

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Planning Committee**

**Date: Thursday 10 March 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 Mephram  
Councillor Lynn Pratt  
Councillor Dorothy Walker

### **Councillor David Hughes (Vice-Chairman)**

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

## **Substitutes**

Councillor Adam Nell  
Councillor Shaida Hussain  
Councillor Ian Middleton  
Councillor Barry Richards  
Councillor Douglas Webb  
Councillor Bryn Williams

Councillor Mike Bishop  
Councillor Tony Ilott  
Councillor Richard Mould  
Councillor Dan Sames  
Councillor Fraser Webster  
Councillor Barry Wood

## **AGENDA**

### **1. Apologies for Absence and Notification of Substitute Members**

### **2. Declarations of Interest**

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

### **3. Requests to Address the Meeting**

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

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

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

### **4. Minutes (Pages 5 - 29)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 February 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. The Foscothe Clinic, 2 Foscothe Rise, Banbury, OX16 9XP (Pages 32 - 52)**

**21/00549/F**

### **9. Land South West of Queens Avenue and Kingsclere Road, Bicester OX26 2JH (Pages 53 - 78)**

**21/02890/F**

### **10. Land West Of Chinalls Close Adj To Banbury Road, Finmere (Pages 79 - 117)**

**21/03066/OUT**

### **11. Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park (Pages 118 - 156)**

**21/03523/OUT**

12. **Sites B C D And E, MOD Bicester, Murcott Road Upper, Arccott** (Pages 157 - 182) **21/03749/F**

## **Review and Monitoring Reports**

13. **Appeals Progress Report** (Pages 183 - 190)

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](mailto: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](mailto: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](mailto:democracy@cherwell-dc.gov.uk), 01295 221534

**Yvonne Rees**  
**Chief Executive**

Published on Wednesday 2 March 2022

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 10 February 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 Simon Holland  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### Substitute Members:

Councillor Richard Mould (In place of Councillor Tony Mepham)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

#### Apologies for absence:

Councillor Mike Kerford-Byrnes  
Councillor Tony Mepham  
Councillor Sean Woodcock

#### Officers:

Alex Chrusciak, Senior Manager - Development Management  
Andy Bateson, Team Leader – Major Developments  
David Lowin, Principal Planning Officer (Major Projects Team)  
James Kirkham, Principal Planning Officer  
David Mytton, Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Lesley Farrell, Democratic and Elections Officer

## **Declarations of Interest**

### **8. OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury.**

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

### **9. Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield.**

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

### **10. Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA.**

Councillor Simon Holland, Declaration, as the applicant was known to him and therefore would abstain from the vote.

### **11. 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.

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. Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester.**

Councillor Barry Wood, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

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

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

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

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

131 **Requests to Address the Meeting**

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

132 **Minutes**

The Minutes of the meeting held on 13 January 2022 were agreed as a correct record and signed by the Chairman.

133 **Chairman's Announcements**

There were no Chairman's Announcements

134 **Urgent Business**

There were no items of urgent business.

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

There were no pre-committee site visits proposed.

136 **OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury**

The Committee considered application 21/03644/OUT for the erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue at OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury for Lone Star Land Limited.

Andrew Wilkins, the applicant, addressed the committee in support of the application.

In reaching its decision the Committee considered the officers' 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, subject to:
- i. No objections and recommended conditions from the county archaeologist following submission by the applicant of the results of the onsite trial trenches;
  - ii. The conditions set out below point iii (and any amendments to those conditions as deemed necessary); and
  - iii. 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.

137 **Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield**

The Committee considered application 21/02286/F for the construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking at Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield for Created Life Three (Bicester) Ltd.

Paul Troop, Bicester Bike User Group, addressed the committee in objection to the application.

Richard Frudd, the applicant's agent, addressed the committee in support of the application.

It was proposed by Councillor Reynolds and seconded by Councillor Hughes that consideration of application 21/02286/F be deferred for one month to allow officers to have further discussions with Oxfordshire County Council highways regarding options for pedestrian and cycle connections to the site.

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

**Resolved**

That consideration of application 21/02286/F be deferred for one month to allow officers to have further discussions with Oxfordshire County Council highways regarding options for pedestrian and cycle connections to the site.

138 **Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA**

The Committee considered application 21/01580/F for the 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 at Kemsley Farm Northampton Road Weston on the Green OX25 3AA for Oxford Polo Limited.

David Ashby, the applicant, addressed the committee in support of the application.



In reaching its decision the Committee considered the officer's report and presentation 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 21/01580/F subject to:
  - i) To the resolution of the objection from the County Archaeology and;
  - ii) 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.

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

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

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

#### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:
  - i. Conditions set out below point iii (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. £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site
- B. £2,336 index linked – OCC Travel Plan Monitoring Fee
- C. 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.

22. The development shall not be brought into use until a cycle route linking the site with the existing and proposed cycle network has been constructed in accordance with details including lighting, surfacing and signage submitted to and approved in writing by the Local Planning Authority.

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.”

140 **Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester**

The Committee considered application 21/03976/DISC for the 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 application 21/02394/LB at Dovecote approximately 50 Metres South Of Old Place Yard House Old Place Yard, Bicester for Cherwell District Council.

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

**Resolved**

That authority be delegated to the Assistant Director for Planning and Development to discharge 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 - only once a suitable tile has been agreed in relation to condition 6.

141 **Appeals Progress Report**

The Assistant Director 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 5.24 pm

Chairman:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

Planning Committee - 10 March 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	The Foscothe Clinic, 2 Foscothe Rise, Banbury, OX16 9XP	21/00549/F	Banbury Grimsbury and Hightown	*Grant Permission	Wayne Campbell
9	Land South West of Queens Avenue and Kingsclere Road, Bicester OX26 2JH	21/02890/F	Bicester West	*Grant Permission	Wayne Campbell
10	Land West Of Chinalls Close Adj To Banbury Road, Finmere	21/03066/OUT	Fringford and Heyfords	*Grant Permission	Wayne Campbell
11	Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park	21/03523/OUT	Fringford and Heyfords	*Grant Permission	Andrew Lewis
12	Sites B C D And E, MOD Bicester, Murcott Road Upper, Arcott	21/03749/F	Bicester South and Ambrosden	*Grant Permission	David Lowin

\*Subject to conditions

Agenda Item 8  
**21/00549/F**

**The Foscothe Clinic  
2 Foscothe Rise  
Banbury  
OX16 9XP**



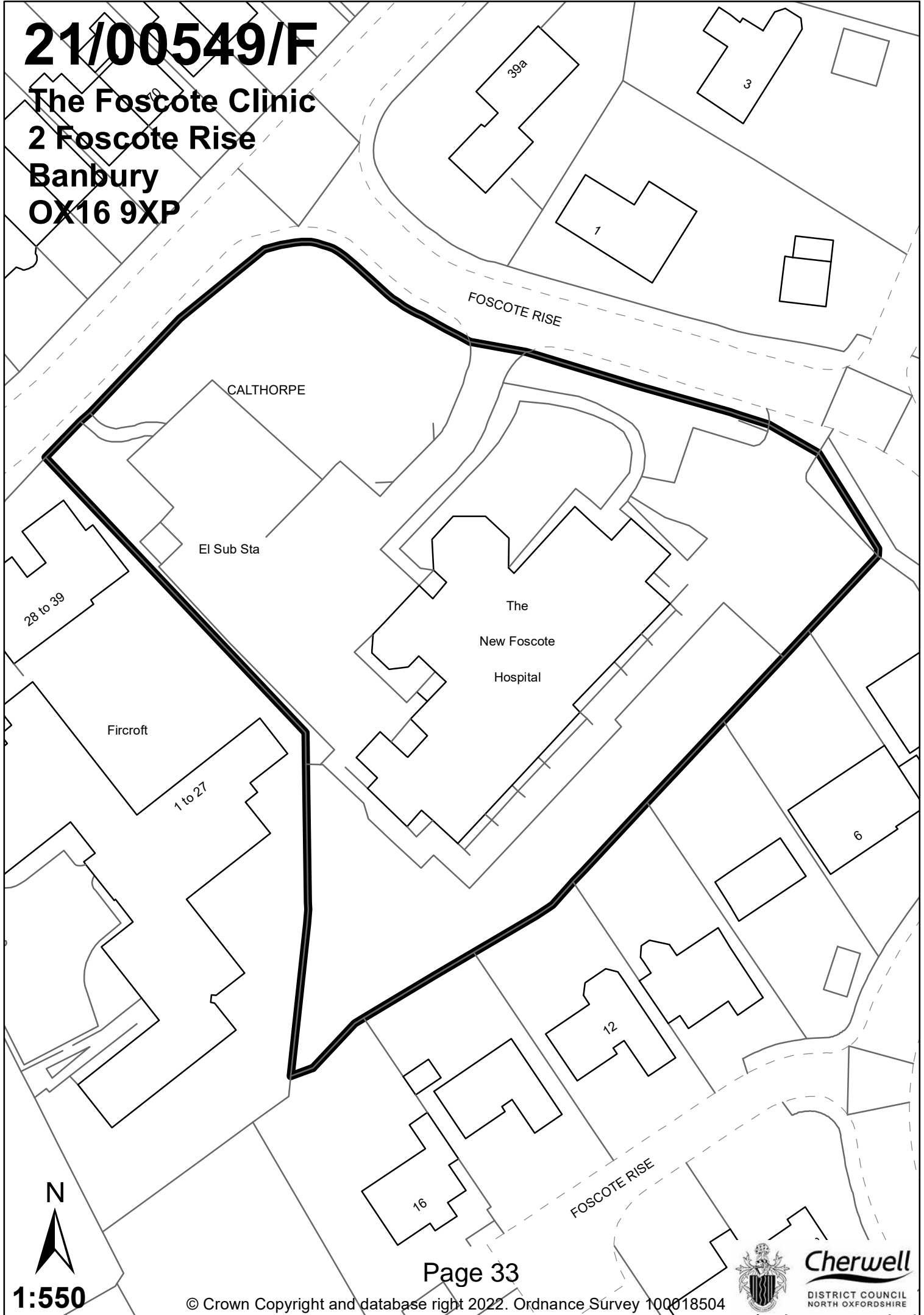
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# 21/00549/F

The Foscoote Clinic  
2 Foscoote Rise  
Banbury  
OX16 9XP

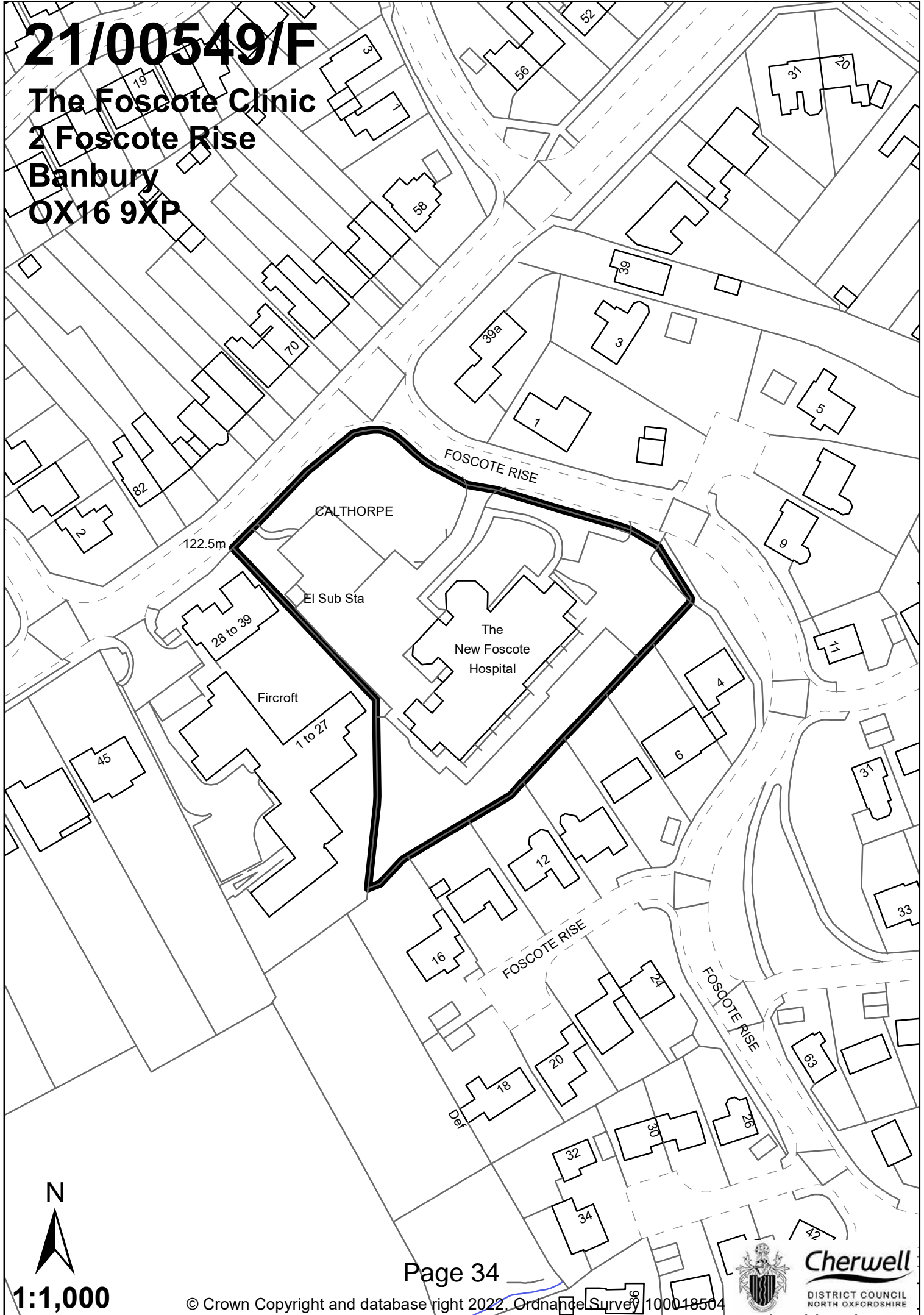


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# 21/00549/F

The Foscothe Clinic  
2 Foscothe Rise  
Banbury  
OX16 9XP



**Case Officer:** Wayne Campbell

**Applicant:** Shakib and Co

**Proposal:** Single storey extension to create radiology areas, upper floors to provide Staff Room and new Boardroom and additional car parking

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr Beere, Cllr Hussain, and Cllr Moon

**Reason for Referral:** Called in by Councillor Clarke for the following reasons:

*The proposal will have a visual impact on residents at the northern end of Foscote Rise. The application has generated a number of objections from local residents.*

**Expiry Date:** 10 February 2022

**Committee Date:** 10 March 2022

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**Note: This application is subject to a Committee Site Visit**

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO: RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION; CONDITIONS; AND SECTION 106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located within the built-up area of Banbury. The Foscote Clinic is a private hospital situated on the north west corner of Foscote Rise, with its northern boundary adjacent to Hightown Road. Hightown Road leads to the Oxford Road travelling west.
- 1.2. The clinic is located in the southern part of the plot. The curtilage of the clinic also includes landscaping along all boundaries and parking located in the north and east part of the site. There is a noticeable slope down across the site from Hightown Road. The area of Foscote Rise is primarily a residential setting with dwellings to the south and east of the site.
- 1.3. The southern boundary to the site is marked by a high conifer hedgerow which runs along almost the entire length of the southern boundary. This southern boundary is also shared by the existing residential properties in Foscote Rise which are set down below the level of the hospital site by approximately 4 – 5 metres.

**2. CONSTRAINTS**

- 2.1. The application site is within a built-up limit of Banbury Town. The site occupies a higher position than the residential properties to the south.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application seeks planning permission for a series of extensions on this private hospital building. The extensions are a mix of single storey and two storey, to be located on the rear / southern elevation of the building with a further separate second floor extension located on the western elevation of the building. Overall, the proposal would result in an increase in floor area equal to 600 sq m. Permission is also sought for alterations to the existing surface car park located to the north and east of the main hospital building.
- 3.2. The single storey rear extension would provide accommodation for an X-ray room, CT Scan room, MRI / CT control room and an MRI room along with associated accommodation and corridors, waiting rooms and administration room / reception area. The two-storey element also located to the rear elevation would provide a staff kitchen, admin store and kitchen store on the ground floor and a staff rest room on the first floor. The second-floor extension to the west of the hospital building would provide a new board room for hospital use. In terms of parking the application seeks permission for an additional 21 parking spaces to the front of the hospital building which raises the total number of spaces on the site to 56.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:
- 21/02311/F - Extensions to accommodate additional staff changing and support facilities - Permitted
- 20/03543/F - Installation of prefabricated wooden clad staff room cabin – Permitted
- 20/02784/TPO\_5 - T1 (mature Common Beech) - fell (dead) tree – Permitted
- 19/01150/F - Addition of a new upper floor area to the existing administration office; introduction of new fire exit on the ground floor – Permitted:
- 14/01879/ADV - Relocation of 2 No non-illuminated signboards – Permitted
- 13/01611/TPO – TPO 12/2002- Application not required: 25/10/2013. 12/01122/F - Construction of hard standing area for use by mobile scanner – Permitted
- 12/00429/F – Single Storey Extension at Rear – Permitted
- 09/00470/F - Resubmission of 08/02126/F - New vehicular access from Foscoote Rise to additional car park spaces and refuse collection vehicle manoeuvring area; 4 no. additional parking spaces; drop-off space between existing access drive and front of hospital; footpath link between parking areas. – Permitted
- 08/02126/F - New vehicular access from Foscoote Rise to additional car park spaces and refuse collection vehicle manoeuvring area; 4 no. additional parking spaces; drop-off space between existing access drive and front of hospital; footpath link between parking areas – Withdrawn
- 05/01084/F - Two storey extension and 7 No. car parking spaces – Permitted
- 04/00451/TPO - Lift crown, thin crown by 10% and clear deadwood of 1 No. Beech and 1 No. Cedar subject to TPO 12/2002. – Permitted
- 02/01234/F - Single storey extensions, two storey extensions and additional car parking (as amended by plans received 09.07.02 and 15.07.02) – Refused
- 98/00703/F - Demolish existing facade over two storeys. Extend to form a three bedroom and endoscopy theatre. – Permitted

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. A pre-application enquiry was submitted under reference 19/02627/PREAPP, which sought advice for the hospital to integrate the normal diagnostic scanning facilities such as MRI, CT-Scan and X-ray rooms in a new extension at the rear of the existing building with new administrative offices, consulting rooms, kitchen and staff canteen.
- 5.3. The response to this pre-application enquiry was that the officer was unable to offer a view (that could later be relied upon) as to whether the proposal can be supported, or not as insufficient/deficient information has been provided. However, the following limited comments on the proposal were provided:
  - The proposed development would be very close to the site boundary and therefore the development could result in a serious loss of residential amenity for neighbours and appear overbearing and over-dominating
  - It is therefore very unlikely a planning application for the current proposals would be considered favourably, and the scale of the extension in this location would need to be reduced
  - A Transport Statement and car parking survey would be required to ascertain the required level of parking
  - A Tree Survey and Arboricultural Method Statement would be required to demonstrate that the development would not cause harm to any trees or hedges on the site.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, statutory consultees, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **29 March 2021**. There were 16 objections, no submissions of support and 5 comments received.
- 6.2. The comments raised by third parties are summarised as follows:
  - Last few years seen a dramatic increase in clients and with the restriction that staff do not use the car park has resulted in additional parking on the surrounding roads to detriment of the area
  - Concern over the impact on the condition of the footpaths in the area due to increased amount of delivery and construction vehicles in the area
  - New car park reduces the green space and changes the amenity of the area
  - Application states no increase in staff so why increase the car park
  - Tree report does not accurately reflect the impact of the removal of the green area on the site
  - No ecology assessment of the site has been carried out
  - Extension reduces the natural green buffer between neighbouring properties
  - Noise of the MRI room will impact on neighbouring properties

- The MRI scanner and X ray facilities very close to residential properties is unacceptable due to possible radiation effect on residents.
- Overdevelopment of site and create further parking problems and loss of space and light detrimental to the environment and would destroy the visual aspect of the whole site
- Nos 4 to 14 run parallel with the rear of the building and are situated some 15 feet or so below the ground level of the hospital. Large controversial conifer hedge that runs the length of the rear of the hospital ending midway across the garden width of no 12. Plans show that the new construction will sit very close to the rear on No 12 and will be clearly visible to the occupants of Nos 12 and 14.
- A somewhat bland exterior with no features will be visible resulting in a somewhat alien in the context of the existing building and neighbouring / nearby residential properties
- Development will impact on the value of my apartment, impact on quality of my life with obstructions to the views, increase noise levels from car parking and deliveries, loss of privacy, overlooking issues and overshadowing
- Proposal will result in an overbearing development that will result in significant detrimental impact upon residential amenity and the character of the surrounding area

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.

