landscape scheme already approved. No further comments have been forthcoming, and the Applicant's Landscape Consultants have confirmed that the planting and hard surface proposals are retained as per the approved drawings but reconfigured to fit with the revised layout for the area. They also advise that the proposed schedule of species is unchanged, that fruit trees are still provided to each garden and that the Local Area of Play in the southern part of the site is in accordance with the approved layout. Some minor adjustments are made to the home-zone area to ensure that the traffic calming features do not compromise safe access to individual driveways. Officers have reviewed the plans in light of this explanation and are satisfied that this is the case. On this basis, the landscape plans are considered to be acceptable as submitted.
- 9.22. The red line site area is drawn relatively tightly around the plots which this application relates to but the site is part of the wider Exemplar site and other considerations, such as the requirement to provide 40% of the site as Green Infrastructure, should be assessed in light of the wider site. This is on the basis that the proposals for the wider site remain unchanged and this site forms a small part of it. As such, whilst this particular red line area does not necessarily provide for 40% Green Infrastructure, it also does not change the ability of the wider Exemplar site to meet this standard and therefore in this context can be concluded to be acceptable.
- 9.23. The Design and Access Statement provides information on how the scheme has been designed taking into account Secured By Design principles. This includes the incorporation of walking and cycling routes (in the same way that the approved scheme does), the consideration of fenestrated elevations to ensure surveillance, the use of treatments to define public and private areas and to incorporate security features to dwellings.
- 9.24. On the basis of the above assessment, Officers are content that the design and layout of the site is acceptable and that the proposal will continue to deliver the high design standards being achieved at the wider Exemplar site in a complementary way. The proposal therefore complies with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

Residential amenity

- 9.25. Planning policy including Policy ESD15 and within the NPPF seeks to secure a high standard of amenity for existing and future residential occupiers. The proposed re-design and additional three dwellings are proposed within the extent of the approved development blocks, and in a similar arrangement to the approved layout. Having reviewed the proposal against the Council's required amenity standards set out in section 6.7 of the Residential Design Guide, the layout does not, in all cases meet the separation distances suggested as being required (both in terms of the back to back and back to side separations). However, the distances achieved are judged to be acceptable taking into account the relationship of dwellings (i.e. there are some examples where the separation distance is not achieved but where the dwellings are offset) and given that the arrangement is not dissimilar to that already approved. The proposal includes 4 plots at 2.5 storey but given the distance from existing dwellings, Officers do not consider that these would have a harmful impact in amenity terms. Officers therefore consider the proposal continues to comply with Policy ESD15 in that high standards of amenity will be secured.

Transport

- 9.26. The Oxfordshire County Council Transport team have raised no objection to the proposal. They agree with the submitted Transport Statement Addendum that the impact of the increased number of dwellings at the site upon the local highway network would be negligible so there would be no material difference between this and the approved scheme on the local highway network. It is also noted that the proposals accord with the key parameters established by the approved scheme such as the access arrangements being unchanged, the extent of the development blocks and the configuration for the road layouts being unchanged and the provision of walking and cycling infrastructure and proximity to the bus service which remains unchanged (as the active Travel Plan applying to the wider Exemplar phase would apply to this application too). Cycle parking details have been provided showing parking storage available for each dwelling.
- 9.27. A planning condition is recommended relating to the provision of details of the parking and manoeuvring areas but Officers have queried the need for the condition on the basis of the information already provided and the Highway Officer has confirmed that sufficient details have been provided. A compliance condition is therefore recommended.
- 9.28. Officers note the conclusions of the County Council and would agree with their assessment. On this basis, the proposal is considered acceptable in transport terms.

Drainage

- 9.29. The OCC Drainage Team originally raised an objection as there was no drainage strategy or flood risk assessment submitted. A Statement on Flood Risk was submitted with the application which concludes the site is within Flood Zone 1 and therefore not at risk of flooding. This sets out that the finished floor levels for the development would be set such that surface water flooding to the dwellings would not be possible.
- 9.30. In terms of the drainage strategy, additional information has been provided to confirm that the proposal follows the principles of the approved drainage design in that surface water run off from the development will be drained to soakaways, permeable pavements and infiltration swales. There are changes to the configuration and the layout/ location of the drainage features to accommodate the proposed re-design and 3 additional dwellings. The OCC Drainage Team have now confirmed that they have no objections to the proposal as the proposal is only for an additional 3 dwellings and the supplied information is acceptable.
- 9.31. Thames Water have raised a concern regarding the ability of the site to accommodate the wastewater infrastructure needs of the application and have recommended a planning condition to ensure that capacity exists to serve the development or that network reinforcement works as necessary can be planned in. Given that just three additional dwellings are proposed, Officers have advised the applicant to provide additional information to attempt to overcome this issue at this stage. Thames Water have been provided with confirmation that the drainage arrangements are the same as for the approved scheme with the system being gravity fed and with the point of connection to the existing sewers highlighted. The drainage arrangements have also been provided. Officers have included the condition recommended by Thames Water in the list of recommended conditions, but this condition may be removed if Thames Water are satisfied by the additional

information provided. It is expected that an update will be able to be provided on this matter via the Written Updates.

Ecology

- 9.32. Policy ESD10 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco town standards to achieve a net gain and to mitigate and enhance.
- 9.33. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.
- 9.34. An update ecological survey of the Phase 4 area has been undertaken due to the time lapsed between the last consideration of the site and now to determine if there have been any changes regarding ecological receptors. It is noted that the majority of the phase 4 area has already been cleared for construction works and that the remaining habitats are those bounding the site. The results of the survey found no evidence of badger, that reptiles would only be likely in the boundary vegetation which would remain and that the two trees to the north west of the site with features that have the potential to support roosting bats remain in place and that protective fencing would be used to safeguard this habitat. On this basis, the report recommended safeguarding measures to protect any reptiles and bats which would involve the use of protective fencing between existing vegetation and the site (and work ceasing, and advice sought from an Ecologist if any protected species are encountered). Safeguards identified in the earlier report approved are also recommended to continue to apply.
- 9.35. A condition of the HYBRID Planning Permission sought a Construction Environmental Management Plan (Ecology) for later approval. A CEMP setting out Ecological Protection Measures during the construction phase was agreed for Phases 3 and 4 and applies for the extant permission. The applicant has re-submitted this and confirmed that the changes associated with the re-plan do not affect the measures and safeguards that exist and therefore that they are valid and appropriate for the development. Officers therefore recommend that a condition be imposed to ensure that the development is constructed in accordance with those safeguards to ensure the protection of any ecology as the site would have been developed if it were not proposed for a re-plan.
- 9.36. In terms of biodiversity enhancements/ a net biodiversity gain, the consideration of this should be made in the context of the overall Exemplar site given the extent of the proposals. The 3 additional dwellings, given they are located within the approved development blocks, would not in themselves impact upon how biodiversity net gain is achieved across the wider site. As the wider site has been demonstrated to achieve a net biodiversity gain, Officers are satisfied that this will remain the case through this re-plan and through a minor number of additional dwellings being proposed. The wider Exemplar scheme required through condition proposals to enhance fauna by way of the provision of bat, bird, owl and invertebrate boxes in each phase of development. A scheme has been agreed for Phases 3 and 4 and the applicant has re-submitted this plan, updated to allow for the revised site layout proposals and this has been reviewed against that previously approved. Officers are satisfied that the amendments are minor and that there would be no loss of opportunities via this re-plan. In this regard, Officers are satisfied that the proposal

would have the same result in terms of biodiversity enhancement measures as would have resulted had the extant permission been built and that the proposal is therefore acceptable in this context.

- 9.37. The Council's Ecologist has not commented on this proposal, but Officers are satisfied that based upon an updated survey and the requirement to continue to comply with the approved CEMP for Ecology, that sufficient safeguards will be in place to protect Biodiversity. In addition, on the basis that the achievement of net biodiversity gain should be viewed across the Exemplar site as a whole and the enhancement measures already approved will continue to apply in a slightly amended form to reflect the new site layout, that the proposal is acceptable in this regard. Officers consider the proposal to comply with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

Eco Town Standards

- 9.38. The Design and Access Statement has confirmed that the homes have been designed to meet lifetime homes standards, to take into account Climate Change including the risk of overheating and that roofscapes have been orientated to maximise solar gain. The materials options are consistent with those previously approved and these have been considered in terms of how locally sourced they are as well as the embodied carbon of the materials. Nevertheless, Officers have sought further information to demonstrate how the proposals meet the true zero carbon requirement and how the re-design has impacted the level of PV provided in this context. This information is awaited at the time of writing this report, however Officers anticipate that there will be no material changes to how the scheme meets the standards compared to the approved arrangement. If this is the case, then the scheme will continue to meet the same high standards in terms of energy as is achieved on the dwellings already constructed on the Exemplar phase and that would have been achieved if the site were not proposed to be re-planned. A condition could be imposed to seek further detail should additional information not be forthcoming in advance.
- 9.39. The Eco Town Standards, which were part of the now cancelled Eco Towns Supplement to PPS1, were incorporated into Policy Bicester 1 and amplified by the NW Bicester SPD. These include a number of standards higher than other sites to ensure the provision of a sustainable development that responds to the impact of climate change and that is built to true zero carbon standards. Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 are complementary and apply District wide to ensure sustainable development. By meeting the high standards required by Policy Bicester 1, compliance will also be likely with Policies ESD1-5 given that the site is in a sustainable location, it includes features that ensure it is resilient to climate change (subject to the receipt of information via condition), it has been provided with transport infrastructure to encourage sustainable options, sustainable drainage features are proposed and renewable energy provision on site and connection to the energy centre via district heating networks is likely in this case (to be confirmed) consistent with the rest of the Exemplar to achieve true zero carbon development. The HYBRID S106 included conditions and S106 obligations that ensured later details were provided to deal with some of these considerations. As will be explained below, the proposal is to link this scheme to the Exemplar S106 and in respect of conditions, those necessary to be re-imposed will be. This will ensure that this part of the site is bound to the requirements to achieve the same high standards as are sought on the rest of the Exemplar site that would have resulted if this re-plan were not proposed and the extant scheme were built out.

Conditions and S106

- 9.40. The HYBRID permission for the Exemplar phase was subject to planning conditions which also apply to this part of the site. Officers have reviewed those and recommend that those relating to this part of the site be re-imposed however there are a number not necessary because details have been provided with this application and can therefore be approved. In addition, where conditions have previously been discharged and those details relate to the land included in this application, it is recommended that conditions be imposed that refer to those details. Some conditions are not required from the original permission where those conditions have been complied with by infrastructure being provided or where they relate to a different phase.
- 9.41. As set out above, there are some outstanding matters that Officers consider can be dealt with prior to a decision being made, particularly in light of the fact that a S106 is required. In this respect, delegation is sought to amend conditions as necessary to reflect progress (particularly in respect of the comments of Thames Water). Officers also intend to liaise with the applicant's agent on the draft conditions and therefore any comments that may be made may require amendments to respond to them. If updates can be provided on these matters through the written updates, then this will be undertaken.
- 9.42. A S106 is required to link this proposal to the HYBRID S106 to ensure that the site remains bound to those requirements. As three additional dwellings are now proposed, contributions have been sought towards wider NW Bicester infrastructure and these contributions have been agreed by the applicant. The requests are as follows:
- A contribution towards enhanced community sporting facilities at Bicester Leisure Centre, based upon a per dwelling figure of £493.00 per dwelling index linked from the 2nd Quarter of 2017. This gives a total contribution of **£1,494.00** index linked from 2Q17.
 - A contribution towards the provision of a burial site as part of the NW Bicester development based upon a per dwelling contribution of £10.06 per dwelling index linked from 2Q17. This gives a total contribution of **£30.18** index linked from 2Q17.
 - A contribution towards the build and fit out cost of a community hall to the north of the railway line on the wider NW Bicester site based upon a per dwelling contribution of £1050.94 index linked from 2Q17. This gives a total contribution of **£3,152.82** index linked from 2Q17.
 - A contribution towards the build cost of a health facility at NW Bicester or an alternative facility to meet the needs of the increased population, based upon a per dwelling figure of £259.46 index linked from 2Q17. This gives a total contribution of **£778.38** index linked from 2Q17.
 - A contribution towards the increase in capital costs of providing neighbourhood policing required pursuant to the wider NW Bicester development, based upon a per dwelling figure of £151.30 index linked from 2Q17. This gives a total contribution of **£453.90** index linked from 2Q17.
 - A contribution towards the capital cost of providing permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £227.68 index linked from 2Q17. This gives a total contribution of **£683.04** index linked from 2Q17.
 - A contribution towards the costs of maintaining the permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £250.35 index linked from 2Q17. This gives a total contribution of **£751.05** index linked from 2Q17.
 - A contribution towards the provision of refuse and recycling receptacles for each dwelling and towards collection vehicle provision and recycling banks,

based upon a contribution of £111 per dwelling. This gives a total contribution of **£333.00**.

- CDC request a monitoring fee of **£500** to monitor and administer the S10 and to support for any reasonable request from OCC to seek a fee to monitor and administer the S106.

9.43. Officers also sought a Cultural Wellbeing Strategy but the applicant considers this to not be a reasonable ask for this particular application because the site is part of the Exemplar site (the majority of the proposed dwellings for which already have planning permission) and the original permission did not include any requirement for the provision of public art or cultural wellbeing, the site does not include any main areas of open space given it relates to residential parcels (as part of the wider scheme) and the requirement would relate to just a small part of the site only. Officers accept the position set out and would recommend that the S106 does not secure the provision of a Cultural Wellbeing Strategy in this particular case because of the context and extent of these particular proposals.

Other Matters

9.44. A local resident has objected regarding the connectivity of the proposal and particularly the access via footpath from the Exemplar site to Bucknell. The Masterplan identifies a route towards Bucknell, and it was intended that this be directly delivered by the Developer who had submitted proposals for major residential development north of the railway line. Whilst the position on the wider land has changed, it is considered more appropriate that the improvements/provision of field paths be delivered by future developers of the wider land. This is on the basis that the Exemplar site has provided the transport requirements necessary to mitigate its impact and this proposal relates to just three additional dwellings and this additional requirement would not be proportionate to the additional impact those three dwellings would create. On this basis, Officers do not consider the proposal to be unacceptable in this regard.

9.45. The applicant has submitted an updated contaminated land assessment, which has concluded that the site does not have a potentially contaminative history and that no contaminants have been detected elsewhere across the site. It does identify that there is some potential for localised contaminants to be present and it recommends that works are carried out under a geo-environmental watching brief. The Council's Environmental Protection Officer has raised no objections and so Officers recommend that a condition is imposed relating to unsuspected contamination.

9.46. A noise assessment has been submitted which has been reviewed by the Council's Environmental Protection Officer. No concerns have been raised and so it is recommended that the recommendations of the noise report are followed. A condition to require a Construction Environment Management Plan (CEMP) has been recommended but Officers recommend that rather than seeking further detail, the development is required to comply with the approved CEMP.

9.47. An Arboricultural Method Statement is provided to demonstrate how trees at the site will be protected during the construction works. This identifies the need for protective fencing (also required for ecological reasons) and other safeguarding measures. The Council's Arboricultural Officer has advised that this statement demonstrates suitable protection for retained trees and for the working methods for working within the root protection areas of trees.

9.48. Some concerns have been expressed by the Arboricultural Officer regarding the proximity of plot 4 to retained vegetation, however upon comparing this to the approved layout, Officers consider that the impact would be similar. In any event,

the Arboricultural Officer has not requested an amendment due to the tree being an ash. On balance therefore and providing the safeguarding measures are put in place, Officers consider the proposal to be acceptable in this regard.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. The proposed additional 3 dwellings can be accommodated without causing material harm and the re-design of the site to accommodate them and to amend the proposed house types is considered acceptable as explained. Key aspects of the development including the drainage design, highway layout remain unchanged from the previously approved and extant scheme and whilst the proposal is reliant on the wider Exemplar site to achieve policy compliance in some aspects, this is considered to be acceptable in this case given the site remains an integral part of the development. By linking the proposal to the legal agreement for the wider site and by seeking additional contributions, the site will continue to be linked to and comply with, the wider Exemplar development requirements in an acceptable way. On this basis, the proposal is considered to be acceptable and in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE REQUIREMENTS SET OUT IN PARAGRAPH 9.42.

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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.

