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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 10 February 2022
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 Mike Bishop
Councillor Tony Illott
Councillor Richard Mould
Councillor Barry Richards
Councillor Douglas Webb
Councillor Bryn Williams

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

AGENDA

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

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

- 3. Requests to Address the Meeting**

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

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

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

4. **Minutes** (Pages 5 - 55)

To confirm as a correct record the Minutes of the meeting of the Committee held on 13 January 2022.

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 consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. **OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury**
(Pages 58 - 88) **21/03644/OUT**
9. **Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield** (Pages 89 - 114) **21/02286/F**
10. **Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA** (Pages 115 - 132) **21/01580/F**
11. **Former Rodney House Private Drive off Graven Hill Road, Ambrosden** (Pages 133 - 143) **21/01454/F**
12. **Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester** (Pages 144 - 149) **21/03976/DISC**

Review and Monitoring Reports

13. Appeals Progress Report (Pages 150 - 158)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

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 221534 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 / Aaron Hetherington, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Wednesday 2 February 2022

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 13 January 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
Councillor Maurice Billington
Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Colin Clarke
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 Sean Woodcock

Substitute Members:

Councillor Richard Mould (In place of Councillor Simon Holland)

Apologies for absence:

Councillor Simon Holland
Councillor Dorothy Walker

Officers:

Alex Chrusciak, Senior Manager - Development Management
Andy Bateson, Team Leader – Major Developments
Wayne Campbell, Principal Planning Officer
Sarah Greenall, Planning Officer – Householder Plus Team
David Lowin, Principal Planning Officer (Major Projects Team)
Rebekah Morgan, Principal Planning Officer
Nat Stock, Minors Team Leader
Samantha Taylor, Principal Planning Officer
Emma Whitley, 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 at former RAF Bicester, Bicester, Oxfordshire OX26 5HA.

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.

10. Former Rodney House, Private Drive off Graven Hill Road, Ambrosden.

Councillor Ian Corkin, Non Statutory Interest, as a Non-Executive Director of Graven Village Holding Company and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration advising that he would leave the room for the discussion on deferral/site visit as he had lobbied the Committee regarding these subjects.

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. Pakefield House, St Johns Street, Bicester, OX26 6SL.

Councillor David Hughes, Declaration, as the applicant was known to him.

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

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

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

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

12. 7 Churchill Road, Kidlington, OX5 1BN.

Councillor Maurice Billington, Declaration, as he was an acquaintance of a neighbour to the application site and would speak as ward member and then leave the meeting so would not participate in the debate or vote on the item.

14. 32 Orchard Way, Bicester, OX26 2EJ.

Councillor David Hughes, Non Statutory Interest, as a neighbour of the application site was known to him.

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.

15. Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS.

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

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

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

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

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

16. Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX.

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

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

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

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

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

17. Claremont Car Park, Land at Victoria Road, Bicester OX26 6PH.

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

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

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

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

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

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

18. Kidlington Centre Car Park, High Street, Kidlington, OX5 2DL.

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

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

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

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

19. The Light Cinema, Spiceball Park Road, Banbury, OX16 2PQ.

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

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

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

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

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

112 **Requests to Address the Meeting**

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

113 **Minutes**

The Minutes of the meeting held on 2 December 2021 were agreed as a correct record and signed by the Chairman.

114 **Chairman's Announcements**

There were no Chairman's announcements.

115 **Urgent Business**

There were no items of urgent business.

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

Application 21/00549/F, The Foscote Clinic, 2 Foscote Rise, Banbury. OX16 9XP.

It was proposed by Councillor Reynolds and seconded by Councillor C Clarke that a site visit take place at The Foscote Clinic, 2 Foscote Rise, Banbury, OX16 9XP as the ground level between the hospital site and residential properties in Foscote Rise was not evident from the plans and could only be appreciated when viewed from the hospital site and the rear of the residential properties.

Resolved

- (1) That a site visit take place prior to the meeting at which application 21/00549/F, The Foscote Clinic, 2 Foscote Rise, Banbury. OX16 9XP will be considered by the Planning Committee.

117 **Land East of Larsen Road, Heyford Park**

The Committee considered application 15/01357/F for the erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping, associated ancillary works and infrastructure at Land East of Larsen Road, Heyford Park for Pye Homes Limited.

Nigel Pugsley, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 15/01357/F subject to:
 - i) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

Affordable Housing:

- 27 units to be delivered
- Affordable mix to be agreed with CDC
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.
- The selection of the RP who will take on the affordable units should be agreed with the Council.
- The Council are currently reviewing its Affordable Housing Policies following the Governments initiative on First Homes and the Ministerial Statement On 24th May 2021.

Household Waste Recycling Centres

- Expansion and efficiency of Household Waste Recycling Centres (HWRC)- a contribution of £8,362

Apprenticeships & Skills

- The submission of an Employment Skills and Training Plan which would state the target number of apprenticeships within it and will require that it also sets out the arrangements through which the apprenticeships will be provided.
- Provision of 4 apprenticeships

Conservation of heritage interests - financial contribution in the region of £300,000

Biodiversity enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum;-Financial contribution in the region of £225,000

Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure. -£76,896.

Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£73,414.96
- Outdoor Sport Provision-£179,515.67
- Community Hall Facilities-£118,260
- Public Art/Public Realm-£19,936
- Community Development Worker-£6,243.38.
- Allotments-£64,856 capital sum to build out allotments and £4,888.00 maintenance sum
- Cemetery Provision - tbc
- POS-maintenance for 15 years at £20.49 m2
- Tree/hedgerow maintenance for 15 years-£198.82 per tree/£20.49m2 hedge (to be measured)
- Combined LAP/LEAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £138,352.65
- Commuted sum for maintenance of watercourse and swales (for 15 years)- Total length of watercourse to be measured and multiplied by £116.98/m2/Swales £97.71 per m2
- Attenuation Pond-To be measured - £50.98 m2

Library-Funding of Bicester library-financial contribution-£9,559

Education:

- Primary and nursery education serving the development- £639,375
- Primary school land contribution-£60,158
- Secondary education capacity serving the development-£281,860
- SEN capacity serving the development-£37,757

Traffic and Transport

- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Undertaking Travel Planning initiatives;
- Contributions towards off site highway works to improve highway junctions,
- including safety improvements contribution to A4260/B4027;Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes, including Lower Heyford, Ardley, Somerton, North Aston, Chesterton, Kirtlington and Fritwell;

An obligation to enter into an S278 Agreement to secure highway works including site access onto Camp Road and a footway/cycleway connection to Chilgrove Drive.

CDC S106 Monitoring fee – TBC

OCC S106 Monitoring fee – TBC

- ii) The following conditions (and any amendments to those conditions as deemed necessary)-:

CONDITIONS

Statutory Time Limit (full)

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.

Approved Documents

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:

- Application forms,
- Planning Statement and Addendum including Heritage Statement Update and Affordable Housing Statement Update
- Landscape and Visual Impact Assessment and Addendum,
- Geophysical Survey,
- Transport assessment and Appraisal
- Design and Access Statement and Addendum,
- Update Ecology Appraisal
- Flood Risk Assessment (FRA) and Drainage Statement and drawings numbered:
 - Location Plan 2105 – 001
 - Proposed Site Plan 2105- 002 D
 - House Types Plan 2105- 004 D
 - Building Heights Plan 2105- 005 D
 - Parking, Cycle Store & Refuse Management 2105- 006 D
 - Frontages & Surveillance Plan 2105- 007 D
 - Affordable House Plan 2105 – 009 B
 - BBHouse Type Floor Plans 2105 – 015
 - BBHouse Type Elevations 2105 – 016
 - BBHouse Type Roof Plan & Section 2105- 017
 - BR House Type Floor Plans 2105- 018
 - BR House Type Elevations 2105- 019
 - BR House Roof Plan & Section 2105- 020
 - BBR House Type Floor Plans 2105- 021
 - BBR House Type Elevations 2105- 022
 - BBR House Type Roof Plan & Section 2105- 023
 - BKK HouseType Floor Plans 2105- 024
 - BKK HouseType Elevations 2105- 025
 - BKK HouseType Roof Plan & Section 2105- 026
 - BK2K2B House Type Floor Plans 2105- 030
 - BK2K2B House Type Elevations 2105- 031
 - BK2K2B House Type Roof Plan & Section 2105- 032

- BKKR House Type Floor Plan 2105- 033
- BKKR House Type Elevations 2105- 034
- BKKR House Type Roof Plan & Section 2105- 035
- 6XF (flats)House Type Ground Floor Plan 2105- 043 A
- 6XF (flats)House Type First Floor Plan 2105- 044
- 6XF (flats)House Type Elevations 2105- 045
- 6XF (flats)Roof Plans& Section 2105- 046
- Dashwood House Type Floor Plan 2105- 047
- Dashwood House Type Elevations 2105- 048
- Dashwood House Type Roof Plan & Section 2105- 049
- Winnersh House Type Floor Plans 2105- 050
- Winnersh House Type Elevations 2105- 051
- Winnersh House Type Roof Plan & Section 2105- 052
- Richmond House Type Floor Plans 2105- 053
- Richmond House Type Elevations 2105- 054
- Richmond House Type Floor Plan & Section 2105- 055
- BR2 House Type Floor Plans 2105- 056
- BR2 House Type Elevations 2105- 057
- BR2 House Type Roof Plan & Section 2105- 058
- 8KB House Type Floor Plans 2105- 059
- 8KB House Type Elevations 2105- 060
- 8KB House Type Roof Plan & Section 2105- 061
- BKKKKB House Type Floor Plans 2105- 065
- BKKKKB House Type Elevations 2105- 066
- BKKKKB House Types Roof Plan & Section 2105- 067
- KeKeBB House Type Floor Plans 2105- 068
- KeKeBB House Type Elevations 2105- 069
- KeKeBB House Type Roof Plan & Section 2105- 070
- KeKeKK House Type Floor Plans 2105- 071
- KeKeKK House Type Elevations 2105- 072
- KeKeKK House Type Roof Plan & Section 2105- 073
- BuBu House Type Ground Floor Plan 2105- 074 A
- BuBu House Type Elevations 2105- 075
- BuBu House Type Roof Plan & Section 2105- 076
- Dashwood 2 House Type Floor Plans 2105- 077 A
- Dashwood 2 House Type Elevations 2105- 078 A
- Dashwood 2 House Type Roof Plan & Section 2105- 079 A
- Hard Landscape Plan 9712L.HLP.004 Rev A
- Proposed Site Access [within Transport Appraisal] 16413-01 C
- Drainage Strategy Plan 4388-LETC-ICS-XX-RP-C-07.001 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.

Submission of further matters-prior to commencement (CPDA required)

3. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- The siting, layout and design of the proposed treatment plant
- A proposed scheme of access for pedestrians and cyclists to Larsen Road
- An energy statement demonstrating how all the dwellings will achieve a 19% reduction in carbon emissions above Part G of the building regulations and a water efficiency of not more than 110 litres/person/day.

Reason: - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority. In the interests of creating sustainable new development in accordance with the requirement of policies ESD1, ESD2, ESD3, ESD4, and ESD5 of the Cherwell Local Plan 2011-2031 and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

Schedule of Materials-prior to commencement

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates 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 schedule.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development 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.

Landscaping Scheme-prior to commencement

5. This permission shall specifically exclude the planting details shown on Planting Plan ref 9712L.PP.001-Rev A and prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - a. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c. details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Maintenance of planting

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

Reason: 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.

Landscape Management Plan-prior to occupation

7. 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, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Open Space and Play Areas-prior to commencement

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP and LEAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance

with the approved details and retained at all times as open space and play space.

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

Boundary Enclosures-prior to commencement

9. This permission shall specifically exclude the details of the boundary treatment and full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

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

Landscape and Ecological Management Plan (LEMP)-prior to occupation

10. 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.

Construction of roads and paths-prior to commencement

11. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cycle paths including construction, surfacing, layout, drainage, and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

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

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

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

- Standard of Construction - prior to occupation**
13. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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.

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

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

- Access Details-Prior to commencement**
15. Prior to the commencement of the development hereby approved, full details of the main access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the main access the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1m above carriageway level.

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

Travel Information Pack-prior to occupation

16. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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

Sustainable Drainage Details Required (SUDS)-prior to commencement

17. Prior to first occupation of any dwelling, the approved drainage system shall be implemented in accordance with the approved Detailed Design as set out in the Flood Risk Assessment and Drainage Statement Letchmere Green, Heyford Park, Upper Heyford - Doc Ref: 4388-LETCH-ICS-XX-RP-C-07.001_Rev_B Date: July 2021.

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.

Sustainable Drainage Management-prior to first occupation

18. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Reason : To ensure 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 Environmental Management Plan (CEMP) –prior to commencement

19. 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.

Construction Environmental Management Plan (CEMP) for Biodiversity – Prior to commencement

20. No development shall take place (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) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

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.

Badgers Mitigation – Prior to commencement

21. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Details of Lighting – prior to commencement (CPDA/ecologist)

22. Details of the 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 and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety 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.

Biodiversity Enhancement – prior to development commencing

23. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the

Cherwell Local Plan 2011 – 2031 Part 1 y and Government guidance contained within Section 15 of the National Planning Policy Framework.

NSP licence required conditions

24. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR94.

25. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

26. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

Land Contamination Desk Study / Site Walkover-prior to commencement

27. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place

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

Reason: To ensure that 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 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation-prior to commencement

28. If a potential risk from contamination is identified as a result of the work carried out under condition 27, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

Land Contamination Remediation Scheme-prior to commencement

29. If contamination is found by undertaking the work carried out under condition 28, 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 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.

Land Contamination Remediation Scheme

30. If remedial works have been identified in condition 29, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 29. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Land Contamination Remediation Scheme (EA recommendation)

31. 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.

TWU water infrastructure-prior to occupation

32. No 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 development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

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Land at former RAF Bicester, Bicester, Oxfordshire OX26 5HA

The Committee considered application 21/01224/OUT an outline planning application for Automotive Experience Quarter comprising Commercial, Business and Services uses (Class E), Light Industrial (Class B2), Local Community and Learning Uses (Class F) and vehicle circuits (Sui Generis) with all matters reserved aside from that of access) at Land at former RAF Bicester, Bicester, Oxfordshire. OX26 5HA for Bicester Motion.

It was proposed by Councillor Broad and seconded by Councillor Sibley that consideration of application 21/01224/OUT be deferred to allow for a full environmental impact assessment of the whole site to take place.

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

The Committee was advised that Councillor Wood had registered to speak on this application as ward member but since the agenda was published and as reported in the written update, the District Wards covered by the application were amended to Launton and Otmoor only. As Councillor Wood was ward member for Fringford and Heyfords, he was no longer entitled to speak on the application as ward member.

Martin Arroyo representing Stratton Audley Parish Council addressed the Committee in objection to the application.

Dan Geoghegan, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Broad that application 21/01224/OUT be refused as English Heritage had made a very serious objection and that the reserved matters condition should be removed. There was no seconder to this proposal and the motion fell.

It was proposed by Councillor Reynolds and seconded by Councillor C Clarke that application 21/01224/OUT be approved in line with the officer recommendation but subject to an additional condition for the final wording of conditions 24 and 25 to be agreed in consultation with the Chairman of Planning Committee prior to any planning consent being issued.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01224/OUT subject to:
- i) The completion of archaeological trial trenching and recording.
 - ii) Public transport matters (including ensuring required connectivity of services)
 - iii) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):
 - Highway works 1 (Upgrade to the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction) – TBC
 - Highway works 2 – (Improved connections between the site, Bicester’s train stations and the town centre) - £386,098
 - Strategic Transport Contribution – (Dualling of eastern perimeter route, Skimmingdish Lane section) - £283,201
 - Public Transport services – (Bus failure payment) – TBC (following further negotiations)
 - Traffic Regulation Order (if not dealt with under S278/S38 agreement) - £6,380
 - Travel Plan Monitoring Fee - £2,379
 - CDC S106 monitoring fee - £1,000
 - OCC S106 monitoring fee – TBC
 - S278 works
 - iv) The following conditions, (the final wording for conditions 24 and 25 to be agreed in consultation with the Chairman of Planning Committee prior to any planning consent being issued.) (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit and Plans

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. 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:

Plans

- 5002854-RDG-Z01-ST-PL-A-0010 Rev D – Site Location Plan
- 5002854-RDG-Z01-ST-PL-A-0015 – Topographical Survey 1
- 5002854-RDG-Z01-ST-PL-A-0016 – Topographical Survey 2
- 5002854-RDG-Z01-ST-PL-A-0030 Rev N – Indicative Layout Plan
- 5002854-RDG-Z01-ST-PL-A-0011 – Experience Quarter Site Area
- 5002854-RDG-Z01-ST-PL-A-0092 Rev L – Parameters Plan – Proposed Developable Area
- 5002854-RDG-Z01-ST-PL-A-0090 Rev J – Parameters Plan – Proposed Land Use
- 5002854-RDG-Z01-ST-PL-A-0098 Rev D – Parameters Plan – Access & Movement Plan
- 5002854-RDG-Z01-ST-PL-A-0094 Rev K – Parameters Plan – Existing/Proposed Heights

Documents

- Updated Planning Statement – Edgars – April 2021
- Heritage Report – Worlledge Associates – December 2020
- Archaeological Desk-Based Assessment – Oxford Archaeology – September 2018
- Contamination & Ground Condition Report – Crestwood Environmental – 3 July 2018
- Aviation Impact Assessment – Air Motive – December 2020
- Transport Statement – Mode Transport Planning – December 2020
- Framework Travel Plan – Mode Transport Planning – December 2020
- Arboricultural Implications Assessment – Higginson Associates – February 2019
- Flood Risk & Drainage Assessment – Ridge – 3 December 2021
- Ecological Assessment Part 1 – Ecology Solutions – December 2020

- Energy & Sustainability Design Strategy – Ridge – 18 December 2020
- Landscape & Visual Impact Assessment – ASA Landscape Architects – 17 December 2020
- Noise Impact Assessment – SPL Track Environmental – 26 March 2021
- Design & Access Statement – Ridge / Edgars
- Design Code – Ridge – 15 December 2020
- Design Strategy Report – Driven International – 26 November 2020
- Walking & Cycling Technical Report – Mode Transport Planning – 3 September 2021
- Public Transport Contributions Technical Note – Mode Transport Planning – 3 September 2021
- Biodiversity Impact Assessment Calculator Update – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter & Innovation Quarter – Ecology Solutions – November 2021
- Ecology Note – Ecology Solutions – December 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.

Design

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

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.

5. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy

ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

6. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

Landscaping

7. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be maintained in accordance with the approved schedule.

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.

Highways

8. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown 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 onsite 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.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in 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 the commencement of the development hereby approved, full details of the primary means of access from Buckingham Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

10. Prior to the commencement of the development hereby approved, full details of the secondary 'emergency and servicing' access from Bicester Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to

and approved in writing by the Local Planning Authority. Any fencing, gates or barriers must be sufficiently set back from the carriageway to ensure that the largest vehicles anticipated to require access can wait for the gates or barriers to open without obstructing the highway. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders may enter, can turn and leave the site in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall always be retained for the manoeuvring of motor vehicles thereafter.

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

12. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the GFA between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

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

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

Reason: In the interests of sustainability and to ensure a satisfactory

form of development, in accordance with the Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the framework travel plan with the application, prior to the first use or occupation of any element of the development hereby permitted a revised framework travel plan shall be submitted to, and be approved in writing by the Local Planning Authority. The provisions of the framework travel plan shall thereafter be implemented and maintained in accordance with approved details unless and until any variations are approved.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, details of public access routes within and across the development site must be provided to and agreed in writing by the Local Planning Authority. Details must include how public access is to be managed, the routing of paths, connections with existing Public Rights of Way at the north and north western edges of the site and safe public access between the Buckingham Road and lakeside area of the development site.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

16. Prior to the commencement of the development hereby approved, details, including the routing, layout, width, surfacing and lighting of a direct and continuous pedestrian and cycle access route between the Hotel access junction on the Buckingham Road and the development site shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

Drainage

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

- a) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water

Drainage on Major Development in Oxfordshire”

- b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c) A Flood Exceedance Conveyance Plan;
- d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and details of how water quality will be managed during construction and post development in perpetuity;
- g) Confirmation of any outfall details;
- h) Consent for any connections into third party drainage systems.

Reason: To ensure that the development 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information.

Reason: To ensure that the development 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.

Contaminated Land

19. 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.

Ecology

20. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. 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 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.

22. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

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 in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Noise

23. Prior to the first use of any building hereby permitted, all mechanical

plant or machinery to be installed within the relevant building shall be identified and assessed in accordance with BS4142:2014 and the report, along with any mitigation or acoustic enclosure required, submitted to and approved in writing by the Local Planning Authority. Where the approved assessment identifies the need for any mitigation or acoustic enclosure, these measures shall be put in place prior to the first occupation of any building.

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 and Government guidance contained in the National Planning Policy Framework.

Noise monitoring/management plan

24. Precise wording to be agreed in consultation with the Planning Committee Chairman.

A noise management plan should be agreed with LPA prior to the first use of the development and this should be such that it can be continually reviewed and updated with Environmental Health Officers as the need arises. The plan should include (but not be limited to) such matters as numbers of days allowed for noisier vehicles use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community.

SPL Track Drive By System

25. Precise wording to be agreed in consultation with the Planning Committee Chairman.

No use of the track will be allowed without the SPL Track Drive By System being in place. Should there be a need/wish to change supplier then any new monitoring system should be agreed with the LPA prior to its installation.

Construction Environment Management Plan (CEMP)

26. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance.

Air Quality

27. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those

already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Electric Vehicle Charging

28. Prior to the commencement of the development of any phase, full details of Electric Vehicle Charging (EVC) points and EVC infrastructure to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging (EVC) points and EVC infrastructure shall be installed and operational prior to the first use or occupation of any building within that phase of the development hereby permitted and retained thereafter.

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

Lighting

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with 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, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

BREEAM

30. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

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

Use

31. Notwithstanding the provisions of the Town and County Planning

(General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in 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 accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

- (2) It was also resolved that as the statutory determination period for application 21/01224/OUT expired on 31 January 2022, if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by that date and no extension of time had been agreed between the parties, that authority be delegated to the Assistant Director for Planning and Development to refuse application 21/01224/OUT for the following reason:
1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained with the National Planning Policy Framework.

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Former Rodney House, Private Drive off Graven Hill Road, Ambrosden

The Committee considered application 21/01454/F for a proposed Bicester Health and Wellbeing Hub at Former Rodney House, Private Drive off Graven Hill Road, Ambrosden for Mr Richard Drew.

The Senior Manager - Development Management explained that Councillor Sibley had corresponded with all members of Planning Committee in advance of the Committee requesting that they support his proposal that consideration of application 21/01454/F be deferred to allow for a site visit. The Solicitor had interpreted this as lobbying and Councillor Sibley had made a declaration accordingly and would leave the room while the Chairman asked if any member of the Committee wanted to propose a deferral or site visit. Should the Committee continue to consider application 21/01454/F Councillor Sibley would be able to participate in the debate and vote on the application as he had not expressed a view on the application itself.

It was proposed by Councillor Broad and seconded by Councillor Dallimore that consideration of application 21/01454/F be deferred to allow for a site visit.

On being put to the vote the proposal was lost and the motion subsequently fell. As the application would be considered by the Committee, Councillor Sibley re-joined the meeting.

Paul Troop of Bicester Bike Users' Group addressed the Committee in objection to the application.