7.2. BANBURY TOWN COUNCIL: **Objects** - the Town Council notes the number of objections received from local residents and shares the concerns that some of them express about the scale and siting of the extensions and their impact upon the residential amenities of nos. 4-16 Foscoote Rise and the flats known as Fircroft.

7.3. OCC HIGHWAYS: **No objections** - the combined mitigation of additional on-site parking, a Travel Plan and targeted on street restrictions would be sufficient to mitigate the impact of the proposed extension

7.4. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions

7.5. OCC DRAINAGE: **Objection**. All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

7.6. CDC LAND DRAINAGE: **No objections**

7.7. THAMES WATER: **No objections** subject to conditions

7.8. OCC Archaeology: **No objections**

- 7.9. CDC ARBORICULTURAL OFFICER: **No objections** subject to conditions
- 7.10. CDC BUILDING CONTROL: **No objections**
- 7.11. CDC ECOLOGY: No comments received.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1 – Presumption in favour of Sustainable Development
- BSC8 – Securing Health and Wellbeing
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

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

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution
- TR7 - Development attracting traffic on minor roads

### 8.3. 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)

## **9. APPRAISAL**

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety
- Trees and Ecology
- Drainage

#### Principle of Development

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

- 9.3 Policy BSC8 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) seeks to support the provision of health facilities in sustainable locations which contribute towards health and wellbeing.
- 9.4 Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policies for England and how these should be applied. The NPPF also explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5 Paragraph 10 states that, *at the heart of the Framework is a **presumption in favour of sustainable development***. Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 9.6 Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted*. The NPPF also states that *a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*.
- 9.7 Section 8 of the NPPF highlights the importance of promoting healthy and safe communities. Under this section paragraph 93 highlights amongst other things to *provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community*; Furthermore paragraph 96 highlights that *to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted*.
- 9.8 This application relates to the existing Foscoote Clinic, which is an independent hospital (use class E(e)) providing healthcare services across the district and beyond and has a long history of providing medical service. The applicant has advised that the area of diagnostic imaging is currently undergoing great change, with hospitals becoming more and more reliant on the use of digital imaging techniques. As such the applicant states there is a requirement to create adaptable facilities, to meet the pace of clinical and technological development, not only in patient diagnosis and treatment, but also in many other aspects of care and organisation. For this reason, and to keep abreast of these changes in healthcare demand, the hospital now seeks to provide an upgrade in the radiology department to include MRI, CT Scanning and updated X Ray.
- 9.9 Although the site is an independent hospital the applicant has confirmed that they also offer services to the local Trust, allowing 33% of their operating theatre time to be



used by Oxford University Hospitals Transplantation services, theatre capacity which is used to complete vascular access surgery for patients entering into dialysis. This capacity is on top of the 15% utilised for General Surgery, and Orthopaedic Surgery through the NHS Electronic Referral System (Choose and Book), giving the local community patient choice as to where they receive their treatment. The hospital has recently invested £1.6m on a state of the art Siemens Magnetom Aera 1.5T MRI scanner, due to the significant waiting lists in the local trust the applicant is able to provide 83% of the scanning capacity for NHS patients. In addition to the above, the hospital welcomes the NHS to run outpatient clinics from their consulting rooms, most recently the applicant has hosted Diabetic Eye Screening, Aortic Aneurysm Screening and Nephrology clinics.

- 9.10 Notwithstanding the above, the purpose of the planning system is not to consider whether the hospital site should provide such facilities but whether in doing so the changes result in any material adverse impact on the area and / or neighbouring properties. It is, however, clear that the hospital does provide an important service to the community.
- 9.11 In considering the principle of the development, the current use of the site is for medical services. There is a need to ensure that the facilities on the site are modern and provide the most up to date facilities. As the application seeks permission for alterations to enhance the medical facilities on the site it is considered that the principle of the development is acceptable and complies with both National and Local Plan Policies.

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

- 9.12 Government guidance contained within the NPPF requiring good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.13 Saved Policy C28 of the CLP 1996 states amongst other things that *control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.*
- 9.14 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.15 The applicant has opted for a modern / contemporary approach to the design and external appearance of the extensions. The applicant states that the proposal incorporates varying roof heights dependent upon the particular requirements of the functions the extension would house. The thoroughfare and administration spaces would have a flat roof, while the radiology rooms require higher ceilings and therefore the roof would be lifted over these spaces. In order to reduce the bulk of the extensions where the roof space is greater, the proposal incorporates a mono-pitched roof design. Externally the extensions would be covered in a raised seam coated steel sheet finish to give the contemporary appearance of the extensions.
- 9.16 The vast majority of the existing hospital buildings on the site are constructed from a red brick with a slate tile roof and as such the introduction of the metal sheeting with a mono-pitch roof would appear different. As outlined in paragraph above Policy C28

of the CLP 1996 Policy ESD15 of the CLP 2015 these policies require on new development that materials used are sympathetic to the character of the area and the host building. It could be argued that the use of the metal sheeting would appear out of place and hence contrary to these Policies. However, in this instance it is considered that the location of the extensions, being mainly to the rear of the hospital building, would give the impression that the extensions are part of the service area of the hospital and as such the design would not be inappropriate in this location. For these reasons it is considered that the design of the extensions is not a reason to warrant a refusal in this instance.

#### Residential amenity

- 9.17 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015, which states that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.18 The application site shares a common boundary on two sides with existing residential properties and the impact of the development on these neighbouring properties is a key issue in the consideration of this application. Members will see from the comments section of the report that the impact of the development on neighbours' amenity has been raised as a reason to object to the scheme. In considering these objections it is accepted that the single storey extension to the south of the hospital has been positioned close to the boundary with the residential properties in Foscoote Rise while the second floor extension is located close to the boundary with the residential apartments to the west known as Fircroft.
- 9.19 The proposed single storey extensions to the rear of the hospital would back onto the shared boundary with the existing properties in Foscoote Rise. These residential properties are located at a significantly lower level than the application site. The difference between the site and these adjoining neighbouring properties is approx. 4 – 5m and as such any development on the application site will start at a height of 4 - 5m above the ground level of the adjoining residential properties. As a result of this levels difference any development on the application site positioned close to the shared boundary has the potential to appear as an over-dominant feature resulting in a loss of outlook and light to the detriment of the neighbouring properties. However, in this instance the boundary with the application site and the neighbouring properties is marked by a significant row of ever green conifer trees which have been maintained at a height of around 4m. The design of the extension to the rear of the hospital incorporating a mono-pitched roof would ensure that the roof slopes away from the shared boundary with the lowest point closest to the neighbours' boundary. The dense conifer row would ensure that the view of the extension from the neighbours' gardens is screened to a point that the impact of the extension is not to the detriment of the neighbours' amenities.
- 9.20 Notwithstanding the points raised above it is also noted that there is a section of the rear extension which is maintained at two storey level. This section is located at the eastern end of the rear part of the site and would allow for a higher section to provide a staff rest room at first floor. This part would be higher than that of the rear of the rear extension; however, the design of this section again incorporating a mono-pitch roof would position the glazed section to look along the rear of the hospital building and due to the dense conifer hedge, and although looking out onto the flat roof section of the rear extension there is no access to the roof section from this staff facility. Due to the design, it is considered that the extension would not result in any significant impact on the neighbours' amenities.

- 9.21 Turning to the impact on the private residential apartments at Fircroft, the main impact of this shared neighbour would arise from the proposed second floor extension to form a new boardroom on the western side of the hospital building and the two-storey side extension to provide a new cannulation facility. With regards to the cannulation accommodation this windowless two storey extension would maintain a mono-pitch roof design to be clad in the same metal sheeting as the other extensions on the building. Due to the position and design of this element it is considered that there would be no adverse impact on the neighbours' amenities nor any significant impact on the character of the area. The proposed board room element would be located over an existing ground floor building on the site. The design of this element incorporates the same metal sheeting as used on the other extensions across the site. This would tie the boardroom element with the other extensions on the site and it is not considered that the materials would appear out of place.
- 9.22 Concerns have been expressed over the potential impact the boardroom would have on the amenities of residents at Fircroft and it is accepted that the side elevation of the boardroom would include a number of windows which, due to the position of the extension, would be located close to the shared boundary with Fircroft. The boardroom element would be visible from the garden area of Fircroft, and the windows in this element would allow a view into the shared site. However, due to the lack of any windows in the side elevations of the apartment block on this section of Fircroft there would be no loss of privacy to the residential accommodation of this shared residential use. The side windows of the board room would have a view into the garden area of the Fircroft site. However, it should be noted that this design to the boardroom with side windows has already been considered and approved under a previous application reference 19/01150/F which although not implemented is still a valid permission. The difference between this previous approval and the current proposal is that the current proposal is to widen the width of the boardroom towards the main hospital building and hence would be of a different size. For these reasons it is not considered that the design of the boardroom is a reason to warrant a refusal in this instance.

#### Highway Safety

- 9.23 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) *safe and suitable access to the site can be achieved for all users; and*
  - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.24 In addition, paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In terms of parking provision paragraph 108 highlights that *maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.* The paragraph continues by stating that *in town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.*

- 9.25 Policy ESD 15 of the CLP 2015 highlights, amongst other things that in terms of design new development should demonstrate *a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.*
- 9.26 With this application the proposal is to create an area of additional parking on the site in the form of a further 21 spaces as an extension to the existing car park to the front of the hospital site. Notwithstanding this it is clear from the objections raised by local residents that parking on and around the site is an issue of concern.
- 9.27 To address this issue following the lifting of Covid-19 restrictions the applicant commissioned a parking survey of the streets in the local area, and at the time there was a lower level of bus use and the hospital was providing support services to the NHS. As such it could be considered that this would represent a time when the level of parking demand was likely to be high. The applicant's survey showed that the on-site car parks were well used during the day with some level of capacity available at most times albeit only small for a large proportion of the day. The survey of the surrounding streets also showed that a significant proportion of the available on street parking was utilised from approximately 8 am until the early afternoon where it steadily reduces to less than half in the early evening. From this information it is clear that there is a high demand for parking both within and around the site. The proposed extension of the hospital building may require more staff and has the potential to increase patients which will likely increase the number of cars visiting the site and the surrounding area.
- 9.28 In order to address this increase demand in parking the local highway authority (LHA) advises that a Travel Plan is required that will encourage staff to travel by sustainable modes and decrease the level of parking demand from staff at the hospital. This will complement the proposed staff changing and support facilities that are under a separate planning application (21/02311/F). Notwithstanding the above survey and as demonstrated by the objection comments there is some level of inappropriate parking at junctions and where parking restrictions exist. This is likely to be exacerbated by the development in close proximity to the site. For this reason, additional parking restrictions will be required to be implemented in order to ensure the safe and effective operation of the network is maintained typically around junctions and narrow sections of carriageway which would be covered as part of a S106 contribution from the applicant as part of any permission granted. Civil parking enforcement is starting in Cherwell which should significantly impact on the level of inappropriate parking.
- 9.29 The LHA advises that the combined mitigation of additional on-street parking, a Travel Plan and targeted on street restrictions would be sufficient to mitigate the impact of the proposed extension. As such it is considered that the mitigation measures ensure that the proposed extensions would not result any highway objections to warrant a refusal in this instance.

#### Trees and Landscaping

- 9.30 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.31 These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, *new development proposals should respect the traditional pattern of routes,*

*spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.*

- 9.32 Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.*
- 9.33 Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.*
- 9.34 Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.* The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*
- 9.35 A key section of landscaping on the site is that of the dense conifer hedgerow located along the southern boundary to the site which ensures that the view, and hence impact of the rear extension, is screened to a point that would reduce the harm on the neighbours' amenities. The tree report submitted with the application has been considered by the Council's tree officer and, subject to conditions, no objections to the proposal are raised.
- 9.36 In terms of the remainder of the site the provision of the additional parking spaces on the site would result in the loss of an area of landscaping to the front of the site. Notwithstanding, the additional parking would allow for more on-site parking provision which, together with the other mitigating measures, would assist in easing the issue of on-street parking on the area to the benefit of the local residents. Furthermore, as the site is not located within a Conservation Area and none of the trees on the site to be removed are covered by any Tree Preservation Orders there is no control over the loss / removal of any landscaping by the applicant. Notwithstanding this, the application is supported by a detailed landscaping scheme around the area of the new car park which would ensure the provision of new trees around the site along with other landscaping to help soften and enhance this part of the site with the new car park. As such it is not considered that the loss of the landscaping from the site is a reason to warrant a refusal in this instance.

#### Drainage

- 9.37 Section 14 of the NNPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a*

*site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

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

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

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

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

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

9.41 The application site is located in Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Notwithstanding this point it is noted that the OCC Drainage Officer has requested further information to support the drainage strategy of the site and to assess the impact the proposed extensions would have on the drainage.

9.42 To address this concern the applicant has provided a detailed drainage report for the site which incorporates the extensions on the site. This drainage strategy shows that the area of the new car park will incorporate permeable paving to allow surface water to drainage through the car park rather than running off the surface into the highway. This area of permeable paving will also incorporate an element of storage to manage surface water and gradually discharge into existing underground surface water network. In addition to this drainage of the areas of extension would be channelled through to the existing surface water drainage system via an attenuation tank located on an area to the east part of the site. This storage tank located below ground would ensure that surface water drainage would be discharged at a controlled rate into the existing drainage system to ensure the system can cope with any additional flow.

9.43 In considering this approach members will see that there are no objections raised by Thames Water nor by the Council's Land Drainage Officer, subject to conditions. The LLFA has been re-consulted on the drainage strategy but at the time of drafting this report no further comments had been received. As such providing that the LLFA confirms that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not

lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. With this proposal it is clear that the levels across the site vary and that the adjoining residential properties to the south of the site are at a significantly lower level than that of the site. The rear extension although only single storey has the potential to result in a significant impact on the neighbouring properties in terms of appearing over dominant and resulting in a loss of light and outlook. However, the presence of the dense row of conifer trees along the southern boundary would effectively screen views of the extension to a point that the extensions would not result in any significant impact on the neighbours' amenity. This would not have been the case if the conifers had not been in place and it is only due to the conifers that this approach is considered appropriate in this instance.
- 10.4. The design of the extensions is considered modern and contemporary in style and appearance with the use of mon-pitch roofs and metal sheeting on the exterior. This design on the rear of the building is considered appropriate giving the impression of service buildings to the rear.
- 10.5. In terms of parking, it is clear from the objections received on this application along with the applicants parking survey that there is a high demand on site as well as around the site for parking. The LHA has considered the proposal along with the parking survey and advises that, with the mitigation measures in place which include a contribution towards traffic regulation orders, the proposal is considered acceptable from a highway safety point of view.
- 10.6. Associated with the additional parking provision on the site is the impact the proposal would have on the landscaping features on the site. The proposal is to retain the dense row of conifer trees on the southern boundary to the site which is essential to protect the amenities of the adjoining neighbouring properties. The new parking area would result in the loss of some existing landscaping but the site is not allocated within a Conservation Area and there are no trees covered by any tree preservation order to be removed as part of the new car park.
- 10.7. Overall, therefore, it is considered that the proposed extensions and alterations on this site are acceptable and therefore the recommendation is that planning permission be granted subject to conditions and the signing of a S106 agreement to cover the costs of the traffic regulations and travel plan monitoring.

## 11. RECOMMENDATION

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

- i. **RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION;**
- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- 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 HEADS OF TERMS (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

### S106 HEAD OF TERMS

a) Payment of £3,190 for the cost of Traffic Regulation Order towards the administration costs of the County Council processing the legal order required (lining and signing costs are to be met by applicant)

b) Payment of £2,379 for the cost of Travel Plan Monitoring towards the cost incurred by the County Council in monitoring the required Travel Plan.

**IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE 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 traffic mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy ESD 15 of the CLP 2015, as well as paragraphs 108, 110 and 111 of the NPPF.

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans 001, 202, 203, 204, 205, 206, 207, received 18/02/2021 and additional plans reference 228 Rev A received 14/10/2021, and 209, L001 received 11/11/2021 and FAH-ZZ-DR-D-0001 Rev P2 received 19/11/2021 and Transport Report by EAS Transport Planning Ltd reference 3085/2020 dated 22/12/2020, received 18/02/2021, Parking Survey by EAS Transport Planning Ltd reference 20210621-TN-Revision A dated 22/06/2021, received 22/06/2021, Arboricultural Method Statement by Wharton reference 210422 1173 AMS V1b dated 14 October



2021 received 11/11/2021, revised Outline Drainage Strategy by Fairhurst reference 146431-FAH-ZZ-RP-C-0001 dated 10/11/2021 received 19/11/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

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

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No retained trees shown on the approved plans and particulars shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, within a period of 5 years from the date of this permission another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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.

5. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement and the Tree Protection Plan prepared by Wharton Natural Infrastructure Consultants on 14th October 2020.

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.

6. 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.

7. The existing conifer hedge along the southern boundary of the site shall be retained and enhanced where gaps exist to a minimum height of not less than four 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 protect the amenities of nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

8. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

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.

9. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (2014) 'Method for rating industrial and commercial sound'. The measurement location shall be 1 metre from the facade of the nearest noise sensitive receptor.

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

10. Prior to the completion of the extensions, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first use of the facilities in the extensions by patients and retained as such thereafter.

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

11. Prior to the facilities within the extensions being brought in to use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In order to ensure that the opportunities for sustainable travel have been taken up

12. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:

- 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.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- How construction related vehicle parking will be managed
- Layout plan of the site that shows structures, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0345 310 1111. Final correspondence is required to be submitted.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak 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.