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:

20380/1002 'Site Location Plan'
20380/5001 Rev H 'Planning Layout'
20380/6001.1 Rev A 'Romsey Floor Layouts'
20380/6001.2 Rev D 'Romsey Elevations Type 1'
20380/6001.3 Rev D 'Romsey Elevations Type 2'
20380/6001.4 Rev A 'Romsey Elevations Type 3'
20380/6002.1 'Dorking Floor Layouts'

20380/6002.3 Rev A 'Dorking Elevations Type 2'
 20380/6003.1 Rev A 'Dartford Floor Layouts'
 20380/6003.2 Rev C 'Dartford Elevations Type 1'
 20380/6003.3 Rev C 'Dartford Elevations Type 2'
 20380/6003.4 Rev C 'Dartford Elevations Type 3'
 20380/6004.1 Rev B 'Cromer Floor Layouts'
 20380/6004.2 Rev C 'Cromer Elevations Type 1'
 20380/6004.3 'Cromer Elevations Type 2'
 20380/6005.1 Rev A 'Evesham Floor Layouts'
 20380/6005.2 Rev C 'Evesham Elevations Type 1'
 20380/6005.3 'Evesham Elevations Type 2'
 20380/6006.1 Rev A 'Windsor Floor Layouts'
 20380/6006.2 Rev C 'Windsor Elevations Type 1'
 20380/6007.1 Rev A 'Roydon Floor Layouts'
 20380/6007.3 'Roydon Elevations Type 2'
 20380/6007.4 'Roydon Elevations Type 3'
 20380/6008.1 Rev B 'Buckingham Floor Layouts'
 20380/6008.2 Rev C 'Buckingham Elevations Type 1'
 20380/6008.3 Rev C 'Buckingham Elevations Type 2'
 20380/6010.1 Rev A 'Marlborough Floor Layouts'
 20380/6010.2 Rev D 'Marlborough Elevations Type 1'
 20380/6010.3 'Marlborough Elevations Type 2'
 AA2699C(3)/2100 Rev A '2B4P Private V1 & V2 House Types and 2B4P Affordable V1 House Types' – Plots 7 and 8 Floorplans and Elevations (now plots 10 and 11)
 AA2699C(3)/2103 Rev A '3B5P Private & Affordable – V1 House Types' – Plots 6 and 9 Floor Plans and Elevations (now plots 9 and 12)
 AA2699(3)/2004 'Material Locations' – Plots 6-9 (now Plots 9-12)
 AA2699(3)/2006 'Roof materials' – Plots 6-9 (now Plots 9-12)
 AA2699(3)/2007 Rev A 'Gable window locations' – Plots 6-9 (now Plots 9-12)
 20380/6050.1 'Garage Types'
 20380/6050.2 'Garage Types'
 20380/6051 'Cycle Store'
 20380/3175 Rev B 'Street Hierarchy Strategy'
 20380/3171 Rev B 'Roof Materials Strategy'
 20380/3174 Rev C 'Boundary Materials Strategy'
 20380/3173 Rev B 'Storey Heights Strategy'
 20380/3177 Rev B 'Refuse Strategy'
 20380/3170 Rev B 'Facing Materials Strategy'
 20380/3172 Rev B 'Affordable Strategy'
 20380/3176 Rev B 'Parking & Cycle Strategy'
 14790TA-P-3300 Rev P2 'Planning Levels Layout Sheet 1 of 2'
 14790TA-P-3303 Rev P2 'Planning Levels Layout Sheet 2 of 2'
 13741-1-I 'Horizontal Illuminance – Elmsbrook Bicester Phase 4'
 14790TA-P-3260 Rev P3 'Planning Drainage Layout Sheet 1 of 2'
 14790TA-P-3263 Rev P3 'Planning Drainage Layout Sheet 2 of 2'
 14790TA-3240 Rev P1 'Swale Layout and Typical Construction Detail 2 of 2'
 14790TA-3209 Rev C2 'Swale Layout and Typical Construction Detail 1 of 2'
 DR-5000 S4-P3 'Landscape Layout'

DR-5001 S4-P3 'Planting Plan 1 of 3'
DR-5002 S4-P3 'Planting Plan 2 of 3'
DR-5003 S4-P3 'Planting Plan 3 of 3'
DR-5004 S4-P3 'Hard Surfaces and Boundary Treatments – 1 of 4'
DR-5005 S4-P3 'Hard Surfaces and Boundary Treatments – 2 of 4'
DR-5006 S4-P3 'Hard Surfaces and Boundary Treatments – 3 of 4'
DR-5008 S4-P3 'Hard Surfaces and Boundary Treatments – 4 of 4'
DR-5007 S4-P3 'Homezone 1 Proposals and LAP'
DR-5500 S4-P1 'Typical Tree Planting Details'

Technical Briefing Note: Faunal Enhancement Scheme dated 8 March 2021 prepared by Aspect Ecology including drawing number 5192/EN1 Rev D and document titled 'Faunal Enhancement Scheme' dated November 2017 prepared by Aspect Ecology.

External Materials Schedule 'Bicester Re-plan' dated 16/03/2021

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 development shall be carried out strictly in accordance with the details contained within the document titled 'Construction Environmental Management Plan (Ecological Protection) dated November 2017 prepared by Aspect Ecology.

Reason: To protect biodiversity on the site and to contribute to the delivery of biodiversity net gain in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. The development shall be carried out strictly in accordance with the mitigation and safeguarding measures set out within the document titled 'Ecology Pre-construction survey and Mitigation Scheme' dated February 2021 prepared by Aspect Ecology, the attached drawing number 5192/SMS1 Rev A and the precautionary works identified within the attached document titled 'Ecological Mitigation Plan' dated January 2017 prepared by ACD Environmental.

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.

5. The drainage arrangements for the site shall be constructed in accordance with the details hereby approved and shall be implemented in accordance with these details prior to the first occupation of the development.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and 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.

6. The development shall be constructed in accordance with the details set out within the Construction Environment Management Plan reference DTR 18507 Rev 03

prepared by Dunton Engineering dated January 2019 (as approved by 18/00080/DISC). The Construction Environment Management Plan 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.

7. The development shall be constructed in accordance with the details set out in the Elmsbrook: Phases 3 and 4 Construction Traffic Management Plan Version 02 prepared by Arcadis dated July 2018 (as approved by 18/00039/DISC). The Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the neighbouring residents during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

8. The development shall be constructed in accordance with the details set out in the Site Waste Management Strategy for Elmsbrook NW Bicester and Appendix A Site Waste Management Plan reference 1557 prepared by Reconomy received in the department on the 12 December 2018 (as approved by 18/00080/DISC). The Site Waste Management Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure no waste is sent to landfill to meet the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development shall be constructed in accordance with the document titled 'Submission to Cherwell District Council of Training and Employment Management Plan (ETMP) dated September 2014 produced by A2 Dominion and Appendix A – Simplified Process to sign-post candidates that complete an employment registration form to access opportunities on site and Appendix B – monitoring method and frequency schedule (as approved by 14/00311/DISC). The Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure the creation of employment to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

10. The development shall be carried out in accordance with the recommendations identified in the document titled 'Arboricultural Method Statement' and its appendices dated March 2021 prepared by SJA Trees. Tree Protection Fencing shall be maintained on site until the works are completed.

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 ESD13 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The development shall be carried out in accordance with the mitigation measures identified in the document titled 'Environmental Noise Assessment' dated 26 February 2021 prepared by noise.co.uk.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996.

12. The properties shall be marketed with regard to home working and sustainable transport in accordance with the details approved by application 15/00229/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the creation of a low carbon community to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

PRE-COMMENCEMENT CONDITIONS

13. No development shall commence until the development site has been checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place and which could be harmed by the development. Should protected species be found details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason: To ensure the protection of protected species in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

14. No development shall commence until full details of the measures to achieve zero carbon energy use, as defined by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, through on site solutions, have been submitted to and approved in writing by the Local Planning Authority. Should it be demonstrated to the satisfaction of the local planning authority that it is not possible to achieve zero carbon on site, a scheme for off site mitigation in Bicester shall be provided, prior to the first residential occupation, for that portion of the energy use that cannot be met on site.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

15. No development shall commence until details of how each dwelling within that phase achieves good day lighting by achieving at least 2 points of the former Code for Sustainable Homes level 5 for day lighting 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 such that each dwelling achieves good day lighting.

Reason: To prevent increased energy use and to enable zero carbon development to be achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan Part

1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

16. No development shall take place until a report outlining how carbon emissions from the construction process and embodied carbon have been minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained in the approved report.

Reason: To ensure that the development achieves a reduced carbon footprint in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

17. No development shall take place until a study, by a suitably qualified person, has been submitted to and approved in writing by the local planning authority, demonstrating that the design of the dwellings within that phase is such that overheating will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

18. Plots 18 and 32 shall be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority prior to the construction of Plots 18 and 32 above slab level. Plots 18 and 32 shall be constructed in accordance with the approved details.

Reason: To test the delivery of innovative energy efficient houses in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

19. Prior to the commencement of the development above slab level, details of the fenestration, roof verge and eaves, cills and lintels for each house type, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: To ensure a high quality development in accordance Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

20. Prior to the commencement of development to provide the garages identified to include a green roof, full details of the construction and planting of the green roofs together with details of the maintenance programme that will ensure the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall then be constructed and maintained in accordance with the approved details.

Reason: To ensure the delivery on green infrastructure and biodiversity gain in accordance with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

21. No development shall be occupied until confirmation has been provided that either:
- Foul water infrastructure capacity exists off site to serve the development, or
 - A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or;
 - All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may 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 to comply with Policy ESD8 of the Cherwell Local Plan Part 1 2011-2031.

22. Prior to the occupation of the development, the parking and manoeuvring areas shall be constructed, laid out, surfaced, drained and completed in accordance with the details hereby approved. The parking and manoeuvring areas 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.

23. Electric Vehicle Charging Points shall be installed and made available for use in the positions shown on drawing number 20380/3176 Rev B prior to the first occupation of each dwelling to which the Electric Vehicle Charging Points relate. The electric vehicle charging infrastructure shall thereafter be retained and made available for use. In addition, ducting shall be provided to allow for the easy expansion of the EV Charging system to those dwellings not served by EV points as demand increases towards the planned phase out of ICE vehicles (with ducting provided to every parking space to future proof the development).

Reason: To comply with Policies SLE4, 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 Government guidance contained within the National Planning Policy Framework.

24. Prior to the first occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

25. The relevant services to deliver the district heating system shall be provided to each dwelling prior to occupation of that dwelling.
- Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
26. Prior to the occupation of any residential dwelling hereby permitted, it shall be provided with a 'real time information' system providing at a minimum real time travel and energy information.
- Reason: To facilitate information delivery and travel information in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
27. The residential 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 to comply with Policies ESD3 and ESD8 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.
28. All properties shall be provided with a system for rainwater harvesting in accordance with details to be submitted to an approved in writing prior to the first occupation of any dwelling. The rainwater harvesting system shall be implemented in accordance with the approved details.
- Reason: To reduce the use of water in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
29. No building hereby permitted shall be occupied until each residential or non-residential unit has been provided with service connections capable of supporting the provision of super-speed broadband from the building to the nearest broadband service connection outside the site.
- Reason: To facilitate information provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.
30. The bicycle and bin stores and boundary enclosures, shown on the plans hereby approved shall be provided prior to the first occupation of each dwelling to which they relate.
- Reason: To ensure the satisfactory appearance of the completed development, to ensure convenient bicycle and bin stores are provided, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.
31. Prior to the first occupation the development, fire hydrants shall be provided or enhanced in the phase in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sufficient access to water in the event of fire in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.

32. Prior to the first occupation of a residential dwelling, each new resident shall be given the opportunity to choose a fruit tree for their garden or to be provided elsewhere on the site in accordance with the details set out in the 'NW Bicester Fruit Tree Scheme' prepared by A2 Dominion dated 21 May 2015 (as approved by 15/00292/DISC). The scheme shall be implemented in accordance with the details hereby approved.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

33. 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.

34. All dwellings shall be constructed to meet Joseph Rowntree Foundation Life Time Homes standard.

Reason: To deliver flexible housing to meet the diverse and changing needs of the population and in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and the North West Bicester Supplementary Planning Document February 2016.

35. 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 building(s) or on the 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 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.

36. All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 2015 (as amended) shall be submitted concurrently with the details of the development they serve.

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.

37. All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

38. The existing trees and hedges shown to be retained on drawing number SJA TPP 21057-041a (Phase 4) shall be retained and properly maintained with hedges at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced during the next planting season and thereafter be 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.

39. The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc.).

Reason: To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to 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.

40. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within a root protection area of a tree identified for retention on drawings SJA TPP 21057-041a (Phase 4) on the site, without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031

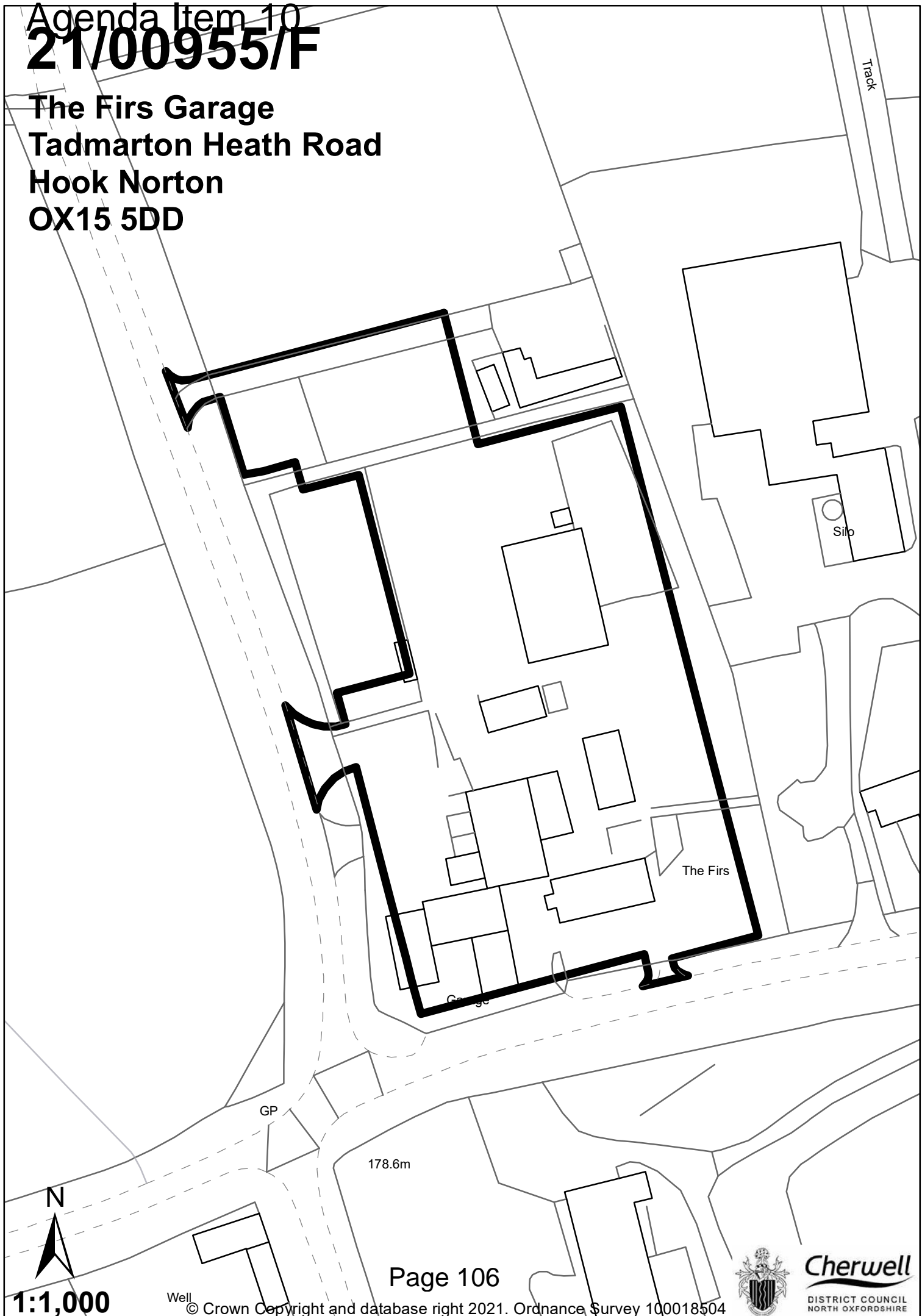
Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near their pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
3. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near Thames Water's mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read their guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Agenda Item 10
21/00955/F

**The Firs Garage
Tadmarton Heath Road
Hook Norton
OX15 5DD**

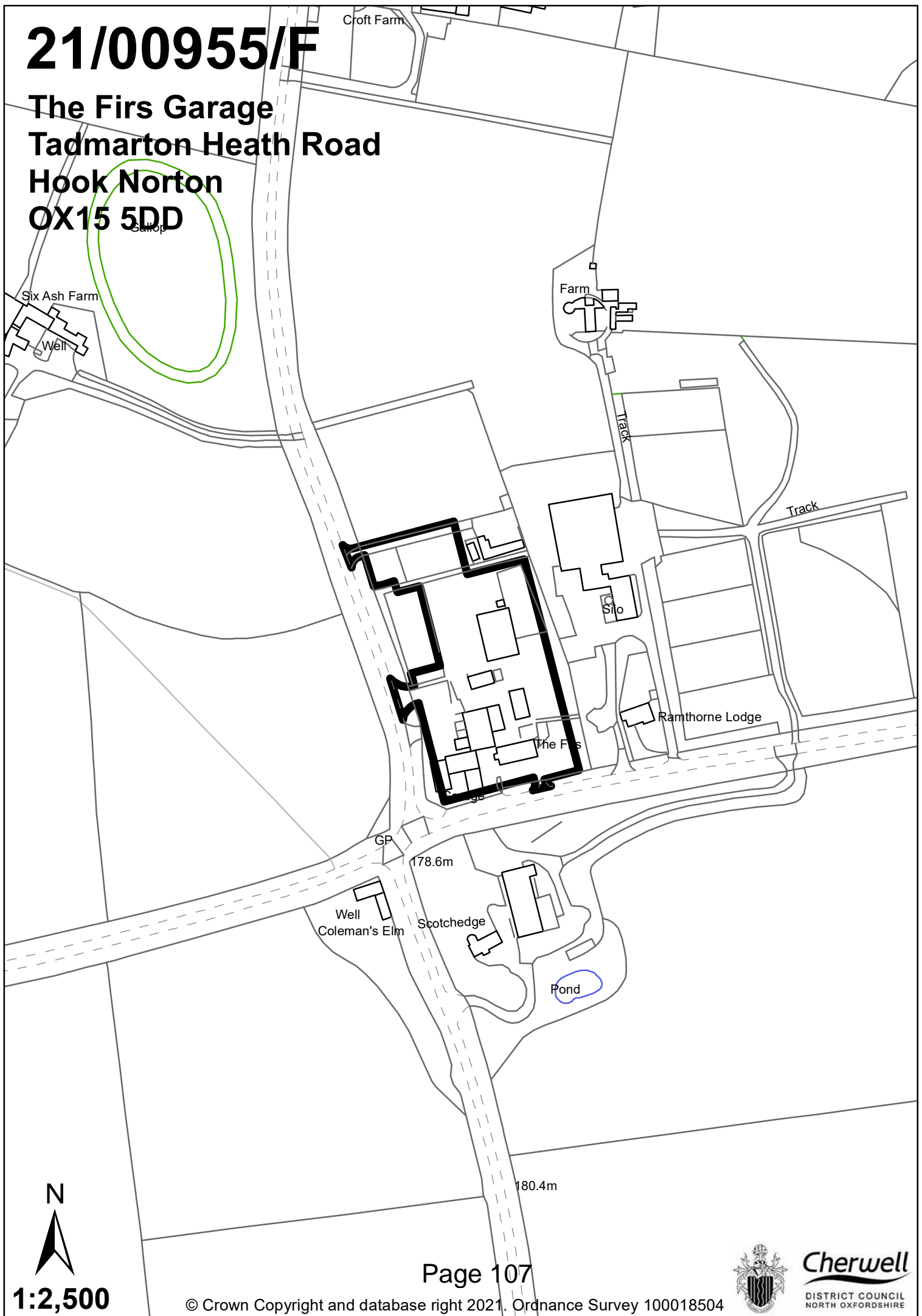


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21/00955/F

The Firs Garage
Tadmarton Heath Road
Hook Norton
OX15 5DD



1:2,500



Case Officer: Wayne Campbell

Applicant: Tom Hartley Jnr Ltd

Proposal: Demolition of existing car sales showroom, petrol filling station and servicing/repair garage and erection of new showroom for car sales including preparation and storage and administration areas with landscaping, access and associated works

Ward: Deddington

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

Reason for Referral: Major development

Expiry Date: 13 May 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the Whichford Road approximately 1km north of the village of Hook Norton. The site relates to an established car show room, garage and petrol station known as The Firs Garage which is currently vacant. The Firs Garage is a sui generis use, that is, not within any use class.
- 1.2. In terms of access elements of the wider Firs Garage site can be accessed off both Tadmarton Heath Road (south) and Sibford Gower Road (west). The application site itself is accessed off Sibford Gower Road, which also gives access to the current customer car parking area for Firs Garage. A tall hedgerow runs around most of the perimeter of the wider site.
- 1.2. Well Colemans' Elm and Scotchedge (south) and Ramthorne Lodge (east) are residential properties all located nearby. No buildings on the site or in the immediate surroundings are designated heritage assets, nor is the land subject of any heritage designation.