Dan Sames, local resident, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01454/F subject to-:
- i) Re-consultation on an amended redline boundary plan and there being no further comments received which raise new issues not before the committee in their decision making by the expiry of the public consultation period;
 - ii) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

S106 Heads of Terms

- a) £320,000 - Payment of a contribution to improve public transport (bus) provision to the site -
 - b) £TBC - Footway upgrade
 - c) £2,300 – OCC Travel Plan Monitoring Fee
 - d) £1,000 – CDC S106 monitoring fee
- iii) 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:
 - IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan
 - WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.
 - 16470-WIE-100-74-XX-ZZ-110 Rev P01 – Biodiversity Net Gain Offset Plan
 - 122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan
 - IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan
 - 16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan
 - 122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan
 - 122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan
 - 122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan
 - 122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan
 - 122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations
 - 122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations
 - 122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations
 - 8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan
 - 16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan Design & Access Statement, March 2021
 - Planning Statement, April 2021
 - WSI for Archaeological Investigation, February 2021
 - Technical Note – Biodiversity Net Gain Assessment, April 2021
 - Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021
 - Ecological Impact Assessment, March 2021
 - Building Regs Part L Compliance Report, March 2021
 - Geotechnical Desk-Study Report – Part 1, February 2021
 - Geotechnical Desk-Study Report – Part 2, February 2021
 - Geotechnical Site Investigation Report, June 2021
 - Arboricultural Impact Assessment, April 2021
 - Arboricultural Survey Schedule, August 2020
 - Arboricultural Briefing Note, December 2021
 - Flood Risk Assessment & S/W Drainage Strategy, March 2021
 - Travel Plan, March 2021
 - Transport Assessment – Part 1, April 2021
 - Transport Assessment – Part 2, April 2021
 - Transport Assessment – Part 3, April 2021
 - Supplemental TRICS data for GP Surgeries with Pharmacies
 - Transport Tech. Note – Primary Health Care Hub proposals, July 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. Samples of all the external materials to be used in the construction 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 be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

5. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc).

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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

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(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

7. The existing hedge(s) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development 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

8. No development shall take place until the existing tree T13 to be retained on the south east boundary (shown on approved plan 16470-WIE-100-74-XX-ZZ-100 P03) has been protected in accordance with the approved Tree Protection Plan and Arboricultural Briefing Note dated December 2021 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the

integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. The approved parking and turning/loading/unloading facilities (shown on approved plan IBI-XX-XX-PL-A-200-005 Rev18) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

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 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.

11. 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.

12. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

13. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to an approved in writing by the Local Planning Authority.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. 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.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Written Scheme of Investigation of the Health Hub site by Waterman Infrastructure & Environment Ltd

dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

16. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 15 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment by Waterman Infrastructure & Environment Ltd dated March 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

18. The development hereby permitted shall be constructed to BREEAM 'Excellent' standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

19. Prior to construction 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.

20. Prior to any occupation of the building it shall be provided with a minimum of 48 solar PV panels in accordance with the details set out in

the Building Regs. Part L Compliance Report by McCann & Partners, dated March 2021, which demonstrates significant exceedance of the minimum Part L target values and shall be maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

21. The Health Hub building hereby permitted shall be used for medical or health services only (Use Class E(e)) and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended including the update of 1 September 2020) for no other purpose falling within Class E unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the delivery and maintenance of medical and health services to Graven Hill residents and the surrounding Bicester population that it will serve

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Pakefield House, St Johns Street, Bicester, OX26 6SL

The Committee considered application 21/01818/F for the redevelopment of the site to form 38no retirement apartments including communal facilities, access, car parking and landscaping at Pakefield House, St Johns Street, Bicester, OX26 6SL for Churchill Retirement Living.

Alison Frecknall, local resident, addressed the Committee in objection to the application.

Paul Beaumont, local resident, addressed the Committee in objection to the application.

Laura Baker, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That it be confirmed that, had the power to determine application 21/01818/F continued to rest with the Committee, the Committee would have refused application 21/01818/F for the following reasons:
1. The proposed access into and out of the site and onto the private service road fails to provide adequate and necessary vision splays to the south of the access. The proposed development therefore fails to provide a safe access to and from

the site contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 as well as paragraph 110 of the National Planning Policy Framework.

2. The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. Car parks are classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In addition, the submitted Flood Risk Assessment (FRA) identifies a flood level for a 1% annual probability flood event with the appropriate allowance for climate change of 71.06m AOD. When compared to the topography of the site, the proposed development will result in a loss of flood storage at this level. The FRA proposes no mitigation for this and as such the development as proposed will increase the risk of flooding elsewhere. The proposed development is therefore contrary to paragraph 167 in the National Planning Policy Framework and its associated planning practice guidance and Policy ESD 6 of the Cherwell Local Plan 2011-2031.
3. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The Flood Risk Assessment does not therefore adequately assess the development's flood risks. In particular, the FRA fails to take the impacts of climate change into account. The development provides inadequate mitigation to address flood risk for the lifetime of the development. The floodplain has not been safeguarded or compensation for lost flood storage provided. The proposed development is therefore contrary to paragraph 167 in the National Planning Policy Framework and its associated planning practice guidance and Policy ESD 6 of the Cherwell Local Plan 2011-2031.
4. The ecological report submitted with the application does not adequately assess the importance of the river Bure, nor the developments impact on the river's ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. There is insufficient detail on the management of the river corridor and how the development would deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream. The proposed development therefore fails to comply with Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 and paragraphs 170 and 175 of the National Planning Policy Framework.

121 **7 Churchill Road, Kidlington, OX5 1BN**

The Committee considered application 21/03444/F for the demolition of an existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 4 No. flats in single, two level building - Class C3(a) at 7 Churchill Road, Kidlington, OX5 1BN for Mr Jack Piccaver. This was a resubmission of application 21/01212/F.

Councillor Billington, local ward member, addressed the Committee in objection to the application.

Councillor Middleton, local ward member, addressed the Committee in objection to the application.

Jack Piccaver, the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That application 21/03444/F be refused for the following reason:
 1. By virtue of its size and massing, the proposed development would have an overbearing impact on number 9 Churchill Road that would be detrimental to the living conditions of the neighbouring occupier through loss of light and outlook. The proposal is therefore contrary to Saved Policy C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained with the National Planning Policy Framework.

122 **Green Oak Barn, School Lane, North Newington, OX15 6AQ**

The Chairman advised the Committee that application 21/03468/F, had been withdrawn by the applicant.

123 **32 Orchard Way, Bicester, OX26 2EJ**

The Committee considered application 21/03565/F for the conversion / extension of a garage to form a 1-bed single storey dwelling at 32 Orchard Way, Bicester, OX26 2EJ for Mr Adrian White. This was a resubmission of application 21/00790/F.

Mr Stephen Jeacock, neighbour to the application address, addressed the Committee in objection to the application.

Mr Adrian White, the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Sibley and seconded by Councillor Broad that application 21/03565/F be refused as it would have an adverse impact on the street scene as the loss of vegetation to the front of the building would have a detrimental impact to the character of the area. The width of the access to the entrance of the building and the height of the boundary with the neighbour were also brought into question.

The Planning Officer clarified the plans and the Senior Manager Development Management Manager suggested that if a greater level of control were required to overcome the concerns of the Committee additional conditions regarding Boundary Treatment and distance between the access door and boundary could be added.

The proposal for refusal was subsequently withdrawn.

It was proposed by Councillor Sibley and seconded by Councillor Broad that application 21/03565/F be approved subject to additional conditions to address the boundary with the neighbouring property, 34 Orchard Way, being at least 1.8 metre in height and the access to be no less than 1 metre from the shared boundary.

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

Resolved

- (1) That permission be granted for application 21/03565/F subject to the following conditions and the addition of two further conditions relating to (with the exact wording delegated to officers):
 - Boundary treatment on the south west boundary shared with 34 Orchard Way: and
 - A compliance condition to ensure that the west facing elevation of the dwelling at the location of the front door was no less than 1 metre from the shared boundary line.

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan, Block Plan and Drawing Numbers 01998/21/10 (Proposed Elevations) and 01998/21/11 (Proposed Plan).

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 materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the adjoining building, number 32 Orchard Way, Bicester.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development 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.

4. Prior to the first use of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 01998/21/11 – Proposed Plan) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The parking and manoeuvring areas shall be retained as such thereafter and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities, to serve the dwelling hereby permitted, 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.

6. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for

landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- 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. All planting, seeding or turfing included 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. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area 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. The dwelling hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

Reason: To maximise opportunities for sustainable transport modes and to comply with Policies SLE 4, ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use of the dwelling hereby approved, full details of the bin storage area(s) to serve both the dwelling hereby permitted and 32 Orchard Way, Bicester shall be submitted to and approved in writing by the Local Planning Authority. The agreed bin storage area(s) shall be fully installed prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

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

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

124 **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS**

The Committee considered application 21/02857/F for the installation of a solar thermal water heating system to the roof of the building at Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/02857/F subject to:
 - i) The expiry of the public consultation period, and there being no further comments received which raise new issues not before the committee in their decision making: and
 - ii) The following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: NTBS3540 T15/WLC/108

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

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Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX

The Committee considered application 21/04037/F for an electricity kiosk and 6no charging stations for Electric Vehicle Charging at Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX for EZ Charge Limited.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/04037/F subject to:
 - i) The expiry of the public consultation period and there being no further comments received which raise new issues not before the committee in their decision making: and
 - ii) 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: drawing numbers OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-

LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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

Contaminated Land

3. 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.

4. Notwithstanding the submitted details, no development shall commence in respect of the kiosk unless and until full design details of a mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include alternative externally facing materials and landscaping details. The development shall be carried out in accordance with the approved details prior to the first use of the development and shall be retained as such thereafter.

126

Claremont Car Park, Land at Victoria Road, Bicester OX26 6PH

The Committee considered application 21/04039/F for an electricity kiosk and 8no charging stations for Electric Vehicle Charging at Claremont Car Park, Land at Victoria Road, Bicester, OX26 6PH for EZ Charging Limited.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/04039/F subject to:
 - i) The expiry of the public consultation period and there being no further comments received which raise new issues not before the committee in their decision making; and

- ii) 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: drawing numbers OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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

127

Kidlington Centre Car Park, High Street, Kidlington, OX5 2DL

The Committee considered application 21/04040/F for an electricity kiosk and 6no charging stations for Electric Vehicle Charging at Kidlington Centre Car Park, High Street, Kidlington, OX5 2DL for EZ Charge Limited.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/04040/F subject to:
 - i) The expiry of the public consultation period and there being no further comments received which raise new issues not before the committee in their decision making; and
 - ii) 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: drawing numbers ACR-O-CTPC-LE-1300_01 C, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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

128

The Light Cinema, Spiceball Park Road, Banbury, OX16 2PQ

The Committee considered application 21/04089/F for the erection of an enclosure area including full height glazed windows and retractable fabric roof and two green wall features in CQ2 Block B Terrace area at The Light Cinema, Spiceball Park Road, Banbury, OX16 2PQ for The Light Cinemas.

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

Resolved

- (1) The permission be granted for application 21/04089/F subject to the following conditions:

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

Terrace boundary plan 1049-LDA-B0-02-DR-A-08001
Existing Terrace Floor Plan 1049-LDA-B0-02-DR-A-08050
Proposed Terrace Floor Plan 1049-LDA-B0-02-DR-A-08002
Green Wall Feature 1049-LDA-B0-02-DR-A-08006
Terrace Roof Plan 1049-LDA-B0-XX-DR-A-08003
Existing Terrace Sections 1049-LDA-B0-02-DR-A-08052
Proposed Terrace Sections 1049-LDA-B0-XX-DR-A-08004
Existing Terrace Elevations 1049-LDA-B0-02-DR-A-08051
Proposed Terrace Elevations 1049-LDA-B0-XX-DR-A-08005
View 1 1049-LDA-B0-XX-DR-A-08010
View 2 1049-LDA-B0-XX-DR-A-08011
View 3 1049-LDA-B0-XX-DR-A-08012
View 4 1049-LDA-B0-XX-DR-A-08013

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

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Appeals Progress Report

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 8.50 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 10 February 2022

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	OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury	21/03644/OUT	Banbury Calthorpe and Easington	*Grant Permission	David Lowin
9	Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield	21/02286/F	Launton and Otmoor	*Grant Permission	Rebekah Morgan
10	Kemsley Farm Northampton Road Weston on the Green OX25 3AA	21/01580/F	Launton and Otmoor	*Grant Permission	James Kirkham
11	Former Rodney House Private Drive off Graven Hill Road Ambrosden	21/01454/F	Bicester South and Ambrosden	*Grant Permission	David Lowin
12	Dovecote Approximately 50 Metres South Of Old Place Yard House Old Place Yard Bicester	21/03976/DISC	Bicester South and Ambrosden	*Grant Permission	Shona King

*Subject to conditions

Agenda Item 8
21/03644/OUT

**OS Parcel 6372 South East Of Milestone Farm
Broughton Road
Banbury**

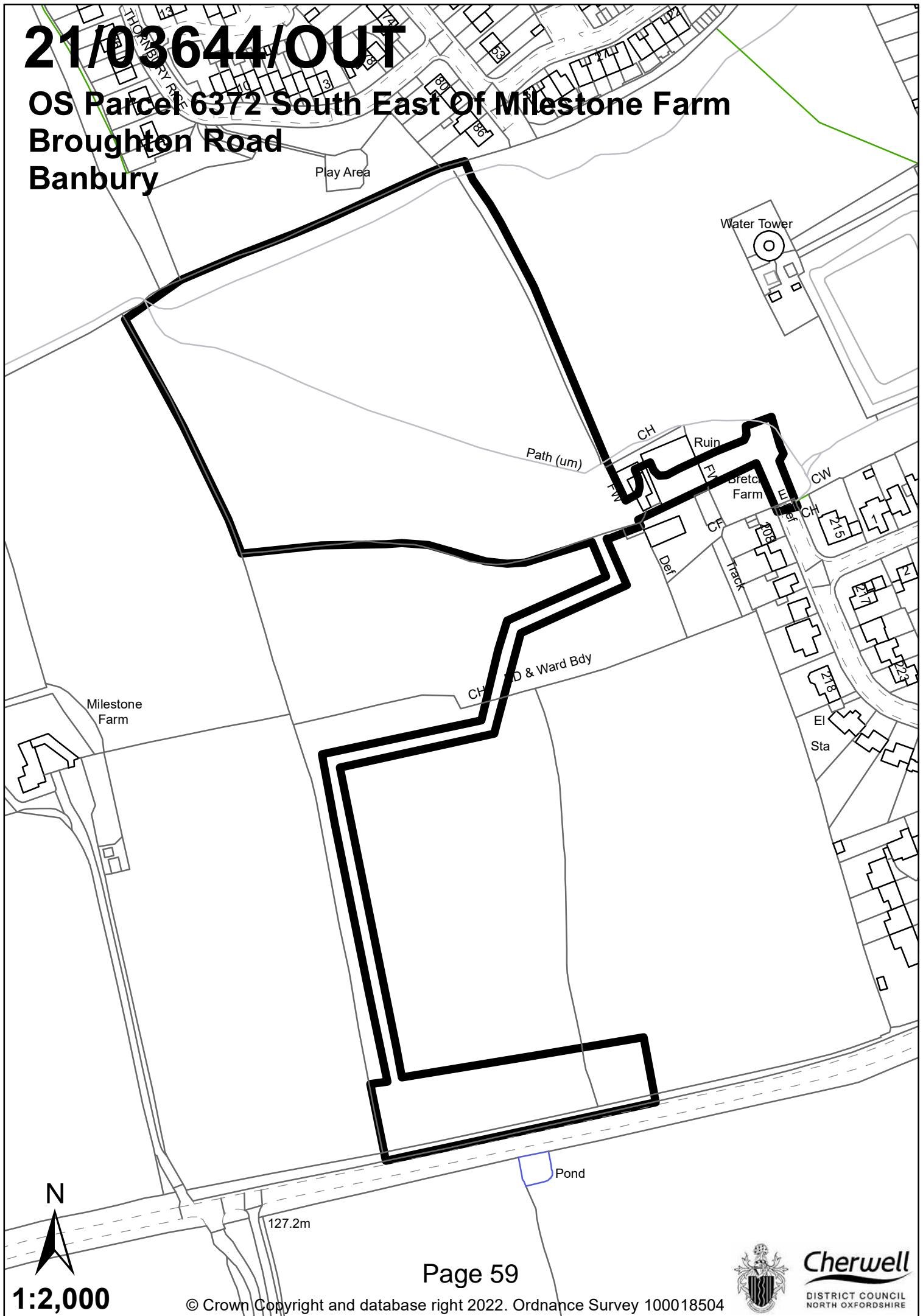


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21/03644/OUT

OS Parcel 6372 South East Of Milestone Farm
Broughton Road
Banbury



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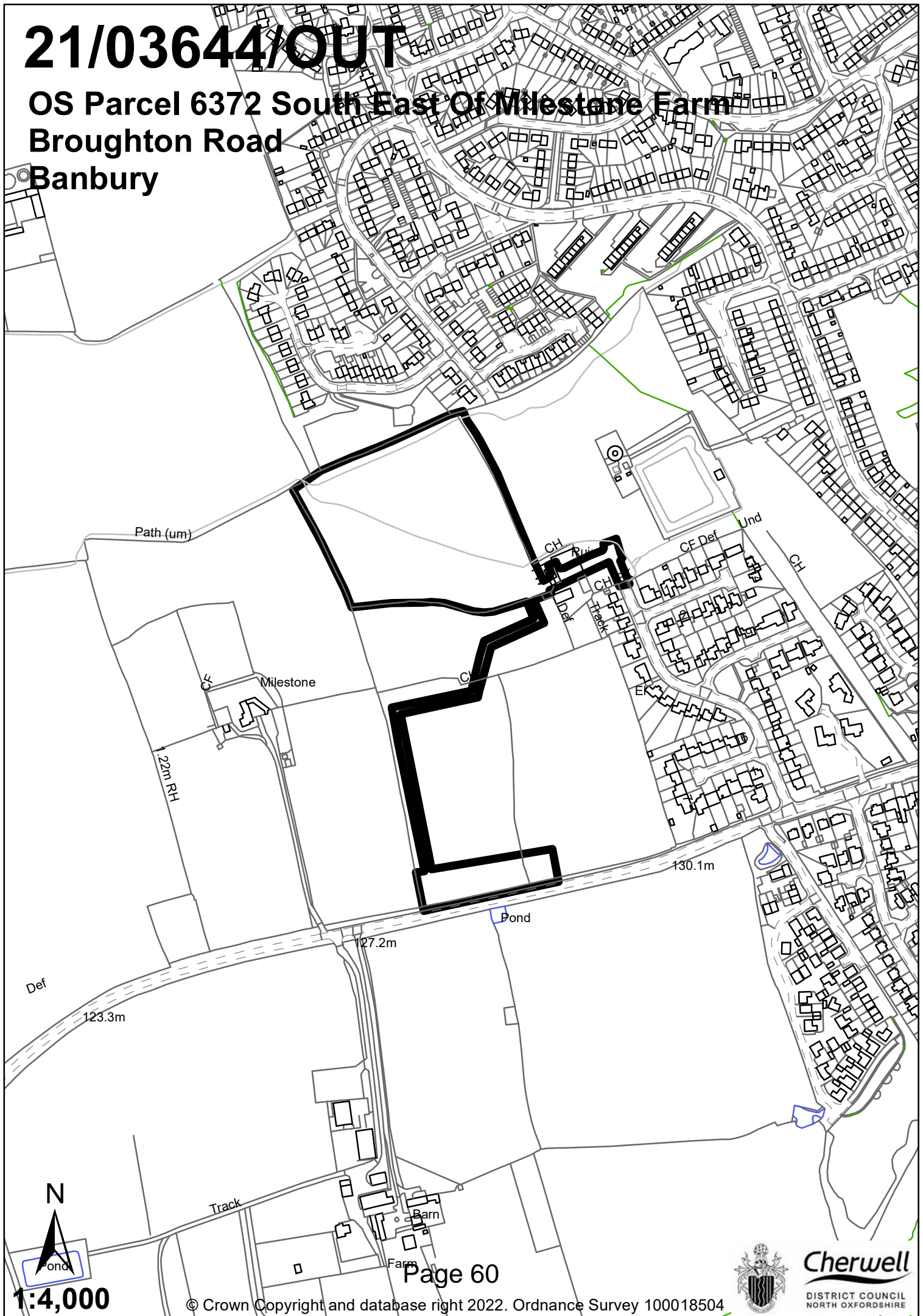


21/03644/OUT

OS Parcel 6372 South East Of Milestone Farm

Broughton Road

Banbury



Case Officer: David Lowin

Applicant: Lone Star Land Limited

Proposal: Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue

Ward: Banbury Calthorpe and Easington

Councillors: Councillor Colin Clarke, Councillor Mallon, and Councillor Mepham

Reason for Referral: Major development/Significant departure from adopted development plan.

Expiry Date: 28 February 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO: NO OBJECTIONS FROM THE COUNTY ARCHAEOLOGIST; CONDITIONS; AND THE COMPLETION OF A SECTION 106 AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site comprises 3.11 hectares. Arable farmland lies to the north west, west and south of the site. Residential development lies to the north (Thornbury Rise) and a residential development to the east of the site has been granted planning permission at appeal (reference 20/01643/OUT). A public right of way crosses the site along the northern boundary (code:120/24/10). Broughton Road bounds the southernmost part of the site.
- 1.2. The land proposed for the residential development, some 1.45 Ha is currently in agricultural use and situated at the Northeast corner of the site which at the present time is in arable use. The site area is classified as Grade 3b agricultural land which is considered of moderate quality. There are some redundant agricultural buildings near the south-eastern boundary of the site.
- 1.3. The boundaries on all sides of the site proposed for residential development are comprised of mature trees and hedgerow.
- 1.4. The site does not lie within or close to any statutory ecological designations, such as a SAC or SSSI. The site does not form part of a statutory landscape designation.
- 1.5. The site does not lie within or near to a Conservation area, nor are there any listed buildings present on site. The closest listed building is Withycombe Farmhouse which is Grade II listed. However, this is circa 350 metres away and separated from the site by tree planting and residential development.
- 1.6. According to Environment Agency mapping the site lies within Flood Zone 1, which is the lowest risk for river flooding.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The planning application seeks outline planning permission for residential development with all matters reserved except for access. A full description of development is below:

'Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue.

2.2. The proposal comprises the following elements:

- Erection of up to 49 dwellings.
- Up to 30% affordable housing (in the form of 1 bed maisonettes, 1 and 2 bed apartments, and 1, 2, 3 and 4 bed houses);
- Access via Balmoral Avenue through the consented scheme to the east.
- Pedestrian connection to PROW to the north.
- Public open space.
- A Local Area of Play (LAP) in the northern part of the site.
- Additional landscaping.
- Sustainable urban drainage systems; and
- Other supporting infrastructure.'

2.3. Whilst the layout is not submitted for approval, an illustrative layout plan has been submitted to show one way that the development could be delivered. The development proposed comprises up to 49 dwellings. A mix has been provided for illustrative purposes alongside the layout. It is acknowledged in the Planning Statement that the figures submitted are illustrative only and the mix for affordable units would be set by an agreed S106 agreement and the mix for market housing set through the relevant reserved matters application.

2.4. The application is made in outline therefore appearance, landscaping, layout and scale are to be considered through reserved matters applications. Access is proposed for consideration in detail at this stage. An illustrative masterplan has been produced to show one way that the development could be satisfactorily developed.