13. 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

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

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

## INFORMATIVES

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
3. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

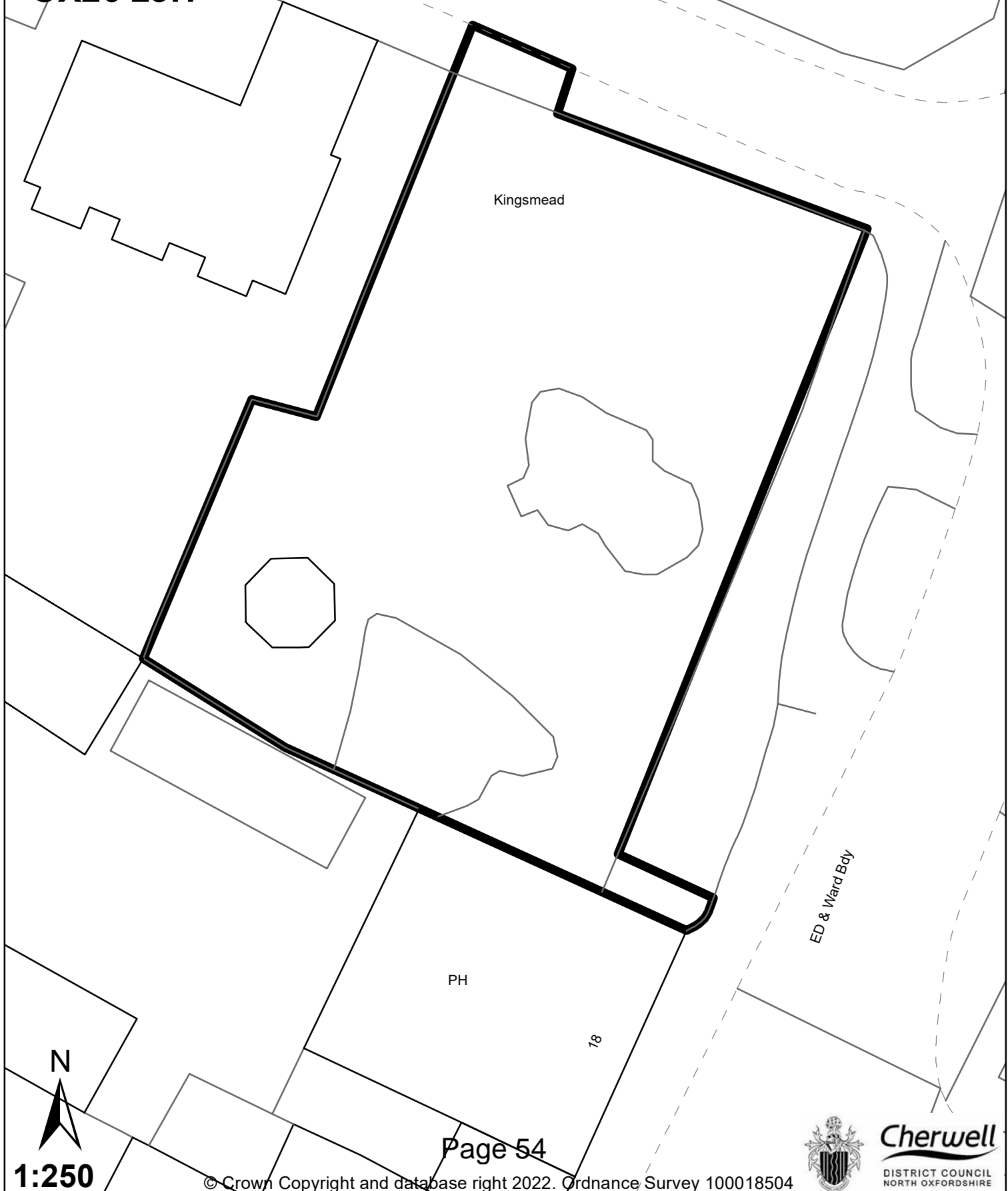
# 21/02890/F

Land South West Of Queens Avenue And  
Kingsclere Road  
Bicester  
OX26 2JH



# 21/02890/F

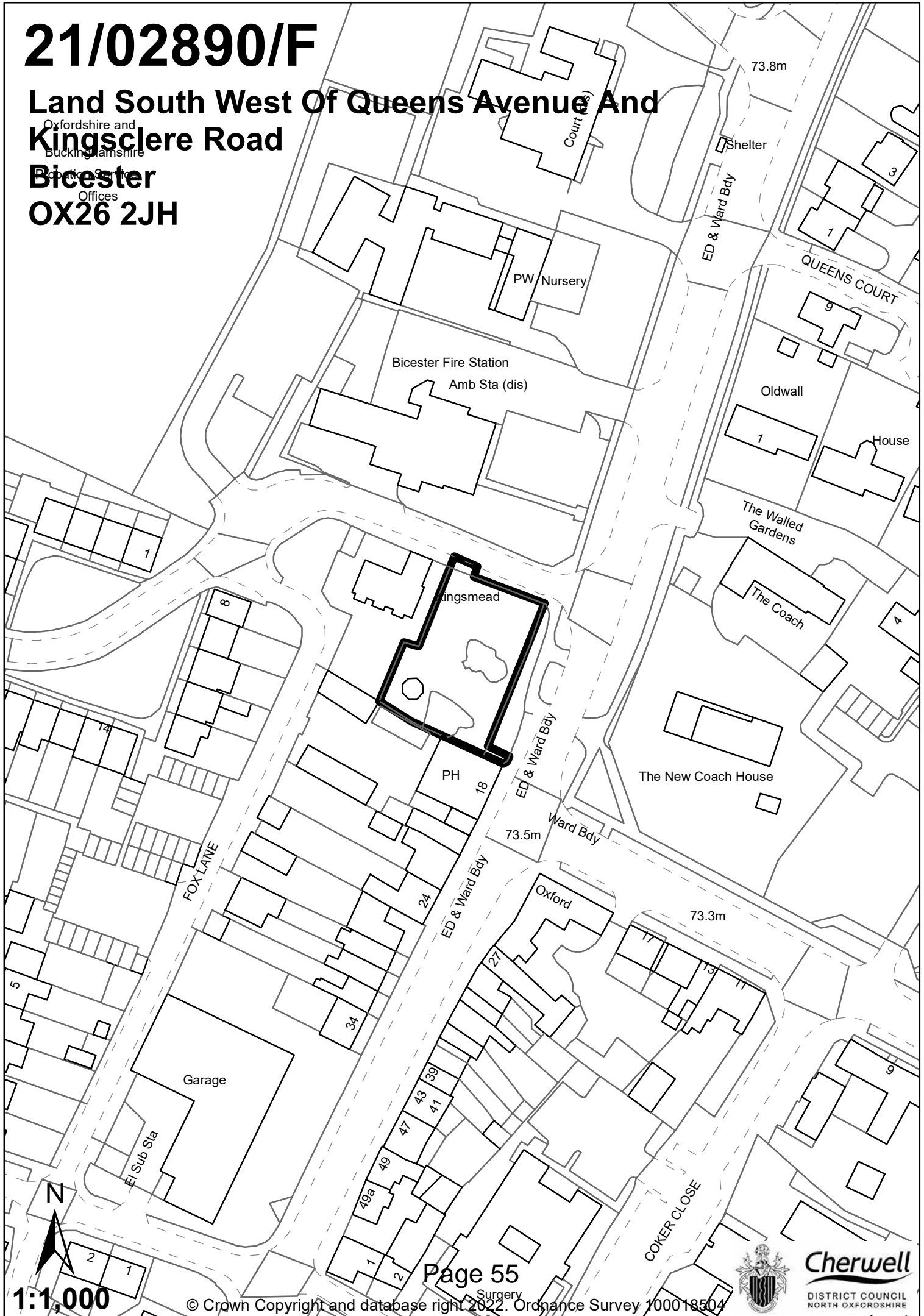
Land South West Of Queens Avenue And  
Kingsclere Road  
Bicester  
OX26 2JH



# 21/02890/F

## Land South West Of Queens Avenue And Kingsclere Road

Oxfordshire and  
Buckinghamshire  
County Council  
Planning Services  
Offices  
**Bicester**  
**OX26 2JH**



**Case Officer:** Wayne Campbell

**Applicant:** Bicester Builders Homes Ltd

**Proposal:** Development of 10 residential units

**Ward:** Bicester West

**Councillors:** Councillor Broad, Councillor Sibley, and Councillor Webster

**Reason for Referral:** Development of 10 or more dwellings

**Expiry Date:** 14 March 2022

**Committee Date:** 10 March 2022

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**Note: This application is subject to a Committee Site Visit**

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO: RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION; CONDITIONS; AND SECTION 106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site lies south-west of the junction of Queens Avenue and Kingsclere Road. The site is an area of open land which had previously been associated with the former antiques centre, known as the Kings End Antiques Centre as an area of display of garden stock for sale.
- 1.2. Queens Avenue connects to Kings End at the southernmost part of the site where there is a T junction. Both roads are main vehicular tributaries into the town centre of Bicester. The site represents a town centre location.
- 1.3. Kingsclere Road forms the northern boundary to the site while the existing residential property known as Kingsmead also forms part of the northern boundary to the site. To the south the boundary is marked by the listed building of the former Kings End Antique Centre which is a grade II listed building.

**2. CONSTRAINTS**

- 2.1. The site is located within the Bicester Conservation Area. The site is also within the setting of a number of listed buildings including The Old Fox Inn immediately to the south of the site and Oxford House which is located at the junction between Kings End and Queens Avenue to the south east of the site.
- 2.2. A public right of way also exists to the north of the site which follows the footpath along Kingsclere Road.



### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application seeks planning permission to re-develop this vacant area of land for residential use. The proposed scheme is for a single block on the site to provide a total of 10 apartments in the form of 2 x 1 bed apartments and 8 x 2 bed apartments.
- 3.2. Although essentially fronting onto Queens Avenue the main entrance to this three storey building and the apartments would be to the rear via a parking courtyard and vehicle access off Kingsclere Road. The parking courtyard would provide 4 surface spaces for use by occupiers of the site which will be supported by cycle parking to be located at the two ends of the parking zone and allocated spaces will be given to each residential unit with a total allowance of 24 stands.
- 3.3. The assessment and determination of this application is made on the basis of the revised plans received 29.01.2022 and 25.02.2022, which include alterations to the design, form and massing of the proposed building.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing within weeks of receiving consent. (NB. Subject to the requirements of any conditions.)

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:
  - 18/00689/F and 18/00690/LB – Change of use from Antiques centre to children's day care nursery, demolition of timber curtilage outbuilding and conversion of remaining curtilage outbuildings and erection of single storey pre-school playroom block – Withdrawn
  - 02/01610/F - Construction of new single and two storey buildings to provide reception area, sales/display galleries, cafe, offices, stores and toilet facilities – Withdrawn
  - 01/00016/LB - Internal and External Alterations (as amended by revised plans accompanying agent's letter dated 19.02.01) - Permitted
  - 00/02523/F – Replacement of existing chain link fencing with 2.5 metre cast iron railings with vehicular access gates – Permitted
  - 95/00923/LBD - Retrospective. Demolition of outbuildings. Demolition and rebuilding of wall - Permitted
  - 98/01594/F and 98/01595/F - Increase height of parts of boundary wall to rear. Re-instate vehicular access; new pair of stained timber gates - Permitted
  - 19/02311/OUT - 10 apartments within a scheme of 2 to 2.5 storeys – Permitted Subject to S.106 Agreement - 03/01/2020.

### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 19/00115/PREAPP – Pre-Application Advice on potential redevelopment options at Kings Avenue, Kings End, Bicester  
  
Response: The above sought advice on redeveloping the site for residential purposes or hotel/leisure uses. It included the Old Fox Inn as part of the development site as well and the proposals were very conceptual and vague. It was advised that the

principle of residential development was likely to be acceptable; however, a number of heritage issues were raised alongside issues of clarification on access, parking and neighbour impact.

5.3 21/00097/PREAPP – Pre-Application Advice - Development for 10 residential units. Land South West of Queens Avenue and Kingsclere Road

Response: It was accepted that the principle of the residential development of the site has been established via the granting of outline permission for 10 units. The Council's Conservation Officer raised objections to the scheme as originally submitted and a revised proposal was submitted to address the concerns raised, with the alterations including the removal of the false carriage arch and reducing the ridge height of the three storey section of the building, the hipped roof to the corner was also replaced with a gable to strengthen the corner and the fenestration was altered to provide a more coherent appearance overall. It was considered that the revised scheme would not have a significant detrimental impact on the setting of the adjacent listed building and would not have a significant adverse impact on the character and appearance of the Conservation Area. Therefore, subject to further discussion and agreement regarding the palette of materials to be used on the external surfaces of the building and considering that the principle of ten residential units on the site has been established the revised proposal is considered acceptable in Heritage Terms.

While it was noted that there was a residential dwelling to the West of the site, due to the design and careful positioning of the proposed balconies, and the separation distance between the buildings it was not considered that the proposal would result in an unacceptable impact on the amenity of the occupants of this dwelling or the adjacent public house.

The scheme to comprise 8 no. two - bedroom flats and 2 no. one - bedroom flats in terms of the proposed mix was considered as an acceptable mix.

## 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). Following the receipt of amended plans all consultees were re-consulted along with neighbouring properties. The final date for comments was **22 February 2022**. There were 3 objections, no submissions of support and 5 comments received.

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

- Concerned about the impact to the natural light and visual impact to the existing window on the north elevation in the Old Fox public house.
- Failure to address the issue of adequate car parking for the number of units which is totally unacceptable with reliance upon owners using bikes / public transport.
- Concern over construction traffic using Fox Lane which is a residential area with pedestrians and local traffic primarily school traffic using the Lane throughout the day. Concerned about the amount of construction traffic and contractors' vehicles parking and using Fox Lane.
- Developers have also not justified the intent to chop down the lovely tree at the junction of Fox Lane and Kingsclere road.
- Concern over issue of the metal fence which the previous owners of the land superimposed on the western boundary wall.

- Suggestion that the developers will paint the western boundary wall white in agreement with the western neighbour not discussed with the western neighbour.
- Scheme seeks to maximise the site leaving little open space.
- Looks very cluttered and over dominant on the corner with Kingsclere Road. It attaches to, and adversely effects the siting of the listed building (the old Fox Pub).
- Full application differs significantly from approved outline planning.
- New build abutting listed building will have an impact on a side window that faces north on the listed building, completely blocked totally denying any light at all or ventilation.
- To abut the listed building would also deny any ability to maintain that side of the building.
- Outline permission did not extend building line along the boundary with the listed building. Current application extends much further to the west beyond the listed building and then has a balcony that would be extremely intrusive to the garden of the listed building.
- The height of the roof lines has significantly changed from the outline plan, which mirrored the existing listed building and house numbers 20 and 22. It now has three roof levels with the highest exceeding the height of the listed building established height line.
- No car charging bays provided.

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

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: **Objects** on the grounds of threat to listed building, traffic congestion, and parking provision. Blind bend near entrance steers vehicles to centre of the road resulting in a highway safety issue. Use of Fox Lane unsuitable access point highway safety issue to pedestrians due to lack of footpath, and is well used by pedestrians, cyclists to three schools, Bicester Leisure Centre and the Town Centre. Use by HGV vehicles will result in a highway safety issue. Proposed closure of south side footpath on Kingsclere Road will cause highway safety issue to pedestrians and cyclists as footpath on the north side is not adequate.

### COUNCILLORS

7.3. COUNCILLOR SIBLEY requests application be called in to committee and that the application be subject to a committee site visit. The Planning Application has a high level of Public interest and concern amongst Bicester residents. Bicester Town Council strongly objects to this application. The site lies in the Bicester Conservation Area and its settings and within an area of an historic environment that contains several Grade II and other locally listed buildings on and in close vicinity of the proposed site.

- 7.4. Concerned at the impact by way of bulk, scale, design, and massing of the building on the street scene and the conservation area and its settings. The application is an overdevelopment of the site and is not in keeping with the street scene. Concerned about the visual impact on neighbouring residential properties in Queens Avenue and Kingsclere Road and on the neighbouring Grade II listed building (Old Fox Inn). Development will result in the loss of 2 x TPO Lime Trees.
- 7.5. The development lacks car parking spaces for a 10 Unit Development. The amended plan shows 2x disabled bays and 2 x 20 min short stay bays. No parking or charging facilities for mobility scooter users.
- 7.6. Development on the corner site of Queens Avenue with Kingsclere Road is a main route through the town for traffic from the Oxford Road to the Buckingham and Banbury roads via Field Street. These roads are already recognised as areas that suffer from high levels of traffic congestion, noise and air pollution. The Queen's Avenue is the only route for all buses and coaches through the town and into and out of the town centre via the traffic congested St. Johns Street (subject of a planning application for a retirement home).
- 7.7. The location of the refuse and recycling bins at the front entrance raises visibility concerns when exiting & entering the site for motorists, cyclists, and pedestrians. However, it appears that no provision been made for the new weekly food waste collection service starting 1<sup>st</sup> March. Bin collection contrary to Council Policy for Refuse Vehicles to collect residents waste from the Highway especially as the collection point is at the t/junction of Kingsclere Road with Queens Avenue.
- 7.8. The Wheel Washing facilities are located at the main entrance. Accessing and exiting site from Kingsclere Road at the t/junction with Queens Avenue across a well-used footpath and cycle way raises a number of highway safety issues for motorists, cyclists & pedestrians. Visibility splays to and from the site entrance on Kingsclere Road are below the 43m as required by Highways. The site entrance is only a few metres away from the busy t/junction with Queens Avenue. The bend near the site entrance on the narrow Kingsclere Road naturally steers vehicles into the middle of the road in danger of meeting vehicles head on travelling in the opposite direction, especially when vehicles are parked on bend or near the site access. Road Traffic Order (RTO) is needed to extend the double yellow lines past the site entrance to avoid vehicles being parked opposite the access. The area assigned for temporary deliveries and drop off at the main entrance to the site in Kingsclere Road raises highway safety issues for motorists, cyclists, and pedestrians. There is no footpath from the main entrance to the proposed development for residents / visitors.
- 7.9. Using the narrow Fox Lane is unsuitable to access the rear of the vacant Public House site for the workers /operatives car park, and for delivery vehicles under 7.5 weight limit. The Lane has no public footpaths and is well used by pedestrians and cyclists to access Kingsclere Road for onward journeys to Queens Avenue, the Fire and Police Stations, the Town Centre, the three schools and the Bicester Leisure Centre. The site access for HGV Construction Vehicles along with other delivery vehicles over the 7.5 ton weight limit will have to back into the site with a brakes man /woman in attendance. This will cause considerable delays and lead to increase levels of noise, air pollution and traffic congestion. Construction and other vehicles over the 7.5 weight limit exiting the site entrance to turn right into Kingsclere Road raises visibility and other highway safety issues as the road is well used by pedestrians, cyclists and motorists.
- 7.10. Proposed closure of the south side footpath on Kingsclere Road will put pedestrians and cyclists in a dangerous situation as the north side footpath /cycleway which is not adequate, safe or fit for purpose. Highways should ensure that a routing agreement

for construction vehicles and that the travel management plan are robustly enforced should the development proceed.