2. CONSTRAINTS

- 2.1. The application site is located approximately 1km to the North of Hook Norton. Although currently developed as a garage / commercial use the site is located outside the built-up area of Hook Norton and is therefore technically an open countryside location.
- 2.2. The site is relatively level with a slight drop along the western edge of the site. There is a public right of way located in the field on the opposite side on the road on the western side of the site. Parts of the eastern edge of the site is located within an area of Groundwater Vulnerability (Aquifer) – Minor. As the site contains petrol

pumps and includes workshops for car repairs and serving from its former use the suite has the potential to include areas of contamination.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission for the demolition of the existing buildings and structures that are linked to the Firs Garage and to erect a single replacement building. The proposed scheme seeks to create a high quality, low impact replacement showroom at the site for car sales, car storage and workshops. The applicant's business is the procurement and sales of significant, collectable cars, specialising in sports and racing cars from the 1950s and 1960s up to the present day, including the most modern supercars and hypercars. The business is of international standing in the trade of such vehicles.
- 3.2. The concept for the development is to create a total of 3 separate showrooms, for varying vehicle types, which the applicant states that in turn create a series of courtyards. The buildings would be arranged to address the following criteria:
- Showroom A is located on the south-western boundary of the site as this is the focal point with which the passing public would interact;
 - Showroom B is located east of the classics and connected by two links to create a central courtyard;
 - Showroom C is located on the eastern boundary and would act as a boundary between the adjacent cement works site. This showroom extends north further than the other two showrooms enclosing a semi-private courtyard;
 - The detailing, staff facilities and storage are located to the north of the site creating a private courtyard for staff only.
- 3.3. Each of the three showrooms would be rectangular in shape with very open and vaulted pitched roof to allow mezzanine levels in certain locations. The design allows for the cars to be arranged in varying displays depending on the current stock.
- 3.4. The applicant currently operates from a showroom in Leicestershire and is looking to relocate to this site in Hook Norton. Given the reach of the business the current proposals represent an opportunity to redevelop the site, and to provide a museum-style showroom that would attract clients internationally which would be a significant asset for the District. The business currently employs 8 staff members, but the relocation is expected to increase staff numbers to 15-20, all employed at the site.
- 3.5. The GIFA of the ground floor is 3166 sq m while the GIFA of the first floor is 791 sq m to provide an overall total GIFA equal to 3957 sq m.

4. RELEVANT PLANNING HISTORY

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

CHN.389/87 – Extension to vehicle repair garage – APPROVED

CHN.9/91 – Construction of a building for storage and preparation of new and second-hand vehicles – APPROVED

19/01819/F – Erection of a new storage building for vehicles and parts – APPROVED

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 20/01183/PREAPP - It was noted that a significant increase in footprint was proposed. The applicant was advised that they would need to demonstrate as part of any future planning application that the proposal would not result in a significant intensification in the use of the site, that it would be an environmentally sustainable form of development and that the development would provide genuine choice as means of travel and not significantly increase vehicular movements in what is a relatively geographically unsustainable location. In addition, the applicant would need to demonstrate through scaled elevation drawings that the proposals would not result in a significant increase in scale and height over that of the existing buildings at the site. Subject to the above being demonstrated, it is considered that any future planning application for these proposals may be considered favourably.
- 5.3. 21/00110/PREAPP - The principle of development for the previous pre-application enquiry was considered to be generally acceptable. It would still need to be demonstrated as part of any future planning application that the proposal would not result in a significant intensification in the use of the site, that it would be an environmentally sustainable form of development and that the development would provide genuine choice as means of travel and not significantly increase vehicular movements in what is a relatively geographically unsustainable location. The ridge height of the projecting elements would need to be reduced in height, which could be achieved through alterations to the pitch of the roofs. Subject to the above being demonstrated, it is considered that any future planning application for these proposals could be considered favourably.

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 **29 April 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. HOOK NORTON PARISH COUNCIL: **No objection**

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**. As the site lies within an area of groundwater vulnerability risk and includes car parking spaces as part of the proposal, water quality standards must be met. Proposed development needs a

water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual. The applicant is required to provide a Surface Water Management Strategy.

7.5. OCC ARCHAEOLOGIST: **No objections.**

7.6. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections**

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
- SLE 1: Employment Development (site not allocated).
- SLE 4: Improved Transport and Connections
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new 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 and the following Policies of the Neighbourhood Plan are considered relevant:

- HN CC2 – Design
- HN-T1 – Access and parking

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

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
- Highway impact

- Residential amenity
- Drainage
- Sustainable construction

Principle of Development

Policy Context

- 9.2. 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.
- 9.3. 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*.
- 9.4. 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*.
- 9.5. 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*.
- 9.6. Paragraph 83 highlights, amongst other things, that *planning policies and decisions should enable:*
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- 9.7. Paragraph 84 continues by stating that, *the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*.
- 9.8. Policy PSD1 of the Cherwell Local Plan 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.
- 9.9. Policy SLE 1 of the CLP 2015 is generally supportive of small-scale employment development in the rural areas, stating, amongst other things that *unless exceptional*

circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A.

- 9.10. 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.
- 9.11. 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.* The policy also highlights that *development which makes use of previously developed land and buildings will generally be preferred to greenfield locations.*

Assessment

- 9.12. The application site is a vacant garage located approximately 1km to the north of Hook Norton, which is a Category A village and considered one of the most sustainable rural settlements in the district. However, the site is clearly outside the built limits of this settlement and in open countryside. Notwithstanding this point the application site does represent a previously developed site with the existing single storey garage buildings and associated structures. The existing use includes areas / buildings for sales of motor vehicles, workshops, outdoor sales areas, parking and a single bungalow.
- 9.13. The use of the site as a garage is *sui generis*, although of a commercial nature. The proposed use of the site as a car sales / showroom and workshop would also be classed as *sui generis* (that is, outside of any use class set out in the use classes order). The current use of the site is for a commercial / employment activity the proposal would allow for a commercial use of the site to continue. Furthermore, the applicant has confirmed that the development would result in the generation of between 15 – 20 staff to be employed in the site as part of this development. As the site is currently vacant this would bring the site back into an active employment use to the benefit of the local rural economy.
- 9.14. As highlighted in the Hook Norton Neighbourhood Plan the policies accept that the use of previously developed land and buildings will generally be preferred to greenfield locations. This application seeks to re-develop a currently developed site and would therefore comply with this Policy requirement. Furthermore, it is also accepted that the development of this garage site would allow for the continued commercial use of the site as encouraged through the advice in the NPPF as well as the policies in the Neighbourhood Plan.

Conclusion

- 9.15. The proposal to re-develop this former garage site with a new commercial use is considered in line with adopted policies both in the Local Plan as well as the Neighbourhood Plan. The development would also be supported in principle by Government guidance in the NPPF.

Design, and impact on the character of the area

Policy context

- 9.16. Section 12 of the NPPF covers the issue of design, paragraph 127 states that planning policies and decisions should *ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.*
- 9.17. Paragraph 130 continues by stating, amongst other things, that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
- 9.18. Policy ESD 15 of the CLP 2015 covers the issue of the impact of development upon the Character of the Built and Historic Environment. Under this Policy it is stated, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context.* Furthermore, the policy continues by stating that *new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design and that all new development will be required to meet high design standards.*
- 9.19. Saved Policy C28 of the CLP 1996 also highlights the need for *all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.*

Assessment

- 9.20. The application is a former garage site with a series of buildings and a large canopy structure over the area of the former petrol pumps. The existing buildings comprise of a single storey flat roof features on this site. The exception to this is the dormer bungalow allocated on the eastern side of the application site. The design and style of the existing buildings is dated and although typical of this type of use the built form on the site does little to enhance the appearance of this rural area.
- 9.21. The proposed development is for a two storey building on the site with the bulk of the first floor accommodation contained within centre of the site and limited accommodation within the roof area of the building.
- 9.22. The applicant states that the proposed buildings are of a traditional form with pitched roofs and prominent gables, and that the design takes inspiration from working agricultural buildings in the surrounding countryside to maintain a rural character while contemporary detailing ensures a high-quality design with a modern appearance.

- 9.23. Officers accept that the gable frontage to the main building would provide a strong design feature which would enhance the site and the area. The use of traditional materials in the development would ensure that the development would appear as a natural development of the site and would result in an up lift in the character of the site over and above that of the current buildings.
- 9.24. It is clear from the street scene image that the proposal would be taller than the current buildings on the site. The difference in height (1.9m between tallest point of existing and tallest point of the proposed) is not, however, considered significant in terms of the street scene. In this case the highest existing point on the site is the ridge on the dormer bungalow followed by the large flat roof canopy over the former petrol pump island and finally the flat roof single storey car show rooms.
- 9.25. While the height of the proposal is greater than the existing buildings on the site, the design of the proposed building along with the choice of materials such as ironstone would result in an improvement in terms of appearance on the site compared to the existing buildings and structures. As such it is considered that the impact of the proposal on the public street scene would be acceptable and would not result in any undue adverse impact.
- 9.26. Officers have raised concerns over the bulk of the development and in particular the eastern rear wing has been raised and in response the applicant has advised that there is a need for a first-floor element to the development in the former of a mezzanine floor. As such the height of the roof and the overall height of the building is, to a particular point, fixed at a certain height. This point is accepted, and the provision of the mezzanine floor is acknowledged as a necessary part of the development for the applicant's business to function. Notwithstanding this point the applicant has been requested to amend the end part of the eastern projection in parts where the need for the mezzanine floor is not required as part of the business use. This change in design would reduce parts of the rear projection along the eastern boundary to a point which reduces the bulk of the development. The eastern boundary is shared with the neighbouring use which is a further commercial use in the form of Ramthorne concrete. As such the neighbouring use is not a sensitive use in terms of the bulk of the development and issues of light and outlook; however, there would be a view of the rear wing from the public highway to the west of the site and as such a reduction in height even slight would reduce the visual impact of the development on the site.

Conclusion

- 9.27. It is accepted that the development on the site would be taller and of a larger footprint than the existing buildings on the site. Notwithstanding this point the design of the proposal is of a high quality and the use of materials such as ironstone, glass and metal cladding would ensure that the proposal is of an enhancement to the area. The proposal is therefore considered to comply with Policy ESD 15 of the CLP 2015, Saved Policy C28 of CLP 1996 and government guidance in Section 12 of the NPPF.

Highway impact

- 9.28. 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.

9.29. 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.*

9.30. Policy ESD15 of the CLP 2015 states, amongst other matters, that *new development proposals should: be designed to deliver high quality safe...places to live and work in.*

Assessment

9.31. The application seeks the re-development of this vacant garage site for a new car sales, storage and workshops. The existing use on the site allows for four existing site accesses which would be reduced to three through the proposed development with the broad filling station access to Whichford Road removed. Two access points are maintained to the western boundary for staff and services, with access reduced to the south reduced to a single entrance/exit to be used by the public. Parking and turning areas are provided within the development in order that all vehicles can safely access and egress.

9.32. In terms of traffic movements associated with the proposed use the applicant contends that due to the nature of the scheme the proposal would see a net reduction in vehicular movements to, and from, the site, on the basis that although essentially a car sales use the applicant is in the business of selling performance and high end value cars. The applicant also contends that the removal of the petrol filling station facility on the site and its access close to the 4-way junction would provide a significant highway safety benefit.

9.33. The application details have been considered by the Local Highway Authority (LHA), who agree that the proposals are expected to represent a net decrease in trips generated by the site. Any trips associated with the proposals are therefore not seen as problematic. In addition, the LHA notes that the proposal would retain two accesses whilst relocating one of the Sibford Road access points further away from the nearby junction. This would represent a decrease in vehicular access points as the existing petrol station forecourt access will be removed and as such the proposal would result in a reduction in access points to the highway. For these reasons the LHA has no objection to the application from a highway safety point of view. Your planning officers have no reason to disagree with this advice.

Conclusion

9.34. 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

9.35. 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, amongst other things 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.*

9.36. With this particular application the adjoining uses to the site are commercial in nature or are formed by public highway. The nearest residential properties are located at Well Colemans' Elm and Scotchedge positioned to the south of the site and Ramthorne Lodge located to the east of the site. The development as proposed is not considered to impact on the amenities of these nearby residential properties in terms of any loss of outlook, light and / or privacy. As such the proposal is considered to comply with Saved Policy C30 and Policy ESD 15 of the CLP 2015.

Drainage

Policy context

9.37. 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.*

9.38. 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.*

9.39. Policy ESD 7 of the CLP 2015 highlights that *all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.*

Assessment

9.40. The application site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. The edge of the eastern side of the site are located within an area allocated as groundwater vulnerability risk and includes the car parking spaces shown in the proposal. For this reason, it is expected that water quality standards must be met in accordance with the assessment within Sections 4 and 26 of the SuDs Manual.

9.41. The application as initially submitted was not supported by a detailed drainage strategy and hence an objection to the proposal was raised by the Local Lead Flood Authority (LLFA). In response to this the applicant has now provided a detailed

drainage strategy. This strategy has confirmed that the proposed drainage across the site would mirror the current arrangement and direct flows from the development into a new detention basin relocated to the north of the site with the resultant outflow into the adjacent ditch system. The strategy also confirms that the surface water flow rates into the adjacent ditch system would need to be attenuated to the greenfield run off rates for the site or to the lowest rate which would offer a reliable maintenance free system. In order to protect the groundwater and receiving watercourses it is accepted that it is essential to capture, control and treat pollution. In acknowledging this point the applicant has confirmed that by using SuDS treatments this would help to replicate natural drainage regimes and minimize impact.

- 9.42. On a further point the applicant accepts that the guidance on SuDs recommends that water treatment is provided for surface water runoff dependent on the potential type of pollutant and sensitivity of the receiving water course and ground water. As this applicant proposal is for a motor vehicle sales, storage and workshop the applicant has confirmed that a petrol interceptor would be located upstream of the surface water detention basin to retain pollution.
- 9.43. In considering the details submitted the drainage strategy is being reviewed by the Lead Local Flood Authority and subject to confirmation that the drainage strategy is acceptable the proposal complies with Policy ESD 7 of the CLP 2015 and Government guidance in Section 14 of the NPPF.

Conclusion

- 9.44. The applicant has provided additional to address the objection 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.

Sustainable construction

Policy context

- 9.45. 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.*
- 9.46. Policy ESD 3 of the CLP 2015 covers the issue of Sustainable Construction and states amongst other things that *all new non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect, subject to review over the plan period to ensure the target remains relevant. The demonstration of the achievement of this standard should be set out in the Energy Statement.* 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

- 9.47. In response to this requirement the applicant highlights that the proposed buildings would offer substantial improvements over the existing structures in environmental terms. This includes the fact that the design of the building offers an opportunity to harness renewable energy in that the large, pitched roofs and the flat area of the crown roof, provide a good opportunity to utilise solar energy with the application of solar PV panels. In addition to this the applicant has advised that ground, or air, source heat pumps could offer an environmentally friendly way of space heating and hot water production. This would also include the use of LED lighting throughout the building which allows for a significant reduction in the electricity usage, over other light bulb types
- 9.48. Although no details of the renewable energy measures have been provided with this application the details will be required as part of a condition.

Conclusion

- 9.49. 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 Policy ESD 3 of the CLP 2015.

Ecology

Legislative context

- 9.50. 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.
- 9.51. 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.
- 9.52. 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.

9.53. 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.

9.54. 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

9.55. 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.

9.56. 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.

9.57. 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.

9.58. 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.

- 9.59. 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.
- 9.60. 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

- 9.61. This application is supported by a Preliminary Ecological Appraisal which has evaluated the habitats present within the site and assessed the potential for the site to support protected and notable species. One specific aim of this study is to survey the existing buildings for bats and/or evidence of bats, and other protected species, including nesting birds. The study assesses the overall potential of the buildings to support roosting bats and discusses the likely impact of the proposed works on protected species and their habitats.
- 9.62. In conclusion the appraisal highlights that no bats or evidence of bats were found during the survey and that all buildings are assessed as having 'negligible' potential to provide shelter to roosting bats. All trees within the site are considered to have 'negligible' potential to provide shelter to roosting bats; and exhibit no potential roost features (PRF). In considering the issue over nesting birds the appraisal highlights that there was no evidence of nesting birds was noted in association with the buildings. Furthermore, the buildings are not considered to be suitable for barn owls or swallows and that there is no evidence of nesting by house sparrows, swifts or house martins. It was confirmed that a conifer hedge, and adjacent hedgerow (to the west) does offer potential nest sites to breeding birds and the breeding bird assemblage is likely to comprise common and widespread species of farmland habitats, rare species are likely to be absent.
- 9.63. The appraisal recommends that as bats are absent from the site no bat licence will be required however, the appraisal also highlights that once works commence that in event that bats or significant evidence of bats (for example large accumulations of fresh bat droppings) are encountered, works should stop immediately, and advice sought from a qualified ecologist. It is also recommended that although not necessary from a legal point of view, that consideration be given to the erection of bat boxes on the new buildings.
- 9.64. With regards to nesting birds the appraisal recommends that the removal of trees, hedges or woody shrub removal should be undertaken outside of the bird breeding season (avoiding March to August, inclusive) so as to avoid any impacts on active birds' nests. Furthermore, the appraisal continues by stating that as an enhancement, the erection of bird nesting boxes is recommended in order to provide suitable nest sites for species within the local area, as nest boxes can be excellent substitutes for the holes found in old trees. On new buildings, the integration of bird boxes is particularly recommended as species such as house sparrow and swift will readily adopt such features as nest sites. The adoption of new bird nesting features is considered appropriate in this instance.

Conclusion

- 9.65. Officers are satisfied, on the basis of the Preliminary Ecological Appraisal 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.

- 9.66. 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 Policy ESD10 of the CLP 2015 in this regard.