2.5 The application is accompanied by an illustrative site layout and landscape masterplan, Planning Statement, Design and Access Statement, Flood Risk Assessment, Ecological Appraisal and management plan, land contamination report, Air Quality report, Bat report, Utilities assessment, Drainage statement, Tree Report, Transport Statement, Archaeology and Heritage assessment and a Landscape and Visual Impact Assessment. This latter document is the subject of an external audit report by consultants acting for CDC.

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history for the application site, however the planning history of the land to the immediate east of the site is significant, culminating in the approval of a residential development at appeal (reference 20/01643/OUT).

3.2. A residential development for 49 dwellings on an unallocated site in the open countryside land to the east of the site was granted outline planning permission at appeal on 1 June 2021. That development is for the erection of 49 homes, public open

space and other infrastructure. The appeal reference is APP/C3105/W/21/327109, and the planning application reference is 20/01643/OUT.

3.3. The Inspector found that:

“The proposed development of up to 49 houses is required to contribute to the supply of housing in the District and the social and other impacts of the development are mitigated by planning obligations. The contribution to housing supply is a significant benefit and is not outweighed by any adverse impacts. Planning permission has thus been granted for the erection of up to 49 homes, public open space, and other infrastructure”

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place last year about this proposal under reference 21/02152/PREAPP and the written response by officers is set out below:

Principle of Development & Development Plan compliance:

Turning first to the matter of the principal of the submitted scheme, as revised (from 120 dwellings on four fields down to just 40 dwellings on one field), the site lies beyond the developed edge of the urban settlement of Banbury, in open countryside, where development that does not form part of an adopted Development Plan is contrary to policy contained in the current development plan. However, the lack of a five-year land supply in CDC does engage the ‘tilted ‘balance provisions of the NPPF. This tilted balance, as has been demonstrated in a 2021 High Court decision known as the Gladman case, does not set aside the requirement for new development to, as a starting point, comply with policies in an adopted Development Plan, in this case the Cherwell Local Plan 2011-2031 and saved policy in an earlier 1996 Local Plan.

The lack of a five-year land supply is a relevant positive factor in the planning balance in judgements on the site’s potential suitability for development. Together with the fact that the site, as revised, is sustainably located in respect to sustainable transport modes, would provide positive economic effects by virtue of construction jobs, and would provide necessary housing, including a policy compliant percentage of affordable dwellings. The revised smaller site proposal is likely, though specific details have yet to be submitted, to provide sufficient land for bio-diversity net gain to be achieved. In addition, the revised site is likely to be able to provide an acceptable sustainable urban drainage solution for any development

The reduced size site would also sit alongside recently permitted development accessed from Balmoral Drive, which would afford likely acceptable access to the appraisal site.

The site, once detailed proposals have been drawn up, would likely have no material detriment to archaeological interests, other heritage assets or ecological habitats.

Highway Access & Safety

Whilst the Highway Authority may have expressed a preference for the revised site to be accessed directly from Broughton Road, access from the adjoining land to the East, the subject of a successful appeal for residential use, the access arrangements shown on the revised plan via Balmoral Drive and that appeal site, are likely not to cause such severe highway safety issues that an objection from the Highway authority could be sustained.

Residential & Visual Amenities

In terms of residential and visual amenity, the site is not currently bordered by any existing homes and any proposal coming forward is unlikely to be constrained by that issue. The site as revised is enclosed by significant field edge planting of trees and

hedges such that the visual amenity of the area is not materially impacted. However, the necessary landscape visual impact report needed to support any application that maybe forthcoming would provide further evidence on this matter.

Landscape Impact

The other principal issue as aside from noncompliance with development plan policy is the effect of the proposal on the landscape. The initial submission for 120 dwellings across four fields, when viewed from the southern side of Broughton Road, in the company of the developer and agents from the crest of the valley at Crouch Hill, along which at the bottom runs Broughton Road, the impact of developing all four fields would in my considered opinion be detrimental to this rural gateway entrance to Banbury and to landscape policy in the adopted Plan.

The result of this view was transmitted to the applicants together with the appeal decision of the Inspector with respect to the land lying below Crouch Hill, application 13/01758/OUT where landscape considerations played a significant role in the eventual dismissal. As a result, the revised plan for just 40 dwellings on one field immediately alongside the recent appeal success site, was then submitted and forms the basis of this Pre-app report.

The revised plan limits the proposed development to the North West corner of the original submission. The effect on the landscape of this revision is obviously markedly reduced, such that the submission of an application with an attached landscape and visual impact assessment, may well be able to demonstrate that the likely landscape impacts on this gateway location would be negligible and that the reduced scale of development now proposed would be broadly acceptable. However, until such detailed evidence is available, a final judgement is impossible to definitively arrive at.

Conclusion

The scheme is contrary to current development policy, being a proposal for residential development in open countryside where such proposals are normally resisted unless supported by adopted policy or emerging policy with some weight. However, the fact that the Council does not presently have a five-year land supply is a material consideration that engages the NPPF tilted balance. The site is a reasonably sustainable location with no currently significant material detrimental impacts identified that potentially could not be dealt with by way of detailed site layout design. This weighs in favour of the proposal.

As stated above the Council will in the first instance seek to determine applications in accordance with development plan policy. However, if the applicant considers the positive material factors that have been identified, could, with sufficient and necessary further evidence outweighs the negative policy position, then the necessary planning balance consideration could potentially find favourable officer support for the reduced scale scheme of 40 dwellings.

5. RESPONSE TO PUBLICITY

- 5.1. 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 **6 January 2022**.
- 5.2. The comments raised by third parties are summarised as follows:
 - The site is not allocated for development in the adopted local plan
 - There is no need for the development
 - That the access via Balmoral Drive is unsuitable.
 - Unresolved archaeological issues.

- Lack of school places

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

6. RESPONSE TO CONSULTATION

6.1. 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

Banbury Town Council: **No Objections** – *“in light of CDC’s lack of a 5 year land supply for housing, and the recent appeal result on adjacent land, that Banbury Town Council do not object to this proposal, although without such factors they would consider that approval of the proposal would be premature pending the completion of the review of Cherwell Local Plan”*

CONSULTEES

6.2. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and the completion of a section 106 agreement including contribution to enhanced public transport provision and PROW.

6.3. CDC Environmental Protection: **No objections**, subject to standard conditions requiring a Construction Environmental Management Plan (CEMP).

6.4. CDC Recreation and leisure: **No objection** subject to contributions as set out in summary in the heads of Terms of the S106 in the final section of this report.

6.5. Lead Local Flood Authority: **No objections** subject to standard conditions.

6.6. OCC Archaeology OCC: **Objection**, notwithstanding the submitted desk-based study a programme of archaeological investigation is required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

(Currently on-site trial trenching is being undertaken as required in response to the archaeological consultation response and is expected to be completed prior to the committee considering this application. The written report of this work will be submitted to the County Archaeologist for comment and approval prior to determination and the officer recommendation reflects this position)

6.7. OCC Group (NHS) **No objection** subject to appropriate financial contribution to healthcare provision.

6.8. CDC Ecology **No objection** subject to a CEMP condition. Satisfied that the applicants have carried out a biodiversity impact assessment (BIA) as part of their submitted ecology appraisal using a metric which demonstrates a 10% net gain for biodiversity is achievable on site within the current illustrative layout.

6.9. The findings of the external consultant's audit on the applicants submitted landscape visual infrastructure (LVIA) assessment is **no objection** to the proposed development

finding it to be acceptable in LVIA impact terms following a review of the applicant's submitted LVIA and a post review site visit.

6.10. CDC Arboriculturist: **No objections** subject to the imposition of conditions

6.11. CDC Planning Policy: **Objection**, subject to landscape advice:

- As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'
- The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- However, recent case law has clarified that even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision makers are "not legally bound to disregard them".
- Moreover, case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.
- The merits of providing additional homes (including affordable homes) on this site is noted and the proposal would assist in delivering new homes and meeting overall Policy BSC 1 housing requirements to 2031.
- Policy BSC 3 states that sites of 11 or more dwellings will be required to provide affordable housing. In Banbury the policy requirement is that 30% of the developed units should be for affordable housing. Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply.
- The application site, if developed, will extend the current built up limits of Banbury into open countryside. The site is not allocated for development in the development plan. The proposals are therefore contrary to saved policies C8 and H18.
- Policy ESD 13 requires development to respect and enhance local landscape character. Proposals will not be permitted if they would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local character.
- Paragraph B.252 of the Plan lists key landscape, and landform features of value around Banbury which includes ironstone ridges and valleys; and Crouch Hill: an important landmark overlooking Banbury and the surrounding area.
- In assessing the proposals against the requirements of Policy ESD 13 the following published documents are relevant and material considerations.
- The application site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (part of Site Reference HELAA 035). In assessing this application site in the context of a wider site, it concludes: *'The remainder of the site is considered unsuitable for development as it lies in the open countryside surrounded by farmland and forms an attractive landscape setting to the approach to Banbury from the west'*.
- The Banbury Landscape Sensitivity and Capacity Assessment (September 2013) undertaken to inform the 2015 adopted Cherwell Local Plan considered this site in the context of a larger site, much of which was subsequently allocated for residential development under Policy Banbury 3 of the 2015 adopted Local

Plan. The LCSCA states at para 4.9.11 *'In the south of the site, south of Withycombe Farm, the landscape becomes more intimate comprising smaller fields that are enclosed by hedgerows and hedgerow trees; these features are important to the setting of Withycombe Farm. The overall aesthetic quality of the site is medium...'*

- Paragraph 4.9.26 continues by stating *'....Residential development to the south of Withycombe Farm would not be appropriate as this would not be in keeping with the small scale valley along Broughton Road on the approach to Banbury.'*
- It is noted that the LVIA submitted in support of the application indicates that the site will be visible from the Broughton Road, when approaching from the west. The LVIA also states that the site will be visible from Crouch Hill, which the local plan identifies as an important local landscape feature. The photograph on page 22 would indicate that the development will clearly be visible as an extension into open countryside.
- It is noted that although residential development is not proposed in the fields adjacent to Broughton Road, extensive engineering operations are. The impact of these engineering operations on the landscape character of the locality should also be assessed.
- Detailed landscape advice should therefore be sought to fully assess the impact of the proposals and hence conformity of the proposals with the requirements of Policy ESD 13.
- The proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC 11.
- Proposals should be considered against and informed by Policy ESD 15 and consider matters such as public access, routes, views, urban spaces, development frontage, and building heights.
- The relationship of the development to the existing settlement pattern and connectivity to existing services and facilities will also need to be considered.
- Technical matters including access, traffic, biodiversity and ecology will require detailed consideration Advice should be sought from the County Council and relevant Council departments in this regard.
- The Council is currently working on the review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the more appropriate context for the detailed consideration of this site for residential development. The application site has been submitted for consideration through the Local Plan Review 'Call for Sites'.

6.12. Housing Strategy CDC: **No objection** subject to S106 agreement

6.13. Thames Valley Police: **Objection** to illustrative layout due to defensible space in some areas being deficient.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

7.2. 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)

Policy SLE 4: Improved Transport & Connections

Policy BSC 1: District Wide Housing Distribution

Policy BSC 3: Affordable Housing

Policy BSC 4: Housing Mix

Policy BSC 10: Open space, Outdoor Sport & Recreation Provision

Policy BSC 11: Local standards of Provision – Outdoor Recreation

Policy BSC 12: Indoor Sport, Recreation & Community Facilities

Policies ESD 1 – 3 Mitigating & Adapting to Climate Change

Policy ESD 7: Sustainable Drainage Systems

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD 13: Local Landscape Protection & Enhancement

Policy ESD 15: The Character of the Built and Historic Environment

Policy ESD 17: Green Infrastructure

Policy H18: New dwellings in the countryside

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

Policy C8: Sporadic development in the open countryside

Policy C28: Layout, design and external appearance of new development

Policy C30: Design control

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Cherwell Residential Guide SPD (2018)

8. APPRAISAL

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

- Principle of development
- Site layout and design principles
- Design, and impact on the character and appearance of the area
- Ecology impact
- Highways
- Rights of way, access and pedestrian connectivity

- Residential amenity
- Affordable housing
- Flood risk and drainage
- Infrastructure

Principle of Development

Policy Context

- 8.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. Cherwell has an up-to-date Local Plan but cannot demonstrate a 5 year housing land supply, a matter identified in the Inspector's report relating to the adjoining site. The current monitoring report shows a 3.8 year housing land supply. However, the NPPF is a significant material consideration.

NPPF

- 8.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date; granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.

Development Plan

- 8.4. The Development Plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan (CLP 2031 Part 1). The policies important for determining this application are referenced above.
- 8.5. Policy PSD1 of the Cherwell Local Plan 2011-2031 accords with the NPPF's requirement for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.
- 8.6. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury. However, notwithstanding that CDC has an adopted Development Plan the lack of a five year housing land supply requires the 'tilted balance' to be engaged in accordance with the NPPF guidance set out above.

Assessment

- 8.7. The Council's 2021 Annual Monitoring Report (AMR) confirms that the District cannot demonstrate a 5 year housing land supply. In the circumstances that an LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and the circumstances at paragraph 11d of the NPPF are engaged, in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

- 8.8. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide needed market and affordable housing whilst environmentally it would provide new planting and some enhancements for a range of habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and can be considered to be sustainable. However, these aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 8.8. The proposal as submitted is considered by officers having regard to the consultation responses and the analysis of the relevant issues identified above and analysed below to be sustainable development notwithstanding the fact that the development falls contrary to the Development Plan

Site Layout and Design

Policy Context

- 8.9. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.
- 8.10. Policy BSC10 of the Cherwell Local Plan Part 1 2011-2031 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

- 8.11. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to and taking access from existing approved residential development, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the area and wider district.
- 8.12. The proposed landscaping, with retention of the existing tree lined boundaries, woodland provide a softer edge to the proposed development allowing for a transition to the rural landscape to the west. The effect of the development on the landscape is considered later in the appraisal.
- 8.13. That said, whilst every application would need to be assessed on its own planning merits at the time of the of any such application, officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition attached to any such permission.

Conclusion

- 8.14. It is considered that while the submitted indicative layout is generally acceptable, with, importantly, (1) does not form part of any approval of the current application if supported and (2) demonstrates that 49 dwellings can be delivered on the site, and also allow for the provision of a well-designed, safe, accessible and well-connected

environment with an appropriate tenure mix. As such, the proposal accords with Policies BSC10.

Design, and impact on the character and appearance of the area

Legislative and policy context

- 8.15. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.16. Paragraph 130 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.
 - 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.
 - 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.
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.17. Policy ESD15 of the Adopted Local Plan Part 1 states that 'new development proposals should:
- Contribute positively to an area's character and identity by creating or reinforcing distinctiveness and respecting local topography, including skylines, valley floors , significant trees, historic boundaries , landmarks, features or views.
 - Respect the traditional pattern routes, spaces, blocks, enclosures and (inter alia) create clearly defined active public frontages.'
- 8.18. Policy ESD13 of the Cherwell Local Plan Part 1 states that: "Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would
- Cause undue visual intrusion into the open countryside.
 - Cause undue harm to important natural landscape features and topography.
 - Be inconsistent with local character.

- Harm the setting of settlements, buildings, structures, or other landmark features.
 - Harm the historic value of the landscape.”
- 8.19. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.
- 8.20. Saved Policy C33 states the Council will seek to retain any undeveloped gap which is important in preserving the character of a loose knit settlement structure or maintaining the setting of heritage assets.
- 8.21. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development. In addition policies ESD1 to 3 of the Adopted Local Plan seek to mitigate and adapt to climate change.
- 8.22. The Non-Statutory Local Plan also contains relevant policies as set out below: Policy EN31 (Countryside Protection) (like its equivalent policy C9 in the Adopted Cherwell Local Plan 1996) states that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will be refused.
- 8.23. Policy EN34 (Landscape Character) sets out criteria that the Council will use to seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:
- cause undue visual intrusion into the open countryside
 - cause undue harm to important natural landscape features and topography
 - be inconsistent with local character
 - harm the setting of settlements, buildings, structures or other landmark features
 - harm the historic value of the landscape

Assessment

- 8.24. Given the site’s location on the edge of the town, its rural location and on top of the hill, the proposed development has the potential to cause harm and each of these criteria needs to be carefully considered.
- 8.25. The western boundary and southern and eastern boundaries to the site are heavily tree’d and with well-established mature hedgerows providing a strong visual barrier to the wider open countryside beyond the site to the west. The site visually is well-contained by tree-lined boundaries and being bounded on one side by existing residential development.
- 8.26. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) produced by Mood Landscape Ltd, which seeks to introduce the principle of development into the context of the existing landscape character, visual environmental and landscape related policy to assess the ability of the site to integrate future development. In terms of the visual assessment carried out by Mood Landscape, fieldwork was undertaken to identify several viewpoints in the immediate and wider setting of the site.
- 8.27. The applicants submitted LVIA was the subject of an audit by a CDC appointed Landscape architect firm whose response set was in summary after revisions to the

submitted original LVIA that the landscape impact of the development was acceptable and would not materially be detrimental to the local landscape.

Conclusion

- 8.28. Officers consider that residential development of this site is generally acceptable in terms of the impact upon the character of the area and wider open countryside. This is demonstrated by a satisfactory Landscape Visual Impact Assessment. And a specialist audit of that document. Any harm that would be caused to the wider landscape setting would not be so significant to warrant a reason to refuse the application.

Ecology Impact

Legislative context

- 8.29. 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.
- 8.30. 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.
- 8.31. 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.
- 8.32. 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.
- 8.33. 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

- 8.34. Paragraph 174 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.
- 8.35. Paragraph 180 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.
- 8.36. Paragraph 185 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.
- 8.37. 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.
- 8.38. 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.
- 8.39. 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.
- 8.40. The Planning Practice Guidance dated 2014 postdates 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

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

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

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

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

8.42. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a number of dilapidated ruined buildings, is on the edge of the built up area of Banbury abutting open countryside and there are a number of mature trees including Priority Habitat Woodland and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates

8.43. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the LPA has to consider itself whether the development meets the 3 derogation tests listed above.

8.44. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.

8.45. The application is supported by a detailed protected species survey which concluded that there are bats commuting and foraging round the boundaries of the Site. In addition, the habitats have potential to support other wildlife including breeding birds and potentially badger. Retained habitats and associated species interest have been buffered from the development footprint and recommendations for their protection during the construction, and management during operation to ensure their long-term retention and enhancement. The report also proposed an ecological mitigation strategy for the scheme. The application proposes to enhance the retained vegetation on site and to put forward additional land within the applicant's ownership as compensation to ensure an overall net gain for biodiversity is achievable on site.

8.46. The Council's Ecology Officer ('CE') has offered no objections to the proposals, subject to a number of conditions. The CE has commented that the appropriate surveys have been carried out and the recommendations within the ecological report are acceptable and that currently no protected species licences are required.

Conclusion

- 8.47. It is therefore considered that the proposed development complies with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF and is acceptable in this regard.

Highway safety and vehicular access

Policy context

- 8.48. The NPPF (Para. 105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.49. The NPPF (Para. 106) advises 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.
- 8.50. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.
- 8.51. Policy TR7 states that: *‘Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted’*.

Assessment

- 8.52. All matters are reserved except access. The development would include a new access from Balmoral Avenue (south) via the approved adjoining residential appeal site to serve the new housing.
- 8.53. The Local Highway Authority (LHA) advises the proposed vehicular access is acceptable based on the information submitted. In terms of traffic impact, the overall conclusions of the Transport Statement are accepted. The LHA is content with the methodology used to generate the final trip generation figures and it is noted that the Balmoral Avenue/Broughton Road junction is within capacity
- 8.54. The NPPF (Para. 111) states 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’*.
- 8.55. The LHA raises no objection to the application on the basis of highway safety.
- 8.56. The LHA also requests financial contributions to Bridge Street/Cherwell Street eastern corridor improvements. A361 Bloxham Road/Queensway/Springfield Avenue junction

improvements, enhancement of public transport services by addition extended route options, hours and weekend hours to the B5 bus service on Bretch Hill and a rights of way contribution towards mitigation measures to footpaths within 2km of the site.

Conclusion

- 8.57. In light of the LHA's advice, and subject to conditions, S106 contributions and an obligation to enter into a S278 agreement, it is concluded that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network, and therefore complies with Local Plan Policy ESD15 in this regard and government guidance within the NPPF.

Rights of Way, access, and pedestrian connectivity

Policy Context

- 8.58. The National Planning Policy Framework outlines three overarching objectives being economic, social and environmental. From a social perspective the NPPF discusses achieving sustainable development means supporting "strong, vibrant and healthy communities.... By fostering a well-designed and safe built environment". At paragraph 126 the NPPF requires transport issues to be considered at the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued".
- 8.59. At paragraph 119 of the NPPF states that planning decisions should support development which make effective use of land, taking into account "the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit car use".
- 8.60. Local Plan Policy SLE4 relates to improved transport and connections. It supports the NPPF where it states, "*all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.*"
- 8.61. Local Plan Policy Banbury 10 requires the layout of new development to enable a high degree of integration and connectivity with the existing communities and to support improve walking and cycling connections to the town centre.
- 8.62. The Cherwell Residential Design Guide SPD gives advice on routes for pedestrians and cyclists and states they "should be safe, direct, attractive and legible". The SPD sets out guidance on how developments should respond to the site context and this includes where can access and connection to the wider network be gained and whether there are existing movement routes that should be retained. The SPD also poses questions about how the scheme can connect into the surrounding street and footpath/cycleway network and how does the site relate to existing public transport routes.
- 8.63. In addition, Oxfordshire County Council Residential Design Guide requires all developments of more than 50 homes to be served by at least an hourly bus service and for homes to be within 400m walkable distance of a bus stop.
- 8.64. Policy 34 of LTP4 states that "Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport". One of the ways this is done is "ensuring that developers promote and enable cycling and walking for journeys associated with new development, including through the provision of effective travel plans".

Assessment

- 8.65. A public right of way (footpath 120/24) follows the northern boundary of the site connecting the open countryside to Bretch Hill. The footpath, which is currently unsurfaced and unlit, runs along the tree line adjacent the boundary and then through the woodland to the northeast forming the northern boundary of the adjoining appeal site where there is a requirement to upgrade the footpath. The path is currently a muddy track, and in places is difficult to distinguish as a path because of the vegetation on and around it.
- 8.66. The bus stop on Broughton Road serves 4 buses a day and cannot be considered a credible bus service and therefore the nearest bus stops to the site are in Bretch Hill, at Chepstow Gardens and Hampden Close on Bretch Hill. These are a 1 mile walk away using the Broughton Road access if no other credible pedestrian access is provided at the north of the site. It is therefore critical for accessibility to provide that connectivity between the site and the surrounding development and there were concerns with the previously withdrawn scheme regarding the lack of pedestrian and cycle links.
- 8.67. The development as now proposed has sufficient pedestrian and cycle links to the surrounding residential area, bus stops and amenities. The proposals now show pedestrian links through to the north of the site to join the development to Balmoral Avenue (north), their provision meaning that the aforementioned bus stops would be within some 400m of the site and include provision for the improvement of the existing right of way.
- 8.68. The opening up of the public right of way to make it safer and more accessible, particularly through the woodland area, has the potential to be detrimental to ecology and biodiversity. The need to light the footpath would have an impact on species using the tree lined boundary as a foraging and migrating route. However, based on the current application submission, and in light of the advice from OCC Highways and CDC Ecology, officers now have sufficient comfort that the footpath can be retained and upgraded to provide active surveillance and safe movement without detriment to trees or ecology and will be upgraded via the proposed S106 agreement

Conclusion

- 8.69. For the reasons set out above, the site as proposed has sufficient pedestrian and cycle links to the surrounding residential area, bus stops and amenities. The current application is accompanied by sufficient information relating to the proposed use of the public right of way along the northern boundary as a pedestrian link. Subject to legal agreement, the current proposal would therefore provide for retention and enhancement of the right of way, plus a new pedestrian connection from the site to Balmoral Avenue (north) such that the development would enable a high degree of integration and connectivity with the existing communities and to support /improve walking and cycling connections to the town centre, compliant with national and local planning policy as listed in the paragraphs above.