### CONSULTEES

- 7.11. OCC HIGHWAYS: **No objections** to the current proposals subject to conditions and S106 contributions. The amended documents include a revised Construction Environment Management Plan (CEMP) which appears to have been submitted in response to the County's emailed further comments to Cherwell District Council of 4 January 2022. A number of those comments have now been satisfactorily dealt with, but some points remain unresolved.
- 7.12. OCC RIGHTS OF WAY OFFICER: **No objection** or comments to raise.
- 7.13. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**. As the proposal includes car parking spaces and access roads, water quality will be affected. The site is in a high-risk groundwater vulnerability area, therefore water quality standards must be met. Proposed development needs a water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.
- 7.14. CDC DRAINAGE: **No comments**. The drainage proposals have been agreed and are not affected.
- 7.15. OCC EDUCATION: **No objection** and no S106 contributions required.
- 7.16. OCC ARCHAEOLOGY: **No objection**. As proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.17. CDC BUILDING CONTROL: **No objection**. Full Plans Building Regulations application will be required.
- 7.18. CDC WASTE & RECYCLING OFFICER: **Comment**. Bin storage areas should be a minimum of 1.4 square metres per dwelling for flats, so this development would need a bin store area of 14 square metres minimum. Where possible, bin storage should be provided externally and within the curtilage of the site. Current plans there isn't enough information on the bin storage for this development. There is no clear information of where the bin store will be located, and no dimensions of the bin store being provided. Until these conditions are met this application won't be supported by the waste collection department.
- 7.19. CDC CONSERVATION OFFICER: **No objections** subject to conditions and minor alterations.
- 7.20. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.21. CDC TREE OFFICER: No comments received.
- 7.22. CDC ECOLOGY OFFICER: No comments received
- 7.23. CDC PRIVATE SECTOR HOUSING: No comments received
- 7.24. THAMES VALLEY POLICE DESIGN ADVISOR: No comment received
- 7.25. RAMBLERS ASSOCIATION: No comments received
- 7.26. BICESTER BIKE USERS GROUP: No comments received

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD15: The Character of the Built and Historic Environment
- INF1: Infrastructure

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

- C28: New development design
- C30: Design Control
- ENV1: Pollution Control
- ENV12: Contamination

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (The Framework)
- Planning Practice Guidance (NPPG)
- Cherwell Residential Design Guide SPD (2018)
- Developer Contributions SPD
- The Planning (Listed Buildings and Conservation Areas) Act 1990

## **9. APPRAISAL**

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

- Principle of development
- Heritage Impact
- Design, and impact on the character of the area
- Residential amenity
- Highways
- Sustainable Construction
- Drainage

### Principle of Development

- 9.2. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*. This site is located within the town centre of Bicester and therefore represents a very sustainable development for new housing. The development proposal therefore complies with the requirements outlined in paragraph B88 of the CLP 2015.
- 9.3. Policy BSC 2 of the CLP 2015 highlights the importance of effective and efficient use of land and the use of sites. Under this Policy it is highlighted that *housing development in Cherwell will be expected to make effective and efficient use of land*. The Policy also states that *the Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development*. This site is an area of vacant land formally used as an area of sales display in association with the former antique centre. The current use of the site is as an area of previously developed land and therefore the re-development of the site for residential use would comply with policy BSC 2 of the CLP 2015.
- 9.4. The Council is currently unable to demonstrate a sufficient housing land supply as required under paragraph 74 of the NPPF. Cherwell's position on five-year housing land supply, as set out in the 2021 Annual Monitoring Report (AMR), is 3.8 years supply for the period 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). An additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF. As highlighted in paragraphs 9.2 and 9.3 this proposal would make a positive contribution towards the provision of new housing in Bicester town centre.
- 9.5. The principle of the development is appropriate for this location. The proposal would allow for an increase in the level of residential accommodation within the town centre. The proposal complies with Policies PSD 1 and BSC 2 of the CLP 2015 and is therefore acceptable in principle.
- 9.6. Overall acceptability is subject to further considerations; in this regard it is noted that paragraph B.90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our residents*. As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

### Heritage Impact

- 9.7. The site is within Bicester Conservation Area and affects the setting of a number of Grade II listed buildings including the Old Fox Inn immediately to the south of the site.

The main issue in this case is therefore the impact this proposal will have on the setting of the nearby listed buildings as well as the character and appearance of the Conservation Area in this gateway location.

- 9.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.9. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.10. 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 echoes this guidance.
- 9.11. The application site is currently a hard surfaced yard with railings around it and was previously used for the sale of garden ornaments and antiques. It does little to enhance the character of this part of the Conservation Area.
- 9.12. The Bicester Conservation Area Appraisal (CAA) notes that *'the historic character and appearance of the area is defined by the intermix of terraces of vernacular stone-built dwellings and more polite and formal rendered ones which create strong buildings lines, either fronting straight onto the back of the pedestrian pavement or separated by a short strip of garden, on both sides of the road'*. The CAA goes on to note that The Old Fox Inn and Numbers 4-6 King's End provide visual enclosure to the area and identifies The Old Fox Inn as a positive landmark.
- 9.13. The current application seeks permission for a single building with a mix of two and three-storeys in an essentially rectangular shape in a north – south orientation but with projections on the north and south sections. The design of the building, as amended, has picked up the architectural features of the existing buildings further along Queens Avenue to the south. These features include a step up in height from two storey to three storeys, the use of natural stone, coloured render and slate roof tiles. Although the main entrance to the building would be located off the rear parking courtyard, the elevation onto Queens Avenue has maintained the image of front doors to the building to give the impression of a series of separate dwellings, again to echo the design approach of the existing dwellings further along Queens Avenue.
- 9.14. In terms of impact on the Conservation Area the scale, design and general appearance of the new building reflects the style of the existing properties along Queens Avenue. The mix of two storey stepping up to three storey matches the style of existing properties in this locality where a mix of 2, 2.5 and 3 storey properties exist and, although it is acknowledged that the building is slightly higher than the historic buildings in the street, the Conservation Officer has advised that as this is a corner location this is considered acceptable, particular given the alternative (as with the plans originally submitted) of a lower overall height but with a proliferation of half dormers).



- 9.15. The amended proposal is considered to be in keeping with the positive characteristics of this part of the Conservation Area and to respond appropriately to the context of the site. However, there are some minor changes sought by the Conservation Officer to further enhance the design in line with the character of this part of the Conservation area. The changes sought have been discussed with the applicant and amended plans awaited. It is also considered that the amended plans would ensure that the development would respond to and respect the setting of the listed buildings along Queens Avenue which includes the adjoining property.
- 9.16. Overall, it is considered that the proposal, would preserve the character and appearance of the Conservation Area and the setting of the listed buildings. The proposal therefore complies with adopted Policy.

#### Design and layout

- 9.17. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.18. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.19. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.20. 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*
- 9.21. The Council's Residential Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a town. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.22. This application seeks permission for the development on the site for a single two and three storeys building to provide 10 apartments. The design of the building seeks to replicate the style and appearance of the terrace to the south of the site along Queens Avenue. In terms of the general appearance of the building it is considered that the design would appear as a natural extension of the built form along this section of Queens Avenue. The use of false front doors would ensure that the building provides an active frontage onto Queens Avenue while the fenestration details show a similar

style and hierarchy as used on the existing properties along Queens Avenue. The design of the proposal in terms of street scene is therefore considered acceptable.

- 9.23. With regards to the layout of the scheme, the front of the building would be stepped back behind the front building line of the adjoining neighbouring property by approximately 4 metres. The reason for this is that the grass verge to the front of the site is not within the ownership of the applicant and as such the proposed building would be set back along the back edge of this grass verge. Although this set back is not common along the immediate neighbouring properties along Queen Avenue there are examples of setbacks further along Queens Avenue where the properties maintain a small front garden to the front and as such this set back would not appear out of place within Queens Avenue. Furthermore, it is acknowledged that the footprint of the building is the same as that shown on the outline approval. Although only indicative at that time it does demonstrate that the principle of the building in this location was accepted. In addition to this it is accepted that the outline approval agreed the principle of a single building of 10 apartments and as such this current application is not over-development of this town centre site.
- 9.24. Within the site the proposal is to provide a main pedestrian access from a small parking courtyard of 4 spaces, 2 of which would be allocated as disabled driver parking spaces. In addition to these parking spaces the proposal includes two areas of cycle parking to provide a total of 24 spaces. The rear courtyard area also includes areas of incidental landscaping to the rear of the apartment building to help soften the appearance of the building. Further landscaping in the form of small trees close to the share boundary with the neighbour property of Kingsmead to the west of the site.
- 9.25. In terms of the side and rear elevation the proposal is for the side gable wall to be constructed externally from stone as per the front elevation with the projecting wings to be completed in a coloured render as would the rear elevation. The choice of render on the part of the side and the rear elevation is considered an acceptable material as this is also the type of material used elsewhere particularly along the front of other properties along Queens Avenue. The split between stone and render on the side elevation would help reduce the plan depth of this section of the building while the use of render is considered an acceptable type of material. In conclusion it is considered that the layout and design of the building is acceptable and would not appear out of place within the street scene.

#### Residential amenity

- 9.26. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015, which states that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.27. The closest neighbouring property is to the immediate west and south of the proposed apartment building. To the west is the existing residential property of Kingsmead which had previously been used as a guest house. This detached dwelling shares a common boundary with the application site with the rear garden and side elevation to the rear of the proposed apartment building. The application site also shares a common boundary to the south with the neighbouring property formally known as the Old Fox public house.
- 9.28. In considering these two properties the proposal is likely to have the greatest impact on the property at Kingsmead to the west of the site. The distance between the rear elevation of the apartment building and the side elevation with this neighbouring property is approximately 12m which falls short of the 14m distance required to a side

elevation as specified in the Cherwell Residential Design Guide. In addition to this the distance between the rest of the rear windows of the apartments and the shared boundary with the rear garden of Kingsmead would be in the region of 14m while any views to the rear elevation of Kingsmead would be greater and at an oblique angle. This distance is considered adequate to ensure that the apartment building would not result in significant loss of privacy, light nor appear overbearing to the occupiers of this neighbouring property. In order to further assist in protecting any privacy to this neighbouring property, the applicant has designed in a number of trees along the shared boundary with this property.

- 9.29. Turning to the impact on the former Old Fox public house, the proposed apartment building would be located to the side elevation of this building, although set back from the front building line by approximately 4m. The rear projection alongside the Old Fox would project beyond the rear building line of this neighbouring property; however, as the neighbouring property maintains a number of rear out buildings alongside the shared boundary the proposal is not considered to result in any significant loss of light and / or outlook to the occupiers.
- 9.30. Concern has been expressed that the proposed development would restrict light and ventilation to a window in the north elevation of the Old Fox as well as prevent maintenance of the side gable wall of this neighbouring property.
- 9.31. In considering these points it is accepted that there is a side window in the ground floor projection on the rear elevation of the Old Fox and that this window fronts directly onto the application site. The applicant has picked up this window and highlights that the window is to a storeroom for the public house and as such is not considered to be a habitable space which requires access to a window. It should also be remembered that this neighbouring property is still listed as a commercial use with no application for any change of use. As such it is not considered that the development of the site for the apartment building would result in any significant loss of light to the occupiers of this adjoining property.
- 9.32. With regards to the issue over maintenance of the side gable wall this is a matter for the two parties and not a reason to warrant a refusal of permission.
- 9.33. For the above reasons it is not considered that the development as proposed would have any significant adverse impact upon the neighbour's amenities.

#### Highways

- 9.34. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users; and*
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.35. In addition to this, paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 9.36. Policy ESD15 of the CLP 2015 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.” 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.*

- 9.37. The proposed development would maintain a frontage to both Kings End (to the east) and Kingsclere Road (to the north) which is a road serving the residential area and the fire station. An access to the existing site currently exists from Kingsclere Road in the north west corner of the site adjacent to the property known as Kingsmead. This access is currently gated and has been used in the past to access the yard area for customers and the business. Double yellow lines exist along Kingsclere Road between the access to the site and Kings End.
- 9.38. In considering this point of access the local highway authority (LHAS) has confirmed that visibility to the west of the access is sub-standard being only some 30m to the nearside kerb. Added to this there is concern regarding the bend in Kingsclere Avenue at this point and the tendency for vehicles travelling east to traverse this bend in the middle of the carriageway.
- 9.39. However, the LHA’s road traffic accident database reveals that there have been no incidents along this stretch of Kingsclere Road between the period 1990 - 2021. Given that the proposed development would be car free (see below), and the access would therefore be lightly used the road safety risks from the proposal would be acceptable if the developer provides the raised side road entry treatment at the Queens Avenue junction as mentioned in the documentation and extend the waiting restrictions to include both sides of the road by the access. An additional mitigation could be a road hump or a pair of speed cushions immediately west of the Fire Station access, which in fact might be more deliverable than a strong raised side road entry at Queens Avenue on account of the fire station. Mitigation measures would be subject to consultation and consultation fees.
- 9.40. It is noted that a number of concerns have been raised by residents on the highway impact of this development. However, following re-consultation on the details, the LHA raises no highway objections and as highlighted in paragraph 9.33 above the NPPF advises that development should only be prevented on traffic grounds when the impacts are severe which is not considered to be the case in this application.
- 9.41. With regards to parking, the proposed layout shows provision of 4 parking spaces 2 of which would be allocated for disabled driver use and all spaces will be located to the rear of the building. The development would also be provided with 24 cycle parking spaces which would also be located in the rear parking courtyard. The location of the site is undisputedly highly sustainable in that the site is located in the centre of the well serviced Bicester town where health, education and shopping facilities are very close to hand. The LHA advises that the site is therefore capable of providing a car free development. This is reinforced by the absence of car parking spaces with the exception of two disabled parking spaces and two drop off spaces for deliveries. The lower level of parking is backed up by a significant level of cycle parking provision on the site which together with the easy access to public transport in and around Bicester allows for a lower level of parking. Occupiers of the apartment would move in with the knowledge that there was no allocated parking on the site and no opportunity to parking close by and as such an informed decision to move to the site would be made.
- 9.42. It is noted that concerns and objections to the proposal include concern over the lack of parking allocated to the site and that this would result in an increased vehicle congestion along Backway Road with residents looking for a place to park. Although these concerns are understood no objection is raised by the LHA to this approach and

therefore it is considered that the level of parking is not a reason to warrant a refusal in this instance.

### Sustainable Construction

- 9.43. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.44. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.45. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.46. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and*

*shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

9.47. In addressing this issue, the applicant states that the location in the Conservation Area along with the north-east facing roof slope would not make this site suitable for renewable energy features such as solar power etc. Notwithstanding this point the applicant has confirmed that the development would comply with the requires of Policy ESD3 in the following ways:

- Minimising both energy demands and energy loss - The fabric-first approach provides high levels of insulation and highly efficient glazing coupled with design for airtightness. This will include the use of whole dwelling heat recovery both from air (MVHR) and from waste water.
- Maximising passive solar lighting and natural ventilation - All flats have through ventilation and abundant natural light to all habitable rooms.
- Maximising resource efficiency Water use will be restricted to a limit of 110 litres/person/day. This will be achieved by a combination of low flow taps and showers, dual flush cisterns, and rainwater harvesting from roofs as part of the SUDs solution.
- Incorporating the use of recycled and energy efficient materials. Both the concrete and metal railings on the site will be recycled.
- Incorporating the use of locally sourced building materials. There is a good deal of natural stone which will be procured locally.
- Reducing waste and pollution and making adequate provision for the recycling of waste. Full recycling facilities for the occupants have been provided.
- Making use of sustainable drainage methods. A full SUDs scheme has been fully designed and forms part of the application. This reduces peak flow by storing surface water in a bed of broken stone under the landscaped areas at the back. The rainwater harvesting will improve this further. •
- Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example). A considerable amount of planting forms part of this scheme, both at the back and (subject to agreement) at the front as well.
- Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment. There are no buildings on the site so there is no demolition involved, except the concrete described above, which will be re-used.

9.43. The applicant has also highlighted that although not mentioned in ESD3, that energy use in transport by the occupants will be very low. The exceptionally sustainable location and the overprovision of cycle parking allows this to be a car-free scheme, and on the rare occasions where walking, cycling and public transport is not suitable the residents will be able to make use of car clubs, which have been catered for by the inclusion of an electric vehicle charging point.

9.44. Based on the above points it is considered that the applicant has demonstrated that they will comply with the requires of Policy ESD3.

#### Drainage

9.45. Section 14 of the NNPF 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.*

9.46. 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.*

9.47. Policy ESD 6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.48. Policy ESD 7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.49. The development it is accepted that the site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Notwithstanding this the applicant has provided a surface water drainage strategy in support of the application.

9.50. In considering the details of the initial drainage strategy the Local Lead Flood Authority (LLFA) Officer has questioned some of the advice provided and in doing so has requested further information. The applicant has provided additional information and the LLFA reconsulted. However, at the time of drafting this report the further comments from the LLFA were awaited. Until further comments from the LLFA are received it is accepted that there is an outstanding objection on the details submitted with the application and as such the application has failed to address the need to ensure that adequate drainage is provided on the site. The development therefore fails to comply with policies ESD6 and ESD7 of the CLP 2015 as well as advice contained within section 14 of the NPPF. Notwithstanding this point providing that the LLFA confirms the information demonstrate that the development would provide adequate drainage there is no objections to the scheme on the issue of drainage.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. With this application the principle of the redevelopment of the site is considered acceptable. In terms of design the revised scheme is also considered appropriate in terms of scale and materials. It is also considered that the position and design of the building using similar materials to neighbouring properties will ensure the development will not appear out of place within the Conservation Area. In addition to this it is also accepted that the step in design from the neighbouring property from two-storey to three-storey will also be in keeping with the design of the neighbouring properties.
- 10.3. The access to the site will use a similar point of access used when the site was actively used as an antique centre. Parking will be provided to the rear of the building along with 24 cycle spaces for use by the occupiers of the apartments. No objections are raised by the County Highway Engineers in terms of highway safety.
- 10.4. With regards to sustainability, the applicant has confirmed although the site is not suitable for renewable energy features such as solar power, the development will comply with all points outlined in Policy ESD3.

## **11. RECOMMENDATION**

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

- i. **RESOLUTION OF LEAD LOCAL FLOOD AUTHORITY OBJECTION;**
- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- 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 HEADS OF TERMS (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

#### S106 HEADS OF TERMS

- a) £51,250 - £69,500 Highway Works Contribution Towards Provision of active travel measures on Queens Avenue along the development frontage
- b) £5,135 Traffic Regulation Order Contribution Towards Consultation fees regarding mitigation measures on Kingsclere Road

#### CONDITIONS

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

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



Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans ANCR-ICS-01-XX-DR-C-0300-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0402-S4 Rev P01, ANCR-01-XX-DR-C-0200-S Rev P01, ANCR-ICS-01-XX-DR-C-400-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0100-S4 P01, received 20/08/2021, drawing reference 348-200 Rev B, received 25/11/2021, drawing reference 348-208 Rev B, 348-207 Rev C, 348-206 Rev B, 348-205 Rev B, 348-204 Rev C, 348-203 Rev C, 348-202 Rev C, received 29/01/2022, and drawing reference 348-209 received 30/01/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

3. The external walls of the building using stone shall be constructed in weathered limestone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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. Samples of the slates (including ridge tiles) to be used in the covering of the roof 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 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the conservation area and the significance of the neighbouring listed buildings in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28, C18 of the Cherwell Local Plan 1996.

6. Any electricity or gas supply meter housings to be located on the external elevations of the buildings hereby approved shall be sited on the rear / west elevation of the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the conservation area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

7. 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.

8. 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 first occupation of the building 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.

9. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway 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 approved details prior to the first occupation of the apartments and thereafter permanently maintained as such.

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

10. Prior to the first occupation of the apartments hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking

facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

11. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. All development shall take place including any works of demolition in full accordance with the Construction Method Statement Revision A and plan reference 384/210 Rev 1 received 24/01/2022. The 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.

13. A plan detailing the proposed parking, turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking, and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the apartments. The car parking, turning/loading/unloading spaces shall be retained for the parking, 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, turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

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

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

15. Prior to first occupation of any apartment hereby approved, 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 Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

19. If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

20. 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.

21. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and
  - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

22. Full details of a scheme for rainwater harvesting associated with the development shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level. Thereafter, and prior to the occupation of each building the rainwater harvesting system relating to that building shall be installed and brought into use in accordance with the approved details.

Reason: To reduce the use of water and to comply with Government guidance contained within the National Planning Policy Framework.

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

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and

ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

24. 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

25. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of the apartments.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed apartments 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.