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 Page 142 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. This application seeks planning permission for the re-development of this vacant garage site for a high quality, low impact replacement showroom for car sales, car storage and workshops. The applicant's business is the procurement and sales of significant, collectable cars, specialising in sports and racing cars from the 1950s and 1960s up to the present day, including the most modern supercars and hypercars. The business is of international standing in the trade of such vehicles.
- 10.4. The current buildings on the site are functional and dated and do little to enhance this rural area. The design of the new buildings will be of a high quality and takes inspiration from working agricultural buildings in the surrounding countryside to maintain a rural character while contemporary detailing ensures a high-quality design and honestly modern appearance. The design of the development is considered to be an enhancement to the rural area over and above the existing buildings on the site
- 10.5. The access to the site will reduce the number of access points into the site with the removal of the existing large access to the front of the site which served the former petrol pump island. This reduction in access points is considered to represent a highway improvement to the site from a highway safety point of view.
- 10.6. There is no adverse impact upon the amenities on the nearest neighbouring properties in terms of any loss of light, outlook or privacy.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference 18169 -Pe0010, 18169 -Pp0032, 18169 -Ps0010, 1690.I.1 Rev A, 18169 -Pp0010, 18169 -Pp0030, 18169 -Pp0031, 18169 -Pp0011, 18169 -L001, 18169 -Pe0011, 36197 all received 18/03/2021 and LVIA, Transport Statement, Preliminary Ecological Appraisal, received 18/03/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

Materials

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed 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 in accordance 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.

Ecology

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of The Firs Garage, Whichford Road, Hook Norton, Oxfordshire by Windrush Ecology Limited dated September 2020 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 Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Sustainable Construction

5. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and 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.

Landscaping

6. 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 building or on the 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 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.

7. A schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. 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 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.

Drainage

8. 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.

Construction Method Statement

9. No development shall take place, including any works of demolition until a Construction Method Statement 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;

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.

Alterations and Extensions

10. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be extended without the prior planning permission 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 area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

11. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance 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. Details of the external lighting/security/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

Highways

13. Prior to the first use of the building hereby approved, the means of access between the site and the highway shall be constructed in full accordance with details to be submitted and approved in writing by the Local Planning Authority. The details submitted shall include position, layout, construction, drainage and vision splays associated with the access. Once constructed the means of access shall be 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

14. The vision splays 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 Government guidance contained within the National Planning Policy Framework

15. 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 to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter 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 Government advice in the National Planning Policy Framework.

16. 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.

INFORMATIVE

1. The relocated access will require construction on highway land. As a result, the applicant will be required to enter into a section 278 agreement with OCC. This will also apply to any resurfacing or works on existing access points to the highway.

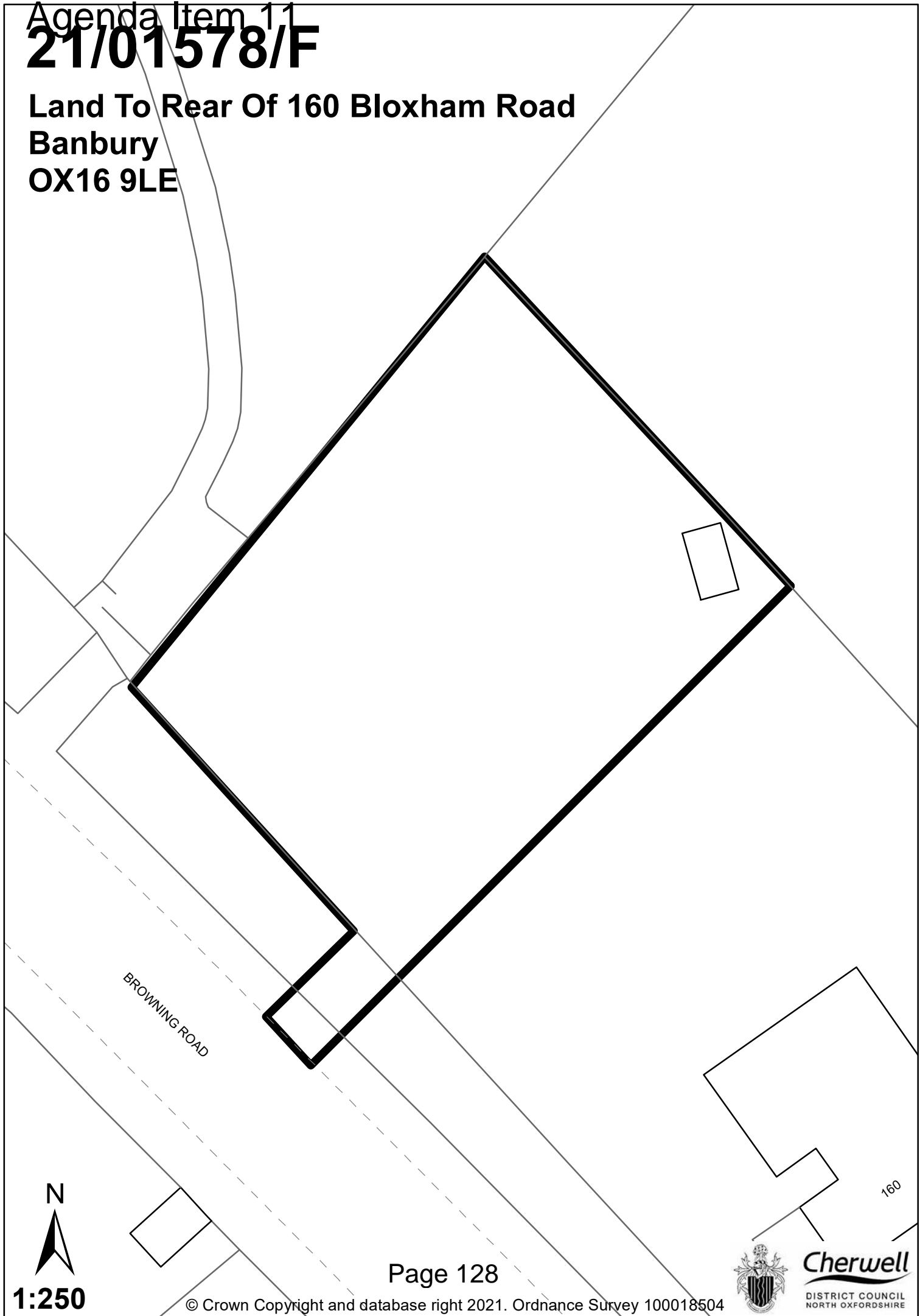
Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

- 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 and signed appropriately to the necessary standards/requirements. This includes 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.
- 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.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc. • A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in 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 and school peak hours.

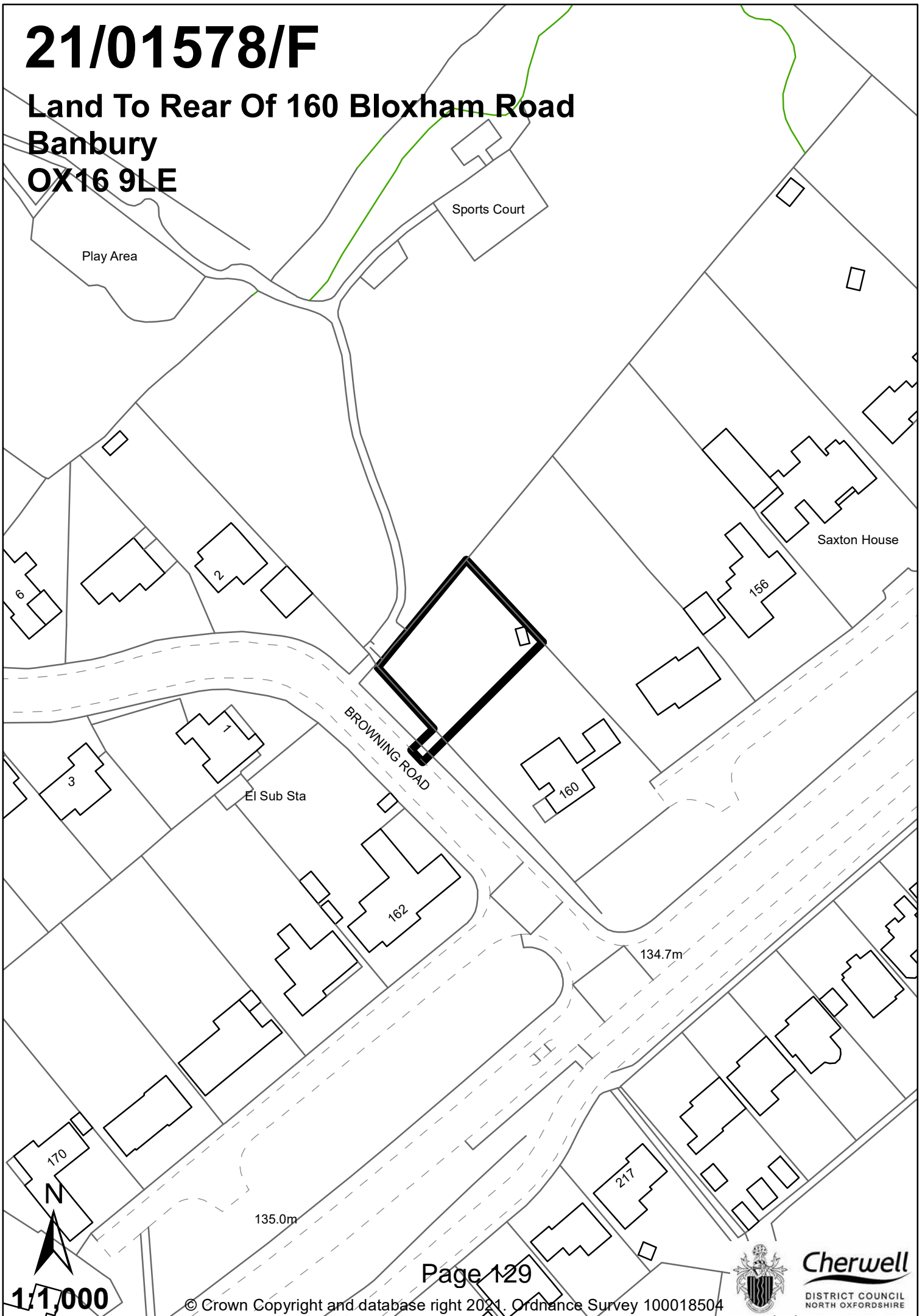
Agenda Item 11
21/01578/F

**Land To Rear Of 160 Bloxham Road
Banbury
OX16 9LE**



21/01578/F

Land To Rear Of 160 Bloxham Road
Banbury
OX16 9LE



Case Officer: Wayne Campbell

Applicant: Mr Adrian Mitson

Proposal: Erection of a new dwelling to the rear of 160 Bloxham Road

Ward: Banbury Calthorpe and Easington

Councillors: Councillor Clarke, Councillor Mallon and Councillor Mepham

Reason for Referral: Called in by Councillor Mallon for the following reasons:

- 1) Loss of amenity value for the residential neighbours;
- 2) The safety of this development close to the main junction of the A361 Bloxham Road as the entrance to this house would be on the bend of the Browning Road; and
- 3) Proximity to entrance of Browning Road Park

Expiry Date: 16 July 2021

Committee Date:

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in an established residential area of Banbury. The site is located in the rear garden of 160 Bloxham Road and fronts onto Browning Road. The site is surrounded on three sides by existing residential properties.
- 1.2. The northern boundary to the site is delineated by a closed boarded fence and Browning Road Park, to the south is the remaining area of the rear garden to 160 Bloxham Road which would be screened by a new fence outlining the edge of the application site. To the west is Browning Road onto which the site fronts while to the east is the rear garden of the neighbouring property of 158 Bloxham Road which is marked by a close boarded fence.

2. CONSTRAINTS

- 2.1 The site is located within the confines of Banbury Town Centre. To the north is the open area of Browning Road Park.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the development of part of the rear garden of 160 Bloxham Road with a single two-storey detached dwelling. The dwelling would front onto Browning Road with a new vehicular access point leading to a single garage attached to the side of the dwelling. The new dwelling would have five bedrooms.

3.2 The new dwelling would be positioned so as to face the south west and north east side of the site to provide an active frontage to Browning Road and the rear garden of the proposed plot.

4. RELEVANT PLANNING HISTORY

4.1 There is no planning history registered on this site.

5. PRE-APPLICATION DISCUSSIONS

5.1 The application was the subject of a pre-application enquiry under application reference 21/00575/PREAPP. Officers' advice was that the principle of development would be acceptable. Subject to the dwelling being constructed externally from brick and tiles and further details of the enclosure details, it was considered that the development would not cause harm to the character and appearance of the area. Providing that the dwelling does not have first floor windows facing towards 160 Bloxham Road, it was considered that the development would not cause harm to the amenity of neighbours. In terms of highway safety it was noted that the access would conflict with the existing street light on Browning Road and therefore it was stated that the applicant would need to pay the full costs for the re-location of the street light and subject to this it was considered that the development would not cause harm to the safety of the highway network.

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 **10 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2 A total of 46 letters of objection from local residents have been received on this application. The comments raised by third parties are summarised as follows:

- Loss of privacy to rear gardens
- Highway safety issue due to new access
- Will result in traffic congestion on dangerous bend
- Construction will cause significant disruption to access along Browning Road and in particular for users of the park including children, dog walkers and those less mobile
- Adverse impact on Local Park and parking by those using the park
- Area has a low density feel with large gardens and this development will be out of character
- Building too large for the site
- Already plenty of new builds in the area this one is not needed
- Contrary to adopted Policy, Cherwell Residential Design Guide and NPPF
- Proposal will set a precedent for others
- Existing drainage in the area is poor and this will make the situation worse
- Contrary to land registry restrictions on site specifying land for 6 dwellings only therefore development conflicts with this covenant

- Impact on ecology with bats being recorded in the area
- development would lead to irreversible damage to the local fauna and flora of that park and surrounding area
- Will result in a loss of view
- Other applications in the area for the same type of development have been refused

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

7. RESPONSE TO CONSULTATION

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 BANBURY TOWN COUNCIL: **No objections**

OTHER CONSULTEES

7.3 OCO HIGHWAYS: **No objection** subject to conditions.

7.4 NATIONAL GRID: No comments received

7.5 SOUTHERN GAS NETWORK: No comments received

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
- 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
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

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
- Highway implications
- Ecology
- Sustainable Construction

Principle of Development

9.2 Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.* Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.*

9.3 This application seeks planning permission for a single dwelling in the top part of the rear garden of 160 Bloxham Road, Banbury. CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. The application site is located within the built-up area of Banbury Town and as such the development of a new dwelling here accords with the Council's housing strategy. This is not, however, to suggest that planning permission is guaranteed for the re-development of the site as paragraph B90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our*

residents. As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

Residential Amenity

Policy Context

- 9.4 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. Policy ESD15 of the CLP 2015 highlights, amongst other things, that new development should *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*. Further advice is provided in the Cherwell Residential Design Guide which states that under the *principles for amenity space that a minimum distance of 22 metres back to back between properties should be maintained, a minimum of 14 metres distance is required from the rear elevation to two storey side gable and for first floor habitable room windows a minimum distance of 7 metres must be maintained between the development and neighbouring properties*.
- 9.5 The Cherwell Residential Design Guide (2017) states that a minimum distance of 22m back to back, between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable. First floor habitable room windows must not be within 7m of neighbouring property.

Assessment

- 9.6 The proposed new dwelling is located in the top part of the rear garden of 160 Bloxham Road and backs onto the rear garden of the neighbouring property of 158 Bloxham Road. The boundary between the site and the rear garden of this neighbouring property is marked by a 1.8 metre high close boarded fence and limited landscaping on both sides. The distance between the rear elevation of the new dwelling and the shared boundary is approximately 9 metres while the distance between the side elevation of the new dwelling and the rear elevation of 160 Bloxham Road is stated as 22 metres.
- 9.7 In response to officers' concerns and in order to safeguard the amenity of the neighbouring property the applicant has redesigned the internal arrangement of the rear bedroom to ensure that the main windows on the rear elevation would serve an en-suite bathroom and a walk-in wardrobe and would be fixed with obscure glazed windows with further windows providing views towards the park to the north and not over the rear garden of the neighbouring property. There would be other windows facing the neighbouring property such as the stairwell and a further rear bedroom. However, these windows are set further back away the shared boundary. No windows in the new dwelling would face directly towards the neighbouring property of 158 Bloxham Road or towards the existing property of 160 Bloxham Road and although it is accepted that there would be a bedroom window facing towards the bottom section of the rear garden of 158 Bloxham Road the distance involved is that normally observed in an urban development such as the area. Furthermore, a condition will be attached to any permission granted to remove permitted development rights for extensions and alterations which may result in new windows and / or doors closer to the neighbour's boundary than in the current proposal.

Conclusion

- 9.8 As such it is considered that the development will not result in any significant loss of privacy to warrant a reason to refuse the application. The proposals would comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Design, and Impact on the Character of the Area

Policy Context

- 9.9 Government guidance contained within the NPPF requiring good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.10 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.11 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 ensuring a high-quality design.
- 9.12 Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.13 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

- 9.14 As noted earlier in this report, the proposed dwelling would front onto Browning Road. This section of Browning Road is characterised by two-storey dwellings with front gable projections and many maintain tile hanging as a design feature on the front and rear elevations. The design of the proposal has picked up these design features and has incorporating the gable projections on the front and rear elevations as well as the use of the tile hanging as a design feature. As such in terms of design / appearance the proposal will not appear out of place in terms of appearance and design.
- 9.15 In terms of orientation the existing dwellings along Browning Road and all roads leading off Browning Road dwellings front onto the public highway. As such, and although it is accepted that this proposal is located in the rear garden of 160 Bloxham Road the position of the dwelling fronting onto Browning Road would appear in character as a natural addition to the street scene.
- 9.16 While the proposal would result in the development of a rear garden of a Bloxham Road property, and there are no other examples of such development in the vicinity, the proposal would be accessed off Browning Road rather than Bloxham Road and would have a direct road frontage. It is noted that an objection to the scheme has been received citing that the development would set a precedent for other in-fill plots in the area and that this would have a detrimental impact on the character of the

area. However, all applications are considered on their own merits and just because a scheme is considered acceptable in one location does not then mean that all other applications should be approved.

Conclusion

- 9.17 For the reasons set out above, the proposal development would not cause harm to the character and appearance of the area. The proposal therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF and the advice in the Cherwell Residential Design Guide.