Residential amenity

Policy Context

- 8.70. 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

- 8.71. The application is in outline only. Any detailed proposals would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD about appropriate standards of amenity for both existing and future residents together with adopted Policies ESD 1 to 3 and the comments of Thames Valley Police in terms of layout and defensible space. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 8.72 The nearest residential properties to the site would be on the adjoining approved residential development site, Thornbury Rise to the north and Balmoral Avenue south. In terms of the properties to be built on the appeal site and Thornbury Rise these are to the east and north respectively of the boundary of the proposed site separated by well-established trees and hedgerows its entire length. It is considered that, subject to appropriate scale and design of any proposed dwellings along the northern boundary of the site, and retention and potential enhancement of existing boundary planting it is likely that a satisfactory layout could be achieved that would avoid any significant unacceptable impacts on the residential amenity of the neighbouring residential properties
- 8.73. A very few properties along Balmoral Avenue South would be located adjoining tangentially side on to the site. They are currently separated from the site by some shrubs, trees, hedgerow and fencing. Again, subject to a satisfactory layout being achieved and any proposed landscaping and planting, it would avoid any unacceptable impacts on the residential amenity of these neighbouring properties.
- 8.74. Assessment of internal amenity with the proposed dwellings would be a matter for consideration at any reserved matters or detailed application stage. Whilst only indicative at this stage, the concept layout indicates an appropriate layout that would provide for both public and private outdoor amenity space that would allow for an acceptable standard of living to be achieved for potential future occupants

Conclusion

- 8.75. Given the above, officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Affordable housing

Policy Context

- 8.76. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the adopted Cherwell Local Plan part 1 2011-2031 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development such as this are to provide 30% affordable housing on site and provides details on the mix that should be sought between affordable/social rent and shared ownership. Policy BSC2 requires that to make efficient use of land that new residential development should be provided at a net density of at least 30 dwellings per hectare.

Assessment

- 8.77. On a development of 49 units Policy BSC3 would require 15 units to be provided as affordable housing. Of these 15 affordable units, the Strategic Housing Team recommends an indicative mix of tenures and sizes. Policy BSC 3 of the Local Plan requires 30% of the total number of dwellings to be affordable housing with a tenure split of 70% rented and 30% intermediate. The proposal for 15 affordable dwellings complies with this policy and is acceptable to the Strategic Housing Team. The proposal does not mention the tenure split, on this proposal and the Strategic Housing Team expect 11 rented and 4 intermediate/low-cost home ownership dwellings. The proposed types and sizes of dwelling proposed are acceptable.
- 8.78. The proposals include / allow for the affordable housing provision set out above, which would need to be secured through a Section 106 agreement. The First Homes initiative that has recently been introduced by the government is not in this case applicable as within the transitional arrangements its does not become operable for applications determined prior to 28 March 2022.

Conclusion

- 8.79. The current proposal and indicative layout provide an acceptable affordable housing mix and layout and thus accords in this regard with Local Plan Policy BSC4.

Flood Risk and drainage

Policy Context

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

Assessment

- 8.82. A site-specific Flood Risk Assessment (FRA) prepared BWB Consulting has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere because of the proposal.
- 8.83. OCC as LLFA have raised no objections to the proposal subject to the impositions of appropriate conditions, similarly CDC drainage officer has also raised no objections.

Conclusion

- 8.84. Officers consider that the current proposals can be considered acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

Infrastructure

Policy Context

- 8.85. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out

the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.

- 8.86. Policy INF1 of the CLP 2015 states that: “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”
- 8.87 Policy BSC11 of the CLP 2015 states that: “Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.” Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 8.88. The Developer Contributions Supplementary Planning Document (SPD February 2018) sets out its position in respect of requiring financial and on-site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 8.89. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development.
 - c) Fairly and reasonably related in scale and kind to the development
- 8.90. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 8.91 The requirements as recommended by both CDC, and OCC and NHS OCC Group are set out in the final section of this report together with the required monitoring fees for CDC and OCC. .

Conclusion

- 8.92. A number of items of infrastructure need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts. At this stage, no legal agreement has been drafted and therefore the recommendation

for the application reflects that the legal agreement must be completed to ensure that the contributions set out above are secured.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 9.2. The application proposal seeks consent for up to 49 dwellings beyond the edge of Banbury. Planning policy directs residential development towards Banbury, the application site is located outside of the settlement where policy presumes against this type of development. However, the Council currently has a housing land supply of some 3.8 years, well below the 5 year requirement. The application as discussed above falls to be considered under the tilted balance which providing the site is found to be sustainable and in accordance with non-geographic specific policy in the development plan there is a presumption in favour of the development.
- 9.3. The proposed development provides for the retention and upgrading of the public right of way to the northern boundary of the site and subject to conditions / legal agreement would ensure the upgrade of this footpath to one that is well surfaced, accessible, lit and safe or the provision of a footpath link through to Balmoral Avenue north.
- 9.4. The submitted indicative layout plan demonstrates that 49 dwellings can be satisfactorily delivered on the site in addition to LAP, public open space, etc., and the current proposal and indicative layout provide an acceptable affordable housing mix and layout. Subject to conditions and planning obligations, the proposal is considered acceptable in highway safety terms. The development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage. Following the receipt of additional/amended information, the proposal is acceptable in terms of flood risk, drainage, and in ecological terms.
- 9.5. Though the development of a greenfield site the proposal by its nature would have an adverse impact on the character and appearance of the site and its surroundings albeit that this harm would be limited, and the harm that would be caused to the wider landscape setting would not be so significant to warrant a reason to refuse the application, nor to adversely affect the planning balance to such an extent as to justify a refusal of permission.
- 9.6. The proposal would deliver additional new housing including affordable housing and significant weight must be attached to this benefit as was the case in respect of the recent appeal decision of the Inspector on the adjoining site. Against this must be balanced the proposal's impact on the character and appearance of the site and its immediate surroundings. Overall, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the Development Plan and the NPPF, and therefore planning permission should be granted.

10. RECOMMENDATION

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

- i. SUBJECT TO NO OBJECTIONS AND RECOMMENDED CONDITIONS FROM THE COUNTY ARCHAEOLOGIST FOLLOWING SUBMISSION BY THE APPLICANT OF THE RESULTS OF THE ON SITE TRIAL TRENCHES;**
- ii. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- iii. AND THE COMPLETION OF A SECTION 106 AGREEMENT TO PROVIDE CONTRIBUTIONS TO PUBLIC TRANSPORT, HIGHWAY IMPROVEMENTS, AND COMMUNITY INFRASTRUCTURE AS SET OUT BELOW.**

S106 Heads of Terms

- a) Provision of 30% affordable housing on site
- b) Payment of a financial contribution towards off site outdoor sports and recreation provision in the locality of £1,992.73 per dwelling, plus £335.32 per resident towards indoor facilities (index linked)
- c) Payment of a financial contribution towards the provision of community hall facilities for the development based on 2.46 persons per dwelling and providing 0.185 sq. m per person plus £200 per dwelling for public art and 5% management and 7% maintenance.
- d) Payment of a financial contribution towards educational infrastructure serving the site for primary, secondary, and secondary land contribution, and special needs education of £15,221 per dwelling (index linked)
- e) Payment for public art £224 per dwelling.
- f) Payment of a financial contribution of £94 per dwelling, index linked, towards household waste and recycling facilities.
- g) Payment of a financial contribution towards primary health care provision serving the development of £864 per dwelling (index linked)
- h) Payment of the Council's and OCC's monitoring costs.
- i) Enter into Section 278 Agreement for Highway works - £62,772, indexed to Q1 2018 BCIS. A361 Bloxham Road / Queensway / Springfield Avenue junction improvements
- j) Public transport services £51,499, indexed linked. Strengthening and enhancement of the B5 bus service.
- k) Public Rights of Way improvement £30,000. Indexed to November 2021. Improved surfacing and furniture to footpath 120/24.
- l) Public Rights of Way improvement, £5,000. Indexed to November 2021. Surfacing, furniture, and other measures to nearby public rights of way network

CONDITIONS

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

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

51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

4. Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with Drawing Nos:21303 PA02 site location plan, 23158 05 Rev A site access plan.

Reason: For the avoidance of doubt and 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.

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

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

6. No development shall take place until a desk study, to include a site walk over and to identify all potential contaminative uses on site and to inform the conceptual site model have 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', has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved desk study.

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.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, a comprehensive intrusive investigation 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'. The report shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

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

8. If contamination is found by undertaking the work carried out under condition 7, 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'. The scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

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

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

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

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles including an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a. Discharge Rates.
 - b. Discharge Volumes.
 - c. SUDS (Permeable Paving, Soakaway Tanks);
 - d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
 - e. Infiltration in accordance with BRE365.
 - f. Detailed drainage layout with pipe numbers.
 - g. Network drainage calculations.
 - h. Phasing.
 - i. Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

11. No development shall take place until full details of the means of access between the

planning application site and the highway on the adjoining residential site the subject of an appeal immediately to the east of the site, including, position, layout, construction, drainage and vision splays, have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details before any dwelling is occupied and shall be retained as constructed thereafter.

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

12. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall incorporate the following:
 - a. The CTMP must be appropriately titled, include the site and planning permission number.
 - b. 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.
 - c. Details of and approval of any road closures needed during construction.
 - d. Details of and approval of any traffic management needed during construction.
 - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - g. The erection and maintenance of security hoarding / scaffolding if required.
 - h. A regime to inspect and maintain all signing, barriers etc.
 - i. Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
 - j. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - k. 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.
 - l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - m. 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.
 - n. 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.
 - o. Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Development shall be carried out in accordance with the approved CTMP.

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.

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

Information Pack.

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

14. Prior to its first occupation each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure

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

15. No development shall take place until full details of the proposed footpath joining the new development to the highway a continuation Balmoral Avenue (north) to the east of the site, including, position, layout, construction, drainage and a timetable for the delivery of the improvements, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footpath has been constructed in accordance with the approved details.

Reason: In the interests of highway safety and public amenity and sustainable development and to comply with Policies ESD1, ESD15 and Banbury 10 and Government guidance contained within the National Planning Policy Framework.

16. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP.

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

17. No development shall take place until details of the means by which all dwellings shall be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per 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.

19. No development shall take place, including any demolition and any works of site clearance, and as part of any reserved matters application for layout and landscaping, until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, has been submitted to and approved in writing

by the Local Planning Authority. The scheme shall include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be in general compliance with Ecological Assessment report reference: edp7133_r002a shall include a biodiversity impact assessment metric, and shall include a timetable for provision of the biodiversity enhancement measures. The biodiversity enhancement measures shall be carried out and shall be retained in accordance with the approved scheme.

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

20. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved LEMP.

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

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

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

22. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 5 and 6 Ecological Appraisal, report reference: edp7133_r002a

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

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

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

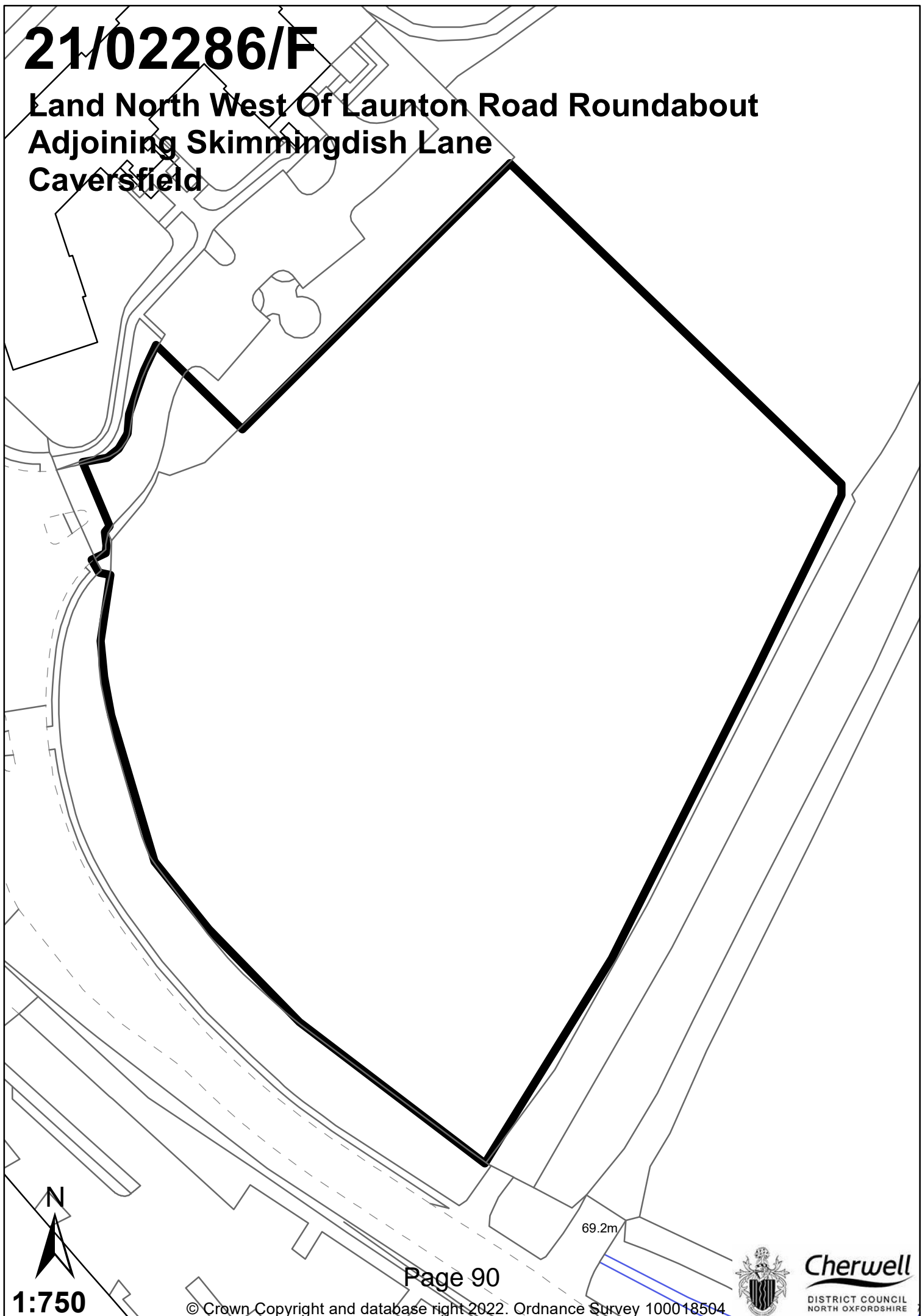
21/02286/F

**Land North West Of Launton Road Roundabout
Adjoining Skimmingdish Lane
Caversfield**



21/02286/F

Land North West Of Launton Road Roundabout
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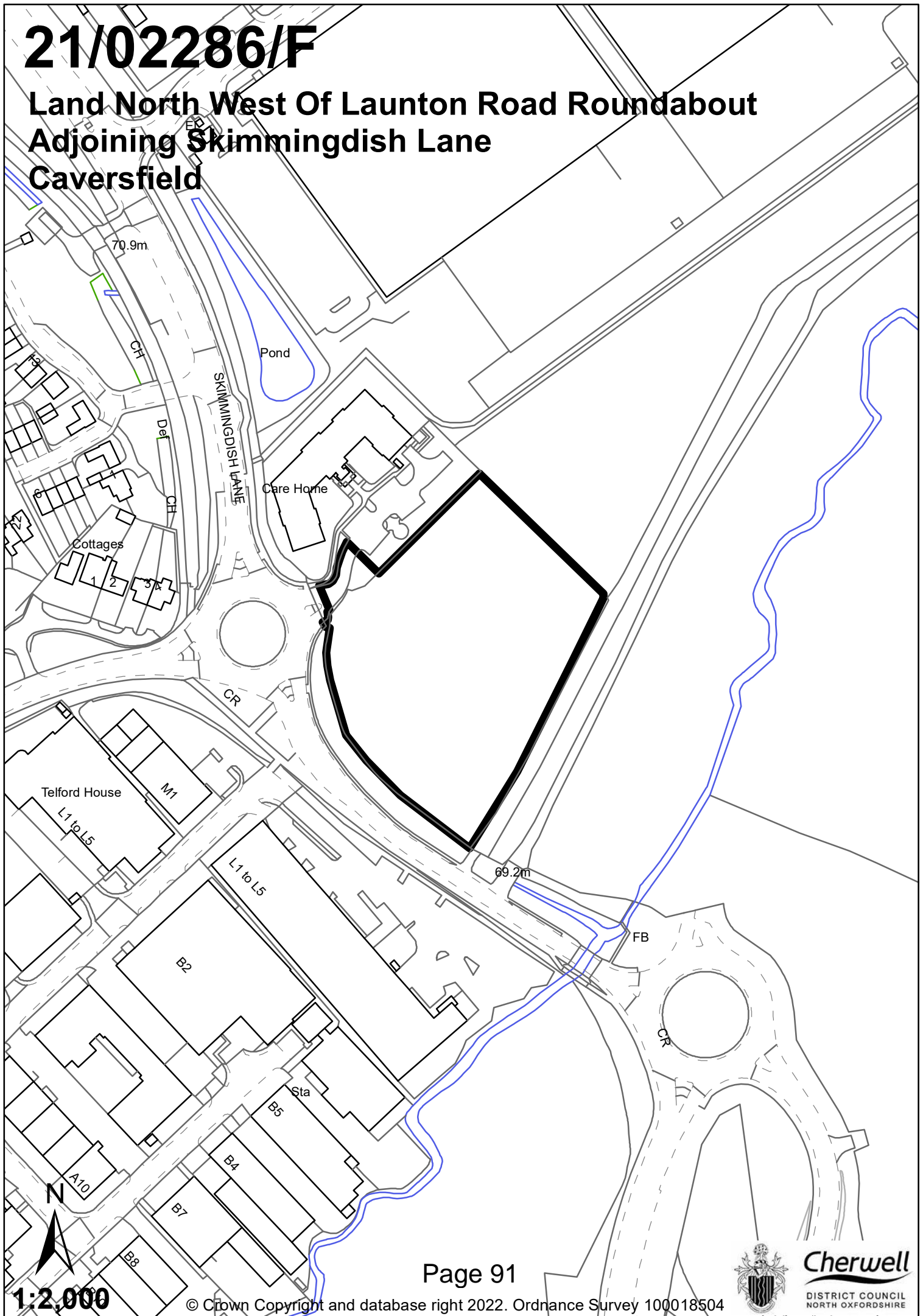


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21/02286/F

Land North West Of Launton Road Roundabout Adjoining Skimmingdish Lane Caversfield



Case Officer: Rebekah Morgan

Applicant: Created Life Three (Bicester) Ltd

Proposal: Construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking

Ward: Launton and Otmoor

Councillors: Cllr Hallchurch, Cllr Holland, and Cllr Hughes

Reason for Referral: Referred by Assistant Director for Planning and Economy for the following reasons: Public interest

Expiry Date: 15 February 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: REMOVAL OF ENVIRONMENT AGENCY OBJECTION; CONDITIONS; AND A S106 PLANNING OBLIGATION. POWERS ALSO SOUGHT TO ALLOW REFUSAL OF THE APPLICATION IF THE PLANNING OBLIGATION, OR AN EXTENSION OF TIME, NOT SECURED BEFORE THE STATUTORY DETERMINATION DATE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the northeast side of Bicester adjacent to the Launton Road roundabout (Skimmingdish Lane/Launton Road/Charbridge Lane junction). The site is currently a vacant greenfield site; it is relatively flat with mature trees/hedgerows along the southeast and southwest boundaries.
- 1.2. Adjacent to the northwest boundary of the site is a residential care home, with commercial development to the north beyond the care home. To the west of the site is residential development and commercial development to the south. The east of the site is bounded by open fields.

2. CONSTRAINTS

- 2.1. The following constraints apply to the site:
 - The majority of the site lies within Flood Zone 3 with the exception of a small area in the north corner which falls within Flood Zone 2.
 - There are Public Rights of Way to the east and west of the site. Neither of these cross the application site.
 - The site is identified for potentially contaminated land
 - The site is within 2km of a SSSI (Stratton Audley Quarries)
 - The site is within 2km of a Local Wildlife Site
 - The development site is close to the RAF Bicester Conservation Area

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a drive-thru restaurant facility (Use Class E (a/b)) with associated access, parking and landscaping. The overall site area is 1.18 hectares.
- 3.2. The proposed building would be single storey with a gross external area of 187.8 sqm (162.7 sqm internal floor area). The design of the building is a mono-pitch portal frame with a parapet wall. The building would be predominantly clad in grey metal sheeting with glazing on the southwest and north west elevations to create the shop front area. The height of the building has been dictated by the future occupiers internal height requirements, with a maximum external height of 5.3m.
- 3.3. The proposal includes car parking provision – 2 no. accessible spaces and 28 no. standard spaces (inc. 4no. spaces with electric vehicle charging points. The proposal includes 6 no. secure cycle spaces in a covered shelter.
- 3.4. The proposed access would join the existing access to Wyndham Care Home which in turn is served from the Launton Road roundabout. The site layout is designed with a drive-thru lane wrapping around the building to provide an area for queuing.

4. RELEVANT PLANNING HISTORY

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

21/02345/SO

Screening opinion to 21/02286/F - Construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking.

08 July 2021 – Screening Opinion not requesting EIA

13/00372/OUT

Construction of 61 bed care home (Use Class C2) together with ancillary accommodation including café, hair salon and shop and associated development including car parking and servicing arrangements

17 June 2013 – Approved

10/00324/OUT

Erection of 5857 sqm of B1 Office development with associated parking, turning and landscaping areas (renewal of 05/01563/OUT)

25 August 2011 – Application withdrawn

09/01659/REM

Reserved Matters (Ref: Outline 05/01563/OUT) B1 Office development with associated parking, turning and landscaping areas - (As amended by plans received 9 December 2010)

20 May 2011 – Approved

05/01563/OUT

Outline - B1 Office development with associated parking, turning and landscaping areas (as supported by additional information received 14/10/05)

19 March 2007 – Appeal allowed.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **30 August 2021**.

6.2. The comments raised by third parties are summarised as follows:

Comments in support:

- Convenient location for trades people and workers using the nearby industrial areas/estates of the town
- Good location as nothing similar on this side of town
- Different food offering to other similar drive-thru restaurants in the town
- The EV charging points provided are much needed
- Creation of jobs
- Reduce pollution if people don't need to drive into the town centre
- Alleviate some traffic in the town centre area

Comments of objection:

- Traffic in this area is already busy and would be made worse by this development
- Traffic calming would be required, speed limit reduction and traffic lights for Vulcan View
- Cyclists are a secondary thought – would like to be able to access the drive thru on a bike
- This should be located on the High Street or in an existing industrial area – lots of empty units available
- Should be located near the A41 or the motorway, not on this side of town
- Impact from construction – noise and traffic
- Loss of green space
- Loss of habitats for wildlife
- Impact on ecology
- Does not fit with the Bicester Healthy Town initiatives
- Promotes unhealthy food
- Climate change concerns – a drive thru would contribute to climate change issues
- Traffic pollution would impact on air quality
- Impact on care home residents – noise disturbance and loss of view
- Likely to cause littering
- Drainage and flooding issues on the site
- Development rates in Bicester are faster than infrastructure provision

- Unnecessary – already a significant number of coffee shops, drive-thru’s etc., to meet need

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. LAUNTON PARISH COUNCIL: **Object** on the following grounds:

- The ecological loss of a green field site, particularly when there are many appropriate brown field sites in the area
- Inappropriate materials and no promotion of renewable energy
- Sitting of an urban requirement in a semi-rural setting
- Potential traffic congestion
- Effect on visitors, residents, staff and emergency services at the neighbouring care home

7.3. BICESTER TOWN COUNCIL: **Object** on the following grounds:

- OCC Highways as part of their Local Transport Plans (LTCP) had shown a loop for the ring road to be constructed and that before anyone makes a decision OCC Highways need to be consulted as to whether their plan is still valid
- Concerned with the speed limit of the road
- Impact on residents and their families from the neighbouring care home due to noise impact

CONSULTEES

7.4. ENVIRONMENT AGENCY: **Object**

These revised details have reduced the underground storage tank requirement to 36.5m³. While this is less than previously proposed, it is still substantially more than we agreed with the applicant during pre-application discussions and we are not satisfied that this method in this volume is acceptable. In addition, we note that the excavation required to provide the proposed floodplain compensation area is detailed only on cross sections. Without a plan it is hard to establish whether the information shown on the sections is practical and achievable. It will be necessary for the applicant to submit a plan showing the floodplain compensation storage area and detail the ground levels required for the area, consistent with the sections.