# 21/03066/OUT

Land West Of Chinalls Close Adj To  
Banbury Road  
Finmere



1:1,500



# 21/03066/OUT

Land West Of Chinalls Close Adj To  
Banbury Road  
Finmere



120.1m

Willow House

Rowan House

Cattistock House

N



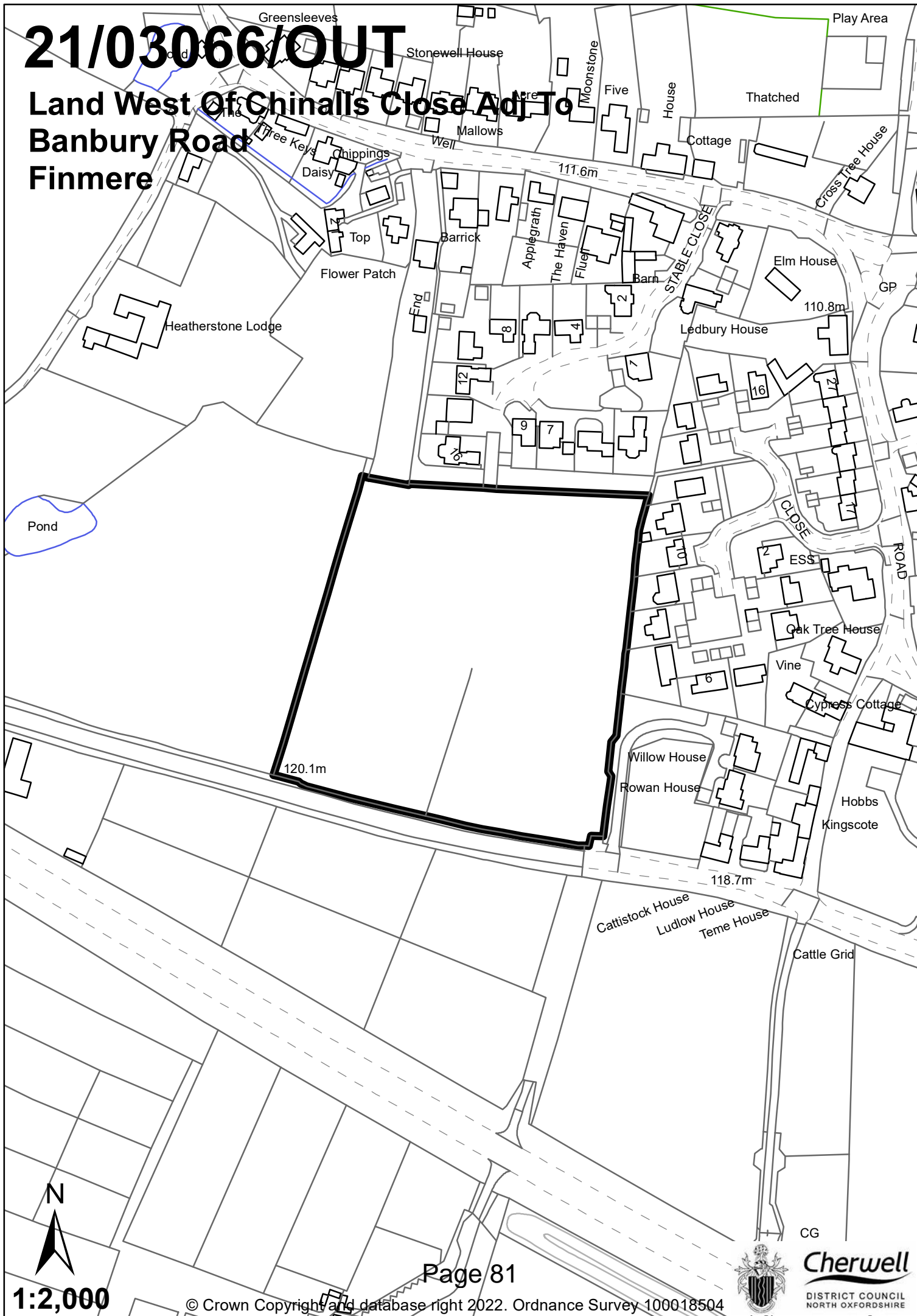
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# 21/03066/OUT

## Land West Of Chinalls Close Adj To Banbury Road Finmere



**Case Officer:** Wayne Campbell

**Applicant:** Miss Katie Christou

**Proposal:** OUTLINE application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved

**Ward:** Fringford and Heyfords

**Councillors:** Cllr P. Clarke, Cllr Corkin, and Cllr Wood

**Reason for Referral:** Development of 10 or more dwellings

**Expiry Date:** 14 February 2022

**Committee Date:** 10 March 2022

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**SUMMARY OF RECOMMENDATION: SUBJECT TO RESOLUTION OF CONSULTEE OBJECTIONS, DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO CONDITIONS AND S106 PLANNING OBLIGATION**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the south west of the village of Finmere and measures an area of approximately 1.94 ha. The site shares a common boundary to the immediate south of the existing residential development of Stable Close and a boundary to the immediate west of the development at Chinalls Close. The site is currently used as an area of grazing land for ponies and horses and does not constitute part of the built form of the village. The southern and western edge of the site appears as open countryside.
- 1.2. Access to the site is currently gained via a gated single access point in the south eastern corner of the site off Banbury Road before Banbury Road is gated off as an area of private access serving the private dwelling known as Foxley. Although an area of grazing land, the site does contain three separate public rights of way which criss-cross the site in a north-south and east-west direction.

**2. CONSTRAINTS**

- 2.1. Several public rights of way cross the site with access via the existing gated access point and separate pedestrian rights of way points in the north and western edge.
- 2.2. The north, south and eastern boundaries to the site are marked by a line of mature and semi-mature trees and hedgerow.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks outline planning permission for the erection of up to 30 new homes, access from Banbury Road and associated works including attenuation pond. Vehicular access is proposed directly to Banbury Road from the south edge of the site.

- 3.2. The application is made in outline, seeking approval for the principle of the development and the means of access into the site. However, the application is supported by an illustrative masterplan. This indicative plan shows the proposed layout of the site providing an approximate development gross density of 16 dwellings per hectare across a site area of 1.94 ha, which is comparable with the adjacent development at Stable Close (approximately 15 dwellings per hectare). The applicant cites an average net density of 31 dwellings per hectare (i.e. excluding areas of open space)
- 3.3. The scheme would provide at least a 35% provision of affordable housing and one of the affordable units would be provided as a wheelchair user dwelling, fully compliant with Building Regulations requirement M4(3). The applicant states that the indicative mix of affordable units is based on local need and would provide 2 x 1-bedroom homes (18%); 5 x 2-bedroom homes (46%); and 4 x 3-bedroom homes (36%).
- 3.4. The applicant has advised that, in the event that planning permission is granted, a housebuilder would be capable of delivering the site within the next five years. In the event that outline consent is granted, the applicant would need to make a further application(s) for the reserved matters details before construction could commence.

#### **4. RELEVANT PLANNING HISTORY**

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

16/01209/OUT

Outline application for residential development and associated infrastructure (Heatherstone Lodge, Banbury Road, Finmere) – Planning permission refused for development of land (up to 47 homes) adjoining and to the west of the current application .Appeal dismissed on 14 June 2017 (APP/C3105/W/17/3169168).

17/01328/OUT

Outline application for residential development - (OS Parcel 3498 East of Heatherstone Lodge, Fulwell Road, Finmere) - Planning permission refused for development of land (25 homes) adjoining and to the west of the current application site. Appeal dismissed on 29 August 2018 (APP/C3105/W/17/3189420).

#### **5. PRE-APPLICATION DISCUSSIONS**

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

15/00026/PREAPP

Proposed residential development together with access and associated infrastructure.

- 5.2. Pre-application advice was sought on the development of the site for 45 new dwellings. The advice provided preceded adoption of the Local Plan in July 2015. It concluded “*The development of this site is contrary to the adopted Development plan policies. However, the Council does not currently have any up to date adopted policies to ensure the future delivery of housing and there currently remains a shortfall in housing land supply. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance. On balance therefore, it is considered that some residential development on the site may be acceptable in principle...*”
- 5.3. The pre-application response continued by stating, “*Having regard to the comments of Oxfordshire County Council, the position of the site beyond the existing built up limits of the village and the public rights of way which cross the site, it is considered*

*that a reduced number of dwellings must be proposed which enables a scheme to be designed which better reflects the character and size of the village, pays proper regard to existing public rights of way which cross the site and reduces the impact of the development on the open countryside”.*

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised 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, and by consultations with statutory and non-statutory consultees. The final date for comments was **29 November 2021**. There were 43 objections, no submissions of support and 1 comment received.

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

- This is a small village, no need for more housing and 30 dwellings would represent a 20% increase in the size of the village
- Significant flooding in the village in the past year and development would only exacerbate the flood risk
- The site is on a slope and the run-off increases the risk flooding while the natural surface water drainage would be reduced by roads and properties and the speed of run off would be increased
- Object to additional houses being built without appropriate drainage issues taken into account as the sewer/drainage within the village would not cope with this further development
- The attenuation basins shown are inadequate and pose a significant safety risk to children and present an incremental flooding risk to properties in Stable Close, Fulwell Road, Valley Road, and The Pines
- Anglian Water's report for 2015 application on this site recognised the fact that Finmere's drains were declared at capacity in 1999, and since then. there has already been a 22% increase in the number of properties in the village, without any improvement to the system (*officer note: a 2015 application was withdrawn*)
- Highway impact of the additional cars / vehicles
- Lack of shop, job opportunities and other village amenities in Finmere would mean that there is a constant to-ing and fro-ing of cars in and out of the village with the accompanying noise, pollution and safety issues
- Inconsistent information regarding the level of Banbury Road to be re-surfaced
- Lack of footpaths along Banbury Road
- 30 houses would probably mean 60 or more cars which could not be accommodated by the road
- The field has been used by locals for over 40 years and at one time was used to play football
- The village does not have the amenities to support a further 30 homes
- No plan for trees or hedge between Chinalls Close which is at a lower level than the application site
- Finmere is deemed a Category A village and new housing developments should be 'minor developments or 'infill' development contrary to adopted policies

- Negligent to consider this application without also considering the other issues currently impacting the village, the landfill issues, HS2 with its many impacts including increased traffic and noise
- Loss of wildlife habitat
- Impact on established public rights of way used by many dog walkers and others looking to escape constant noise of traffic along the bypass
- Application is not in keeping with the rest of the village while the noise and light pollution both during the construction and beyond will adversely affect the quality of life for residents of the village
- The development would result in the removal of right of way from a residents' property. The previous owner of Westbury End provided for a farm gate access to the field at the top of the property to allow access. The proposed development does not maintain this access by blocking it with the construction of the proposed "attenuation basin"
- Welcome hedgerow, trees and green space as emphasised in the outline plan; however, over the years those hedgerows have not been managed and are now mainly just banks of nettles and brambles along the Chinalls Close border
- Welcome the potential this development would have in creating a barrier that may reduce the noise and pollution from the very busy A421
- Welcome developments to create affordable housing in the village, particularly if priority is given to local young people

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 COUNCIL

7.2. Finmere Parish Council: **Objects** on the grounds of sustainability; likely exacerbation of existing severe flooding problems, as well as size, scale, form, location and access.

### CONSULTEES

7.3. CDC Legal Services – Public Rights of Way: **No objections.** Pleased to see that the developer has fully considered the Public Rights of Way Network and has included all of the existing Public Rights of Way within the proposed new development layout.

7.4. OCC Highways: **Objection.** Site is not easily accessible by sustainable transport modes and therefore future residents are likely to be overly reliant on the private car. Pedestrian access to the site from the local area would not be considered to provide safe access for all users. The proposals are therefore contrary to Policies Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 104, 105, 110, 111 and 112 of the National Planning Policy Framework. Nonetheless, advice provided on developer contributions, through a Section 106 legal agreement.

7.5. OCC Archaeology: **Objection.** The site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. The applicant has submitted a written scheme of investigation (WSI)

for this evaluation and a programme of mitigation. This WSI was not agreed with County Archaeology in advance and is not an acceptable scheme. Recommend that, prior to the determination of any planning application for this site the applicant should be responsible for the implementation of an archaeological field evaluation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

- 7.6. OCC Education: **No objections** subject to developer contributions, through a Section 106 legal agreement, towards Secondary Education.
- 7.7. OCC Waste Management: **No objection** subject to developer contributions through a Section 106 legal agreement
- 7.8. CDC Environmental Protection: **Comments** on detailed requirements relating to air quality, land contamination and conditions to ensure adequate internal and external noise levels.
- 7.9. Oxfordshire Fire Service: **Comments**: It is taken that these works will be subject to a Building Regulations application. With regard to B5 (Fire Service access) it is taken that the roads indicated on the plan are suitable for a fire appliance. Based upon the plans submitted we have no adverse comments in relation to fire service access to this building as a result of the proposed works.
- 7.10. Anglian Water: **Comments**: Wastewater treatment - The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Used water network and proposed drainage strategy: The sewerage system at present has available capacity for the flows. An informative is suggested on network connection. Surface water disposal - The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Recommend that the applicant consults with Anglian Water and the Lead Local Flood Authority (LLFA). A condition requiring a surface water management strategy is requested.
- 7.11. Environment Agency: **Advice**: not an application on which it wishes to be consulted on.
- 7.12. Thames Valley Police Crime Prevention Design Advisor: **No objections**. The illustrative masterplan appears to indicate a good layout, incorporating secure perimeter blocks and clearly defined routes through the site. General comments provided.
- 7.13. CDC Recreation and Leisure: **Comment**: advice provided on developer contributions through a Section 106 legal agreement.
- 7.14. CDC Strategic Housing: **Comments** on the provision of affordable housing as part of a Section 106 legal agreement. Supported by local and national policy, the Housing team's approach to affordable housing provision extends beyond achieving numbers – it is about meeting a range of housing needs which have been identified through an appropriate level of research and consultation. In order for the Strategic & Development team to support this proposal, evidence of households in need with a verified village connection is required. There are no households on CDC register with a verified village connection to Finmere, there have been no recent Parish Housing

Needs surveys carried out and there is no Neighbourhood Plan containing this information. Affordable housing required at a minimum of 35% and with a tenure split of 70% rented and 30% intermediate is also required by policy BSC 3. This equates to 11 affordable homes with 8 rented and 3 intermediate tenure(s) on this proposal.

- 7.15. CDC Ecology: No comments received
- 7.16. CDC Arboriculture: No comments received
- 7.17. CDC Building Control: Comments provided on compliance with Building Regulations requirements M4(1),(2) and/or (3) (accessibility standards) dependent on planning conditions.
- 7.18. CDC Conservation Officer: **No objections** on heritage grounds
- 7.19. CDC Landscape: No comments received
- 7.20. CDC Waste & Recycling: No comments received
- 7.21. OCC Lead Local Flood Authority (LLFA): **No objection** subject to conditions
- 7.22. British Horse Society: No comments received
- 7.23. Natural England: No comments received
- 7.24. Wildlife Trust: No comments received
- 7.25. Clinical Commissioning Group: No comments received
- 7.26. National Grid: No comments received

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change

- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

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

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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
- Landscape and visual impact
- Historical Impact
- Highway Implications
- Residential amenity
- Ecology impact
- Sustainable construction
- S106

#### Principle of Development

#### 9.2. This application seeks outline planning permission for the development of this paddock field for up to 30 dwellings, with associated access, drainage and open



space. The site lies outside the built-up area of Finmere and comprises an area of open countryside.

### *Policy Context*

- 9.3. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (NPPG).
- 9.4. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
    - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.6. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.7. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.8. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes. Paragraph 60 states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.9. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted

strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

#### *Development Plan*

- 9.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires any application for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.11 Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.12 The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.13 Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.14 Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.15 Cherwell's five-year housing land supply position was reviewed in the 2021 Annual Monitoring Report (AMR). Despite a strong record of delivery since 2015, the AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. An additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five-year supply as required by the NPPF.
- 9.16 Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.17 The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site features as site HELAA125 and is considered to be, in part, a potentially developable site for residential development:

*“Greenfield site outside the built-up limits. Finmere is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. Three public footpaths cross the site. It is considered that the eastern part of the site has potential for residential development. The area is adjacent to the village and if access could be achieved as well as retaining the Public Rights of Way network, which provides access to the rest of the village then the harm would likely be limited. Development would also need to respect the trees/hedgerows that form the edge of the site. The impacts of development would need to be further mitigated by appropriate design, layout and high quality build. Development on the western part of the site would start to encroach into the open countryside and affecting the open rural character of the area. The site could accommodate 20 dwellings based on 20 dph on 1 ha. This takes account the provision of open space and creating an appropriate edge to the village but also considering the surrounding densities (Chinalls Close and Stable Close)...” (2018 HELAA, Appendix 4)*

- 9.18 Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable villages in planning terms. The categorisation of villages was informed by a defined range of sustainability criteria (CLP para C.255). Finmere is a Category A village.
- 9.19 Policy Villages 2 of the CLP 2015 states, ‘A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014’. This Policy notes, ‘Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission’.
- 9.20 Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. *‘Whether the land has been previously developed land or is of less environmental value’;*
  - ii. *‘Whether significant adverse impact on heritage and wildlife assets could be avoided’;*
  - iii. *‘Whether development would contribute in enhancing the built environment’;*
  - iv. *‘Whether best and most versatile agricultural land could be avoided’;*
  - v. *‘Whether significant adverse landscape impacts could be avoided’;*
  - vi. *‘Whether satisfactory vehicular and pedestrian access/egress could be provided’;*
  - vii. *‘Whether the site is well located to services and facilities’;*
  - viii. *‘Whether necessary infrastructure could be provided’;*
  - ix. *‘Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period’;*
  - x. *‘Whether land the subject of an application for planning permission could be delivered within the next five years’;*
  - xi. *‘Whether development would have an adverse impact on flood risk’.*

### *Assessment*

- 9.21 Finmere is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages.
- 9.22 The Local Plan does not allocate non-strategic sites. Instead, Policy Villages 2 provides the above criteria against which individual proposals are required to be assessed.
- 9.23 The requirement of Policy Villages 2 to provide 750 homes at category A villages is monitored in the 2021 AMR. Table 39 of the AMR shows that 749 dwellings are either completed or under construction on sites with planning permission. Para. 5.159 records that since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings.
- 9.24 The achievement of the requisite 750 homes is a material consideration in considering 'major' developments at the Category A villages. However, in the context of policy BSC1 and the need to meet overall district housing requirements by 2031, it does not mean that there is a moratorium on future development. Furthermore, at the present time there is a need to consider the district's 5 year land supply position. The lack of a 5 year supply renders Policy Villages 2 out-of-date. There is a current housing need to be met.
- 9.25 In determining whether the application site is acceptable there is a need to apply the site criteria within Policy Villages 2. The assessment of suitability included in the 2018 HELAA is material. The conclusions of two appeal decisions are also material (East of Heatherstone Lodge, Fulwell Road, Finmere (appeal decisions APP/C3105/W/17/3169168 and APP/C3105/W/17/3189420))

### *Policy Villages 2 Criteria*

- 9.26 The applicable criteria are provided at paragraph. 9.20 above. It is clear that the site is not previously developed land. However, the development would not result in significant adverse impact on heritage or wildlife assets. However, Agricultural Land Classification mapping suggests that the site includes grade 1 and grade 2 best and most versatile agricultural land. The application is not supported by any soil assessment to confirm the actual land classification.
- 9.27 It is considered that a sympathetic design would allow for a development to make a positive contribution towards the built environment and mitigate landscape impact. More detailed consideration of landscape impact is provided below.
- 9.28 Access can be achieved off the Old Banbury Road and would allow for a pedestrian access by incorporating the existing rights of way across the site as part of the final scheme.
- 9.29 Finmere's main services and facilities comprise a primary school, a village hall with sports field and play area, and a public house. These are considered to be within a reasonable walking distance from the application site. The Inspector for planning appeal APP/C3105/W/17/3169168 drew the same conclusion for land to the west of the application site (appeal decision, para. 7).
- 9.30 The applicant has confirmed that the development of the site could be achieved within a five year period and that the land is available to develop. Officers have no reason to dispute this.