Highway Implications

Policy Context

- 9.18 Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe places to live and work in. 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

- 9.19 Browning Road is the access to a relatively large area of residential development as well as providing a link between the A361 Bloxham Road and the B4035 Broughton Road. For this reason, Browning Road could carry a steady flow of traffic throughout the day. In addition, the application site is located alongside the Browning Road Park and that one of the pedestrian accesses to the park is approximately 20m along Browning Road, to the north-west, from the proposed site entrance. This park is large in scale and offers many facilities, so is expected to be well used by the public. As there are no parking restrictions in place on this part of Browning Road and it is apparent that cars will regularly park in this vicinity, presumably to use the park entrance in the main.
- 9.20 With regards to this proposal the application seeks a single access driveway onto Browning Road which would lead to a single garage attached to the side of the new dwelling. The local highway authority (LHA) initially raised an objection regarding the issue of visibility splays onto Browning Road as a result of parked cars visiting the park. This objection was clearly contrary to the advice the LHA provided to the pre-application enquiry and planning officers sought further clarification on this change in view from the LHA. In considering the access arrangement further the LHA accepted that Manual for Streets (sect. 7.8.5) states that “*Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice*”. Given that the application is for a single dwelling and, therefore, the number of vehicle movements would be low, it is considered that the restricted visibility caused by parked vehicles is not a sufficient reason for an objection on the grounds of highway safety and the LHA has withdrawn its objection

to the proposals. The application site is also positioned on the outer edge of the bend of Browning Road and therefore allows for a greater view in terms of vision along Browning Road. From a pedestrian safety point of view regarding visitors to the park the view is that as the wide grass verge between the site boundary and the footway allows good visibility there is no concern raised by the Highway Engineers.

Conclusion

- 9.21 It is therefore considered that, subject to a condition requiring a turning area in the site, there is no highway to refuse the application in terms of highway safety. For these reasons, the development proposal is an acceptable form of development in terms of highway safety and parking provision. The development therefore complies with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2015.

Ecology

Policy Context

- 9.22 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.
- 9.23. 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.*
- 9.24. 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.
- 9.25 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.
- 9.26. 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

9.27 Concerns have been raised as part of the objections to this application that the development would have an adverse impact upon the ecology in the area and in particular as bats have been seen in the area during evenings. It is accepted that evidence has been provided by residents to show bats in the immediate area of the site one evening and in considering the position of the local park to the immediate north and the mature trees and open space in the park the presence of bats during the evening is not surprising. However, the site does not contain any trees or features where bats are likely to roost and the development of the site for a single dwelling is unlikely to result in any significant impact on the bats foraging within this area during evenings.

Conclusion

9.28 For these reasons it is considered that in this instance, although no ecology assessment has been carried out on the site nor required, the development of a single dwelling would not result in any adverse impact on any ecology within the immediate area to warrant a refusal and the proposal therefore accords with Policy ESD10 of the CLP 2015 in this regard, as well as relevant Government guidance in the NPPF.

Sustainable Construction

Policy Context

9.29 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.*

9.30 Policy ESD 3 of the CLP 2015 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

- 9.31 The new dwelling would be located in an east – west orientation which with the dining room / kitchen to the rear of the property being served by both side windows and main windows / doors on the rear elevation this living room area would be served by light from the east and south during the day. This would allow for natural light to this habitual room. As a new build the development would need to comply with the current building regulations which will ensure that the development would be built to a high standard of sustainable build. Notwithstanding this it is considered that a condition should be added to ensure that the development has a higher level of water efficiency than required in the Building Regulations as required under Policy ESD 13.

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 The development seeks planning permission for a single dwelling to be provided at the top half of the rear garden to 160 Bloxham Road. In terms of location the application site is located within Banbury town confines surrounded by existing residential properties and as such represents a sustainable location for this type of development. For this reason, the principle of a dwelling in this location is considered acceptable.
- 10.3 The design of the dwelling would respect the character of the existing dwellings along Browning Road in terms of scale and appearance. Furthermore, position within the plot and internal room designs and use of obscure glazing would ensure that the impact of the development in terms of any loss of privacy is kept to a minimum and would not exceed that normally found in the urban area.
- 10.4 Access to the dwelling would be off Browning Road via a single access driveway. Concern had been expressed that due to the position of the pedestrian access to the Browning Road Park immediately adjacent to the plot and the bend in the road that the access would represent a highway safety issue. The LHA has no objections to the proposals and is therefore concluded that there are no highway reasons to refuse this application from a highway safety point of view.

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)

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference number 001 Rev A, 002 Rev A, received 04/05/2021 and amended plans reference 003 Rev B and 004 Rev B received 24/06/2021.

Reason: To clarify the permission and for the avoidance of doubt.

Materials

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.

Access and Turning

4. Details of a turning area to be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles and including surfacing and drainage details shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Construction Method Statement

5. No development shall take place, 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 routeing 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;

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.

Boundary Treatment

6. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, 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.

Obscure Glazing

7. The window(s) in the rear elevation serving the en-suite shower and the walk in wardrobe to master bedroom shall be obscurely glazed, using manufactured obscure glass (at least Level 3 only and not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy 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.

Permitted Development

8. Notwithstanding the provisions of Classes A-E (inclusive) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse or erection of outbuildings shall take place.

Reason: Given the close proximity to surrounding development, to ensure visual and residential amenity is safeguarded and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework

Sustainable Development

9. The dwelling shall not 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.

Agenda Item 12
21/01852/F

**14 Beatrice Drive
Banbury
OX16 0DT**



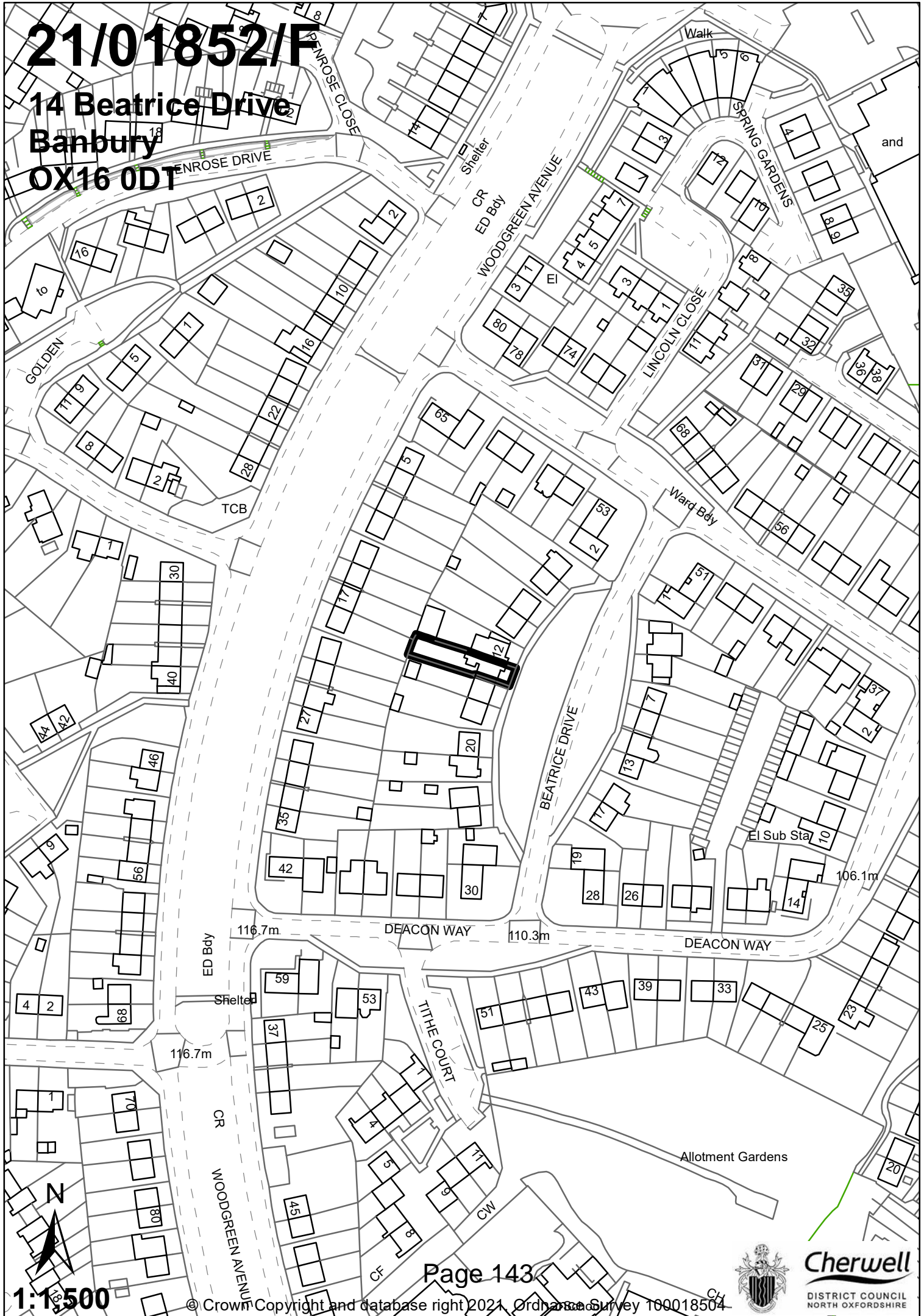
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21/01852/F

14 Beatrice Drive
Banbury
OX16 0DT



Case Officer: John Gale

Applicant: Mr Imran Khan

Proposal: Remodelled/enlarged single storey rear extension

Ward: Banbury Ruscote

Councillors: Cllr Richards, Cllr Woodcock and Cllr Cherry

Reason for Referral: Application submitted by a member of staff or Councillor of CDC acting as agent, advisor or consultant

Expiry Date: 20 July 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a terraced dwelling in the urban confines of Banbury.
- 1.2. The mid-terrace dwelling was likely built in the post-war period and it is constructed from brick with uPVC fenestrations and a concrete tile roof.

2. CONSTRAINTS

- 2.1. The application site is not within a designated Conservation Area and there is no public access to the rear of the dwelling.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for a replacement flat roofed, single storey, rear extension.
- 3.2. The proposals would extend the existing 5.3m deep extension by around 0.5m in depth. The width of the existing extension would be enlarged, but not the full width of the property, with a 1.5m gap to the boundary. The height of the flat-roofed enlargement would be 3.0m, matching the height of the existing extension.
- 3.3. The extension would be constructed from materials to match the existing dwelling.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

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 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 **25 June 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. Banbury Town Council: **No objections**

CONSULTEES

7.3. None

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 in 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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity

Design, and impact on the character of the area

Legislative and policy context

9.2 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

9.3 Saved Policies C28 and C30 of the adopted CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.

9.4 Policy ESD15 of the CLP 2031 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.

Assessment

9.5 The proposals would be wholly to the rear of the building and would not impact upon the character of the street scene. Whilst flat-roofed extensions are normally advised against, as the existing roof is flat-roofed and there would be no impact on the wider street scene, given the rear location, it is therefore considered acceptable in this instance.

9.6 The proposed extension is only slightly larger than the existing rear extension and it is considered to be in proportion to the original, modestly sized, dwelling.

Conclusion

9.7 The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Residential Amenity

Legislative and policy context

9.8 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 2031 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.

Assessment

- 9.9 The proposals would extend out 1.0m deeper than the existing extension at the neighbouring property 13 Beatrice Drive which has a 4.5m deep existing extension. The centre of the nearest opening on the rear elevation of the extension at No.13 is approximately 1.5m from the boundary and the proposed extension would not impact to this nearest window serving living accommodation. Given the minor additional enlargement of the depth of the structure here would be no harm to outdoor amenity of the neighbouring residents of No.13 who enjoy the benefits of a generous garden space.
- 9.10 On the other side there would be a gap of around 1.5m to the 1.8m boundary fence with the neighbouring property 15 Beatrice Drive. Despite the 5.5m depth and 3.0m height of the proposals, which would impact upon the 45-degree line from the nearest windows at the rear of No.15, the gap of 1.5m and the boundary treatment would soften the impact to neighbouring amenity. As a fallback a 3m high flat-roofed extension could be constructed along the boundary to a depth of 3m under permitted development, this would have a greater impact upon the amenity of the residents. Given the significant gap to the boundary and the fallback position it is considered that the impact would be acceptable from the proposals.

Conclusion

- 9.11 The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Based on the assessment above, the proposal complies with the relevant Development Plan policies and guidance listed at Section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW:

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.

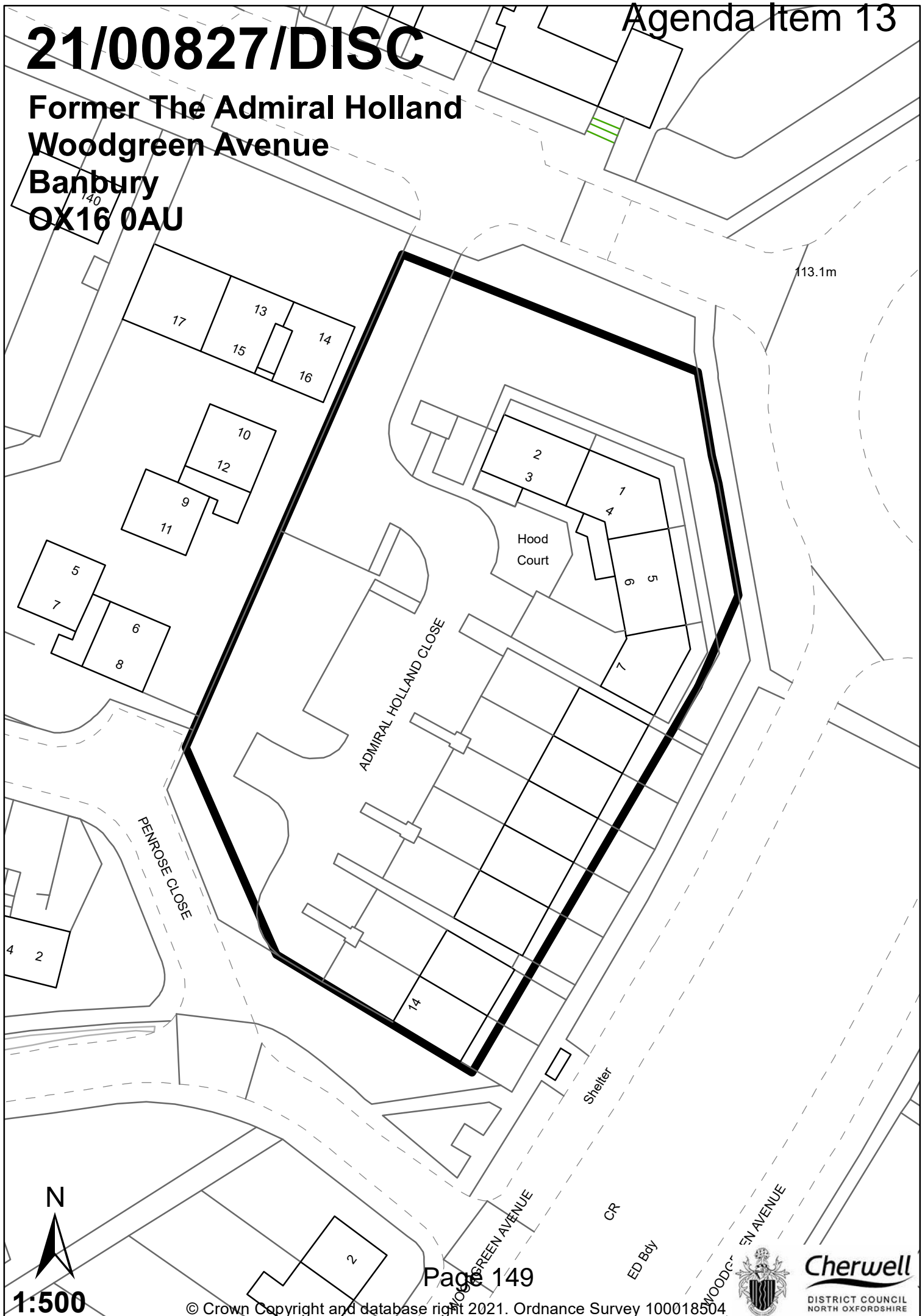
Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans P.01 and SLP1.