The submitted detail is not sufficient to address our earlier concerns. We therefore maintain our objection.

7.5. OCC TRANSPORT: **No objection** subject to conditions relating to cycle parking, cycle and pedestrian connectivity and PROW, and a Construction Traffic Management Plan.

- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions requiring an archaeological written scheme of investigation to be agreed and a staged program of archaeological mitigation to be carried out.
- 7.7. OCC – LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to a condition requiring details of the SuDS and site wide drainage scheme to be recorded.
- 7.8. CDC CONSERVATION: **No objection**, do not consider this development will impact on the setting of RAF Bicester. The proposed development will be screened by the recent large warehouses adjacent.
- 7.9. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to a condition for a Construction Environmental Management Plan (CEMP).
- 7.10. CDC HEALTH PROTECTION AND COMPLIANCE: **No objection**
- 7.11. CDC ECOLOGY: **No objection**. The additional submitted information takes into account much of my previous comment. They have retracted the proposal to gain a moderate condition for the grassland outside the main development area and the management proposals now seem more realistic with what will undoubtedly be an area of land which will be used for amenity purposes also.

The BIA suggests a good level of net gain is achievable. This will need to be clearly demonstrated within a LEMP. This should also contain a schedule of review periods to ensure that should management not achieve the desired habitat conditions the methods can be altered. Where necessary there should be the option to restrict public access to some parts of the site.

A CEMP will also need to be conditioned with any permission which should include pre-works badger checks as well as nesting bird season restrictions and a working methodology for avoiding harm to reptiles.

A lighting scheme which limits light spill into the retained and created habitats should also be conditioned.

- 7.12. BICESTER BIKE USER GROUP (BBUG): **Objects**. BicesterBUG objects to the proposal in its current form. The provision for active travel is insufficient and only token effort has been given to enabling customers to access and use the site without a vehicle. In particular, pedestrian and cycle friendly crossings to the development over the arms of the roundabout should be provided. These could include parallel crossings which are economical and demand-sensitive. Parallel crossings could be provided on all arms to create a so-called 'Dutch' roundabout. Segregated paths should be provided on all desire lines to the development that comply with Department for Transport Local Transport Note ('LTN') 1/20.

We note the incongruity of a vehicle centred drive thru coffee outlet being proposed in Bicester when the Council has declared a climate emergency, ambitious targets for active travel and while traffic issues are increasing. This context makes the provision of high-quality walking and cycling access more, not less, important in this case to ensure high walking and cycling customer numbers.

Further engagement by BicesterBUG with the developers and planning authority would be appreciated to enable the plans to develop as recommended under LTN1/20.

Further detailed comments have been provided in the consultation responses expanding on the points raised in the summary set out above.

7.13. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE): **Object** on the following grounds:

- Set within the context of a climate change emergency, a drive-thru coffee unit is ill conceived
- Principle purpose of a drive-thru is to provide a service for transient vehicles which would not reduce the number of vehicle journeys in line with the CDC climate change framework
- Goes against the NPPF which promotes sustainable travel modes that limit future car use
- Approval would demonstrate that CDC is not serious about the climate change agenda
- Policy Bicester 11 states that the area should be focussing on maximising access by means other than private car. However, the developers have confirmed in their transport assessment that vehicle movements will increase
- A significant reduction in car journeys and vehicle emissions will only be achieved if all new development is planned around active travel modes
- Impact on the environment including noise and light pollution
- Traffic congestion and highway safety concerns
- The scheme should achieve a BREEAM very good rating which developers suggest cannot be achieved
- Impact on resident including neighbouring care home
- Loss of greenspace and impact on ecology
- Proposal falls short of the 10% net biodiversity gain required
- Site comprises of fertile land and should be assessed to ascertain if the site contains 'the best and most versatile agricultural land' in line with NPPF para 174

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)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Employment Development
- SLE3 – Securing a Dynamic Town Centre
- 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 (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- BICESTER11 – Employment Land at North East Bicester

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP1 – Allocation of sites for employment generating development
- TR20 – Reservation of land for road schemes at Bicester
- C28 – Layout, design and external appearance of new development

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
- Design and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Flood risk and drainage
- Ecology impact
- Energy efficiency
- Environmental Impacts

Principle of Development

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

9.3. Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development and states for decision taking, this means 'approving development proposals that accord with an up-to-date development plan without delay'. The presumption in favour of sustainable development is reiterated in Policy PSD1 of the Cherwell Local Plan 2015.

9.4. The application site is allocated in the Cherwell Local Plan 2015 under Policy Bicester 11 for 'employment development' in the form of the Use Classes B1, B2 and B8. Policy SLE1 supports employment development on new allocated sites within the plan; this is one of the sites allocations which allow for employment development (B Use classes) within the plan.

- 9.5. The Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020 came into force on 1 September 2020 and made amendments to the classification of uses within the Use Class Order. Relevant to the Policy Bicester 11 allocation, the changes include the re-classification of Use Class B1 within Class E (Commercial, business and service).
- 9.6. The application forms part of the Bicester 11 policy allocation within the Cherwell Local Plan 2015. The overall allocation comprises of a larger parcel of land totaling 15 hectares. The northern part of the allocation has been developed in the form of large commercial buildings. The application site forms approximately 1/3 of the remaining land within the allocation. The allocation allowed for development falling within Use Classes B1, B2 and B8. With the change to the use class order set out above, some of those uses (B1) now fall within Use Class E.
- 9.7. The proposal is for a drive-thru coffee shop/restaurant which allows for the consumption of food on and off the premises. Use Class E(b) provides for '*the sale of food and drink for consumption (mostly) on the premises*' whilst '*hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises)*' is considered to be Sui Generis (in a class of its own). Given the identified end user (Gregg's) the proposal is not limited to the sale of hot food and is more of a coffee shop type establishment selling a range of hot and cold baked goods. Notwithstanding this and the provisions of the new Class E classification, the Policy Bicester 11 allocation anticipated the provision of commercial, industrial and office uses rather than food establishments. Therefore, the proposal cannot be considered to be a use supported by the policy allocation.
- 9.8. The majority of the Policy Bicester 11 allocation has now been developed and the policy prohibits development in Flood Zone 3b, which the majority of the remaining land falls within. Therefore, there is realistically only a small proportion of remaining land that could be delivered under the allocation. Given the size of this, it is unlikely to come forward under one of the uses originally envisaged for the site.
- 9.9. The proposal represents a beneficial economic use that could be delivered on the site and it would be an employment generating use. The proposal would only represent a very small proportion of the overall policy allocation and given the majority of the site is already developed, this proposal would not undermine the overall strategy for the allocation which was to seek employment uses on the site.
- 9.10. With regards to the sustainability requirements of the NPPF and Policy PSD1 of the Cherwell Local Plan 2015, the proposal is considered to be located in a sustainable location. It is located on the edge of one of the District's largest settlements, it is located on an allocated development site and is accessed by the existing highway network, including active travel modes: cycle paths run close to the site, it is accessible by pedestrians and there is a bus stop close to the site.
- 9.11. In terms of the economic and social elements of sustainability, the proposal will create additional jobs in the area and bring economic benefits. The site also has the potential to offer a place for local residents to socialise on this side of town. It also provides an additional offering for workers on the nearby industrial developments.
- 9.12. Third party representations have questioned the type of food offering, in terms of health and wellbeing. It is not for the Local Planning Authority to determine the type of food that establishments sell and therefore the proposal cannot be refused on the basis that the offering is perceived as unhealthy.
- 9.13. Developments of this type are normally best located within the town centres. The National Planning Policy Framework requires compliance with the sequential

assessment for main town centre uses that are not in an existing town centre or in accordance with an up-to-date Development Plan (Section 7, Paras 86-91). Policy SLE 2 of the Cherwell Local Plan 2015 broadly reflects the approach of the NPPF. Policy SLE2 requires an impact assessment when the proposed development exceeds 1500 sq. metres (gross) in Bicester, so that would not apply to this proposal.

- 9.14. The proposal comprises of a small coffee shop type use but is specifically designed with a drive-thru provision which limits suitable locations. The identified end user also has an existing presence in the centre of Bicester. Given the scale, type and nature of the proposal it is not considered to have a significant adverse impact on the town centre.
- 9.15. In conclusion, the proposal is considered to represent sustainable development meeting environmental, social and economic elements of sustainability. Due to the scale, type and nature of the proposal, the development would not have a significant adverse impact on the town centre and it would not undermine the aims of the Policy Bicester 11 in delivering employment uses, as most of the allocation is developed. Therefore, the principle of development is considered to be acceptable on this site.

Design and Character of the Area

- 9.16. Policy ESD15 of the Cherwell Local Plan 2015 states: *'Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new developments will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that compliments the asset will be essential'*.
- 9.17. The proposed building would have a gross external area of 187.8sqm and a maximum height of 5.3m. The buildings design is a relatively simple box design which would be predominantly clad in anthracite grey panels with limited area of cornflower blue cladding details (to match the corporate colours of the end user). Sections of glazing and a small canopy are designed to denote the shop front area of the building.
- 9.18. The proposal includes an external seating area on the southwest side of the building and a car parking area. Existing, mature landscaping fronting Charbridge Lane would be retained and new soft landscaping would be installed around the edges of the car park and around the perimeter of the drive-thru lane.
- 9.19. The proposal would result in the reduction of greenspace, however, as an allocated site within the Cherwell Local Plan 2015, it was expected that development would occur on the site.
- 9.20. The proposed building would be relatively small and would not appear out of keeping in the location. In terms of scale, it would be smaller than the neighbouring car home building and other commercial buildings within the locality. The design of the building and the proposed palette of materials reflects the context of commercial development in this area.
- 9.21. The retention of the existing hedgerows and mature landscaping adjacent to Charbridge Lane will help to soften the development when viewed from the main roads.
- 9.22. Due to the location, there would be limited longer distance views of the site. However, any views would be within the context of the neighbouring care home and commercial development beyond it. Therefore, this proposal would not appear at odds with its surroundings.

9.23. Overall, the design of the building and the site is considered to be acceptable and in accordance with government guidance contained within the National Planning Policy Framework and Policy ESD15 of the Cherwell Local Plan 2015.

Heritage Impact

9.24. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 Part 1 echoes this guidance.

9.25. The site is close to the boundary of the RAF Bicester Conservation Area, however the intervening land is developed (care home and commercial development) and the proposed site would not be viewed within the context of the Conservation Area.

9.26. The Council's Conservation Officer has not raised an objection to the proposal and has advised the development would not impact on the setting of the RAF Bicester Conservation Area as the proposed development would be screened by the large warehouse development which sit between the site and the Conservation Area.

9.27. The proposal is not considered to have a detrimental impact on the setting of the Conservation Area. In this regard, the proposal complies with government guidance contained within the NPPF and Policy ESD15 of the Cherwell Local Plan 2015.

Residential Amenity

9.28. The proposed development would be located adjacent to a care home and there are also residential properties to the southwest of the site on the opposite side of Launton Road roundabout.

9.29. Paragraph 185 of the National Planning Policy Framework states: *'Planning policies and 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:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

9.30. The National Planning Practice Guidance (NPPG) on Noise states: *'Plan-making and decision making need to take account of the acoustic environment and in doing so consider:*

- *Whether or not a significant adverse effect is occurring or likely to occur;*
- *Whether or not an adverse effect is occurring or likely to occur; and*
- *Whether or not a good standard of amenity can be achieved'.*

9.31. The application submission included a noise assessment of the proposal. The report included an environmental noise survey, assessment of noise from fixed plant

equipment, noise from 'drive-thru' activity and noise from car parking activity. The report concluded that '*noise from the operation of the proposed restaurant and 'drive-thru' at land off A4421, Bicester would not adversely affect the amenity of the existing residents*'. The report also recommends a condition to ensure fixed plant/machinery does not exceed the existing background noise climate.

- 9.32. With regards to potential opening hours, the report concludes that '*noise from 'drive-thru' and car parking activity would comply with both the daytime and night time WHO guideline values and be well below the existing daytime ambient noise climate*', and therefore, the proposed restaurant/drive-thru facility '*could trade on an unrestricted basis without associated noise causing significant adverse impact*'.
- 9.33. The Council's Environmental Protection Officer has considered the details of the proposal and the submitted noise assessment; they are satisfied with the methodology and conclusions presented in the report. The proposal is not considered to have a detrimental impact in terms of noise creation on neighbouring residential properties.
- 9.34. With regards to potential impact on outlook/views, residents of the care home are most likely to have sight of the proposed development. The proposed building would be located on the northwest side of the site adjacent to the boundary with the care home. The building would be single storey with a maximum height of 5.3m and would be located over 35m away from the closest point of the care home.
- 9.35. Whilst the view from some rooms at the care home would change, the proposal does not include the removal of all the existing mature vegetation and green space. The building is relatively small and would not appear overbearing or overly dominant when viewed from neighbouring properties. Furthermore, it has to be noted that the application site is within an allocated employment site (Policy Bicester 11) of the Cherwell Local Plan 2015 and therefore, the land was not anticipated to remain undeveloped.
- 9.36. Given the scale of the proposed built development and its distance from the neighbouring care home, the proposal is not considered to cause harm to residential amenity and accords with government guidance contained within the National Planning Policy Framework.

Highway Safety

- 9.37. The vehicle access to the site is from the A4421/Launton Road roundabout via its eastern arm which currently serves the neighbouring care home. The site includes the provision of car parking (including accessible spaces and electric vehicle charging points). The proposal is designed with a drive-thru lane that wraps around the building to provide room for queuing vehicles.
- 9.38. The application is accompanied by a Transport Statement and Travel plan which sets out the anticipated number of vehicular movements that are anticipated and details of how the site can be accessed via active travel modes.
- 9.39. The Bicester Bike User Group has raised concerns regarding the proposals. Their concerns relate to insufficient provision for active travel. In particular, concerns are raised regarding pedestrian and cycle provision crossing the arms of the Launton Road roundabout. They suggest that crossing could be provided to create a so-called 'Dutch' style roundabout. They also suggest that segregated paths should be provided on all desire lines to the development.
- 9.40. The Local Highway Authority has raised no objection to the proposal and have not raised any concerns with the information set out in the supporting documents. They

raise no concerns regarding access or highway safety implications of the proposal. The response has recommended the following conditions:

- Cycle parking provision
- Cycle and pedestrian connectivity and PROW
- Construction Traffic Management Plan

- 9.41. The recommended conditions for cycle parking and a Construction Traffic Management Plan are standard requirements for this type of development.
- 9.42. The applicant responded following the Local Highway Authority comments and those made by the Bicester Bike User Group. They do not consider that the suggested conversion of the adjoining roundabout to a Dutch style roundabout would be commensurate with the nature and scale of the development. They acknowledged the justification for improvements to the footway, in the form of widening it to a minimum width of 2m (along the stretch immediately adjoining the vehicular egress from the site frontage) and a drawing was submitted to show this. The applicant has suggested the most efficient means of securing these works would be via a financial contribution secured through a Section 106 agreement.
- 9.43. Planning officers agree that given the scale of the proposal, works to convert the Launton Road roundabout to a Dutch style roundabout could not be justified and would not be CIL Reg 122 compliant.
- 9.44. With regards to the footpath widening proposal, the Local Highway Authority has confirmed that the works are necessary to make the development acceptable in planning terms and the details set out in drawing number 4364-SK-05 are acceptable. Therefore, the requirement for the applicant to enter into a Section 278 agreement with the Local Highway Authority and Section 106 agreement to secure the required financial contribution is set out in the recommendation.
- 9.45. The applicant has disputed the request to provide a link to the Public Right of Way (PROW). They do not feel it is justified as they feel the footfall is likely to be limited from this route. They also advise that the link would not be desirable because the works to create the link, and the associated footfall and activity would be in an area that is better preserved to enhance biodiversity of the site.
- 9.46. In response the Local Highway Officer commented that *'Given the lack of recorded PROW across the site and the alternative provision on the footway with the nearby footpaths 272/17 and 272/15, I tend to agree about the need to preserve and protect as much undisturbed area as possible. I don't think we can insist on this and justify it at appeal as there isn't a significant need that can't be met in other ways. I would however suggest to the District Council/Applicant to consider, if a walked 'desire line' emerges (and the application is approved and the site is occupied), the site owner will commit to work with OCC to formalise that access route in the form of a footpath creation agreement'*.
- 9.47. Given the latest comments provided, it is considered that the initially suggested PROW link cannot be insisted upon and therefore the condition will be included but amended to exclude the reference the PROW. A planning note will be included regarding the future potential for a formal link should a clear desire line emerge once the development is occupied.

Flood Risk and Drainage

- 9.48. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 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.*

9.49. Paragraph 169 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.*

9.50. 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.*

9.51. The application site is mainly located within Flood Zone 3 with small parts of the site located in Flood Zones 1 and 2. The flood zones are defined as follows:

Flood zone 1

Land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)

Flood zone 2

Land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year

Flood zone 3

Land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

Flood zone 3b

Land having the potential to flood for storm events up to the 1 in 20 year return period (>5% annual probability of flooding occurring). It is classified as 'functional floodplain'.

9.52. The proposed development has been designed to ensure the building is located in an area of the site with the lowest risk of flooding. The application has also been submitted with a flood risk assessment and drainage strategy for the site. Following the initial comments from the Environment Agency and the Local Lead Flood Authority (OCC), the applicant has submitted additional information in response to concerns raised.

9.53. The Local Lead Flood Authority (OCC) have confirmed they are content with the additional information and proposed drainage strategy for the site. They raised no

objection to the proposal subject to conditions requiring the drainage scheme to be implemented and maintained in accordance with the submitted details.

- 9.54. The Environment Agency are currently maintaining an objection to the proposed scheme. They have provided two detailed responses which clearly set out their concerns. The latest comments state *'These revised details have reduced the underground storage tank requirement to 36.5m³. While this is less than previously proposed, it is still substantially more than we agreed with the applicant during pre-application discussions and we are not satisfied that this method in this volume is acceptable.*

In addition, we note that the excavation required to provide the proposed floodplain compensation area is detailed only on cross sections. Without a plan it is hard to establish whether the information shown on the sections is practical and achievable. It will be necessary for the applicant to submit a plan showing the floodplain compensation storage area and detail the ground levels required for the area, consistent with the sections'.

- 9.55. The applicant has provided a detailed response to the current objection including additional flood risk information and revised drawings. The letter sets out their approach and why they are confident that the Environment Agency objection can be addressed.
- 9.56. The Environment Agency has been re-consulted on the additional information and members will be provided with an update.
- 9.57. Considering the issues set out in the current objection and the available land within the application site, it is considered that there is a realistic possibility that the Environment Agency will withdraw their objection and an acceptable proposal can be agreed.
- 9.58. Subject to the Environment Agency withdrawing their objection, the proposal is considered to be acceptable with regards to drainage and flood risk and would be in accordance with government guidance contained within the National Planning Policy Framework and Policy ESD 7 of the Cherwell Local Plan 2015.

Ecology Impact

- 9.59. Paragraph 174 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.
- 9.60. Paragraph 180 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.
- 9.61. Paragraph 185 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.

- 9.62. 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.
- 9.63. 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.
- 9.64. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.65. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that 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.
- 9.66. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.67. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.68. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.69. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.70. The application was supported by a protected species survey and supporting ecological information. Following initial comments from the Council's Ecologist, additional information including a revised biodiversity assessment and a revised Biodiversity Metric calculator were submitted.
- 9.71. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.72. With regards to biodiversity net gain (BNG), the revised Biodiversity Metric 2.0 now demonstrates a biodiversity net gain of approximately 18% can be achieved on the site and this exceeds the Council's corporate target of 10% as set out in the 2020-2022 Community Nature Plan. Conditions including a Landscape and Ecological Management Plan (LEMP) have been recommended to ensure the BNG is achieved and managed on the site.

Energy Efficiency and sustainable construction

- 9.73. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 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 155 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.*
- 9.74. Policies ESD 1-5 of the Cherwell Local Plan 2015 cover a range of climate change topics including: mitigating and adapting to climate change, energy hierarchy and allowable solutions, sustainable construction, decentralised energy systems and renewable energy.
- 9.75. Policy ESD 1 of the Cherwell Local Plan 2015 states '*Measure will be taken to mitigate the impact of development within the District on climate change*'. It advises that strategically this means locating growth in the most sustainable locations, delivering developments that reduce the need to travel and include active travel option, designing development to reduce carbon emissions (in line with Policy ESD 3) and promoting the use of decentralised systems or renewable energy (Policies ESD 4 and 5).
- 9.76. The application site is located within a strategic allocation in the Local Plan which is identified as a sustainable location for employment generating development. The site is on the edge of a large town within the district and can be accessed via active travel

modes (pedestrian, cycle and bus links exist close to the site). While it is acknowledged that a 'drive-thru' by definition is aimed at motor vehicle users, it is anticipated that many of the customers will make a stop as part of a 'shared' journey en-route to another destination rather than just to visit the development.

- 9.77. With regards to sustainable construction and energy efficiency during operation, the applicant has confirmed that the building *'is designed to use less energy and manage demand during operation through fabric and servicing improvement and the incorporation of flexibility measures. This also includes using highly efficient LED lighting and high efficiency heat recovery for ventilation systems'*. Furthermore, the heating and cooling of the building will be provided by air source heat pumps and it is proposed to install approximately 100m² of photovoltaic panels on the roof of the building.
- 9.78. The proposed building is small in scale with a gross external area of only 187.8m² however, the applicant is proposing energy efficiency measures include PV panels to ensure the building is sustainable.
- 9.79. Subject to the imposition of suitable conditions requiring the submission and approval of an 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 1-5 of the Cherwell Local Plan 2015.