- 9.31 Finally the site is not located within a flood zone and with no objections from the Lead Local Flood Authority (LLFA) it is considered that the development could be designed to ensure no adverse impact.
- 9.32 Overall, based upon the application of the criteria at paragraph 9.20, it is considered that the development would be in accordance with Policy Villages 2 (notwithstanding the fact that the district's five-year land supply position renders the policy out-of-date). The HELAA assessment reinforces this view. However, there is a need to consider landscape impact in more detail below.

#### *Appeal Decisions*

- 9.33 The Planning Inspector who dismissed the appeal in relation to a proposal for up to 25 homes on land adjoining the application site (East of Heatherstone Lodge, Fulwell Road) highlighted that *'One of the nearest settlements is Tingewick which provides a shop and post office. However, its distance and the nature of the route to it means that it would not be convenient to walk or to cycle, in my judgement. The towns of Buckingham and Brackley would provide a much greater range of services and employment opportunities but my judgement is that cycling to either would not be attractive. Evidence in relation to bus services from Finmere indicates a very limited service to Buckingham and Brackley and would not be conducive for commuting. There is no service in the evenings or on Sundays. My view is that future residents of the appeal site would be left with very little alternative other than private car trips when accessing work, secondary school, shopping or medical visits and other routine services. Therefore, the proposal is contrary to the policy aim of directing most growth to sustainable locations where dependency on the car can be reduced.'*
- 9.34 The Inspector concluded *'...I consider that the development of up to 25 homes would represent a sizeable amount of the remaining balance of the rural housing allocation. It would provide this amount of housing in a location which has very limited access to shops, services and employment opportunities and access to these and other facilities would place heavy reliance on private cars. As a consequence, it would prejudice the aim of aligning the provision of rural housing with the sustainability of a location. In this way, the proposal is contrary to Policies ESD1 and Category Villages 2 and would not accord with the objective of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling'*.
- 9.35 The Inspector dealing with the previous appeal (APP/C3105/W/17/3169168) considered the likely impact of a more extensive proposal in earlier in the plan period and was concerned about achieving a *'more balanced distribution of rural housing growth'* (appeal decision, para. 13). In that context, he opined that *'the potential scale of the proposed development at a settlement with few facilities and poor public transport connectivity renders the appeal proposal unacceptable. It would conflict with CLPP1 Policies ESD 1 and Villages 2. It would also fail to accord with the objectives of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to mitigate and adapt to climate change.'*
- 9.36 That Inspector stated, *'Given the local and national planning objectives to secure sustainable patterns of growth and reducing dependence on the private car, the relatively limited day-to-day service provision in Finmere requires, in my view, a prudent approach to the scale of additional housing development in the village'* (appeal decision, para. 7)
- 9.37 The Inspectors' conclusions on the transport sustainability of the location of the adjoining appeal site are material and weighs against the current application for adjoining land.

- 9.38 The village has a very limited bus service in the form of the 132 route, which stops four times during weekdays and three times on Saturday between Brackley and Buckingham, and route 80 and 81 between Akeley and Brackley which also stops once in the morning and once in the afternoon but operates only during school days and not during Bank Holidays. The bus service would be of limited assistance to those travelling to work as the early morning bus from Little Tingewick (not referenced in the Transport Statement) arrives in Buckingham very early. Therefore, the residents of the proposed development would be reliant on the private car to access shops, employment and most services. This would be contrary to NPPF objectives for maximising sustainable transport solutions and providing a genuine choice of transport modes and the site's location weighs against the proposed development.
- 9.39 However, the Council's housing land supply position means that reduced weight must be given to the proposal's conflict with its housing strategy. In addition, whilst not one of the largest and 'best served' Category A villages, the Local Plan considers Finmere to be a more sustainable location for development than Category B or C Villages and potentially suitable for some development. It continues to have a primary school, village hall (with sports field & playground) and a local pub. From an employment perspective it has a small independent car dealership. The accommodation of residential development at villages generally creates a greater need to travel longer distances than in urban areas, albeit relative to other Category A Villages, this would particularly be the case at Finmere.
- 9.40 It should also be noted, on the matter of visual impact rather than geographical sustainability, that there are differences between the appeal site and the current application site. The most recent appeal case involved a proposed development projecting more prominently into the open countryside and described by the Planning Inspector in the 2018 appeal decision as a 'dislocated limb of development':

*Rather than reinforcing or seeking to fit in with the predominant settlement character, I consider that the proposal would provide a mainly isolated extension of Finmere out into the open countryside which would not site comfortably within or immediately adjacent to its existing form. Much of the appeal site would be on rising land with open land around it. Whilst I have noted the reduced form and extent of the appeal site when compared to the previous appeal, I consider that the description of the proposal as a "dislocated limb of development" can justifiably be applied to the scheme now before me. It would extend considerably beyond the southerly extent of Stable Close and would not relate visually with Chinalls Close due to the extent of the intervening open land. The provision of an access which is quite separate from the rest of the village and which itself would form an extended limb of development, would serve to accentuate this unacceptable form of development. Although it is not for me to seek to justify the developments at Chinalls Close and Stable Close, although I regard these areas as not conforming strictly to the linear form, they have been developed without resulting in limbs of development extending into the countryside, as I consider the appeal scheme would. (Appeal Decision, para. 13).*

- 9.41 The current application relates to land to east of the appeal site with existing residential development to both the north and east. Development would be viewed as being more integrated to the south of the village. It is considered that impact of the development on the open countryside would be less harmful than in the two appeal cases.
- 9.42 The district's lack of a five-year housing land supply position and the benefit of providing additional homes, including affordable housing, must be weighed against the likely harm. As required by the NPPF, there is a need to consider whether the proposal's adverse impacts would significantly and demonstrably outweigh the benefits.

### *Conclusion*

- 9.43 Consideration below of matters of detail are required to reach an overall conclusion. However, in principle, the consideration of the Policy Villages 2 criteria, and with regard for the conclusion of the HELAA's assessment of partial site suitability, suggest that whilst there would be harm from a sustainable transport perspective, it could not be said that such impacts are likely to significantly and demonstrably outweigh the housing benefits or providing new homes and affordable housing, particularly in the absence of a five-year supply of deliverable sites.

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

- 9.44 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.45. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.
- 9.46. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular
- 9.47 Although this application is in outline form, and therefore only seeks approval of the principle of a residential development on the site, an indicative layout has been provided in support of the application. This layout shows an estate of 29 dwellings although the application seeks permission for up to 30 dwellings and the density of is suggested by the applicant to be in the region of 16 dwellings per hectare. The applicant has stated that the proposal has an indicative mix of affordable units based on local need and would be equal to 2 x 1-bedroom homes (18%); 5 x 2-bedroom homes (46%); and 4 x 3-bedroom homes (36%). It is also stated that one of the affordable homes will be provided as a bungalow, to respond to local demand and to address the Policy preference for schemes to include homes for older and/or disabled people.
- 9.48 Access to the site would be provided with a single point off Banbury Road with the re-location of the existing wooden gates further along Banbury Road. The access through the site is in the form of a single spine road with a number of cul-de-sacs and private driveways branching off to serve a series of detached and semi-detached dwellings. The dwellings are shown arranged around the site with positions largely determined by the position of the three public rights of way which dissect the site. An area of Public Open Space is located to the north, which will accommodate a SuDS attenuation basin and trim trail, which will be accessible for use by existing and future residents. A large area of Public Open Space is proposed to the south of the site which will provide for amenity green space.
- 9.49 The current layout presented would result in an unacceptable form of development. However, the application is made in outline with all matters reserved, and the details submitted are indicative - the layout, scale and appearance of the development would be considered at a later stage. Given the relatively low density of the scheme and the not irregular shape of the site it is considered that a revised layout could be negotiated

at reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme.

- 9.50 The gross density of the scheme is stated by the applicant in their Design and Access Statement as 16 dwellings per hectare (dph). The proposed residential area itself is cited as having a net of 31 dph. Policy BSC3 seeks new housing to be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. The surrounding area which is stated by the applicant as being 15 dwellings per hectare and officers concur it is of a lower density form. In this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the boundaries of the site, it is considered that the proposed density would be acceptable.
- 9.51 In addition, it is also important to note the impact this development would have upon the nature of the village. The development of up to 30 dwellings would be an increase in the size of the village by approximately 22%, which is a significant increase in scale. Finmere is not a large village and it is considered that this proposed increase in size in a single development would appear out of scale for the character of the village. This weighs against the proposal.

### Landscape and Visual Impact

#### *Policy context*

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



amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.

- 9.57 Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of landscape and associated impacts.
- 9.58. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

#### *Assessment*

- 9.59 The site is not located within the built-up area of Finmere but comprises an area of open paddock with grazing horses and ponies. The field is open in nature with the boundaries to the south, north and west marked by hedgerows and trees, while the boundary to the east is marked by a mix of hedgerow and fencing to the existing residential properties. Although the site is currently used as a paddock the details of the Councils constraints plan suggests that the central section of the site is listed as grade 1 agricultural land while the southern section of the site is allocated as grade 2. The application is not however, supported by any soil assessment to confirm the actual land classification. Notwithstanding this, it is considered that the area of the site has an important landscape value providing an attractive rural setting for the edge to Finmere from the west and south with a rural and tranquil character. There are presently strong natural boundaries to the south of Stable Close and to the west of Chinalls Close.
- 9.60 In dismissing the appeal on the adjoining site (APP/C3105/W/17/3189420) the Inspector noted that *the overriding character of Finmere is a linear settlement which reflects its historic development along a shallow valley. Although there has been some relatively modern development at Stable Close and Chinalls Close, the predominant character is as described. This means that much of the settlement is concealed within the valley and it does not intrude significantly into the wider rural landscape.* This current application would not follow this linear form of development but would extend the southern boundary of the site further from the centre of the village. The proposed development would start to change the character of the village by affecting its linear form. Development would extend significantly into open countryside, albeit it could be designed to be contiguous with built up area boundaries to the north and east.
- 9.61 On the second dismissed appeal for development on the adjoining site (APP/C3105/W/17/3169168) the Inspector noted that *the Old Banbury Road (the former A421) now forms a rural byway with evidently very little vehicular traffic due to its restricted access and terminated function. Utilising this road to serve a development of up to 47 dwellings would harmfully erode its rural character and its role as a largely undisturbed route into the countryside. The detrimental urbanising effects of the vehicular access and proximity of the appeal proposal on this byway adds to my concerns about the appeal proposal's impact on the rural character of the locality.*
- 9.62 This current application seeks access off the old Banbury Road and although serving a lower amount of development of up to 30 dwellings there has been no significant change in the character of the area since this appeal decision in 2017 as well as the one in 2018. It is considered that the western / southern edge of the village marked by this paddock makes a positive contribution towards the rural nature of the village.

It is therefore reasonable to come to the same conclusions in respect of visual amenity about the current proposal as did the previous Inspectors in dismissing appeals relating to the adjacent site.

#### Conclusion

- 9.63 As outlined above, Policy Villages 2 requires a number of key criteria to be taken into account in considering the development of housing in the village. This includes whether '*significant adverse landscape impacts could be avoided*'. The above analysis suggests that there would be adverse impact. The proposal conflicts with Policies ESD13 and ESD15 of the CLP 2015. This harm weighs against the proposals.

#### Historical Impact

- 9.64 Although the site is not recorded as being within a Conservation Area nor adjoining a listed building, an objection has been raised by the County Archaeologist. The objection confirms that archaeological advice was provided on a previous planning application for this site in 2015 (15/00552/OUT) where it was highlighted that the results of an archaeological field evaluation would need to be submitted with this application in line with paragraph 128 of the National Planning Policy Framework (2021). The site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. This excavation recorded a series of linear features, pits, a circular gully thought to relate to an Iron Age roundhouse and a hearth. The features extend beyond the northern limit of the road diversion and may continue into the application area. The site is also located 500m north west of the projected route of the Roman road from Alchester to Towcester. It is therefore possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site.
- 9.65 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*.
- 9.66 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*.
- 9.67 The concerns raised by the County Council's Archaeologist are noted and the advice that a field excavation would be required prior to any determination was made as part of a previous application. The applicant was therefore fully aware of the need to provide a field excavation but decided to provide a written scheme of investigation which does outline areas of trial trenching across the site. The written scheme also highlights that overall, there is quite a large amount of later prehistoric features and specifically likely Iron Age remains in close proximity to the south of the Site, including settlement remains. There is thus a moderate potential for Iron Age remains (or

Bronze Age remains) to be present within the Site area. The report also highlights that it is quite likely that the Iron Age sites recorded in the previous section may have had some continuation of occupation into the Roman period. The potential for Roman remains to be present within the Site is considered moderate.

- 9.68 In response to this request, the applicant has provided a Geophysical Survey of the site which the County Archaeologist have advised is not sufficient without a written scheme of investigation of the site. It is clear that both the applicant and the County Archaeologist recognise that the site has the potential to contain archaeological material and that there is a need to carry out further works to establish what that material is. The difference in view relates to when the excavation work is carried out on the site. At the time of drafting this report the applicant has confirmed that a full copy of the Geophysical Survey Report along with a written scheme of investigation will be provided to the county Archaeologist. These two reports in combination are intended to address the outstanding concerns raised by the Archaeological Team, with evaluation trial trenching capable of being secured by way of a planning condition, prior to the submission of any reserved matters.
- 9.69 The key is whether the decision maker has sufficient confidence that the proposals are capable of being acceptable in principle (in which case a condition is reasonable) or whether the further information (trial trenching) is required before that conclusion can be reached. The advice in the NPPF is clear that *with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*. The advice of the County Archaeologist is that a field evaluation is required in this instance and that this has been raised before. The lack of a suitable field evaluation is therefore contrary to paragraph 194 of the NPPF as well as Policy ESD15 of the CLP 2015.
- 9.70 Additional information had been provided by the applicant to address the concerns raised by the County Archaeologist and a response to this additional information is awaited. Providing that the Archaeologist confirms that the information submitted demonstrate that the development of this site will ensure that any archaeological artifacts are recovered and secured by a condition there is no objections to the scheme on the issue of archaeology.

### Highway Implications

#### *Policy context*

- 9.71 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) *safe and suitable access to the site can be achieved for all users; and*
  - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.72 In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

#### *Assessment*

- 9.73 This application seeks outline permission for the development of the site with all matters other than access to be reserved for a later date. As such the application is

supported by details of the access into the site which would be via a new single access road off Banbury Road.

- 9.74 The LHA advises that the NPPF requirement is for development to provide safe and suitable access for all users and that the needs of people with disabilities and reduced mobility should be addressed in relation to all modes of transport. While the proposals are able to demonstrate safe access for vehicles, access on foot requires users to share the carriageway with vehicles where there is no street lighting and vehicle speeds are likely to be higher than the posted speed limit. This would be unattractive to the majority of potential users and is likely to be a sufficient barrier to those groups of people with mobility and sensory disabilities as to preclude them access to the site by all modes.
- 9.75 It is noted that secondary pedestrian access to the site is available via Public rights of Way at the north of the site connecting to Chinalls Close and Fulwell Road and that these are welcomed in terms of increasing the connectivity of the site; however, the routes are narrow, enclosed, require surfacing improvements and will not be suitable for cycling.
- 9.76 The Transport Statement (TS) submitted in support of the application outlines that the traffic generated by the proposed development is not considered to have a severe impact on the existing highway network given the scale of the development and the nature of the roads. The LHA's objection revolves around the site's unsustainable location rather than highway safety.

#### Conclusion

- 9.77 Overall, the proposals are considered capable of being made acceptable in highway safety terms. This weighs neutrally in the planning balance as it is a policy / principle requirement rather than any benefit of the scheme.

#### Residential amenity

- 9.78 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.79 The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.80 The current application is supported by an indicative masterplan which shows a suggested layout for 29 dwellings. In this layout the proposed development would be located away from surrounding residential properties. The existing properties which would be most impacted upon by the proposed development would be the properties to the east and north of the site in Chinalls Close and Stable Close. These properties are separated from the application site by landscaping belt, and as shown on the indicative plan a significant distance from the proposed development. For these reasons it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

- 9.81 In terms of the living conditions of future residents of the development, one must consider the impact of noise. Paragraph 174(e) of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*. Paragraph 185 continues by stating, amongst other things, that planning decisions should *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 impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*.
- 9.82 The Council's Environmental Protection Officer comments on the applicant's submitted noise report, noting that to mitigate for predicted noise levels on the site as a result of road traffic on the A421, satisfactory internal and external noise levels can only be achieved with mitigation in place. For external areas the Council's requirement is that noise levels should not exceed a level of 50dB LAeq,16 hour (good standard) and not 55dB LAeq,16hour (upper limit) as proposed in the report. It is considered that an additional mitigation such as a bund/barrier at the site boundary is likely to be required. It is considered feasible for a bund to be provided along the southern / western boundary to the site as this area of the site on the indicative masterplan is allocated as an area of open space. The bund could be integrated into the overall landscaping for the development which would have the added benefit of reducing the appearance of the development on the area of open countryside.
- 9.83 Turning to the issue of internal noise this is of some concern in that satisfactory internal levels can only be achieved with windows closed. If it is acceptable to have windows closed having regard to the concerns about overheating in dwellings and climate change then an overheating assessment will be required to confirm that a suitable living environment can be provided with windows closed. This would need to include the specification for the alternative means of ventilation requirements. It is noted in the applicant's noise report that the maximum (LAmax) noise levels have not been considered in the assessment. It is therefore recommended that a site assessment be undertaken to confirm this and also the predictions based on traffic flow data.
- 9.84 Although mitigation can ensure that internal noise levels can be achieved if this is at the cost of having windows closed this would not provide "Good living conditions" for the residents on the site particularly during warm weather when windows are likely to be opened during both day and night. Furthermore, it is not clear how overheating conditions would be avoided again to the detriment of future residents.
- 9.85 In response to this concern the applicant has confirmed that *as set out in the submitted Noise Technical Note, external areas have been designed to not exceed 55dB in relation to the proposed development. This accords with the assessment noise criteria provided within BS8233:2014 'Guidance on Sound Insulation and noise reduction for buildings', and 'Professional Practice Guidance on Planning & Noise, New Residential Development 2017' (ProPG). It is therefore not clear why an upper limit of 50dB is requested from the Council's Environmental Protection Officer, as no justification has been provided. An upper limit of 50dB for external areas is not considered justified or appropriate*.
- 9.86 With regards to any mitigation measures the applicant has advised that *mitigation at the southern boundary of the site is proposed in the form of 1.8m fencing on exposed*

*garden boundaries. The illustrative masterplan has been designed to ensure that dwelling frontages provide screening to gardens along the southern edge. These combined measures are likely to provide the required mitigation to ensure that the 55dB criteria is met. This would be confirmed through on-site surveys and noise modelling at the Reserved Matters stage, once a detailed layout is available and any mitigation measures for external and internal amenity can be refined. On the issue of internal noise levels, the applicant has confirmed that to achieve internal noise levels, windows do not need to be sealed and the choice to open windows would be at the preference of future residents. As part of the development, suitable glazing and ventilation would be provided so that windows can be closed and the internal standard can be achieved, in accordance with Building Regulations and Approved Document F. This is a detailed design matter which would be addressed at the Reserved Matters stage. On the final point regarding an overheating assessment the applicant has advised that as there is no existing requirement for an Overheating Assessment to be undertaken However, should it be considered appropriate, a planning condition could be attached to any outline consent for a ventilation strategy to be provided at the Reserved Matters stage.*

- 9.87 In considering the applicants response, it is accepted that no objection to the proposal on noise and ventilation of the accommodation has been raised. It is also accepted that mitigation measures to address the noise and ventilation of the accommodation could form part of the reserved matters details. However, in considering the potential noise mitigation measures this could include a high acoustic fence along the southern boundary to the site which in itself would have implications in terms of design and appearance to the edge of the development.