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

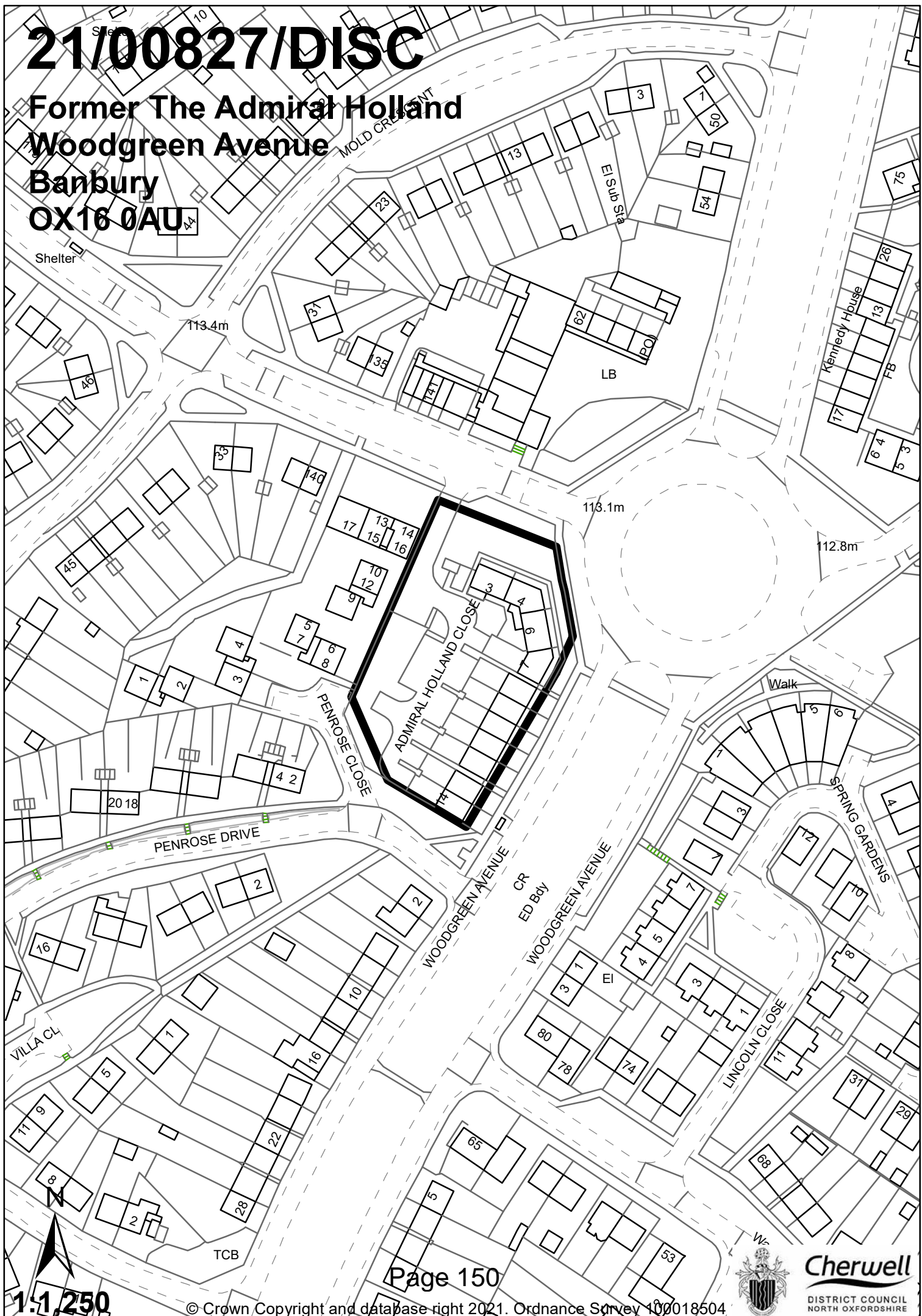
21/00827/DISC

**Former The Admiral Holland
Woodgreen Avenue
Banbury
OX16 0AU**



21/00827/DISC

Former The Admiral Holland
Woodgreen Avenue
Banbury
OX16 0AU



Case Officer: James Kirkham

Applicant: Mr Peter Meadows

Proposal: Discharge of Condition 11 (Landscaping Scheme) of 18/01591/CDC

Ward: Banbury Ruscote

Councillors: Councillor Cherry, Councillor Richards and Councillor Woodcock

Reason for Referral: Application affects Council's own land

Expiry Date: 6 May 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: DISCHARGE CONDITION 11 (LANDSCAPING SCHEME) OF 18/01591/CDC

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. The application relates to the site of the former Admiral Holland public house in Banbury. It is situated to the south of The Fairway and to the west of Woodgreen Avenue adjacent to the roundabout. Planning consent 18/01591/CDC allowed for the erection of 8 houses and 6 flats on the site which have now been completed.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1 Condition 11 of 18/01591/CDC required that the hard and soft landscaping should be carried out in accordance with the approved landscaping plans unless otherwise agreed in writing under a separate discharge of condition. The current application seeks permission to vary the approved landscaping scheme slightly. The main changes are:

- Changes to the planting to the front of the flats in the northern part of the site to allow a small grass front garden to be formed.
- Omission of a new laurel hedge to the eastern and part of the southern boundary alongside the existing palisade fence.
- Re-siting of the footpath at the vehicle access to the car park. This footpath link is now proposed to be placed to the front of the flats to the east of the vehicular access.

3. RELEVANT PLANNING HISTORY

3.1 The following planning history is considered relevant to the current proposal:

18/01591/CDC - Proposed development of 8 No houses and 6 No flats – Permitted

19/00209/DISC - Discharge of Conditions 4 (sustainable construction), 5 (architectural details), 9 (boundary treatment) and 10 (external lighting) of 18/01591/CDC – Permitted

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO CONSULTATION

5.1 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.

CONSULTEES

5.2 CDC LANDSCAPE: **No objections.**

6. APPRAISAL

6.1 The current application seeks approval for an amended hard and soft landscaping scheme. The revised landscaping scheme is very similar to the approved landscaping scheme for the site which only minor changes as outlined above and the Council's landscape officer has raised no objections to the proposed changes.

6.2 The omission of the laurel hedgerow on the western boundary would be mitigated to a large extent by the mature trees which exist and have been retained on this boundary and help reduce the visual impact of the existing palisade fence which exists on this boundary.

6.3 The changes to the front garden areas of the flats in the north eastern part of the site are viewed across the large grass verge which exists to the front of the site and so have a very limited impact on the appearance of the scheme.

6.4 The relocation of the footway away from the vehicular access to the site has come about due to the proximity of the formerly approved footpath to an existing mature tree which is located close to the vehicular access. The current proposal has moved the proposed footway out of the root protection area of this tree and still provides a footpath link between the new development and the local amenities (including shop etc) which exists immediately to the north of the site on the opposite side of The Fairway. This change is therefore considered to be acceptable.

6.5 Overall, therefore, Officers consider the changes to the hard and soft landscaping would be acceptable and would acceptably integrate the development into the surrounding built environment.

7. RECOMMENDATION

THAT CONDITION 11 (LANDSCAPING SCHEME) OF 18/01591/CDC BE DISCHARGED

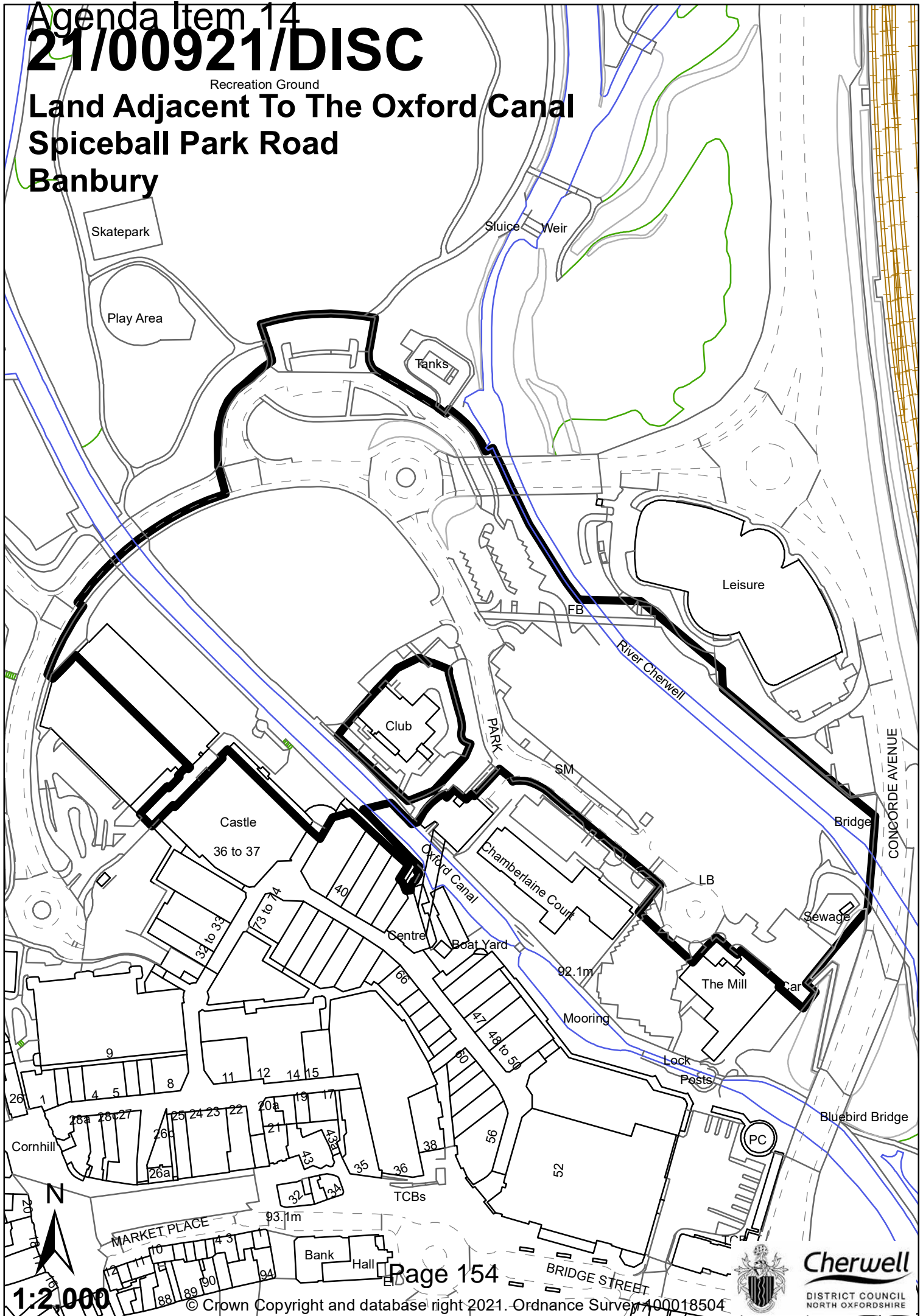
As shown on Drawing number LANDP001 Rev 13. The hard landscape shall be carried out in accordance with the approved details prior to the first occupation of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 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.

Agenda Item 14 21/00921/DISC

Recreation Ground

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



Skatepark

Play Area

Sluice Weir

Tanks

Leisure

River Cherwell

CONCORDE AVENUE

Bridge

Castle

36 to 37

40

Centre

Boat Yard

Oxford Canal

PARK

SM

Chamberlaine Court

LB

Sewage

The Mill

Car

Mooring

Lock

Posts

Bluebird Bridge

Cornhill

MARKET PLACE

Bank

Hall

Page 154

BRIDGE STREET

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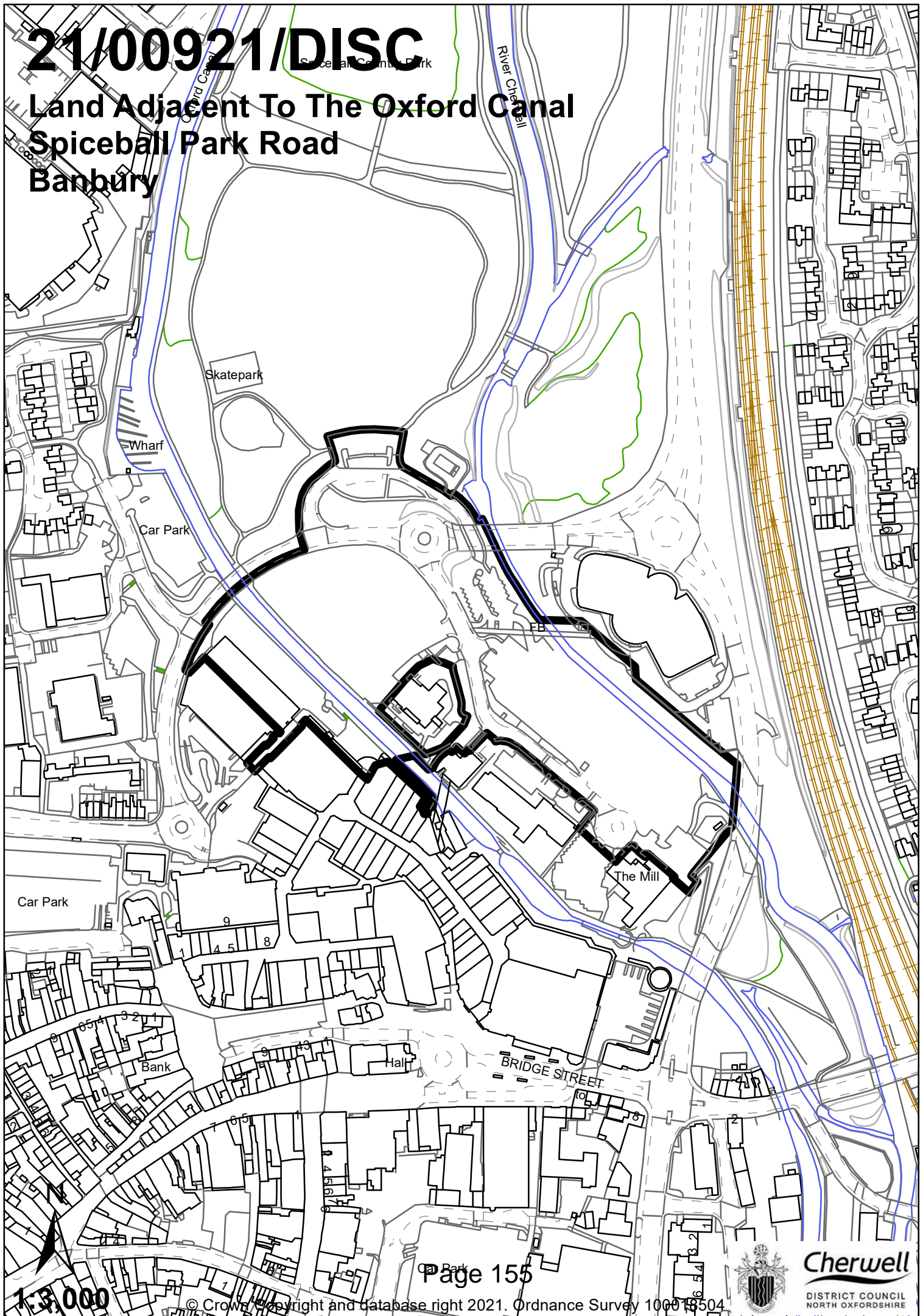
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/00921/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of condition 3 (External Lighting) 7 (Landscape Management Plan) 10 (Flood Management Plan) 12 (Shopping Trolley Parking) of 17/00284/REM

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson, and Councillor Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 11 May 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: THAT CONDITIONS 3 (EXTERNAL LIGHTING), CONDITION 10 (FLOOD ACTION/EVACUATION) AND CONDITION 12 (SHOPPING TROLLEY PARKING) BE DISCHARGED. IN RESPECT OF CONDITION 7 AN UPDATE ON THE RECOMMENDATION FOR THIS CONDITION WILL BE PROVIDED TO THE COMMITTEE

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the currently under construction Castle Quay 2 site at the rear of the Castle Quay Shopping Centre, in Banbury Town Centre. The development consists of 3 blocks housing different uses, parking and other associated development.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. The application seeks to discharge the following conditions:

- Condition 3 (External Lighting);
- Condition 7 (Landscape Management Plan);
- Condition 10 (Flood Management Plan); and
- Condition 13 (Shopping Trolley Parking).

3. RELEVANT PLANNING HISTORY

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

17/00284/REM – Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved

16/02366/OUT - Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified. Approved

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was **28 June 2021**, although comments received after this date and before finalising the report have been taken into consideration.
- 4.2. No comments have been received from third parties.

5. RESPONSE TO CONSULTATION

- 5.1. 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.
- 5.2. CDC Landscaping: Additional information has been requested in respect on the Landscape Management Plan. *Officer comments: Noted, an update on the additional information required will be provided to the Committee.*
- 5.3. OCC Local Lead Flood Authority: No response received.

6. OFFICER APPRAISAL

Condition 3 – External Lighting

- 6.1. Condition 3 requires:
'Prior to the installation of any external lighting on any part of the development hereby approved, full details of the proposed external lighting including its hours of usage, shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the external lighting shall be carried out and retained in accordance with the approved details.'
- 6.2. The application has provided a site lighting document that includes a site layout with location of the lighting to demonstrate where external lighting will be located. Due to the scale of the site, various methods of lighting are proposed across the site. These

methods include lit bollards, lighting columns, pathway lights, LED strips, wall lights and up-lighters.

- 6.3. The design has taken account of sensitivities such as where lighting is proposed near to the canal, LED strip lights to provide pedestrian visibility without projecting artificial light onto the canal.
- 6.4. Additionally, decorative lighting such as column mounted projectors and tree uplighters within the public realm are proposed.
- 6.5. Within the remainder of the site, a mixture of brick lights to the stairs cases, ground-up lighters to trees and planting areas area proposed with bollard lighting being used along key pedestrian routes.
- 6.6. All lighting will be the subject of a dusk until dawn controller and time switch, with lighting be provided for approximately 10 hours a day.

Condition 7 – Landscape Management Plan

- 6.7. Condition 7 requires:
'Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.'
- 6.8. The application submission includes a Soft-Landscape Works Maintenance & Management Plan, with a strategy for 'Year 1' and also a 10-year management schedule.
- 6.9. The Landscape Officer has commented that whilst the information provided is useful, it does not contain all of the details necessary to meet the requirements of the condition. As such, further information has been requested. The Local Planning Authority is expecting this information imminently. As such, an update on the recommendation in respect of this condition will be provided to the Committee.

Condition 10 – Flood Action and Evacuation

- 6.10. Condition 10 requires:
'Prior to the first use of the car parks hereby approved a flood action/evacuation policy and plan for the car parks shall be submitted to and approved by the Local Planning Authority.'
- 6.11. The Flood Risk Management Plan provides a flood risk map. The risk map confirms the area's most at risk of flooding include the Block C car park under the Cherwell Drive Road bridge.
- 6.12. Should flood risk arise, the management plan confirms that a series of 'triggers' are to be considered ahead of the car parks being closed, including duty managers receiving flood alerts/warnings and regular monitoring of the nearby flood gauge

during severe downpours. Should the flood risk persist, duty managers would proceed with setting up appropriate signage at the car park entrance to advise the public. Site security will also be kept updated to monitor and manage the process, to ensure all staff and members of the public are alerted and kept safe.

- 6.13. Whilst there is flood risk within the car parking areas, as this is not a particularly sensitive use such as residential homes, the use of the trigger system is considered sufficient.

Condition 12 – Shopping Trolley Parking

- 6.14. Condition 12 requires:

'Prior to the first use of the foodstore details of the proposed parking arrangements for shopping trollies and any click and collect facility shall be submitted to and approved by the Local Planning Authority and thereafter maintained and notwithstanding the provisions of Classes B and C of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and its subsequent amendments, the arrangements shall not be altered without the prior express planning consent of the Local Planning Authority.'

- 6.15. The submission includes details of the proposed trolley storage and position adjacent to the supermarket entrance, next to the disabled parking bays. The trolley storage will be an enclosed glass shelter, with stainless steel bollards and brick paving. The design is consistent with the particular supermarket brand and other supermarket locations.

- 6.16. Overall, the trolley parking details are considered acceptable.