Environmental Impacts

- 9.80. A Phase 1, non-invasive, desk study has been submitted which comprised of a site walkover, an Environmental Disclosure Report and a Historical Map search. A site investigation report has also been submitted. The reports conclude the site is suitable for the proposed development set out in the application and set out required mitigation.
- 9.81. With regards to potentially contaminated land, the Council's Environmental Protection Officer had advised that both reports have been considered and no further comments or observations are made.
- 9.82. Conditions have been recommended to ensure the development is carried out in accordance with the details in the report and a condition is included to deal with any unexpected contamination, if found during the construction works.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Achieving sustainable development comprises of three objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 10.2. The application proposes the provision of a small coffee shop/drive-thru facility development that would support the local economy and create additional jobs, providing an economic benefit thereby meeting the economic objective. It is anticipated that the development would create a well-designed and safe place for employees and customers. It would offer a facility on this side of town for local people to meet socially and some additional offering for workers in the local area, thereby meeting the social objective. The building can be designed to ensure they meet the required energy efficiency standard, and the proposal would respect the natural environmental context of the site, providing mitigation and enhancement where required thereby meeting the environmental objective. Therefore, the development is considered to constitute 'sustainable development'.

- 10.3. Whilst it is acknowledged that the proposed use doesn't entirely match the uses set out in Policy Bicester 11 of the Cherwell Local Plan 2015, it does provide an appropriate employment generating use on the site. Furthermore, due to the extent of development that has already occurred within the allocation, this limited variation would not undermine the Plan's strategic requirement for employment sites.
- 10.4. As set out in the assessment above, the proposal would not cause harm to residential amenity, highway safety (subject to infrastructure works and financial contribution), visual amenity, ecology or contaminated land.
- 10.5. The proposal is therefore considered to comply with relevant policies of the Development Plan set out in the report and the National Planning Policy Framework, and permission should be granted.

11. RECOMMENDATION

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

(i) THE ENVIRONMENT AGENCY REMOVING THEIR OBJECTION

(ii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

(iii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- Highway Works (Widening of the public footway to a minimum of 2m - section immediately adjoining the vehicular egress from the site frontage) – TBC
- OCC S106 Monitoring fee – TBC

(iv) THE APPLICANT ENTERING INTO A SECTION 278 AGREEMENT WITH THE LOCAL HIGHWAY AUTHORITY TO SECURE IMPLEMENTATION OF THE WIDENING OF THE FOOTPATH SPECIFIED WITHIN THE S106

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 15/02/2022. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THE 14/02/2022, AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained within the National Planning Policy Framework.

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:
 - Application form
 - Planning Statement
 - Design and Access Statement
 - Transport Statement
 - Travel Plan
 - Flood risk assessment and additional supporting information
 - Drainage Strategy
 - Ecological report and additional supporting information
 - Archaeology and heritage assessment
 - Noise assessment
 - Site investigation report and non-intrusive desk study
 - Drawing number 15987-100 Rev C – Location Plan
 - Drawing number 15987-101 Rev A – Existing Site Plan
 - Drawing number 15987-105 Rev E – Proposed Site Plan
 - Drawing number 15987-106 Rev B – Proposed Elevations, GA & Roof Plans
 - Drawing number 15987-107 – Proposed Cycle Details
 - Drawing number 15987-108 – Proposed Refuse Details
 - Drawing number 15987-109 Rev B – Proposed Master Plan
 - Drawing number 15987-VL-L01 Rev C – Landscape Plan
 - Drawing number 15987-VL-L02 – Landscape and Ecological Enhancement Plan

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. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Details of all external lighting including the design, position, orientation, illumination and its intensity together with 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, operated, and retained in accordance with the approved scheme at all times thereafter. No other external lighting shall be erected within the site without the prior written consent of the Local Planning Authority.

Reason – In the interests of visual amenity, to ensure it has no adverse impact on ecology and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

5. 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. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be maintained in accordance with the approved schedule.

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.

6. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown 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 onsite 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.

Reason – In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

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

8. Prior to the implementation of the development a plan showing details of the site's proposed Pedestrian and Cycle route connectivity with existing pedestrian and cycle routes close to the development shall be submitted and approved in writing by the Local Planning Authority.

Reason – In the interests of sustainable travel and accord with policy ESD 1.

9. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the first use of the building commencing. Reference: Design Strategy, DS/01, Issue: Rev P7, Revision: P7, Date: 09/11/2021.

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal.

10. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each ley stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information.

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal.

11. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason – To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the

development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

12. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. 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 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.

14. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

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 in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

15. 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.

Planning Notes

1. **Condition 3** – In respect of condition 3 above, the requirement for a Signage Strategy does not replace or avoid the need for separate advertisement consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
2. **Condition 13** – In respect of condition 13 above, the LEMP will be expected to clearly demonstrate a minimum 10% net biodiversity gain for the site.

Public Right of Way (PROW) link – If a walked ‘desire line’ emerges after occupation of the development, the site owner is encouraged to contact the PROW officer at Oxfordshire County Council to formalise that access route in the form of a footpath creation agreement.

21/01580/F

**Kemsley Farm
Northampton Road
Weston On The Green
OX25 3AA**



1:5,000



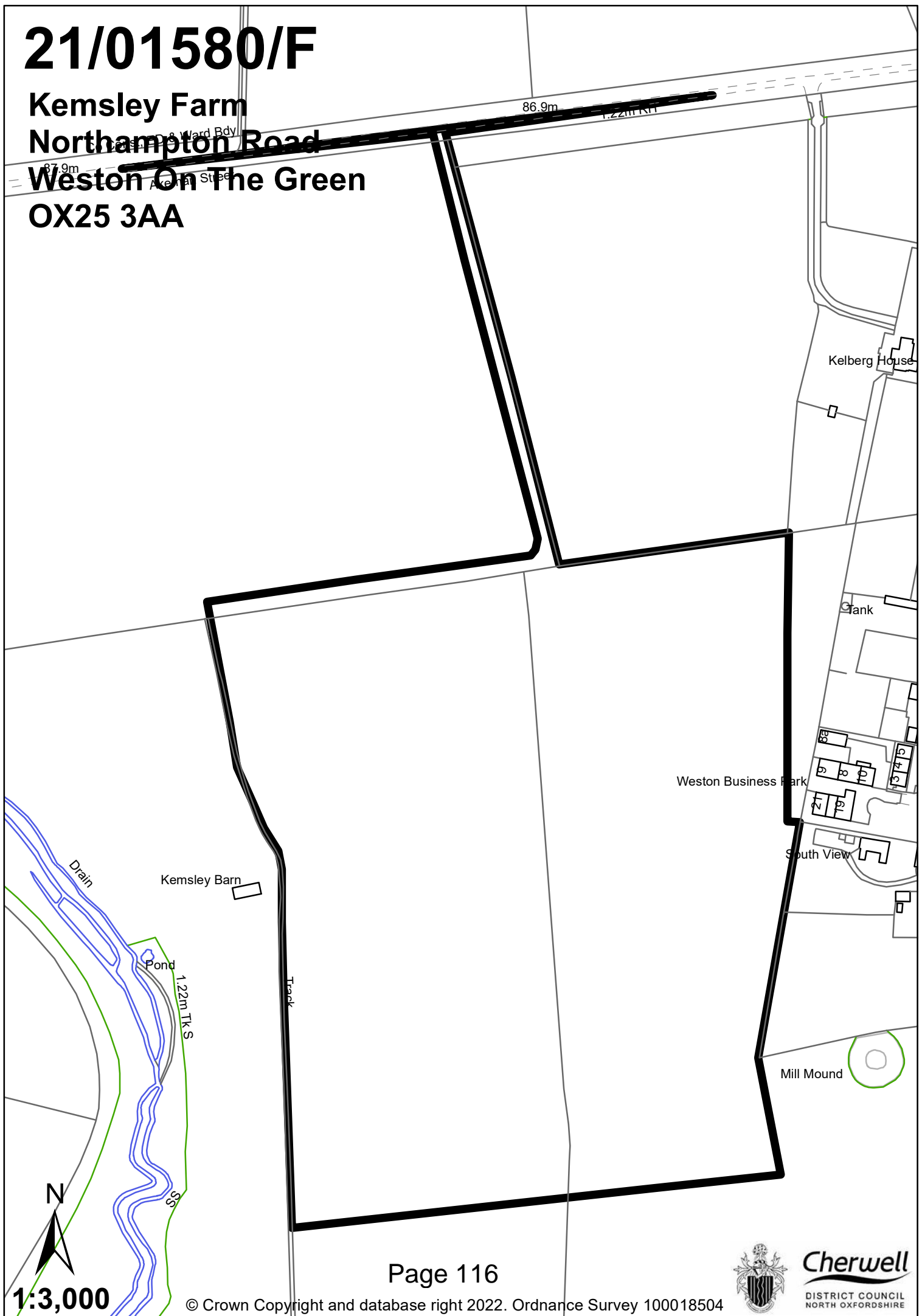
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Kemsley Farm

Northampton Road

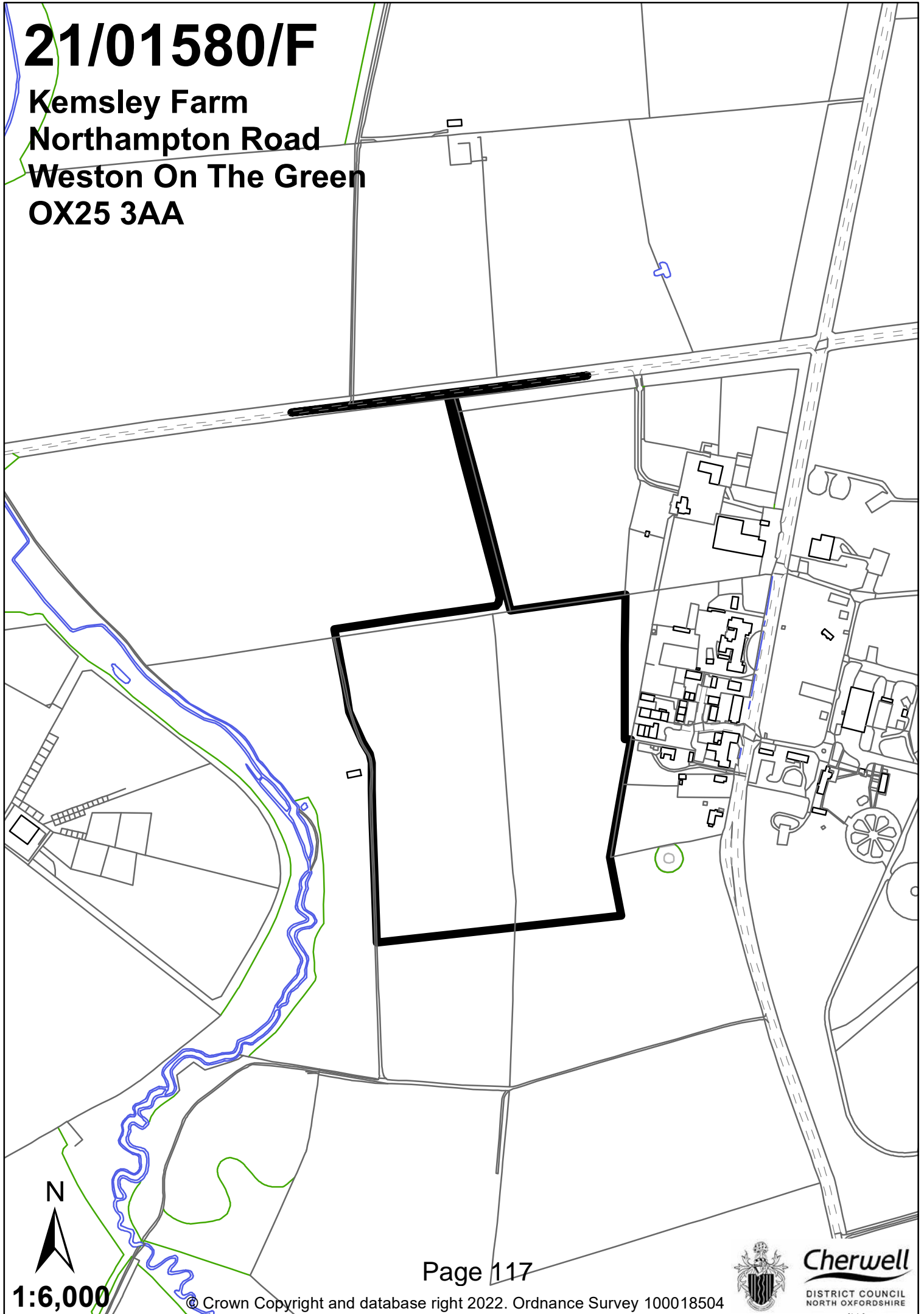
Weston On The Green

OX25 3AA



21/01580/F

**Kemsley Farm
Northampton Road
Weston On The Green
OX25 3AA**



Case Officer: James Kirkham

Applicant: Oxford Polo Limited

Proposal: Change of use of land from agriculture to equestrian use. Erection of buildings to provide stabling for 36 ponies with associated facilities for the storage of tack, feed and equipment to tend the land. Formation of an exercise arena and exercise track and school area. Relocation of existing site access to Akeman Street.

Ward: Launton and Otmoor

Councillors: Councillor Hallchurch, Councillor Holland, and Councillor Hughes

Reason for Referral: Major development

Expiry Date: 11 February 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO THE RESOLUTION OF THE OBJECTION FROM THE COUNTY ARCHEALOGY, AND CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of 14.39ha of undeveloped agricultural land to the south of Akeman Street and to the west of the B3430 (Northampton Road) approximately 1km north of the village of Weston-on-the-Green. RAF Weston on the Green exists approximately 200m to the east of the site beyond the Northampton Road. Approximately 100m to the west of the site is the Gallos Brook with larger areas of tree planting with associated flood risk areas however these do not extend into the site.
- 1.2. The site falls gently in a southerly direction. The site was formerly used for arable cultivation but is now in the process of being set to pasture for grazing. Immediately to the east exists a small commercial estate with various industrial and office uses and a number of dwellings. The site includes a number of hedgerows and trees which separate the existing fields.

2. CONSTRAINTS

- 2.1. The site is located in the area covered by the Weston-on-the-Green Neighbourhood Plan which forms part of the Development Plan.
- 2.2. The Weston Fen Site of Special Scientific Interest (SSSI) is located approximately 200 metres to the south west of the site which is also a Natural Environment and Rural Communities Act (NERC) Priority Habitat (Wet woodland).
- 2.3. A public bridleway (ref 404/19/10) is located approximately 200m to the south of the site. The site is also located in the safeguarding zone for RAF Weston-on-the-Green

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission to change the use of the land for equestrian purposes, namely the keeping and training of polo ponies. The application seeks permission to relocate the applicant's business (Oxford Polo Ltd) from a leased stable a few hundred metres to the west of the site to the application site. The site would provide a base for keeping the ponies in between competing and training during the summer months and accommodation and paddocks for over-wintering. It would also allow training of younger ponies to take place on site. The site will not accommodate competitions but will provide training for school children as at their existing site. The applicant has stated that typically there would be 2 minibuses a day during the term time.
- 3.2. The application also seeks permission for the following:
- Erection of two buildings to the east of the site (each 36m x 25m – 4m to eaves, max height 6.1m) to provide stabling for 36 ponies and associated storage such as feed, tack and equipment. This would be finished with treated timber spaced boarded to the elevations with a fibre cement roof sheeting.
 - The relocation of an access on Akeman Street to the north of the site and the provision of hoggin access tracks within the site to serve new buildings and uses.
 - Creation of an all weather horse arena area, schooling area and exercise track to allow for training all year round.
 - Creation of a new infiltration pond
- 3.3. During the course of the application further information has been received in regard to flood risk/drainage, ecology, the nature of the use and amended plans reducing the size of the buildings.
- 3.4. There is also a further planning application pending consideration on the wider site for a stone barn to be converted to a dwelling to provide accommodation for the owner (21/00873/F refers).

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly on this site. However on the following planning history is considered relevant to the current proposal and is located immediately to the west of the current application site and is part of the same land holding:

Application: 21/00873/F

Demolition of existing chapel and erection of 1 dwelling

Under consideration

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **1 July 2021**.

- 6.2. 1 comment was raised by third parties which requested clarification on an access track adjacent to the eastern boundary. This was clarified by the applicant. 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. WESTON ON THE GREEN PARISH COUNCIL: Originally **objected** as further information is required in respect of flood risk; ecology and biodiversity; information on waste disposal; visual impacts; lighting and potential noise. Further to the receipt of additional information in the above respect the parish council **comment** that they are supportive of rural businesses within the Parish however remain concerned over what happens when period of excess flooding occur in and around Landscape Road/Northampton Road.
- 7.3. CHESTERTON PARISH COUNCIL (immediately adjoining site): **No objection** but request consideration of signage on Akeman Road and provision of car parking.

CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to conditions. The relocation of the access is acceptable and supported by speed surveys and appropriate visibility splays. The existing access should be closed. Due to the location of the site it is assumed that the vast majority of trips made to the site will be via private car. The public Right of Way 404/19/10 forms the southern boundary of the site and is not expected to be impacted by the proposals.
- 7.5. The application form states that 20 vehicle parking spaces will be provided for staff and visitor and request a condition detailing this. The applicant has demonstrated that a 12.5m articulated vehicle can safely access the site using swept path analysis
- 7.6. As stated in the access statement, traffic impact from the site is expected to be minimal. The applicants estimation of 10 members of staff and 10 visitors accessing the site per day would not result in a significant impact on trip generation, particularly if trips are staggered throughout the day and considering the seasonal changes in polo. The traffic impact is expected to be minimal.
- 7.7. NATURAL ENGLAND: Originally **objected** as insufficient drainage information was provided to assess the impact of the development on the Weston Fen SSSI. Welcome the new 20m woodland buffer alongside the Gallos Brook which follows into the Weston Fen SSSI and request that hedgerow between the Paddock and SSSI is retained. Further to receipt of additional drainage information raise **no objection** subject to the drainage strategy being conditioned and implemented.
- 7.8. CDC ECOLOGY: **No objection**. The submitted survey is acceptable and agrees with the conclusions and the recommendations should be conditioned. A LEMP showing the full species and planting lists and including the location and types of bird and bat boxes (as per the Ecological Impact assessment) should be conditioned and submitted pre-commencement. The Biodiversity calculations demonstrate that, if the recommendations above are put in place, a very good level of net gain for biodiversity in both habitats and hedgerows can be achieved under these proposals

- 7.9. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions on land contamination, EV charging points, full details for storage and disposal of manure and waste from the site and a detailed lighting scheme
- 7.10. CDC LAND DRAINAGE: Further to the receipt of additional drainage information and flood exceedance routes raises **no objections**.
- 7.11. OCC DRAINAGE: Further to the receipt of additional information **No objections** subject to conditions.
- 7.12. NATIONAL AIR TRAFFIC SYSTEMS: **No objections**
- 7.13. MOD SAFEGUARDING: **No objection**. The application site falls within the statutory height and technical safeguarding zones surrounding RAF Weston on the Green however no objection is made.
- 7.14. OCC ARCHAEOLOGY: **Objection** on the basis of insufficient information. Request the submission of a Desk Based Assessment and the result of a field evaluation

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 2015)

- Policies ESD6 – 7 – SUDS and flood risk
- Policy 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic development in the countryside
- C28 – Layout, design and external appearance of new development
- AG5: Development involving horses
- ENV1 – Pollution control

- 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 Weston-on-the-Green Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

Weston-on-the-Green Neighbourhood Plan

- E1 – Environment
- E2 – Environment
- E4 – External lighting

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
- Ecological impact
- Heritage
- Residential amenity
- Other matters

Principle of development

9.2. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF notes the same, and that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

9.3. The application seeks planning permission for the use of the land for equestrian purposes and the erection buildings/structures for this purpose.

9.4. Saved Policy AG5 states that proposals for horse related development will normally be permitted provided they do not adversely affect the character and appearance of the countryside and are not detrimental to the amenity of the neighbouring properties.

9.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the overall acceptability of this particular proposal is subject to other material considerations.

Design and impact on the character of the area

9.6. Paragraph 126 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.* Saved Policy C28 of the CLP 1996 reinforces this, stating: *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.*

9.7. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the countryside or cause undue harm to important natural landscape features and topography. Paragraph 174 of the NPPF states that planning decision should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

- 9.8. Policy E1 of the WOTG Neighbourhood Plan 2021 (WOTG NP) states new development should provide a positive contribution to the locally distinctive character and achieve a biodiversity net gain. It also states development outside the village confines along the B430 should be avoided unless it is in accordance with other development plan policies. Policy E4 seeks to ensure lighting is designed to ensure it does not cause visual intrusion or cause adverse effects due to light pollution.
- 9.9. The application site lies within the open countryside for planning purposes outside the built limits of any settlement. The proposed buildings have been located to the eastern part of the site to be situated near to the existing commercial and residential properties which exist to this boundary. This is considered to be an appropriate approach to ensure that the proposed buildings do not appear unduly dominant in the landscape and ensure they are seen in the context of this existing built form and limit their visual intrusion.
- 9.10. The buildings will have an agricultural and functional form and appearance which would not be out of place in this rural context and the topography of the site is relatively flat in this area. Public views to the north of the site would largely be screened by the existing road side vegetation and where views are available they would be seen in the context of this existing grouping of buildings.
- 9.11. There would also be views from the public bridleway to the south of the which would be more open. However in these views the proposed buildings would again be seen in the context of the existing grouping of development and would be from a distance of approximately 400m. The provision of the new arena, schooling area and exercise track would also be visible from this location. The applicant has confirmed these would be enclosed by approximately 1.4 metre high fencing. The full details of which could be controlled through condition to ensure they were appropriate for a rural area. The provision of new landscaping across the site in the form of new hedgerows and tree planting would also help mitigate the visual impacts of the development from public vantage points and this can be controlled through condition.
- 9.12. The provision of a new access to the Akeman Street to the north would also lead to the loss of a small amount of road side planting however this would be relatively limited and could be mitigated with additional planting elsewhere on the site. The access tracks around the site would also have a somewhat urbanising impact on the site however where possible these have been located near to existing hedgerows to reduce their impact. They are proposed to be constructed of porous materials and full details of their appearance could be controlled through condition.
- 9.13. The applicant has stated that the only external lighting provided at the site would be low level lighting around the building entrances and parking areas as required for safety of workers and visitors. It is not intended to light the arena or track area. Full details of the lighting can be controlled by condition.
- 9.14. The use of the land for equestrian purposes will also change the character of the land to some extent however given the relatively flat topography of the site alongside the above considerations this is not considered to be unduly harmful in this case.
- 9.15. Overall whilst it is acceptable there will be some visual change and harm associated with the loss of an open field it is considered that the proposal can be successfully assimilated into the landscape without causing undue visual intrusion to the character and appearance of the surrounding area particularly given the nature of the proposed use which is not uncommon in a rural area.

Residential amenity

- 9.16. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space. Saved Policy ENV1 of the CLP 1996 seeks to ensure development does not give rise to unacceptable levels of pollution such as noise and odour.
- 9.17. The proposed building would be located approximately 50m from the boundary with the closest residential property not associated with the holding. Given this relationship it is considered that the building would not result in any significant levels of appearing overbearing or loss of light from that dwelling.
- 9.18. In terms of noise and disturbance from the proposed use, the Council's Environmental Protection Officer has raised no objection to the application on this basis. The building and yard are located closer to commercial properties to the east of the site. The areas of use are considered to be located a sufficient distance from the neighbouring properties to ensure they would not be likely to result in unacceptable levels of noise and disturbance if used appropriately.
- 9.19. It is recommended that full details of the location, method of storage and disposal for manure from the site be controlled by condition to ensure that it does not result in unacceptable levels of odour to neighbouring properties
- 9.20. Overall the impact on the development on the amenity of the neighbouring properties is therefore considered to be acceptable.