#### Conclusion

- 9.88 Notwithstanding this point with the lack of an objection to the scheme from the Environmental Protection Officer it is not considered that noise and / or ventilation of the future accommodation need to be addressed to allow the application to be seen as acceptable.

#### Ecological impact

##### *Legislative context*

- 9.89. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.90. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.91 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or

forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.92 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

(1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative.

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

#### *Policy Context*

9.94 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.

9.95 Paragraph 180 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

9.96 Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.97 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

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

#### *Assessment*

9.99 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

9.100 It also states that LPAs can also ask for:

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

9.101 This application is supported by an Ecological Impact Assessment (EIA) of the site dated August 2021 with a separate bat survey also dated August 2021 undertaken by a suitably experienced ecologist. The results of this EIA underline that the proposal will result in permanent losses of habitats under the footprint of the development. The habitats lost are of low ecological importance. Mitigation through design has been utilised to avoid impacts to valuable, onsite habitats, including the hedgerows and trees which are largely retained within the scheme.

9.102. With regard to the bat survey it highlights that eight species of bat were identified utilising the site with low numbers and levels of activity levels detected. No significant bat foraging / commuting activity was identified within the site. The northern, eastern and southern boundary (H1, H2 and offsite trees) were highlighted as areas which must be retained as dark corridors (< 1 lux of light spill) to avoid disturbance of the low numbers of Barbastelle, a light sensitive species of bat. A sensitive lighting scheme is required throughout the development and long-term management of the retained habitats is required. Furthermore, the bat assessment highlighted that measure to improve connectivity will include the planting of new species rich native hedgerows and as an additional enhancement bat boxes should be placed in suitable locations within the development.

9.103. A further assessment for great crested newts (GCN) also supported the application. This assessment highlights that a small population of great crested newts are present within pond P2. Suitable terrestrial habitats are present within the site for this species (though they are considered to be sub-optimal). The proposed development could result in impacts to the GCN population within the 50-250m and 250-500m impact area of P2. Furthermore, the assessment confirms that the mitigation and enhancement strategy set out within this report has been designed to maximise GCN habitats and connectivity within the context of the final development layout. It is considered that on completion of all mitigation and compensation measures, the favourable conservation status of this species will not only be maintained but enhanced as a result of the proposals.

#### *Conclusion*



9.104. Officers are satisfied, on the basis of the absence of any objection from Natural England or the Council's Ecology Officer, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would 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.

### Sustainable construction

#### *Policy Context*

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

#### *Development Plan*

9.106. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*

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

9.108. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a*

*limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

#### *Assessment*

9.109 This application seeks outline planning permission for a new development of up to 30 dwellings on the site. As such the final design of the buildings is not provided as this would be the subject of a reserved matters application. At that stage it is considered that the full details of the sustainability measure to be incorporated into the design would be provided and agreed.

#### *Conclusion*

9.110 Given this is an outline application, no information is provided with regards to the final design and hence sustainability measures to be used on this site. However, it is considered that conditions could be imposed on any outline planning permission given to secure the sustainability credentials of the development which would comply with the aspirations of these policies.

### Flooding Risk and Drainage

#### *Policy context*

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

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

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

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

*d) where possible, provide multifunctional benefits.*

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

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

#### *Assessment*

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

9.116. The applicant has submitted a Flood Risk Assessment (FRA) which outlines that to address surface water drainage post-development the site levels would be re-profiled to remove any surface water ponding caused by localised low points. Permeable paving would be utilised across the development to avoid any ponding of surface water above ground.

9.117. As part of the drainage strategy the applicant has shown on the indicative layout an area of attenuation ponds located in the northern section of the site. The details of these attenuation basins in the FRA highlights that a storage volume of 456.3m<sup>3</sup> is required within the proposed attenuation basin, this is to allow sufficient time for all surface water to discharge at a controlled rate of 5l/s and cater for all events up to the 1 in 100-year return period with a 40% climate change allowance.

9.118. Given the above, surface water is likely to be collected by the proposed site-wide drainage infrastructure and conveyed to a proposed discharge point on site and as such the risk of flooding will be managed at the development site post-development and the remaining risk will be very low.

#### *Conclusion*

9.119. As such and with no objections being received from the Lead Local Flood Authority Officer it is considered that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage

#### Infrastructure / S106

#### *Policy Context*

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

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

#### *Development Plan*

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

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

9.122 Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.123. The Council also has a Developer Contributions SPD in place which was adopted in February 2018, and which follows the tests of the National Planning Policy Framework and is therefore relevant to this planning application. Under the SPD it is outlined that, although the scope for securing S106 planning obligations has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations will still be sought for:

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

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

#### *Assessment*

9.125. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for up to 30 dwellings on the site which would represent a major application in terms of definition. As such the application should provide an element of affordable housing as part of the proposal.

9.126. In addition, this it is also considered that the development should contribute towards community hall facilities, Indoor and outdoor sports provision, towards Public Art and highway infrastructure improvements necessary for the development as outlined by the comments of the consultees.

9.127. The application is supported by a draft heads of terms under which the applicant has confirmed that they would be looking for a S106 agreement to cover the following areas:

- Affordable Housing Affordable housing provision in accordance with local policy.

- Public Open Space To provide the public open space and provide for an appropriate maintenance regime.
- Education Contribution to additional education provision (if required). Health Contribution to additional health provision (if required).
- Transport and Movement Contribution to highway improvements to Banbury Road, and off-site highway improvements. The on-site PRowWs will be upgraded to provide a surface suitable for year-round use.

9.128. Although the draft heads of terms do not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. Notwithstanding this, the applicant has confirmed that they are willing to enter into a S106 agreement to cover the costs of the items outlined in the consultee comments. A commitment to this has been made by the applicant and solicitor details provided to allow for this process to proceed. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

9.129. However, in the event of a refusal of planning permission, and in order to safeguard the Council's position and be able secure planning obligations should there be a resubmitted application or an appeal, an additional refusal reason relating to the lack of a completed legal agreement should be included.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

10.2. The site comprises an area of countryside beyond the built-up limits of Finmere. Finmere is designated as a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances. This development would be for up to 30 dwellings and therefore falls within this category. Policy Villages 2 outlines the need to provide 750 homes to be delivered across these villages. The AMR 2021 highlights that this objective has essentially been met.

10.3. However, the Council is not presently able to demonstrate a five-year supply of deliverable housing sites and so the relevant development plan policies for housing are to be considered 'out of date' and attract reduced weight.

10.4. Plans and decisions should apply a presumption in favour of sustainable development. In the circumstances where the housing supply policies are to be considered out of date, this means granting permission 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.

- 10.5. Although Finmere is a Category A village under the 2015 Local Plan it has limited services, public transport links and employment opportunities. Future residents of the development would have no choice but to use their own private cars to access many services. Previous appeal decisions have concluded that Finmere is not a sustainable location for developments of this scale. Reliance on the private car does not presently assist in reducing carbon emissions nor help achieve sustainable transport objectives.
- 10.6. The size of development would represent a 20% increase in the size of the village and would impact on the linear form of the village character. However, development could, in principle, be continuous with two built-up area boundaries and achieve visual integration. The Council's 2018 HELAA suggests that the site is suitable for some development (approximately 20 dwellings).
- 10.7. The site is not within a conservation area and there are no listed buildings on the site there is an objection to the proposal from the County Archaeologist, on the basis that the application is not supported by a field evaluation but a written scheme of investigation. It is clear that the advice in the NPPF and Local Plan Policy ESD15 highlights that *with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*. The advice of the County Archaeologist is that a field evaluation is required in this instance and that this has been raised before. Further information has been provided to address this objection and comments of the County Archaeologist are awaited and will form part of the update report during this committee meeting in the event that comments are received.
- 10.8. In conclusion, there would be harm by way of landscape and visual impact affecting the character of this linear village; and, for a development of this scale, because of the likely reliance on unsustainable transport to access many services and facilities. However, as Finmere was envisaged by the Local Plan to potentially accommodate some development, and in view of the fact that Council officers have considered that some development could be accommodated on this site, it is not considered that the adverse impacts of development would significantly and demonstrably outweigh the benefits of providing new homes including affordable housing in the absence of a five year land supply.
- 10.9. Therefore, despite there being some conflict with Local Plan policies and NPPF objectives, it is recommended that outline planning permission should be granted in this instance.

## 11. RECOMMENDATION

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

### **S106 Obligations**

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards Community Hall Facilities in the locality of £34,301.24
- c) Payment of a financial contribution towards Outdoor Sport Provision in the

- locality of £60,510.90
- d) Payment of a financial contribution towards Indoor Sport Provision in the locality of £25,048.40
  - e) Payment of a financial contribution towards the provision of Public Art in the locality of £6,720.00
  - f) Payment of a financial contribution towards Public Transport services of £31,530
  - g) Payment of a financial contribution towards Public Transport infrastructure of £1,428
  - g) Payment of a financial contribution towards Public Rights of Way of £20,000
  - h) Payment of a financial contribution towards Secondary Education of £232,659
  - i) Land contribution towards new secondary school of £23,331
  - j) Payment of a financial contribution towards household waste / recycling centres of £2,818.80
  - k) CDC and OCC Monitoring fees - TBC

### **Conditions**

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

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

2. Details of the layout, scale, appearance, access 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. The development shall not be carried out otherwise than in complete accordance with the approved plans P21-2023\_02, P21-2023\_03, P21-2023\_07 Rev B, 26717\_08\_020\_01 Rev A, 26717\_08\_020\_02, 26717\_01\_230\_01 Rev B and received 07/09/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

4. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

5. 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 compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.
  - Consent for any connections into third party drainage systems

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 in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to first occupation of any dwelling, 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.

7. The vision splays off Old Banbury Road into the development shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

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



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

9. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:
- 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 right of way closures/diversions 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.
  - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
  - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - 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 0345 310 1111. Final correspondence is required to be submitted.
  - 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 highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

10. No dwelling shall be occupied until the associated vehicle parking is complete and available for use.

Reason: To prevent displaced car parking in the interests of highway safety.

11. No dwelling shall be occupied until the associated cycle parking is complete and available for use.

Reason: To ensure that the opportunity of sustainable transport modes have been taken up in accordance with the National Planning Policy Framework

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

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

13. Prior to the submission of reserved matters:-

1. An archaeological evaluation shall be undertaken in the form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
2. If archaeological remains of such significance to warrant their preservation in situ are confirmed as being present, an appropriate methodology for their preservation in situ shall be submitted as part of the reserved matter of Layout and to be approved by the planning authority.
3. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no development shall take place until a programme of archaeological work has been carried out in accordance with a written scheme of investigation which has been approved by the planning authority.

The archaeological investigation(s) should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on a template brief from the 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.

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

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

15. If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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 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.

18. The development hereby permitted shall be carried out in accordance with the recommendations set out in Ecological Impact Assessment of the Land at Banbury Road, Finmere, Cherwell, Oxfordshire by Futures Ecology Ltd reference FE100/EclA01 dated 13/08/2021 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.

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

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

20. No development shall take place until the existing tree(s) to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
  - a. Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
  - b. The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework

with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

- c. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
- d. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

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

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

- 23. The landscaping scheme to be provided as part of the reserved matters submission shall show details of the necessary noise mitigation measures along and as part of the landscape boundaries of the development site to a depth of not less than 7.5 metres. The landscaping details shall show a mix of species of trees, hedgerow and plants to provide a screen for the site along its eastern and northern boundaries. The trees shall be to a height of not less than 3 metres and shall be completely implemented within the first planting season following the first date on which any part of the approved development is completed.

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

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

Reason: To ensure that the agreed landscaping scheme is maintained over a

reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

24. Prior to the commencement of development above slab level, a design stage confirmation that the development shall be constructed to high environmental standards, demonstrating sustainable construction methods and measures to reduce impact on the environment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

# 21/03523/OUT

Land At Heyford Grange  
Letchmere Farm  
Camp Road  
Heyford Park



1:1,500



# 21/03523/OUT

Land At Heyford Grange  
Letchmere Farm  
Camp Road  
Heyford Park

16  
14

Ponds

Track

115.8m



1:1,250



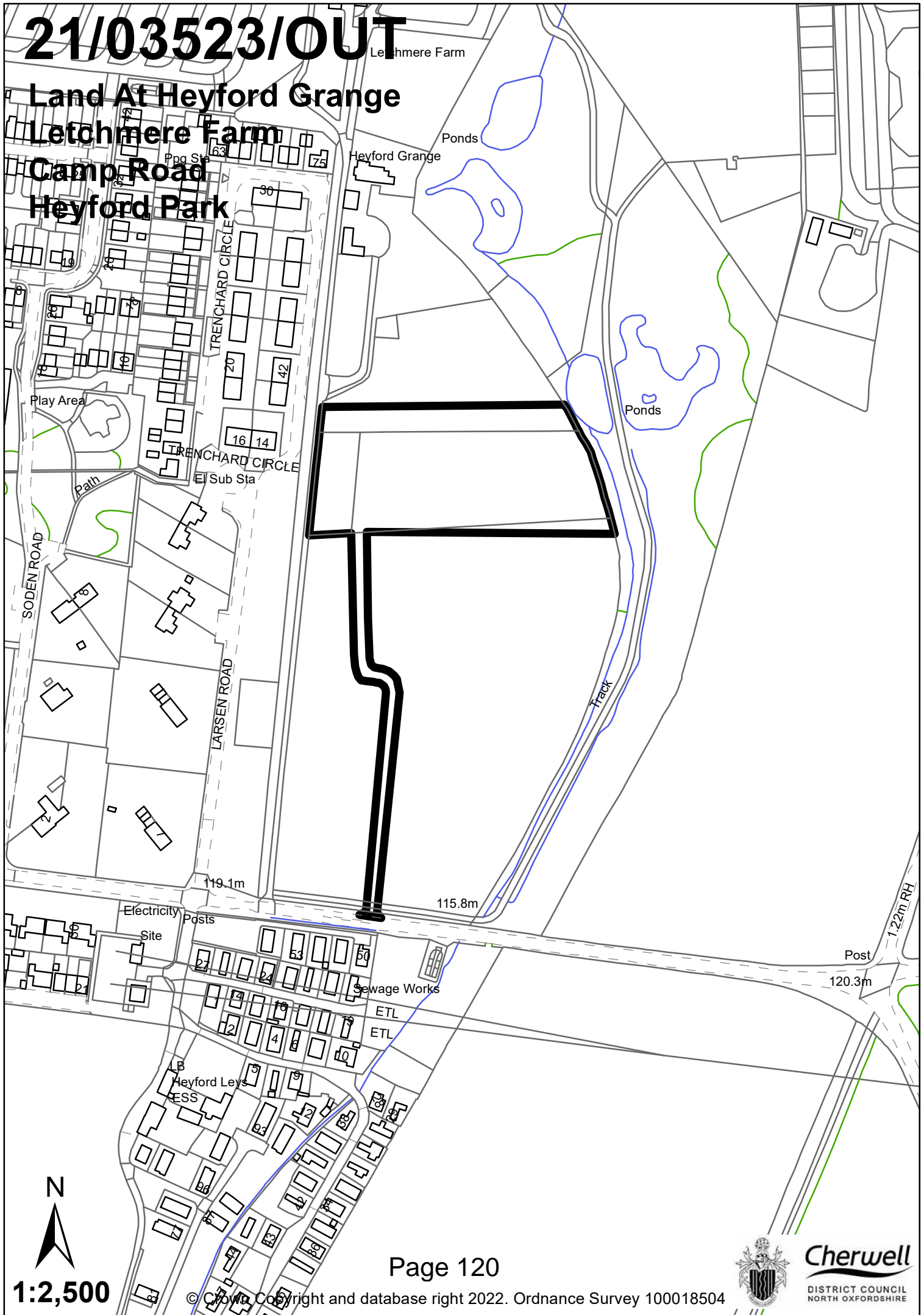
# 21/03523/OUT

## Land At Heyford Grange

### Letchmere Farm

### Camp Road

### Heyford Park





**Case Officer:** Andrew Lewis

**Applicant:** Pye Homes Limited

**Proposal:** Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access)

**Ward:** Fringford And Heyfords

**Councillors:** Councillor P. Clarke, Councillor Corkin, and Councillor Wood

**Reason for Referral:** Major development

**Expiry Date:** 14 January 2022

**Committee Date:** 10 March 2022

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**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND COMPLETION OF A S106 PLANNING AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The land subject of this application is approximately 1.07 hectares in size and an open green field site located to the east of the former RAF/USAF Upper Heyford base on the north side of Camp Road. Its actual western boundary is a track that leads to a group of residential buildings to the north of the site that are collectively known as Letchmere Farm. On the other side of the track is a strong green boundary of trees and hedging. This forms the eastern edge of the former Heyford base. This area consists of a mix of former officer's housing built of red brick in an arts and crafts style with large gardens accessed off Larsen Road that leads on to Trenchard Circle and a group of more American style bungalows.
- 1.2. The land slopes down to its eastern boundary to Sor Brook and hedging. Beyond that are a small group of ponds and beyond that another open field. There is a hedge to the front of the site that separates it from the adjacent parcel of land to the south which is subject to a full application for the erection of a further 89 dwellings and the Planning Committee resolved to grant planning permission, subject to s106 and conditions, in January 2022. Access to this application site is provided through the adjacent site and on to Camp Road. On the south side of Camp Road is the Duvall Mobile Home Park.
- 1.3. In terms of the uses on the adjacent former RAF/USAF site, military use ceased in 1994. Since 1998 the site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
- 1.4. Over the last 20 years numerous applications have been made seeking permission to either develop the whole base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "*A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses,*

*school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).*” This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.

- 1.5. A revised masterplan was submitted as part of the outline application for “*Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure*” and was granted permission on 22 December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of some buildings on the site. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result, Heyford Park is starting to take shape to the west of the application site.
- 1.6. In 2015, the Cherwell Local Plan 2011-2031 was adopted. This includes Policy Villages 5 which provides for “*...a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure...enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. A comprehensive integrated approach will be expected*”. The current application site falls within the allocated site in an area marked as having potential for additional development
- 1.7. In November 2020, the Planning Committee considered application 18/00825/HYBRID which in summary sought approval for 1,175 dwellings, an area of potential high-tech employment based on film industry production, a commercial area, a park and visitor destination centre, an education site , the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement a new sports park, a new medical centre an energy facility, extension of the Village Centre including community buildings. The Committee resolved that authority be delegated to the Assistant Director Planning and Development, to grant permission for application 18/00825/HYBRID subject to conditions and the completion of a section 106 planning obligation. These delegated matters are still being progressed by officers.

## **2. CONSTRAINTS**

- 2.1. The majority of the former airbase, that includes the adjacent land to the west of the application site and to the north of Letchmere Farm, was designated as a Conservation Area in 2006 because of its architectural and social historic interest due to its role during the Cold War, In addition, the wider RAF Upper Heyford site also contains a number of Scheduled Monuments identified as ‘Cold War Structures’ and five listed buildings as noted in the ‘RAF Upper Heyford Conservation Area Appraisal’ produced by the Council (CDC) in 2006. There are also buildings which are not listed, but of local and national significance. No buildings in the vicinity of the application site are either scheduled ancient monuments or statutorily listed buildings although the Officer’s housing to the west is listed as being of local importance.
- 2.2. The site lies just outside the recently designated Ardley and Upper Heyford Conservation Target Area and the County designated wildlife site on the flying field which is important for its calcareous grassland, ground nesting birds and great crested newts. The latter have also been recorded at Letchmere Farm.
- 2.3. The site is also potentially contaminated land.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application seeks outline permission for up to 31 dwellings on the site. All matters are reserved except the principal means of access on to Camp Road, which will be via the proposed frontage development by the same applicant for 89 dwellings with access and landscaped open space (Ref: 15/01357/F).
- 3.2. An indicative layout has been provided with the application, which shows the provision of 31 dwellings, public open space, landscaping and associated parking.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history on the application site but the following history is considered relevant to the current proposal:

15/01357/F

Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure. Decision - Currently pending-approved subject to a s106 agreement and conditions.