7. RECOMMENDATION

- 7.1 It is recommended that Conditions 3 (External Lighting), Condition 10 (Flood Action/Evacuation) and Condition 12 (Shopping Trolley Parking) all be discharged in respect to the following information:

Condition 3 (External Lighting)

2099-20-RP01 Soft Landscape Works Maintenance and Management Proposal

Condition 10 (Flood Action/Evacuation)

Flood Management Plan

Condition 12 (Shopping Trolley Parking)

CQ2-LJA-CO-00-DR-A-04314 Ground Floor Plan

CQ2-LJA-CO-00-DR-A-34630 Trolley Bay Setting Out Plan

UK-R6-RMMO-01 Lidl Shopping Trolley Enclosure

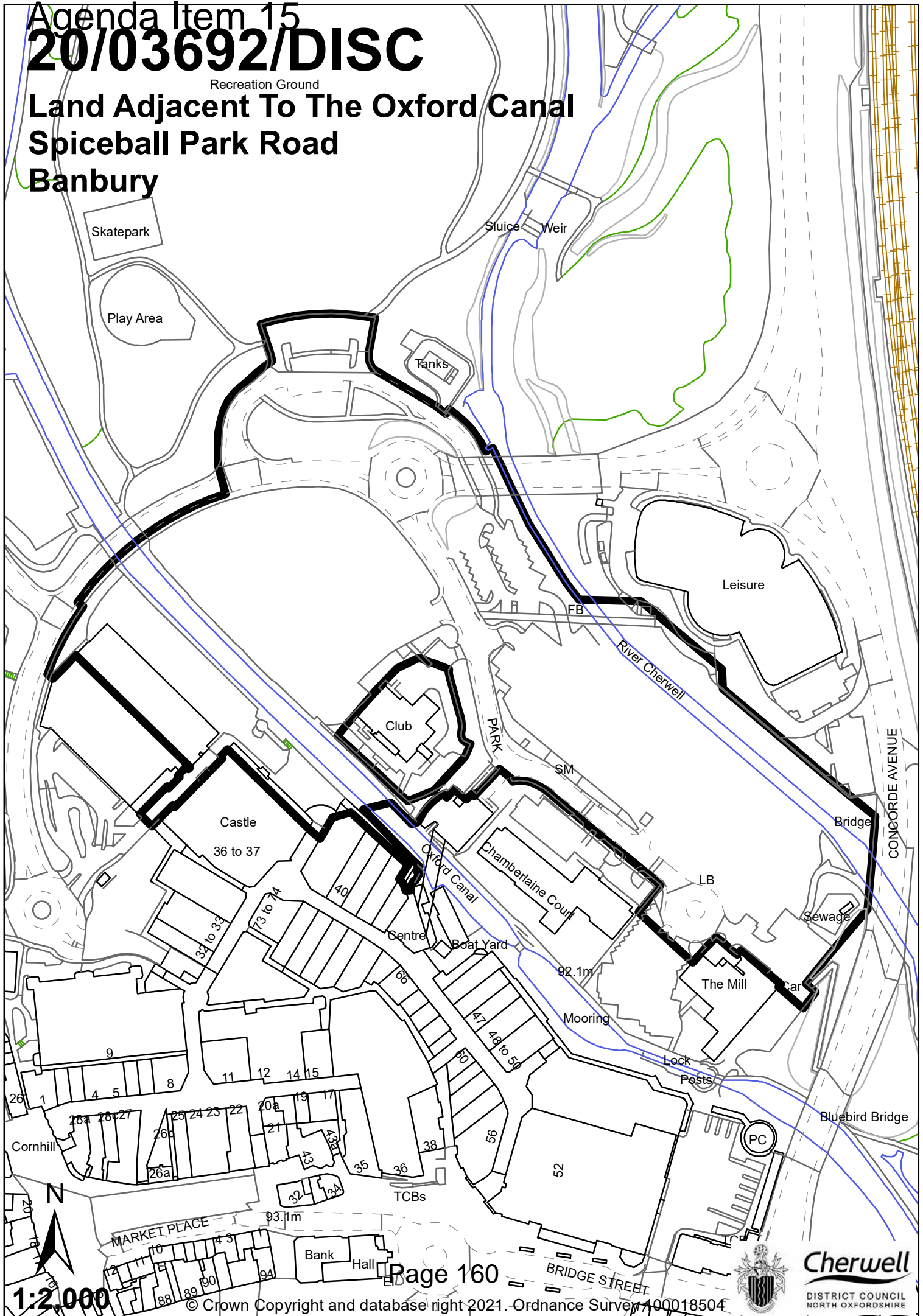
UK-R6-RMMO-02 Lidl Shopping Trolley Enclose

- 7.2 In respect of Condition 7, an update on the recommendation for this condition will be provided to the Committee.

Agenda Item 15 20/03692/DISC

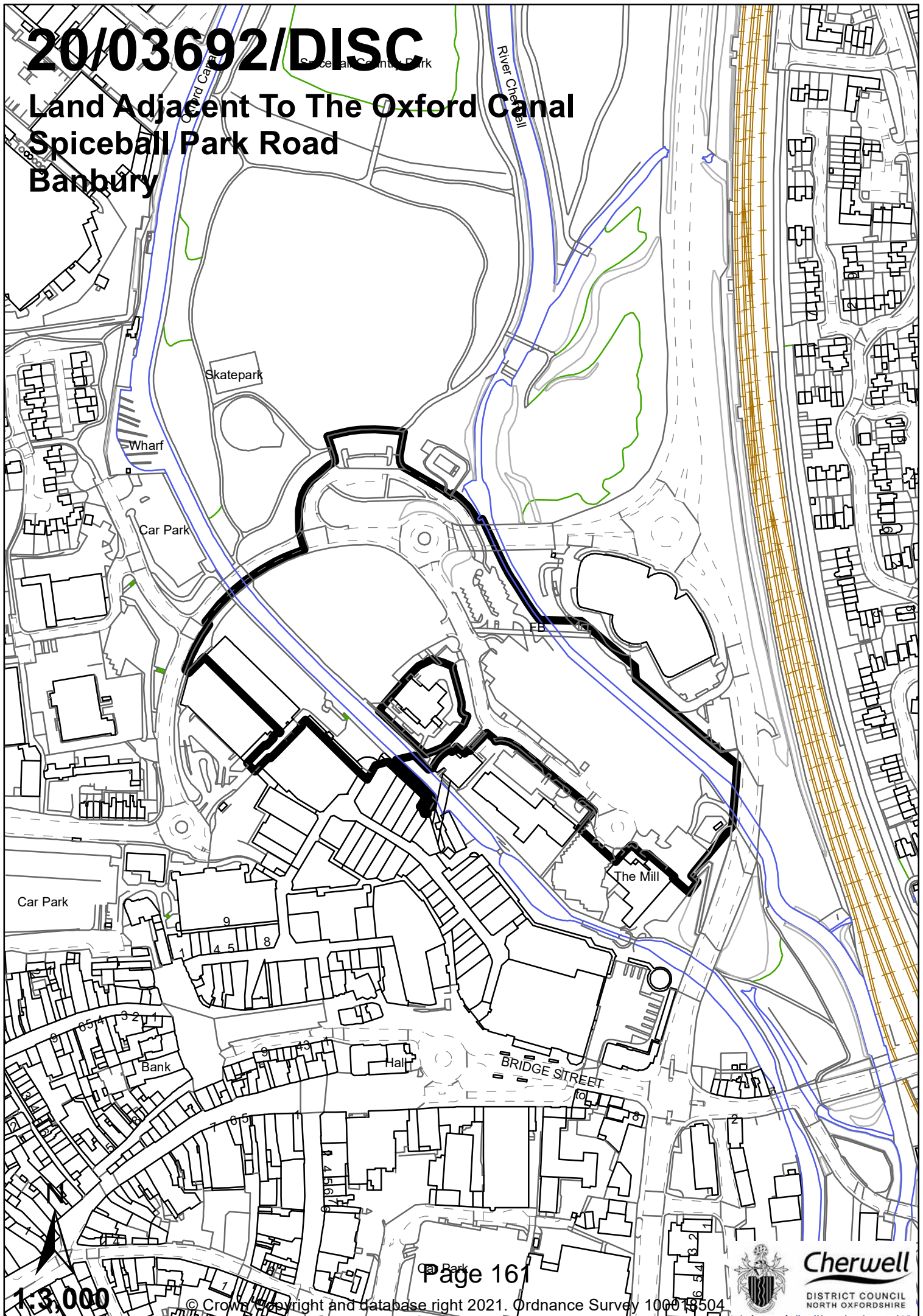
Recreation Ground

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



20/03692/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



1:3,000



Case Officer: Samantha Taylor

Applicant: Ian Wallace

Proposal: Discharge of Condition 9 (Car Park Payment Strategy) for Block B of application 17/00284/REM

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson, and Councillor Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 17 February 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. The application site is the currently under construction Castle Quay 2 site at the rear of the Castle Quay Shopping Centre, in Banbury Town Centre. The development consists of 3 blocks housing different uses, parking and other associated development.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard, a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.

2.2. The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal which interacts with the River Cherwell and its tributaries upstream of the site.

3. RELEVANT PLANNING HISTORY

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

17/00284/REM – Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved.

16/02366/OUT - Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to

maximum deviations in block and Condition 9 to be removed as no longer justified. Approved.

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site 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 **5 February 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 4.2. One objection has been raised by a third party and is summarised as follows:
 - Unclear what method of payment the machines will take;
 - Desire for cash to be a method of payment;
 - Concern with charging for parking due to problems with the retail sector currently.
- 4.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal.

5. RESPONSE TO CONSULTATION

- 5.1. 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.

CONSULTEES

- 5.2. CDC Landscape and Parking Team – No response received.

6. APPRAISAL

- 6.1. Condition 9 of approved application 17/00284/REM requires an acceptable car parking payment strategy. This application relates to the multi-storey car park at Block B of the Castle Quay 2 development.
- 6.2. The application was originally considered by this Committee at the meeting on 11 March 2021. Unfortunately, a technical error resulted in some plans being missed from the file. As such, the proposal appeared to relate solely to the multi-storey element of Block B. The additional plans are now available and relate to the entirety of the site.

- 6.3. As such, the application is returned to Members for determination/reaffirmation of the acceptability of the details for the development proposals.
- 6.4. The information submitted includes a Skidata Car Parking System document. Within this document the drawings submitted include a layout plan of each level of the car parking, the location of the payment machine, access barriers and the type of payment machine. In addition, brochure details of the types of machine and access barriers are provided in the document. This confirms what type of payment the machine would take.
- 6.5. The proposal includes details of two types of machine being proposed, one which accepts both cash and card payments (skiosk Smart Parking) and the other which is cashless (skiosk Lite Parking).
- 6.6. The machines are to be located in close proximity to pedestrian access points, such as near the lifts or stairs. The proposed details are considered appropriate providing a suitable parking payment strategy. A mix of both the Smart Parking and Lite Parking Machines have been used across the development site. The quantity and location of the machines is considered to provide sufficient access to the payment machines for users of the car parking facilities.

7. RECOMMENDATION

- 7.1. That planning condition 9 of 17/00284/REM be discharged based upon the following information pack:

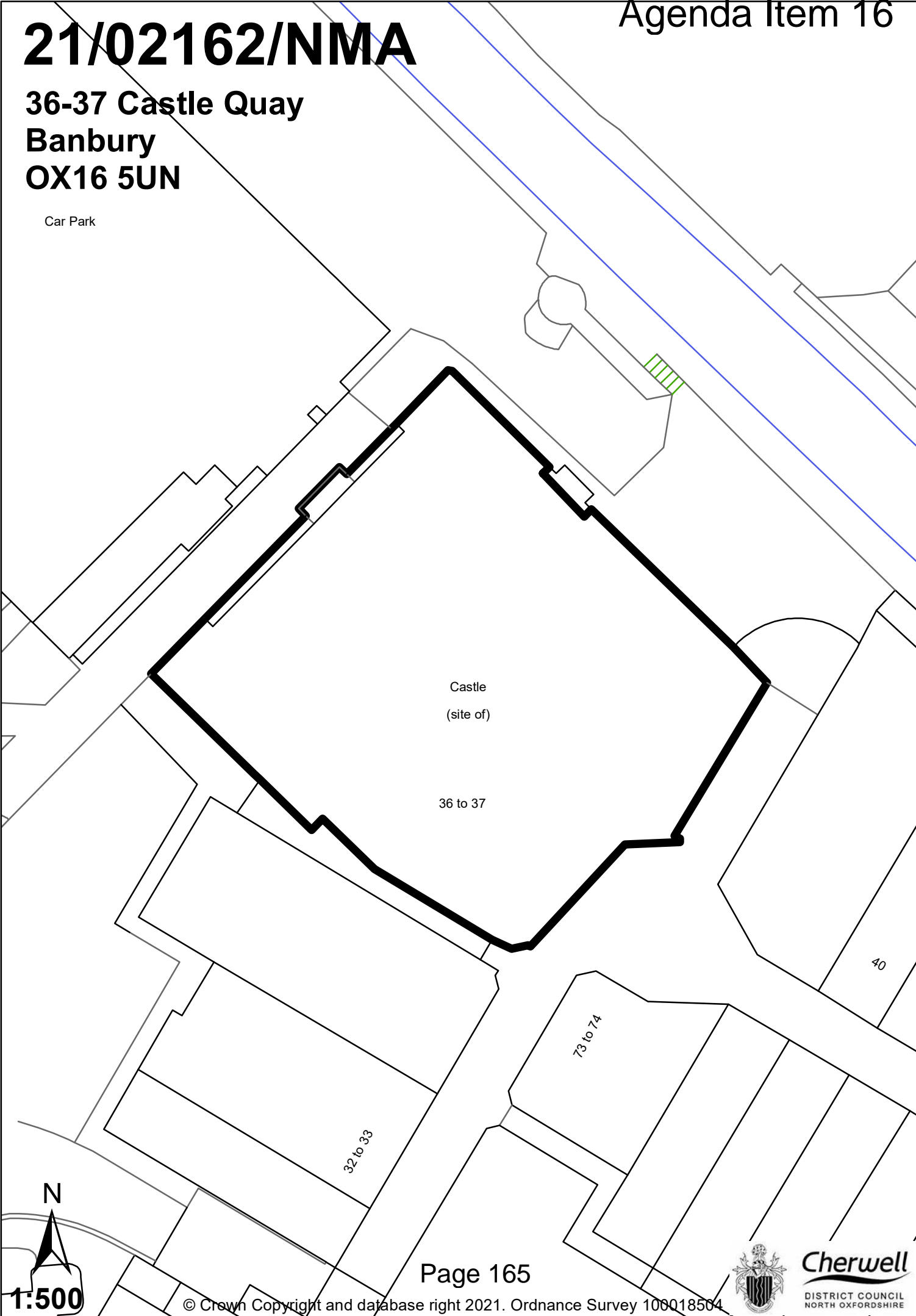
Condition 9 – Car Parking Payment Strategy

Skidata Car Parking System Tech Sub Proposal, dated 23.10.20

21/02162/NMA

**36-37 Castle Quay
Banbury
OX16 5UN**

Car Park



Castle
(site of)

36 to 37

32 to 33

73 to 74

40

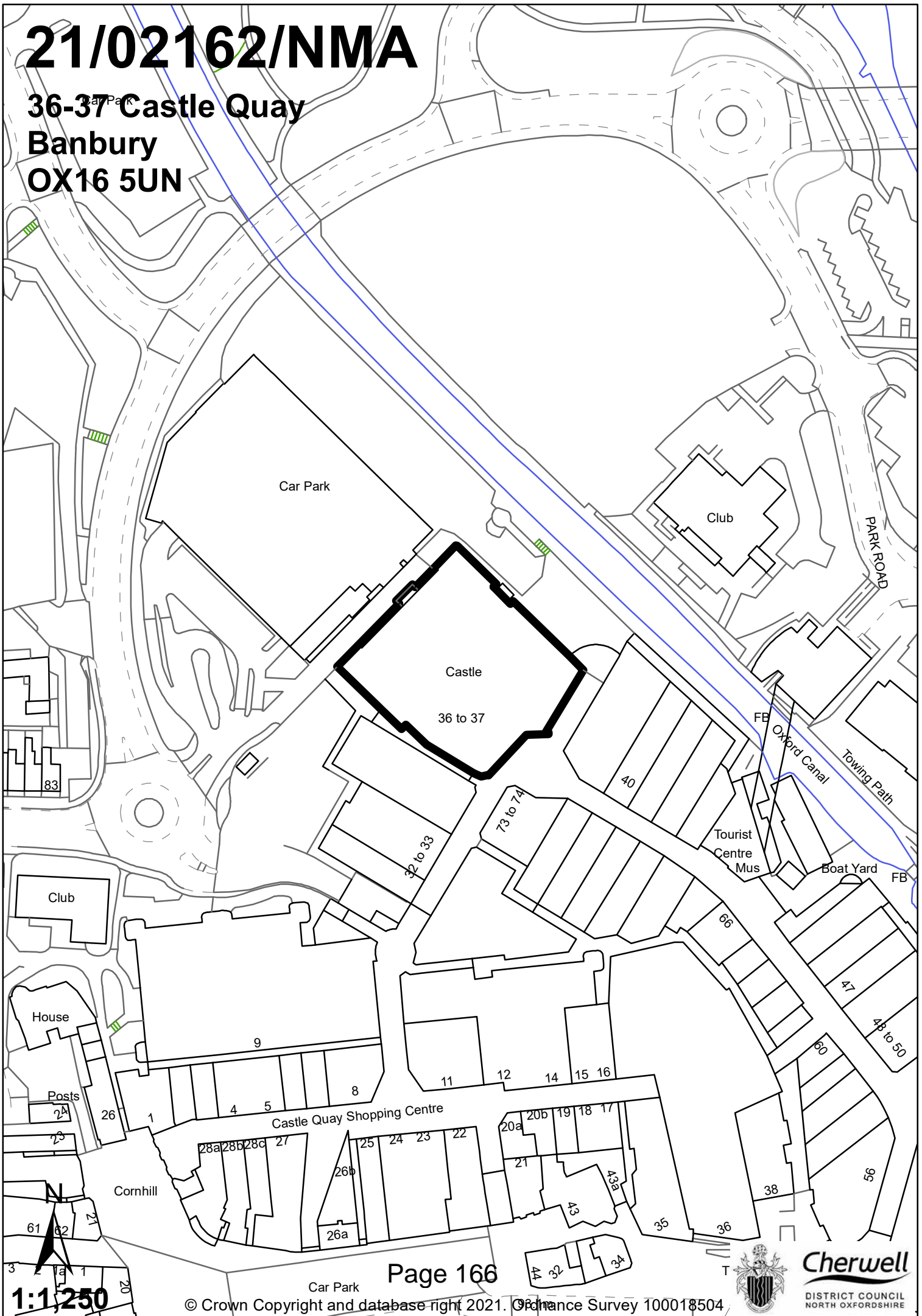
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21/02162/NMA

36-37 Castle Quay
Banbury
OX16 5UN



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Amendment to Lock 29 canal front elevation to replace two existing windows with bi-folding doors (proposed as non-material amendment to 19/01478/CDC)

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson, and Councillor Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 19 July 2021

Committee Date: 15 July 2021

SUMMARY RECOMMENDATION: THE PROPOSAL IS CONSIDERED A NON-MATERIAL AMENDMENT AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of the Castle Quay Shopping Centre, specifically Units 36-37. The application proposes amendments to the Lock 29 Canalside frontage, adjacent to the hotel which is currently under construction.
- 1.2. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

- 2.1 The Banbury Canal Conservation Area lies immediately to the northwest of the application site and Flood Zone 2 lies immediately to the north and northwest of the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks confirmation as to whether the amendment sought – altering 2 glazed openings to provide bi-fold doors for additional access constitutes a non-material amendment to the earlier application 19/01478/CDC through which planning permission was granted for the change of use at ground floor level from A1 with ancillary A3 space to a sui generis/mixed use comprising A1, A3, A4, A5, D1 and D2 uses.
- 3.2. There is no change of use or additional quantum of development sought through the application.