Highway safety

- 9.21. Policy SLE4 of the CLP Part 1 2015 states all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development, and which have severe traffic impacts will not be supported.
- 9.22. The proposed development would lead to the creation of a new vehicle access point to the north with Akeman Street. The new access is required to provide adequate visibility for the proposed use of the site. It also allows for the proposed access roads through the site to follow the existing hedgelines which will reduce the visual impacts of the new access road. The application is accompanied by an Access Statement which has included undertaking speed surveys on the road and this demonstrates that adequate visibility can be provided from the access to be safe and suitable. The traffic impacts of the development would result in approximately 20 vehicles movements a day (10 staff and 10 visitors) and the access is considered appropriate to serve this. The Highway Authority have been consulted and raised no objection to the application subject to conditions including the closure of the existing access onto Akeman Street.
- 9.23. The applicant has stated that parking on the site would be provided around the buildings and full details of this can be secured. Officers are satisfied that appropriate levels of parking can be provided due to the scale of the use and likely staff/visitor numbers and the Highway Authority have not raised any objection in this respect.
- 9.24. Whilst the geographical sustainability of the site, in terms of access to sustainable forms of transport is very limited, the nature of the use is appropriate to a rural location

and the scale of the proposal is relatively limited. Furthermore, it should be acknowledged that for the purposes of the Development Plan the proposal is not an employment use (where Policy SLE1) would apply.

- 9.25. The proposal is therefore considered acceptable in highway safety terms and compliant with Policy ESD15 of the CLP 2015 and Government policy in the NPPF.

Flood Risk and Drainage

- 9.26. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.27. During the course of the application a Flood Risk Assessment and Drainage Strategy has been submitted as this is required as the site is over 1 hectare in size. The site is located in Flood Zone 1 which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. The proposed development will however result in area of impermeable areas being provided on the site including the buildings. The access routes are proposed to be constructed of a porous material.
- 9.28. In terms of the run-off from the proposed building is it proposed that this will be accommodated within an attenuation storage basin on site within the adjacent to the track area which will then discharge to the underlying soil strata with no direct discharge required off site. This would cater to all storm events up to and including the 1 in 100 year + 40% climate change storm event and the ground has been found suitable for infiltration. The Councils Land Drainage Officer and the Lead Local Flood Authority have assessed this and consider it to be acceptable and would not result in flooding elsewhere.
- 9.29. Based on the information provided the proposed development is therefore considered to be acceptable in respect of drainage and flood risk.

Ecology Impact

- 9.30. Paragraph 174 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.
- 9.31. Paragraph 180 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.
- 9.32. Paragraph 185 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.

- 9.33. 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.
- 9.34. 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.
- 9.35. 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.
- 9.36. Policy D1 of the WOTG NP seeks to secure a net gain in biodiversity and Policy E2 states development should preserve and enhance the environment by, amongst other issues, preserve hedgerows and ponds and create new one.
- 9.37. The site is located close to the Weston Fen SSSI which supports water dependant habitats which could be negatively impacted by changes in the quality or quantity of water entering the site. The application site also consists of undeveloped fields with associated hedgerows and trees and therefore has the potential to accommodate protected species and other biodiversity. When the application was originally submitted there was very little information in respect of the ecological constraints of the site or the associated impacts of the development. During the course of the application further information has therefore be requested and provided with an Ecological Impact Assessment and a Drainage Strategy.
- 9.38. The site contains areas of amenity grassland and arable lane along with hedgerows and trees. The majority of the habitats on the site are considered to be of negligible ecological value at the site level with the hedgerow of value a local level. The site provides habitats for nesting birds and foraging bats. A mature horse chestnut tree is present at the proposed access however this is assessed as having low bat roost potential.
- 9.39. The Councils Ecologist has considered the submitted Ecological Impact Assessment and considered the findings to be acceptable. The loss of the grassland is unlikely to result in any significant ecological impact and the existing hedgerows, which are noted as habitats of principal importance, will be retained, protected and enhanced. It is also proposed that the planting of semi-natural broadleaved woodland is undertaken to the west of the site and planting of native species rich hedgerows to the south and west of the site and enhancement of ditches. It is also proposed to have new bat and bird boxes located on the site. These should be conditioned along in the form of a Landscape and Ecological Management Plan. The Councils Ecologist has confirmed this would result in a significant net gain in biodiversity across the site and this is supported by a Biodiversity Metric.

- 9.40. In respect of the impact on the Weston Fen SSSI the Council's Ecologist as raised no objection to this. Natural England have reviewed the submitted Ecological Appraisal and the drainage scheme which indicates that run-off from built development will be attenuated and discharged to ground, and that access roads will be made of permeable materials and utilise sediment pumps and catch pits. Subject to these matters being controlled through a planning condition, Natural England do not consider the proposed development will not have any significant adverse impacts on Weston Fen SSSI and raise no objection to the application.
- 9.41. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the ecological impact of the development would be acceptable.

Heritage Assets

- 9.42. The application site is not in Conservation Area or affecting the listed building. However the site is located in an area of archaeological potential. Paragraph 194 of the NPPF covers the issue of proposals affecting heritage assets and states amongst other things that *where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.* Paragraph 195 continues by stating that *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
- 9.43. Policy ESD15 of the CLP 2015 covers the issue of the Character of the Built and Historic Environment. The Policy states, amongst other things, that *new development proposals should: include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation*
- 9.44. The County Archaeologist has stated that the site is located in an area of archaeological potential immediately west of the site of a possible windmill clump or Bronze Age barrow. This feature survives as an earthwork and is marked on the 1st edition OS map as a windmill Clump. The earthwork has also however been interpreted as a Bronze Age barrow and two further probable Bronze Age barrows have been recorded approximately 500m south of the proposed site. In addition, the site is located along the line of Akeman Street, the Roman road from Alchester to Towcester. A trackway and possible buildings have been recorded from aerial photographs along the southern side of this road approximately 1.5km east of the proposal site.
- 9.45. It is therefore considered that the proposal has the impact on archaeological features related to the Roman Road and any associated settlement as well as further Bronze Age remains.
- 9.46. Further information is awaited from the applicant in respect of the heritage constraints of the site. However, a Written Scheme of Investigation for the site investigation involving a geophysical survey has been submitted and agreed with the County Archaeologist. It is hoped that further information will be submitted prior to the committee and Councillors will be updated on this matter.

Other matters

- 9.47. The application site falls within the statutory height and technical safeguarding zones surrounding RAF Weston On The Green and MOD Safeguarding and National Air Traffic Systems have been consulted and raised no objection to the proposal. It is therefore considered to be acceptable in this respect.
- 9.48. The proposal would also bring about economic benefits by allowing an existing equine business to relocate and expand and would help support a prosperous rural economy. The applicant forms state that 10 FTE jobs would be supported at the site.
- 9.49. In line with Policy ESD5 the applicant has given consideration to the use of the renewable energy at the site and proposes to include PV panels on the roof of the building. Full details of this can be secured through condition.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of the proposed development is considered to be acceptable and whilst there would be some limited harm to the character and appearance of the area, the type of use proposed is not uncommon in a rural setting such as this. The buildings and built development have been situated to the east of the site adjacent to the existing development to help reduce the visual impact on the wider area and significant levels of new landscaping are proposed which will help reduce the visual impacts over time. The proposal would be acceptable in terms of amenity, highways, flood risk and there would be a significant benefit in terms of biodiversity. There would also be benefits through the provision/retention of jobs associated with the development.
- 10.2. Overall when view in the context the Development Plan as a whole the proposal is considered to comply with the Development Plan and therefore it is recommended that planning permission be granted subject to resolution of the objections from the County Archaeologist.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE RESOLUTION OF THE OBJECTION FROM THE COUNTY ARCHEALOGY AND SUBJECT TO THE CONDITIONS SET OUT BELOW (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: Application form, Glanville Flood Risk Assessment 4 October 2021,

Windrush Ecological Impact Assessment (August 2021) and drawing number LP 001 Rev A, SKP 004 Rev H, J1545-01, 8210154 6101 A and Infiltration Basin.

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

3. Prior to the construction of any part of the access tracks, horse arena, schooling area or exercise track, full details of the final surface treatment for that element 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.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any fences or other means of enclosure full details of the enclosures site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details and retained as such. .

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and its subsequent amendments, no gate, fence, wall or other means of enclosure, other than those that have been approved as part of the application shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any works above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

7. Prior to any works above slab level full details of the extent and location of solar panels to be provided on the roof of the proposed buildings shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To provide renewable energy at the site in accordance with Policy ESD5 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

8. Prior to any works above slab level of the development hereby approved, full details of the location, method of storage and disposal of all manure and waste from the site shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out and maintained in accordance with the approved details

Reason – To ensure that proper arrangements are made for the disposal of manure//waste, to ensure the creation of an environment free from intrusive levels of odour//flies//vermin and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any external lighting, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details. At no time shall any additional external lighting beyond that agreed under this condition be installed at the site.

Reason - In the interests of the visual amenities of the area, to protect the amenity of the neighbouring properties and the ecological constraints of the site and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policy E4 of the Weston on the Green Neighbourhood Plan 2021 and Government guidance contained within the National Planning Policy Framework

10. Prior to the any works to the access hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the site/buildings, the means of access shall be constructed and retained in accordance with the approved details.

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

11. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

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

12. Prior to the any works above slab level or the first use of the site for equestrian purposes, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, and completed in accordance with the approved details and shall be retained solely for the parking of vehicles at all times thereafter.

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

13. The development shall be carried out in accordance with the Recommendations and protection measures outline within Section 6 of the Windrush Ecological Impact Assessment (2021) Section 6 unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason: In the interests of the ecological value of the site and to protect habitats on the site and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

14. No development shall take place above slab level and the site shall not be used for equestrian purposes until a Landscape and Ecology Management Plan (LEMP) based on the Windrush Ecology Ecological Impact Assessment (2021) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a full detailed landscaping plan and full details of the other ecological enhancements for the site. Thereafter the development shall be carried out in strict accordance with the approved details prior to the first use of the site and all the landscaping shall be completed in the first planting and seeding seasons following the occupation of the site for equestrian purposes 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 protect habitats of importance to biodiversity conservation from any loss or damage, to ensure a biodiversity net gain is secured and to help mitigate the visual impacts of the development in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

15. The drainage system shall be implemented in strict accordance with the detail drainage design (as outlined in the document below) prior to the use of the building commencing:
- Glanville Flood Risk Assessment Kemsley Barn, Akeman Street, Weston on the Green, Oxfordshire (ref: 001_8210613_AQ_Flood_Risk_Assessment 4 October 2021 Issue 1

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a. As built plans;
 - b. Photographs to document each key stage of the drainage system when installed on site;
 - c. Photographs to document the completed installation of the drainage structures on site;
 - d. The name and contact details of the appointed management company information and their responsibilities

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative:

An obligation to enter into a S278 Agreement will be required to secure improvement works to the proposed new bell mouth access detailed in drawing no. 8210154/6101. Further information on this process and the application form can be found here: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/section-38-and-section-278>

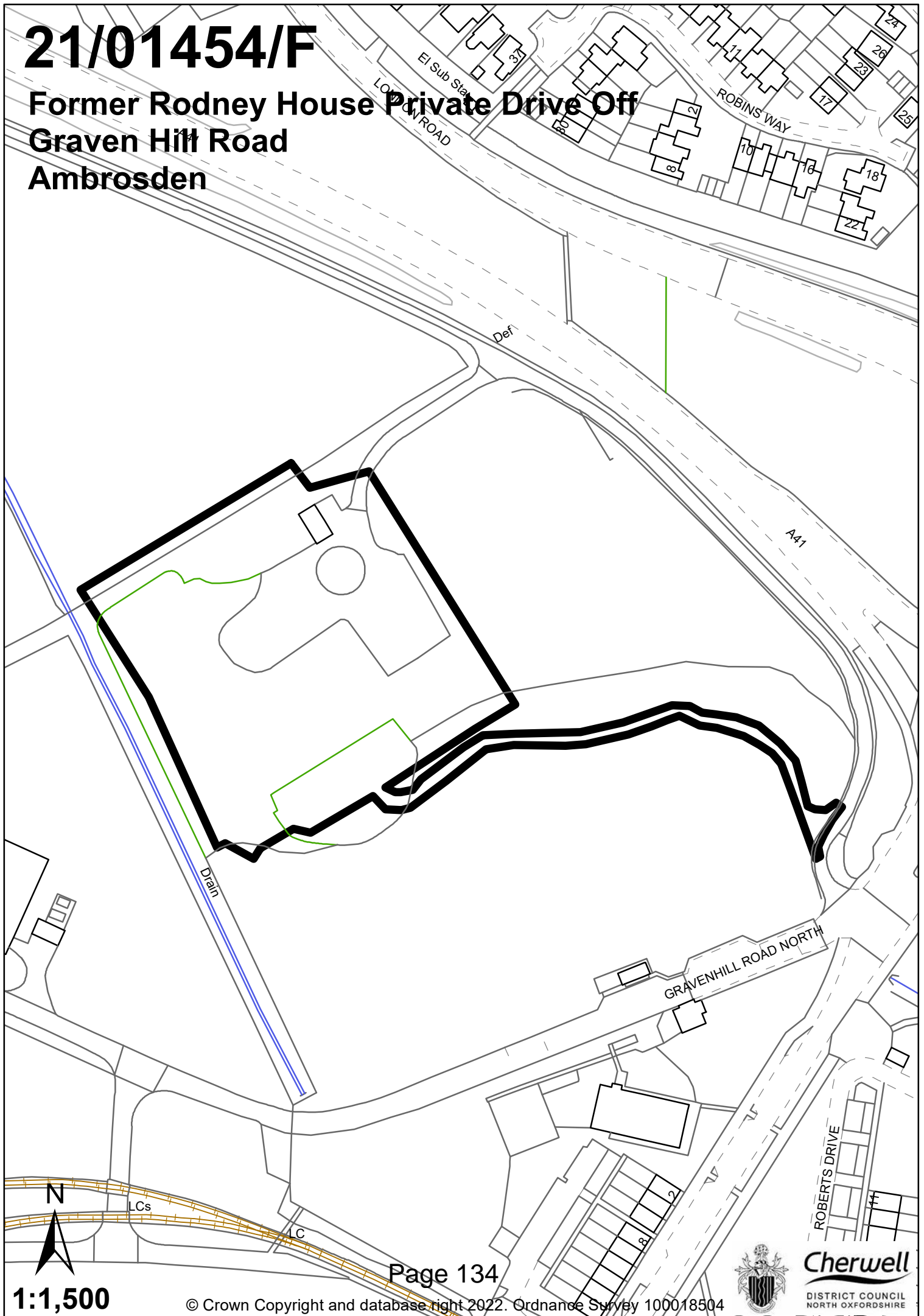
21/01454/F

Former Rodney House Private Drive Off
Graven Hill Road
Ambrosden



21/01454/F

Former Rodney House Private Drive Off
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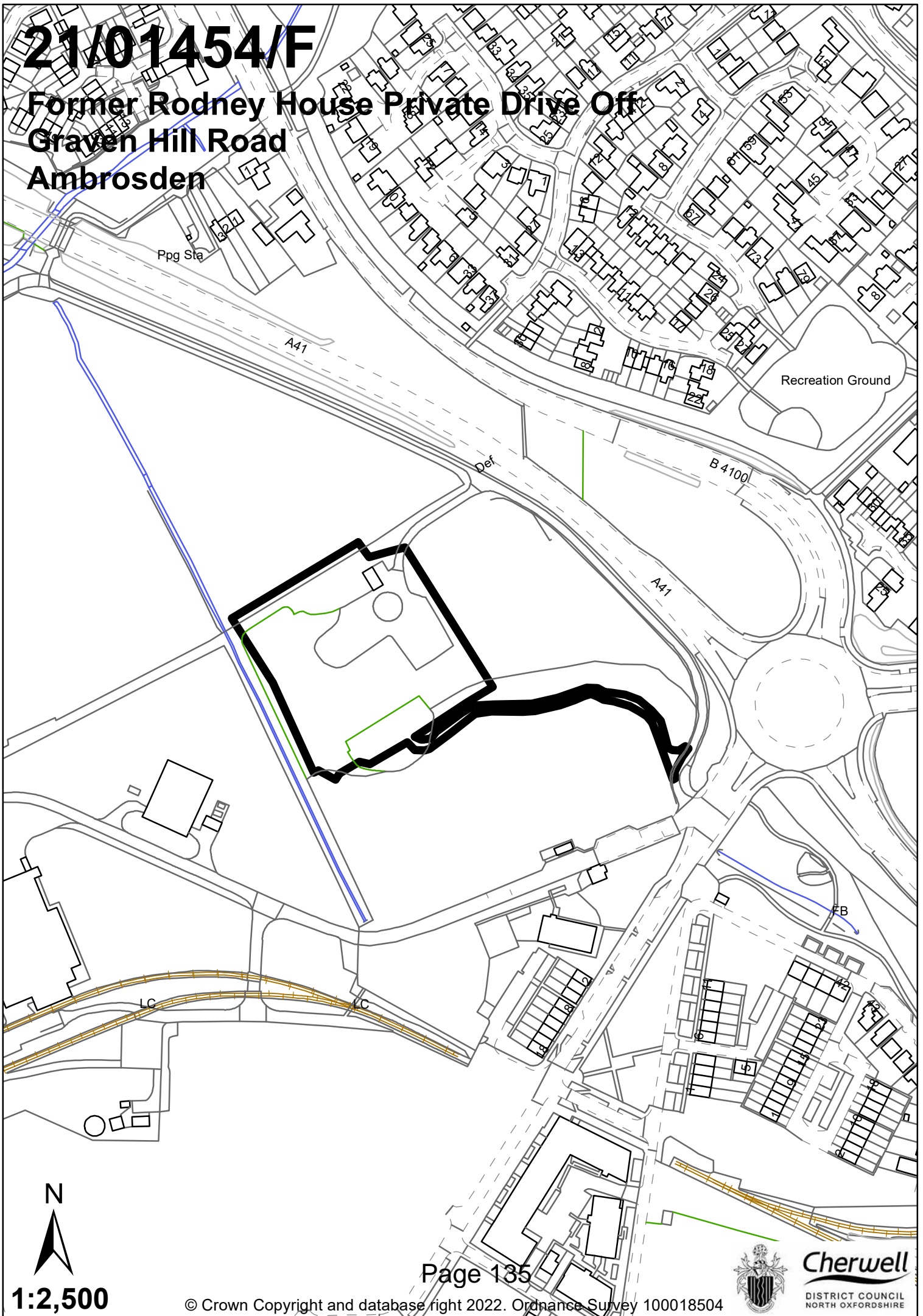


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21/01454/F

Former Rodney House Private Drive Off Graven Hill Road Ambrosden



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Case Officer: David Lowin

Applicant: Mr Richard Drew

Proposal: Proposed Bicester Health and Wellbeing Hub

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Sames, and Councillor Wing

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 31 January 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATED AUTHORITY TO GRANT PERMISSION SUBJECT TO: CONDITIONS; A S106 DEED OF VARIATION TO THE EXTANT S106 TO ADDRESS THE REVISED BIODIVERSITY MITIGATION; AND A NEW S106 LEGAL AGREEMENT TO PROVIDE AN INCREASED PUBLIC TRANSPORT CONTRIBUTION FOR THE ADDITIONAL PUBLIC TRANSPORT MOVEMENTS TO GRAVEN HILL GENERATED BY THE DEVELOPMENT HEREBY RECOMMENDED FOR APPROVAL

1. BACKGROUND

- 1.1. At the Planning Committee meeting in January, Members will recall resolving to afford delegated authority to the Assistant Director to grant planning permission for this development subject to conditions and subject to the prior completion of a new s106 legal agreement to provide an increased public transport contribution for the additional public transport movements to Graven Hill generated by the proposed new Health and Wellbeing Hub.
- 1.2. Whilst the Committee report correctly identified at paragraph 8.63 that to grant planning permission would also necessitate a s106 Deed of Variation to the extant s106 to address necessary amendments to parts of the Masterplan and specific clauses of the existing agreement, that requirement did not unfortunately carry through as it should have done to the final recommendation.
- 1.3. Accordingly, therefore, it is now necessary for completeness and to avoid any potential ambiguity that the recommendation be revised and returned to Committee for ratification.
- 1.4. The applicant's agent has confirmed agreement for this course of action and for a minor Deed of Variation to the extant s106 to be agreed.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposal has not been varied in any way and remains exactly as previously reported.

3. APPRAISAL

- 3.1. The relevant key issue that was previously reported at paragraph 8.63 of the January Committee report with reference to Planning Obligations associated with the Master Plan and Design Code is:

The Master Plan and Design Code

“8.63 The area proposed to be enhanced to deal with biodiversity net gain whilst part of the current application is located at some distance from the main health hub site, within an area of existing and proposed public open space and biodiversity enhancement as detailed in the adopted Master Plan for the overall Bicester 2 Graven Hill development. That area is subject to an extant S106 governing the provision and maintenance of that area for the benefit of current and future residents of Graven Hill. The proposed health hub provides for further improvement of that area to mitigate the loss of public open space at the Health Hub’s proposed site, and as a result the extant S106, requires a deed of variation to incorporate the proposed mitigation, to ensure delivery of that mitigation.”

4 PLANNING BALANCE AND CONCLUSION

- 4.1. As previously concluded, it is still the Officers view that despite the proposal not being entirely consistent with adopted Policy, the circumstances surrounding the application are such that the development is an acceptable proposal which is sustainable and in consequence satisfies the requirement of the planning system to contribute to the achievement of sustainable development.

5 RECOMMENDATION

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

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. A S106 DEED OF VARIATION TO THE EXTANT S106 TO ADDRESS THE REVISED BIODIVERSITY MITIGATION; AND**
- iii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

New S106 Heads of Terms

- A. £320,000 - Payment of a contribution to improve public transport (bus) provision to the site -**
- B. £TBC - Footway upgrade**
- C. £2,300 – OCC Travel Plan Monitoring Fee**
- D. £1,000 – CDC S106 monitoring fee**

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:

IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan
WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.
16470-WIE-100-74-XX-ZZ-110 Rev P01 – Biodiversity Net Gain Offset Plan
122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan
IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan
16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan
122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan
122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan
122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan
122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan
122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations
122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations
122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations
8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan
16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan
Design & Access Statement, March 2021
Planning Statement, April 2021
WSI for Archaeological Investigation, February 2021
Technical Note – Biodiversity Net Gain Assessment, April 2021
Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021
Ecological Impact Assessment, March 2021
Building Regs Part L Compliance Report, March 2021
Geotechnical Desk-Study Report – Part 1, February 2021
Geotechnical Desk-Study Report – Part 2, February 2021
Geotechnical Site Investigation Report, June 2021
Arboricultural Impact Assessment, April 2021
Arboricultural Survey Schedule, August 2020
Arboricultural Briefing Note, December 2021
Flood Risk Assessment & S/W Drainage Strategy, March 2021
Travel Plan, March 2021
Transport Assessment – Part 1, April 2021
Transport Assessment – Part 2, April 2021
Transport Assessment – Part 3, April 2021
Supplemental TRICS data for GP Surgeries with Pharmacies
Transport Tech. Note – Primary Health Care Hub proposals, July 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 Samples of all the external materials to be used in the construction 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 be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved

Policy C28 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

5. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
 - (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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

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(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

7. The existing hedge(s) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are

removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development 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

8. No development shall take place until the existing tree T13 to be retained on the south east boundary (shown on approved plan 16470-WIE-100-74-XX-ZZ-100 P03) has been protected in accordance with the approved Tree Protection Plan and Arboricultural Briefing Note dated December 2021 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

9. The approved parking and turning/loading/unloading facilities (shown on approved plan IBI-XX-XX-PL-A-200-005 Rev18) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

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 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.

11. 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.

12. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

13. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to an approved in writing by the Local Planning Authority.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. 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.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Written Scheme of Investigation of the Health Hub site by Waterman Infrastructure & Environment Ltd dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

16. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 15 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment by Waterman Infrastructure & Environment Ltd dated March 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

18. The development hereby permitted shall be constructed to BREEAM 'Excellent' standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

19. Prior to construction 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.

20. Prior to any occupation of the building it shall be provided with a minimum of 48 solar PV panels in accordance with the details set out in the Building Regs. Part L Compliance Report by McCann & Partners, dated March 2021, which demonstrates significant exceedance of the minimum Part L target values and shall be maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

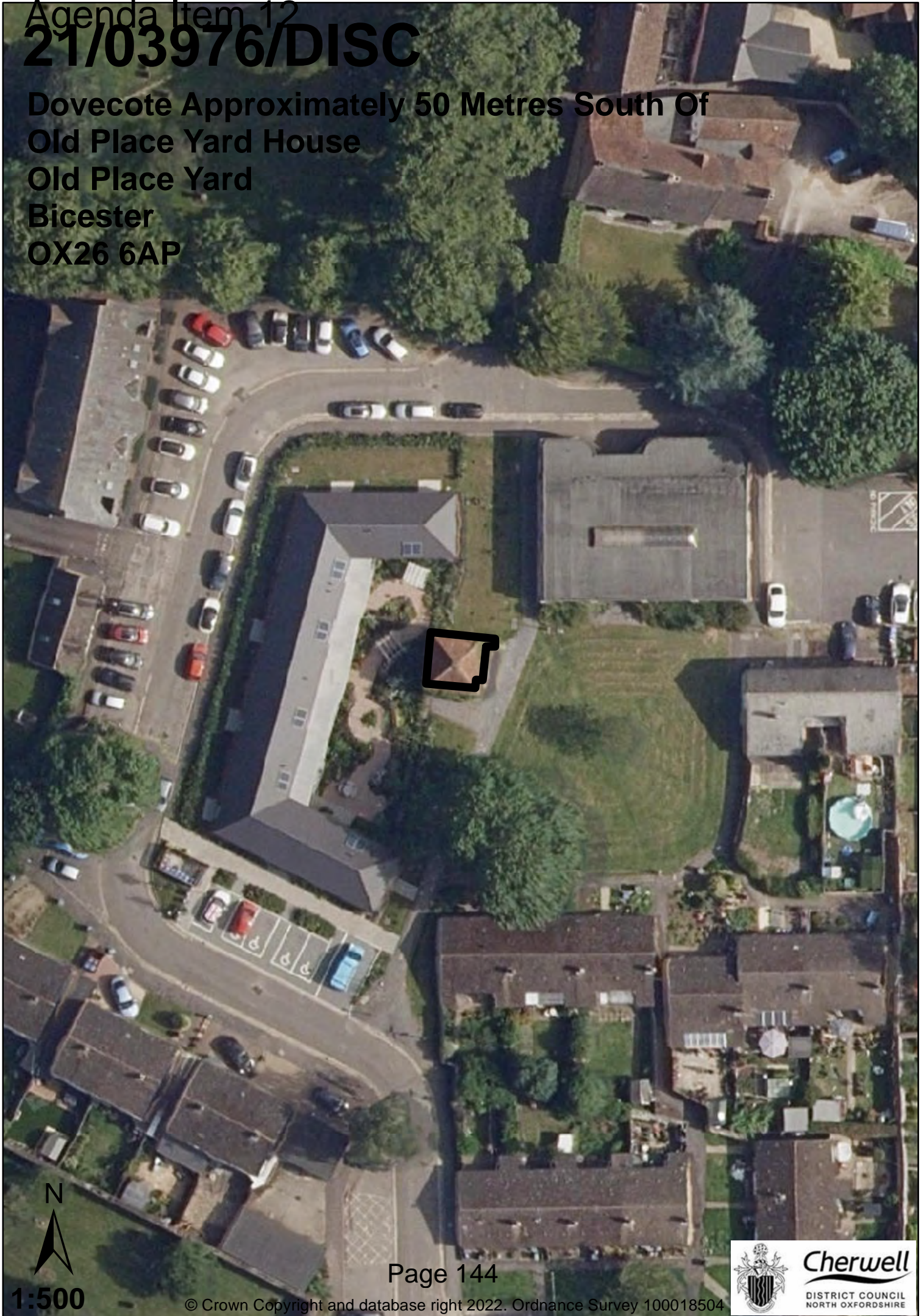
21. The Health Hub building hereby permitted shall be used for medical or health services only (Use Class E(e)) and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended including the update of 1

September 2020) for no other purpose falling within Class E unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the delivery and maintenance of medical and health services to Graven Hill residents and the surrounding Bicester population that it will serve.

Agenda Item 12
21/03976/DISC

**Dovecote Approximately 50 Metres South Of
Old Place Yard House
Old Place Yard
Bicester
OX26 6AP**



21/03976/DISC

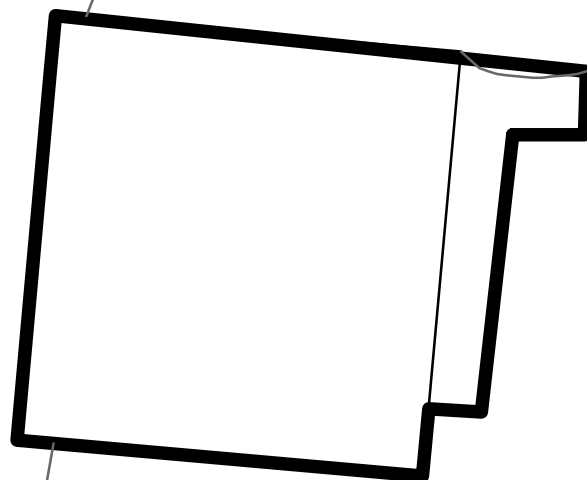
Dovecote Approximately 50 Metres South Of
Old Place Yard House

Old Place Yard

Bicester

OX26 6AP

St Edbergs Path



1:100

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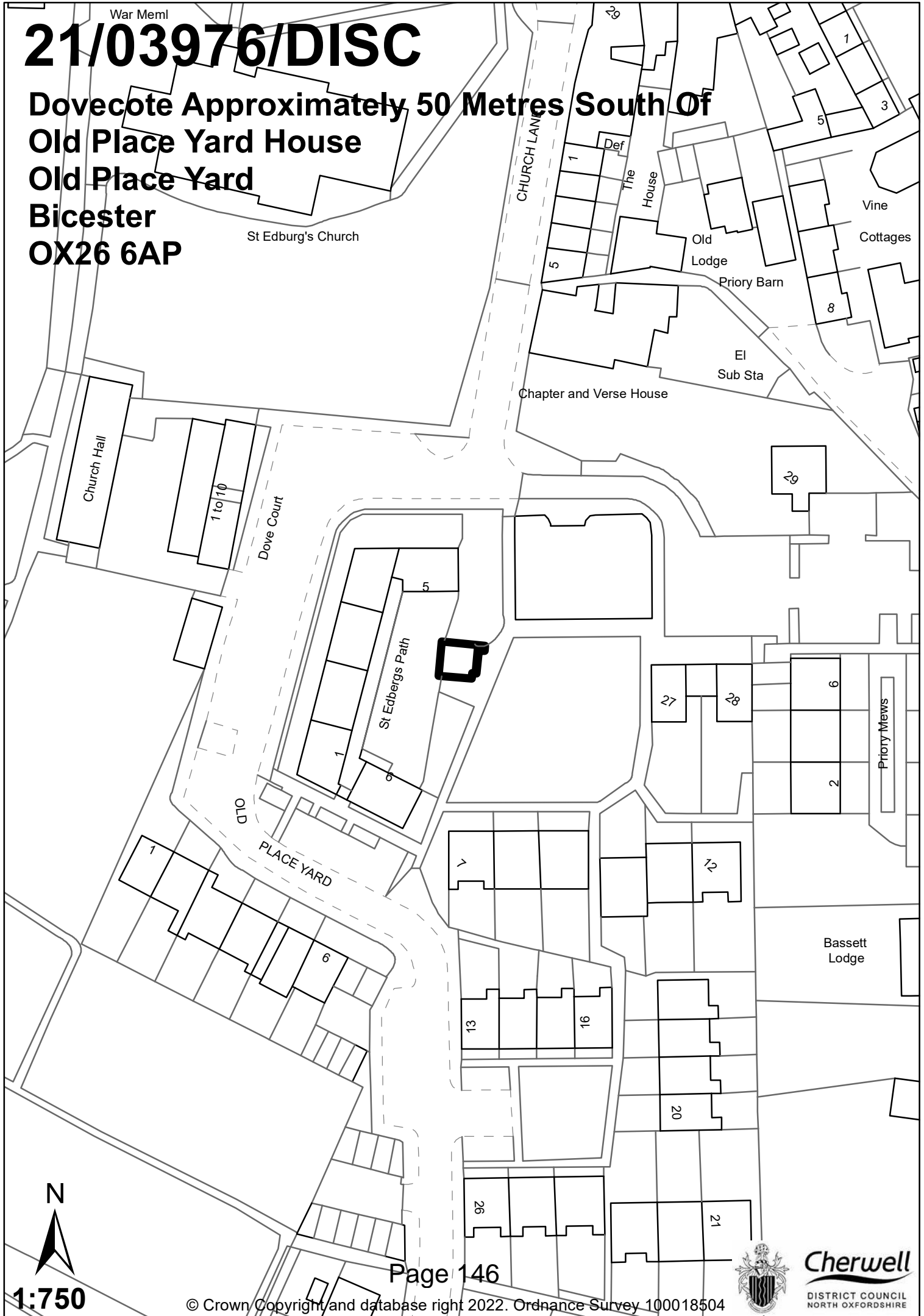
Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

War Meml

21/03976/DISC

**Dovecote Approximately 50 Metres South Of
Old Place Yard House
Old Place Yard
Bicester
OX26 6AP**

St Edburg's Church



1:750



Case Officer: Shona King

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 6 (roof tile), 10 (rainwater goods sample), 11 (wire brush metalwork), 12 (matching paint colour), 13 (proposed fittings) & 14 (mortar sample) of 21/02394/LB

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Sames, Councillor Wing

Reason for Referral: The Council is the applicant

Expiry Date: 14 February 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: THAT CONDITIONS 6 (ROOF TILE), 10 (RAINWATER GOODS SAMPLE), 11 (WIRE BRUSH METALWORK), 12 (MATCHING PAINT COLOUR), 13 (PROPOSED FITTINGS) & 14 (MORTAR SAMPLE) OF 21/02394/LB BE DISCHARGED

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within the built-up area of Bicester to the west of the town centre. Listed building consent was granted for the refurbishment of the building with works including repairs to the roof of the building, replacement of fascias/soffits and rainwater goods, removal of asbestos from the building, repair of window surrounds and re-bedding of stained glass and vents, repair of a concrete landing and removal of corrosion to stair balustrade. It is also proposed to rewire the building and replace the heating and lighting.

2. CONSTRAINTS

2.1. The application building is a Grade II Listed building, which is adjacent to Bicester Conservation Area, within the setting of listed buildings and is of high archaeological interest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks the approval of details reserved by Conditions 6 (roof tile), 10 (rainwater goods sample), 11 (wire brush metalwork), 12 (matching paint colour), 13 (proposed fittings) & 14 (mortar sample) of 21/02394/LB.

3.2. Conditions 4 (roof tile condition survey), 7 (replacement of damaged/decayed timbers), 8 (eaves details) and 9 (fascia/soffit details) have been withdrawn from this application. They are to be discharged at a later date.

3.3. The Council's Ecologist was consulted on the discharge of Condition 9 but as this has been withdrawn from the application their comments are no longer required.

4. RELEVANT PLANNING HISTORY

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

21/02394/LB

Removal of the roof tiles and set aside for re-use, replacing any damaged tiles to match existing; remove remaining ivy growth to roof; inspect roof timbers and replace where decayed and damaged; replace roofing felt; replace timber fascias and soffits to match existing; replace PVCu rainwater goods to match existing. Remove Asbestos surrounds to stained glass and vents at first floor level; re-bed stained glass and vents within holes with mortar to match existing. Repair first floor concrete landing to staircase. Remove corrosion to stair balustrade and decorate. Strip out all electrical services back to distribution board and replace with new. Replace heating and lighting throughout

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. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **7 January 2021**.

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.

7.2. BICESTER TOWN COUNCIL: Welcome this application

7.3. CONSERVATION OFFICER: No formal comments have been received however the Conservation Officer has been in discussion with the agent and has agreed the details for the discharge of Conditions 6, 10, 11, 12, 13, and 14.

8. APPRAISAL

Condition 6

8.1. This requires the approval of a sample of new tiles required to re-roof the building prior to the re-roofing of the building taking place. The tiles proposed are a handmade clay tile, Brookhurst Sahtas, and are considered to be a good match to the existing tiles on the roof. As such, it is recommended that the details are acceptable.

Condition 10

8.2. This requires the use of cast iron rainwater goods on the building and details of the proposed rainwater goods are required to be submitted for approval. It is proposed to use Apex Heritage half-round gutters and Apex Heritage circular down pipes finished in black. This is considered to be acceptable and will preserve the appearance of the building.

Condition 11

- 8.3. This requires the submission and approval of details of the method to be used to remove the corrosion to the balustrading to the exterior of the building. It is proposed to use a wire brush to remove loose flaking paint from the metalwork before sanding by hand with fine grit sandpaper. This method is considered acceptable and will not result in a detriment to any historic fabric. As such, it is recommended that the details are acceptable.

Condition 12

- 8.4. This requires the submission and approval of the specification and colour of the paint to the balustrade. It is proposed to use a black paint to match the existing. This is considered acceptable and would not detract from the character of the building. As such, it is recommended that the details are acceptable.

Condition 13

- 8.5. This requires the submission and approval of details of the wiring routes and fittings prior to the rewiring of the building. It is proposed to use existing wiring routes and new wiring will be contained in surface mounted conduit. All existing wiring is surface mounted to either the stonework or timber joists and it is considered that this method will ensure minimal damage to the building fabric. As such, it is recommended that the details are acceptable.

Condition 14

- 8.6. This requires the submission and approval of a sample of the lime mortar to be used in the repointing of the building. It is proposed to use a lime/aggregate mortar without cement for the repointing of the building. The Conservation Officer considers that this mix is suitable for the historic fabric and as such it is recommended that this condition is discharged.

9. RECOMMENDATION

THAT PLANNING CONDITIONS 6 (ROOF TILE), 10 (RAINWATER GOODS SAMPLE), 11 (WIRE BRUSH METALWORK), 12 (MATCHING PAINT COLOUR), 13 (PROPOSED FITTINGS) & 14 (MORTAR SAMPLE) OF 21/02394/LB BE DISCHARGED, BASED UPON:

Condition 6 - Brookhurst Sahtas handmade clay tile

Condition 10 - Apex Heritage half-round gutters and Apex Heritage circular down pipes finished in black

Condition 11 – Removal of loose flaking paint from the metalwork before sanding by hand with fine grit sandpaper

Condition 12 - Black paint for the balustrade to match the existing

Condition 13 - Use of existing wiring routes with new wiring contained in surface mounted conduit

Condition 14 – Cement free lime/aggregate mortar

Agenda Item 13

Cherwell District Council

Planning Committee

10 February 2022

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1.0 Recommendations

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

2.0 Introduction

2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

3.1 New Appeals

a) 20/01762/OUT - Land To Rear Of Home Farm Close, Ambrosden, OX25 2NP

Outline planning application for five dwellings, with all matters reserved except means of access

Officer Recommendation – Non-Determination (appeal to be contested by the Council)

Method of determination: Written Representations

Start Date: 05.01.2022

Statement due: 09.02.2022

Decision: Awaited

Appeal reference 22/00002/NON

b) 21/02608/F – 26 Grebe Road, Bicester, OX26 6EL

Rear two storey and single storey rear extension. Extend front entrance roof to form covered canopy, insertion of new window and doors to front and side elevations.

Officer Recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 07.01.2022

Statement due: N/A
Decision: Awaited
Appeal reference 22/00004/REF

c) 21/00923/F – 43 Oxford Road, Kidlington, OX5 2BP

Demolition of bungalow and replace with 5 no apartments (Re-submission of and amendments to 17/00917/F)

Officer Recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 13.01.2022
Statement due: 17.02.2022
Decision: Awaited
Appeal reference 22/00005/REF

d) 21/02477/F – The Gables, 93 Mallards Way, Bicester, OX26 6WT

Proposed single storey rear part side and front extensions with associated internal and external works

Officer Recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 21.01.2022
Statement due: N/A
Decision: Awaited
Appeal reference 22/00006/REF

e) 21/00824/OUT – Land Adjacent to Allotments Off Duns Tew Road, Hempton, OX15 0QZ

Outline application for the erection of a detached dwelling (3-bed) & associated works

Officer Recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 24.01.2022
Statement due: 28.02.2022
Decision: Awaited
Appeal reference 22/00007/REF

f) 21/01488/F – The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN

Single storey extensions and conversion of garage to habitable accommodation

Officer Recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 25.01.2022
Statement due: 01.03.2022
Decision: Awaited
Appeal reference 22/00008/REF

g) 21/01489/LB - The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN

Single storey extensions and garage conversion
Officer Recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 25.01.2022
Statement due: 01.03.2022
Decision: Awaited
Appeal reference 22/00009/REF

h) 21/02867/F – Barton House, 62 Mallards Way, Bicester, OX26 6WT

RETROSPECTIVE: Erection of a timber pergola

Officer Recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 25.01.2022
Statement due: N/A
Decision: Awaited
Appeal reference 22/00010/REF

3.2 New Enforcement Appeals

a) 21/00215/ENF – Land Adjacent To 1 Coleridge Close, Bicester, OX26 6XR

Appeal against the enforcement notice served for 'Without planning permission, the erection of a timber fence above 1 metre in height and adjacent to a highway'

Method of determination: Written Representations
Start Date: 26.01.2022
Statement due: 09.03.2022
Decision: Awaited
Appeal reference 22/00011/ENF

3.3 Appeals in Progress

a) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington

Material Change of Use of land to use as a residential caravan site for 12no. gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation – Refused (Committee)
Method of determination: Hearing – date to be confirmed
Start Date: 08.10.2021
Statement Due: 26.11.2021
Decision: Awaited
Appeal reference – 21/00033/REF

b) 20/01180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington

Siting of timber cabin for occupation by a rural worker

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – date to be confirmed
Start Date: 09.12.2021
Statement due: 113.01.2022
Decision: Awaited
Appeal reference 21/00045/REF

c) 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

d) 20/01984/F – 98 Hazel Crescent, Kidlington, OX5 1EL

Single storey extension to the front and side (resubmission of 19/02605/F)

Officer Recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 04.01.2022
Statement due: N/A
Decision: Awaited
Appeal reference 22/00001/REF

e) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – date to be confirmed
Start Date: 30.11.2021
Statement due: 19.02.2022
Decision: Awaited
Appeal reference: 21/00037/REF

f) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – date to be confirmed
Start Date: 30.11.2021
Statement due: 19.02.2022
Decision: Awaited
Appeal reference 21/00036/REF

g) 20/02446/F – Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

Officer Recommendation – Approval (Committee)
Method of determination: Written Representations
Start Date: 09.12.2021
Statement due: 13.01.2022
Decision: Awaited
Appeal reference 21/00046/REF

h) 20/03406/F – The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Erection of a two-bedroom bungalow (C3) to the rear of the existing public house (Sui Generis), with a new access created off Westlands Avenue following the partial demolition of the boundary wall, and associated parking and landscaping.

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 02.12.2021
Statement due: 06.01.2022
Decision: Awaited
Appeal reference 21/00038/REF

i) 20/03407/LB - The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 02.12.2021
Statement due: 06.01.2022
Decision: Awaited
Appeal reference 21/00039/REF

j) 20/03635/F – Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR

Erection of one bedroom bungalow and associated works

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 07.12.2021

Statement due: 11.01.2022
Decision: Awaited
Appeal reference 21/00043/REF

k) 21/00500/OUT – Land North of Railway House, Station Road, Hook Norton

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

Officer Recommendation – Approval (Committee)
Method of determination: Hearing – date to be confirmed
Start Date: 09.12.2021
Statement due: 13.01.2022
Decision: Awaited
Appeal reference 21/00044/REF

l) 21/02883/F – The Bungalow, White Post Road, Bodicote, OX15 4BN

Flat roofed single garage

Officer Recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 04.12.2021
Statement due: N/A
Decision: Awaited
Appeal reference 21/00042/REF

3.4 Enforcement Appeals in Progress

None

3.5 Forthcoming Public Inquiries and Hearings between 11 February 2022 and 10 March 2022

None

3.6 Appeal Results

Inspectors appointed by the Secretary of State have issued the following decisions:

a) 21/02075/F – Dismissed the appeal by Mr and Mrs Trafford against refusal of planning permission for First floor extension and partial garage conversion. 50 Spruce Drive, Bicester, OX26 3YN

The Inspector identified the main issues of the appeal to be the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

It was concluded that the proposal would not result in harm to the living conditions of neighbouring occupiers, the proposal however would harm the character and appearance of the area. The Inspector decided the added bulk and mass at first floor level would exacerbate the building's prominent position in the street, creating a dwelling that would appear unduly dominant and incongruous. The Inspector also found that the grey window frames and a projecting porch would reinforce the

incongruity of the dwelling.

The Inspector dismissed the appeal.

b) 21/01056/F – Dismissed the appeal by Mrs S Wassell against refusal of retrospective planning permission for Erection of 1m high fence adjacent to the highway. Mayford, Brick Hill, Hook Norton, OX15 5QA

The Inspector considered the key issue in this case to be the impact of the timber fence on the character and appearance of the area and the Hook Norton Conservation Area.

The Inspector observed that the fence was a stark visual barrier to the edge of the street and its overall length and light timber material harm the street scene and are at odds with the general character of traditional means of enclosure. Given its relationship to the road, the Inspector reasoned that there wasn't an opportunity to mitigate the harm identified.

The Inspector afforded limited weight to the appellant's arguments that the fence had some local support and provided them privacy and security. The Inspector noted that there were other more appropriate boundary solutions which would not harm the character and appearance of the Conservation Area.

Based on this assessment the Inspector dismissed the appeal.

c) 21/02173/F – Part allowed and part dismissed the appeal by Dr H Slim against refusal of planning permission for Insertion of new window to front elevation at ground floor and two number conservation type rooflights to the rear roof slope. Addition of two hipped dormers to rear roof slope to provide additional bedroom at first floor and new window and patio doors at ground floor to rear elevation. Flat rooflight added to area of flat roof above kitchen at rear - re-submission of 20/03299/F. The Old Cottage, Wigginton, OX15 4JZ

The inspector identified the main issue as being the effect of the proposed development on the character and appearance of the host property, the character of the Wigginton Conservation Area, and the setting of the adjacent listed building of Glebe Cottage.

The inspector found that proposed hipped dormers had little in common with the original dwelling and the locality which has a strong gabled character. The addition would harm the property itself and the contribution it makes to the Conservation Area as well as spoil the setting of Glebe Cottage causing "less than substantial harm" with no public benefits to outweigh the harm caused.

The inspectorate agreed with the Council that the other aspects of the proposals were acceptable and issued a split decision.

4.0 Conclusion and Reasons for Recommendations

4.1 The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

5.1 None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7.0 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:

Janet Du Preez, Service Accountant, 01295 221606
janet.du-preez@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, Planning 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

8.0 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2021-2022:

- 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

Report Author and contact details

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