4. RELEVANT PLANNING HISTORY

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

19/01658/CDC – New plant, ventilation louvres, downpipes and drainage – Approved.

19/01478/CDC – Change of use from A1 with ancillary A3 to a sui generis/mixed use (at ground floor only) comprising use classes A1, A3, A4, A5, D1 and D2. New Toilet provision for Staff. – Approved.

19/00535/CLUP – Certificate of lawfulness for proposed development, internal works for the relocation of public toilet provision to a new location within the existing shopping centre and external alterations – Approved.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. As the application is for a non-material amendment, publicity is not required and no public comments have been received.

7. RESPONSE TO CONSULTATION

7.1. As the application is for a non-material amendment, public consultation is not required. No consultation responses have been received.

8. OFFICER APPRAISAL

8.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.

8.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: *“A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material”. It is also stated that: “In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”.*

8.3. The National Planning Practice Guidance states that: *“There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application”.* The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the

development as a whole, not just part of it. The benchmark for forming an assessment on materiality is always the original permission.

- 8.4. The proposed amendments detailed above would not affect the scale or general form of the buildings as previously approved. It is considered that, whilst the revised opening details, as set out in the application would affect the external appearance of the proposed development, the amendment would not introduce any further considerations above those previously assessed and considered acceptable when granting the original permission.
- 8.5. The amendments set out within the application would not be to the detriment of the overall quality of the development as approved and they could be considered non-material amendments in the context of the development as a whole.

9. RECOMMENDATION

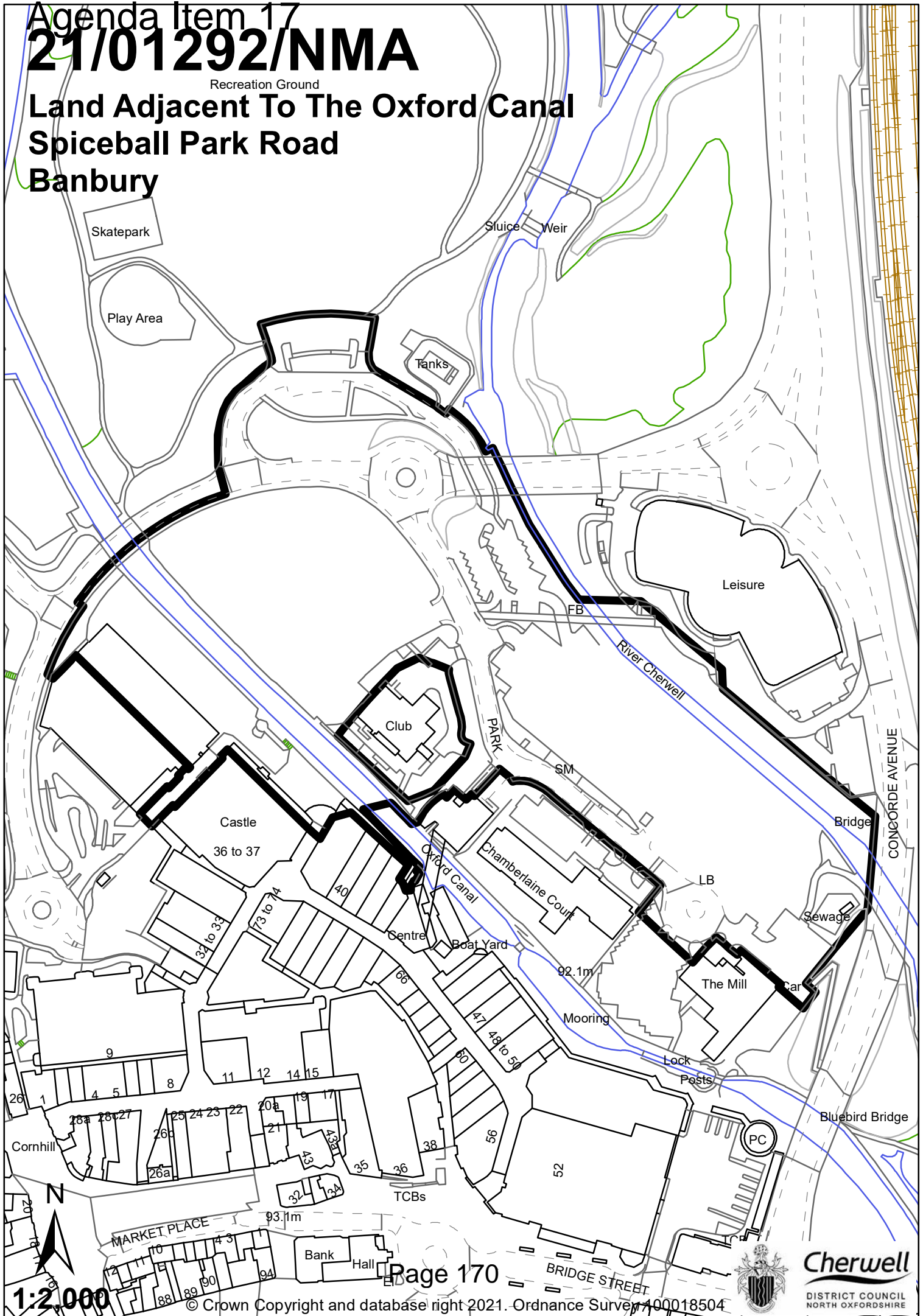
- 9.1 The proposal is considered to be non-material and the application is therefore recommended for **APPROVAL** as described above and in accordance with the drawing number:

Banbury CQ1 Lock 28 Bifolding door proposal – Proposed Plan and Elevation, 3787 AP(01) 001 Revision P01

Agenda Item 17 21/01292/NMA

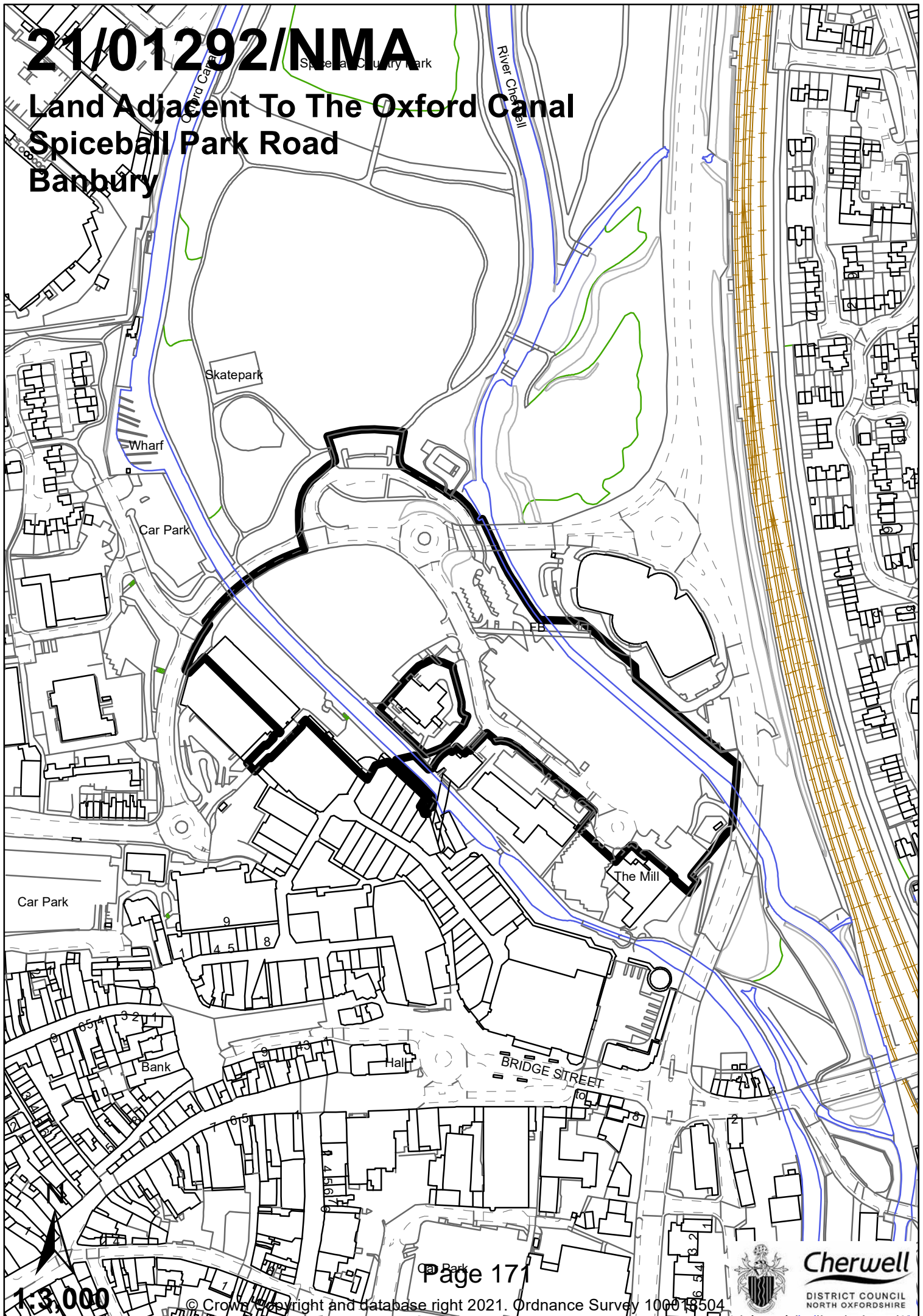
Recreation Ground

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/01292/NMA

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Design amendments relating to: the addition of access stairs and handrails by the substation (Block C); the erection of a fence and gate to enclose the substation (Block C); additional louvres on the Block C elevation; the addition of a staircase located near to Block A to provide access to the canal (proposed as non-material amendment to 17/00284/REM)

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson, and Councillor Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 10 May 2021

Committee Date: 15 July 2021

SUMMARY RECOMMENDATION: THE PROPOSAL IS CONSIDERED A NON-MATERIAL AMENDMENT AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the currently under construction Castle Quay 2 site, at the rear of the Castle Quay Shopping Centre, in Banbury Town Centre. The development consists of 3 blocks housing differing uses, parking and other associated development.

2. CONSTRAINTS

- 2.1. The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard, a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.
- 2.2. The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal, which interacts with the River Cherwell and its tributaries upstream of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks confirmation as to whether the proposed amendments sought constitute a non-material amendment to the earlier Reserved Matters Approval.

3.2. The following changes are sought:

- The addition of access stairs and handrails by the substation (adjacent to Block C)
- The erection of a fence and gate to enclose the substation (adjacent to Block C)
- Additional Louvres on the supermarket elevation (Block C)
- The addition of a staircase located near to Block A to provide access to the canal

4. RELEVANT PLANNING HISTORY

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

17/00284/REM – Reserved matters application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved

16/02366/OUT – Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified. Approved.

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. As the application is for a non-material amendment, advertisement of the application is not required. No comments have been received from third parties.

7. RESPONSE TO CONSULTATION

7.1. As the application is for a non-material amendment, advertisement of the application is not required. No comments have been received from any consultees.

8. OFFICER APPRAISAL

- 8.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.
- 8.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: *“A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material”. It is also stated that: “In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”.*
- 8.3. The National Planning Practice Guidance states that: *“There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application”.* The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming an assessment on materiality is always the original permission.
- 8.4. The proposed amendments detailed above would not affect the scale or general form of the buildings as previously approved. It is considered that, whilst the revised provision of 2 additional staircases, fencing, gate and louvres, as set out in the application would affect the external appearance of the proposed development, the amendment would not introduce any further considerations above those previously assessed and considered acceptable when granting the original permission. The amendments as set out within the application are considered not to be to the detriment of the overall quality of the development as approved and that they could be considered non-material amendments in the context of the development as a whole.

9. RECOMMENDATION

- 9.1. The proposal is considered to be non-material and the application is therefore recommended for **APPROVAL** as described above and in accordance with drawing numbers:

Block C Foodstore General Arrangement Level 00 407-RM-C-P-000-Rev 5

Block C Foodstore General Arrangement Level 00 (2of2) 407-RM-C-P-002-Rev 6

Block C Foodstore General Arrangement Level 01 407-RM-C-P-100 Rev 6

Block C Foodstore General Arrangement Level 01 (Sheet 2 of 2) 407-RM-C-P-102-Rev 6

Block C Foodstore General Arrangement Level 01 (Sheet 2 of 2) 407-RM-C-P-200-Rev2

Block C Foodstore General Arrangement Roof Plan 407-RM-C-P-300-Rev 6

Block C Foodstore Elevations 407-RM-C-E-110-Rev 6

South East and North West Cladding Elevations-GL C01 to C09/GL C08 to C09 C)-
00-DR-A-20634_Rev C4

Block A Hotel Proposed Ground Floor/Level 01 Plan 407-RM-A-P-100-Rev 5

Option drawing for stair to canal level CQ2-LIA-D0-00-DR-A-01085

Technical Submission – Kingfisher Ventilation Louvres

Agenda Item 18

Cherwell District Council

Planning Committee

15 July 2021

Appeal Progress Report

This report is public

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 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

20/01902/Q56 – Barns, Crockwell House Farm, Manor Road, Great Bourton - Change of use of existing farm buildings into a single residential dwelling (use class C3).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 10.06.2021

Statement Due: 15.07.2021

Decision: Awaited

Appeal reference – 21/00018/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 29 June – Inquiry adjourned until 13 July for closing submissions

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

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

20/00871/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

20/02592/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

20/03542/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

3.4 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: Tuesday 16 November 2021

Decision: Awaited

Appeal reference: 21/00008/ENF

3.5 Forthcoming Public Inquires and Hearings between 16 July 2021 and 12 August 2021

None

3.6 Results

Inspectors appointed by the Secretary of State have:

1. **20/02717/HPA – Dismissed the appeal by Mr A Speight against the refusal of Householder Prior Approval for 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. 4 Summer Ley, Barford St Michael, Banbury, OX15 0RG.**
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00014/REF

The Inspector considered the main issue to be whether the development would accord with the provisions of Part 1, Class A of the above Order with regard to the requirement in criterion (j).

The Inspector agreed with the Council that the proposed extension would be attached to a previous side extension and as such would not constitute permitted development, and accordingly dismissed the appeal.

2. **20/02504/F – Dismissed the appeal by Mrs N Locke against the refusal of Planning Permission for Single storey front extension. 11 The Holt, Mollington, OX17 1BE.**
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00016/REF

The main issue, identified by the Inspector, was the impact the single storey extension would have on the street scene.

The Inspector observed that the properties on Chestnut Road and The Holt “are in general harmony with each other and have a homogenous architectural design, which contributes positively to the local distinctiveness of the area”. The Inspector concluded that the proposal would result in a prominent incongruous feature that would cause significant harm to the character and appearance of the area.

The Inspector was not convinced by the appellant’s argument that the topography of the site meant that the extension would not be overly prominent or that there were other front extensions within the vicinity that created a precedent. The porches and garage extensions identified were not of a similar scale to what has been proposed and therefore not as conspicuous or harmful.

Based on this assessment, the appeal was therefore dismissed.

3. **20/00805/F – Dismissed the appeal by Mr and Mrs Holdsworth against refusal of Planning Permission for Demolition of existing dwelling, demolition of existing outbuildings/structures, erection of replacement dwelling and new outbuilding containing a garage, residential annexe and associated landscaping. Highway House, Park Road, Hook Norton, OX15 5LR**
Officer recommendation – Refusal (Delegated)
Method of determination: Written Representations
Appeal reference – 20/00034/REF

The appeal relates to a proposal for the demolition of existing dwelling (Highway House), demolition of existing outbuildings/structures, erection of replacement dwelling and new

outbuilding containing a garage, residential annexe and associated landscaping. The appeal proposal is identical to an approved proposal, but for the increase in footprint and massing of the outbuilding, now proposed as a residential annexe together with garaging.

The Inspector noted the main issue as the effect of the appeal proposal on the character, appearance and landscape of the surrounding area, including whether the development would preserve or enhance the character or appearance of the Hook Norton Conservation Area.

The Inspector made a judgement, contrary to the view of Officers, that the site is within the built limits of the village, albeit on its edge. This was based on the nearness of Highway House to its neighbours, its position between the properties to the north and south and the shared access along the lane.

In determining whether the size of the annexe is appropriate, the Inspector compared it to Rose Cottage to the west. The Inspector noted that the annexe would be deeper and wider than Rose Cottage and the new dwelling and annexe when viewed together would be significantly larger than most other properties in the locality. The Inspector considered that the size of the annexe, its relationship with the approved house and their combined prominence would appear incongruous and out of character.

In assessing the landscape impact, the Inspector considered that the relationship of the scheme and the landscape would be little changed from the previous, due the similar locations of the buildings (inferred as the proposed dwelling and proposed outbuilding) within the appeal site. Therefore in this regard no conflict with CLP Policies ESD13, ESD15 (in part), saved LP Policy C28 and Policy CC1 of the Hook Norton Neighbourhood Plan (2015) (NP) was considered.

Despite the absence of landscape harm, the Inspector concludes that the overall size and location of the annexe together with the approved dwelling would not conform to the pattern of development in the locality, would not reinforce local distinctiveness, nor respect the overall character of the conservation area. She adds that this would lead to less than substantial harm to its significance.

The demolition of the existing outbuildings was not previously proposed. The Inspector considered that the demolition of existing outbuildings – which was not previously proposed – would to a degree offset the impact of the additional volume of the enlarged annexe and would remove unsightly development. However, she noted that they are seen as impermanent garden structures and are not as prominent from public areas as the outbuilding would be. She added that the annexe would be a significantly more substantial structure in an open area of the site that would be clearly visible from the public domain and the open land beyond the dwelling – thus failing to preserve the visual amenities of the conservation area, without public benefit. The Inspector therefore concluded that the proposal would conflict in part with CLP Policy ESD15 and Policy CC2 of the HNNP.

The appeal was subsequently dismissed.

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 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

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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