08/00716/OUT

Outline application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plan and information received 26.06.08). Decision - Permitted at appeal in 2010

10/01642/OUT

Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. Decision – Permitted December 2011. This was a revised proposal that included the creation of a new area of open space centred on the parade ground, now the “village green”, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings the demolition of which was previously consented. The retention of these buildings at their existing low density meant the development area expanded west on to the sports field in order to achieve the number of dwellings previously approved. The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of all buildings on this site. The associated reserved matters have been submitted, approved and implemented for the permission. As a result of this, the new settlement is starting to take shape. Several phases of development have been undertaken including the former sports hall which was retained and refurbished and is now the gym and cultural wing of the Heyford Park Free School, over 700 dwellings are complete and a new commercial centre for the settlement is currently nearing completion. Decision – Permitted

16/02446/F

Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works. Decision – Permitted Application ref: 18/00825/HYBRID The application is a Hybrid application seeking approval in principle for: 1,175 dwellings, 348 (30%) are proposed to be affordable and 60 will be close care; 11.1 hectares is set aside for

Creative City, an area of potential high-tech employment based on film industry production, and which will also use areas of the flying field for filming; a commercial area of 2.3 hectares to the south of Creative City is also allocated for employment use; at the heart of the flying field will be the creation of a park (parcels 28 and 30); a 30m observation tower with zipwire with ancillary visitor facilities of up to 100 m<sup>2</sup>, a visitor destination centre; an education site designed for primary and potentially early years provision; provision for up to 2,520 m<sup>2</sup> of additional Secondary school provision on the two current Free School sites (in Parcel 32 west and east); the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement to also facilitate a new bus service; a new sports park (4.2ha) is created in the south east corner of the site; the creation of a new medical centre up to 670 m<sup>2</sup> (described as Class D1) on Parcel 20; an energy facility of up to 1000 sq m; the existing consented Village Centre is being extended by the provision of a further mixed-use area comprising a variety of A1-A5, D1 and D2 uses on Parcel 38. This includes provision of up to 925 sq.m of community buildings (Class D2) located on Parcel 38 and also Parcel 34 adjacent to the proposed Sports Park. Decision - Currently pending-approved subject to a s106 agreement and conditions.

## **5. PRE-APPLICATION DISCUSSIONS**

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

## **6. RESPONSE TO PUBLICITY**

6.1. The application has been publicised by way of a site notice displayed near the site entrance, 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 **14 December 2021**. There were no objections, no submissions of support and 2 comments received.

6.2. A third party comments that the biodiversity enhancements with regards to birds is lacking in this proposal

6.3. A response from the main developer of Heyford Park, Dorchester Living states:

In applying Policy Villages 5 to applications 15/01375/F and 21/03523/OUT, it is highlighted that relevant and reasonable financial obligations should be secured towards the provision of this infrastructure to secure its onward delivery by either public bodies or other third-party developers:

- M40 Junction 10
- Bus Services
- Bus Infrastructure
- Junction Safety improvements to A4260 /B4027
- HGV restrictions
- Hopcrofts Holt
- Middleton Stoney Bus Gate or other solution
- Cycle link connection between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Road/B430 Junction
- Signalisation of B430/Unnamed Road Junction

- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and new bus route
- Village Traffic Calming
- Junction Safety Improvements A420/North Aston Road
- Camp Road Improvements
- New School crossing
- Travel Planning
- New Primary School
- Primary School Land
- Secondary Education
- SEN Education
- Allotments
- Sports Pitches
- Indoor sports
- Community Hall
- Park creation
- Heritage Centre
- Heritage Buildings
- Grassland habitat creation

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

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Heyford Park Parish Council: **No objections** but has concerns on highways grounds.

7.3. Middleton Stoney Parish Council: **No objections or comments.**

### CONSULTEES

7.4. CDC - ARBORICULTURE: **No objections.** Comments: No harm outlined in report to T2, however concerned for future impact the proposal may have on T2 due to its proximity to the dwellings. If there would be scope to adjust the proposal to increase the distance from T2 to the closest dwelling this would mitigate concerns.

7.5. CDC - CONSERVATION: No comments

7.6. CDC - ECOLOGY: **No objections.** Comments:

- Ecological Survey is generally fine in terms of surveys carried out and assessment of value/impact.

- The measures outlined in MM1-MM8 inclusive to avoid harm to protected species and retained habitats are suitable to condition (or to be included in a conditioned CEMP).
- District licensing scheme is already arranged through Nature space for GCNs. The conditions and informatives within the Nature Space certificate to be added verbatim to any permission.
- The ecological appraisal makes some suggestions for enhancements on site, which are OK, however a little short of the numbers we would expect. Cherwell DC guidance recommends a minimum of the equivalent of one integrated bat/bird provision per dwelling. The intended number, types and locations of such enhancements should be included within a Biodiversity enhancement scheme or a LEMP. I would concur with Chris Mason of Swift Conservation that at least some of these provisions should be swift bricks.
- The ecological appraisal does not include a measurable demonstration of a net gain for biodiversity on site. For a site of this size, we look to have a Biodiversity Impact calculation submitted using a recognised metric to determine the net gain achievable on site. Whilst this is an outline application this is the stage at which we expect to see this demonstrated even if using an illustrative layout. CDC currently seeks a minimum net gain for habitats of 10% in line with upcoming legislation. I would request therefore that they submit a metric to show how this could be achieved within the proposed layouts. This will then aid us in judge if the net gain is acceptable.

7.7. CDC - PLANNING POLICY: **No objections or comments.**

7.8. CDC - RECREATION & LEISURE (CDC): **No objections** subject to S106 planning obligations for community hall facilities provision, outdoor sports provision, indoor sport provision and public art provision.

7.9. CDC - STRATEGIC HOUSING: **No objections** in principle. Requests 10 affordable units with the indicative mix of tenures and sizes:

- x 2-bedroom 4-person houses
- x 3-bedroom 5-person houses
- 2 x 4-bedroom 7 or 8-person houses
- First Homes - Total 3 dwellings
- x 2-bedroom 4-person houses

7.10. ENVIRONMENT AGENCY: **No objections** subject to foul drainage details.

7.11. ENVIRONMENTAL HEALTH (CDC): **No objections** subject to standard conditions in respect of a CEMP, contaminated land conditions and electrical vehicle charging infrastructure.

7.12. HEYFORD PARK RESIDENTS & COMMUNITY DEVELOPMENT ASSOCIATION: **No comment.**

7.13. LANDSCAPE SERVICES: **No objections** subject to landscaping conditions.

7.14. MID-CHERWELL NEIGHBOURHOOD FORUM: **No objections or comments.**

7.15. OXFORD TRUST FOR CONTEMPORARY HISTORY: **No objections or comments.**

- 7.16. LOCAL HIGHWAYS AUTHORITY (OCC): **No objections** subject to standard conditions in respect of width of the new estate roads, estate access, driveways and turning areas, retention of parking and manoeuvring areas and cycle parking provision and S106 contributions.
- 7.17. EDUCATION (OCC): **No objections** subject to S106 contributions to primary and nursery education, primary school land contribution, secondary education and SEN.
- 7.18. LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to condition relating to SuDS scheme.
- 7.19. INFRASTRUCTURE FUNDING: **No objections** subject to S106 contributions towards the new Bicester library.
- 7.20. OXFORDSHIRE CLINICAL COMMISSIONING GROUP (CCG): **No objections or comments.**
- 7.21. THAMES VALLEY POLICE: **No objections.**
- 7.22. THAMES WATER: **No objections.** Request that informatives relating to Groundwater Risk Management Permit from Thames Water and water pressure are included.
- 7.23. WASTE & RECYCLING (CDC): **No objections** subject to S106 contributions towards Household Waste Recycling Centres.
- 7.24. COUNTY WATER LTD (HEYFORD PARK): **No objections.** Comments: This development is outside of County Water's area of appointment and therefore are not the sewerage undertaker for this development.

## **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 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well Being
- BSC9 – Public Services and Utilities

- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 5 – RAF Upper Heyford
- Policy INF1 – Infrastructure

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

- C23 – Retention of features contributing to character and appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C31 – Compatibility of proposals in residential areas
- C32 – Provision of facilities for disabled people
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land
- TR1 – Transportation Funding

#### MID-CHERWELL NEIGHBOURHOOD PLAN 2018-2031 (Feb 2019)

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-care and new planning policy Housing

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD 2018



- Developer Contributions SPD 2018
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
- Circular 06/2005 (Biodiversity and Geological Conservation)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

## **9. APPRAISAL**

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

- Planning Policy and Principle of the Development
- Site layout and design principles
- Landscape, visual impact and impact on the character of the area
- Heritage impact
- Housing
- Ecology impact
- Flood Risk and drainage
- Traffic, Transport, Accessibility
- Planning Obligations

### Planning Policy and Principle of the Development

9.2. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996, the adopted Cherwell Local Plan 2011-2031 (CLP 2031 Part 1) and the Mid Cherwell Neighbourhood Plan. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.

9.3. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. In Cherwell District, a five-year housing land supply does not presently exist. The Council's latest Annual Monitoring Report, (AMR 2021), prepared in accordance with NPPF guidance identifies only a 3.8 housing land supply for the period 2021-2026 and a 3.5 year housing land supply for the period 2022-2027 (commencing on 1 April 2022). 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.

- 9.4. 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 Banbury and Bicester as well as the Heyford strategic site outside of these towns. Policy ESD1 identifies that in mitigating the impact of development within the district on climate change, growth will be distributed to the most sustainable locations as defined in the Plan and to deliver development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.5. In recognising that there is a need within the rural areas to meet local and Cherwell wide housing needs, the Cherwell Local Plan 2011-2031 at Policy BSC1 allocates 2,350 homes for the 'Rest of the District' in addition to windfall development. Of these, 1,600 homes are allocated by Policy Villages 5 at Former RAF Upper Heyford.
- 9.6. Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 9.7. The plans and supporting documentation with this application demonstrate its general conformity with the development plan. The significant elements are:
  - Provision of further housing in order to meet the housing target and trajectory
  - Provision of over 30% affordable housing
  - A satisfactory mix of dwellings including smaller units
  - The environmental improvement of the locality
  - Integration and connectivity to the surrounding development.
  - Retention of the main hedging and trees
- 9.8. The main issues will be discussed in more detail below but in principle the application is seen to broadly conform to Policy Villages 5

#### Site Layout and Design Principles

- 9.9. 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.
- 9.10. Policy BSC 2 of the CLP 2015 Pt 1 requires the effective and efficient use of brownfield land and requires a density of 30 dwellings per ha. Saved policies applicable from the CLP 1996 include the retention of features contributing to character or appearance of a conservation area - Policy C23; development affecting the site or setting of a schedule ancient monument Policy C25; Layout, design and

external appearance of new development Policy C28; and Design Control - Policy C30:

9.11. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

9.12. Policy Villages 5 sets out a number of Key site-specific design and place shaping principles including:

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road)
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- Visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings
- Development on greenfield land within 'Policy Villages 5' should provide for a well-designed, 'soft' approach to the urban edge, with appropriate boundary treatments
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions

9.13. The application is in outline with all matters reserved except for access from Camp Road, via the adjacent site under application 15/01357/F. The application is accompanied by an indicative layout and a Design and Access Statement, which indicates one way in which the site could be developed. It includes a public open space to the centre of the development around a mature tree, a small paddock area to the south and landscape buffers to north and east of the site.

- 9.14. Whilst many of the principles (including those outlined above) within the proposed indicative layout are considered appropriate for the site, officers have concerns which would need to be fully addressed as a part of a subsequent reserved matters application. For example, pedestrian access from the site to connect to Larsen Road and the wider Dorchester site has not been included. It is also considered that the garden plots are on the small side and the plot to the far east of the site results in a particularly narrow access to the dwelling, in front of the hedgerow. However, given the current application is made in outline, these matters could be addressed at the reserved matters stage.
- 9.15. The density of the scheme (excluding the paddock area to the south) equates to approximately 30 dwelling per hectare and is therefore relatively low density, although in accordance with Policy BSC2 which states that dwellings should be provided at 30dph unless there are justifiable planning reasons for a lower density. In this case the site lies at the edge of the settlement where the surrounding development has a relative low density. Furthermore, there is a need to provide landscape mitigation to the boundaries of the site. The density is therefore considered acceptable.
- 9.16. The illustrative layout seeks to retain and enhance the existing boundary. The layout demonstrates an appropriate level of public open space can be provided at the site including the area to the centre of the site areas around the boundaries of the site to comply with the requirements to general amenity space under Policy BSC11 of the CLP 2015 (approx. 0.2 hectares). Policy BSC11 also requires the provision of a local area of play (LAP); which has been provided within the proposal.
- 9.17. In terms of integration with the surrounding movement network the proposal fails to provide a new footpath to join with Larsen Road which will allow residents to access the village in a safe fashion on foot. However, the applicants have stated that a footpath would be provided within a future reserved matters application.
- 9.18. Overall, Officers conclude that what is proposed conforms to CLP 2031 policies Villages 5, BSC2 and ESD 15, and CLP96 policies C28 and C30 together with relevant national policy set out within the NPPF and it is considered that an acceptable layout and detailing can be negotiated at a reserved matters stage when matters of layout, appearance and landscaping are fully considered.

#### Landscape, visual impact and impact on the character of the area

- 9.19. 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. Further, Paragraph 134 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 174 states planning decisions should contribute and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 9.20. 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 (such as increased densities);
- 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; and
- 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.

9.21. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.22. 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.”*

9.23. Policy ESD 17. Seeks to maintain and enhance the District's green infrastructure network. New landscaping areas, particularly in the case of strategic sites like RAF Upper Heyford, will be required to assimilate development into the landscape and assist in the transition between the urban edge and rural areas.

9.24. Policy Villages 5 of CLP 2031 Part 1 requires

- Proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5.
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement,

together with limited appropriate landscape mitigation, and reopening of historic routes.

- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

- 9.25. MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham although none are believed to be affected by this proposal.
- 9.26. 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.
- 9.27. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.28. The wider site is a relatively flat grassland paddock with hedgerows along the northern, southern, eastern and western boundaries. The application site forms part of the wider paddock land to the east of Larsen Road with relatively flat open arable farmland beyond to the north.
- 9.29. The site is separated from the wider open countryside by the track serving Letchmere Farm and a brook to the east and is arranged in a smaller field pattern than the surrounding more expansive fields which surround the village in this location. Hedgerows on the boundaries of the site give the wider site a sense of enclosure and some sense of separation from the surround countryside.
- 9.30. The proposed development would lead to the loss of this site to development. However, as noted above this site already has a different character to the wider more expansive countryside setting of the village which exists to the north and east of the site which somewhat limits the impact on the wider landscape character and it is, of course, allocated for development.
- 9.31. The illustrative layout for the proposed development seeks to retain and strengthen the planting on the eastern and western boundaries of the site. This would provide a further degree of containment to the site in terms of the wider landscape and visual impacts. Whilst views of the development from Larsen Road to the west of the site and the adjacent track serving Letchmere Farm would still be available, these would be filtered to some extent and diminish in time and distance.
- 9.32. The requirement for visibility splays at the site access with Camp Road means that much of the planting to the south of the site for the proposed access on the adjacent site (application ref: 15/01357/F) will need to be removed and this will open up views of the wider site in views from the road and the areas to the southern part of the site. However, it is proposed to plant new trees, shrubs and hedgerow planting in native species in order to help soften the impacts of the development to some.
- 9.33. In terms of the impact of the development on the immediate setting of the village, the proposed development would undoubtedly lead to some harm through the urbanisation of the site. However, the proposed development has to be viewed in the context of the aspirations of Policy Villages 5 within the CLP 2031 Part 1 to direct some growth to this site. Given the scale of growth this is not likely in officers' opinion to lead to the development of existing open land outside the settlement limits. The proposal is located at one of the less sensitive edges of the village from a heritage perspective and the proposed development would be viewed in the context of the existing more modern development at Larsen Road. The screening which exists

around the site and presence of the access to Letchmere Farm also provides visual containment to the site and the countryside beyond.

- 9.34. Overall, the impact of the development on the landscape character area is considered moderate. There would be visual impacts associated with the development and with the more significant visual impacts of the development particularly from the north and east however these can be mitigated to some extent through additional planting and screening to the boundaries. The site is at one of the less sensitive entrances to the village to change and is relatively well contained by existing features. This harm needs to be weighed in the planning balance when considering the development as a whole.
- 9.35. The application responds to the policy requirements set out in Local Plan Policies ESD 13, BSC 10 and the key principles outlined in Policy Villages 5 together with saved Local Plan Policies C11, MCNP Policies PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is proposed would represent an environmental enhancement in compliance with Policy Villages 5 and other policies listed above.

#### Heritage Impact

- 9.36. The site is adjacent to the RAF Upper Heyford Conservation Area, designated for the importance of its cold war landscape. It contains five scheduled ancient monuments, including of International Significance, together with three Listed Buildings and other non-designated buildings of national and local significance.
- 9.37. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.38. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets. Para 197 of the Framework states: "In determining applications, local planning authorities should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. the desirability of new development making a positive contribution to local character and distinctiveness."
- 9.39. Paragraph 199 advises 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.
- 9.40. Policy ESD15 of the CLP 2031 Part 1 is consistent with this guidance. The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 9.41. Policy Villages 5 includes some specific guidance including:
- Proposals must demonstrate that the conservation of heritage resources, ... and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field...
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solution

9.42. The application site comprises an undeveloped field outside the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.

9.43. Turning to the guidance to Planning authorities contained in the Framework and the PPG on the historic environment, the applicants have produced a heritage statement concluding that "*The proposal does not alter anything within the area and views into the area are limited. The areas self-containment and individual identity is therefore unharmed.*" They point out that heritage assets outside the application site are separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains. Historic England did not raise any specific concerns in commenting when this land to the east of the base was proposed for development.



- 9.44. The main elements of significance are the new indicative road layout with its reinforcement by tree planting. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.
- 9.45. Overall, it is considered that the proposed development would make a positive contribution to the character and appearance of the Conservation Area and does not cause harm to any individual heritage assets. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5 are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments

#### Housing

- 9.46. Policy BSC1 of the CLP 2015 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. In doing so, housing is expected on this allocated site.
- 9.47. New residential development is expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.
- 9.48. Policy BSC 3: Affordable Housing sets out the requirement for social housing in the district with an expected split between social rented and intermediate of 70/30%. The actual quantum of affordable units is set out in Policy Villages 5 of CLP 2031 Part 1 which requires approximately 1,600 homes (in addition to the 761 (net) already permitted) of which at least 30% are to be Affordable housing.
- 9.49. MCNP Policy PH3 Adaptable Housing favours development designed to enable residents to live there in different phases of their life. Support will be given to new houses being constructed to Building Regulations Part M (4) as amended). In addition, where possible, dwellings that are on one level should be included, to meet the need for such accommodation in particular for older people and those with disabilities.
- 9.50. The principle of housing development on the site is established. The application proposes that 30% of the total number of dwellings proposed will be affordable housing, details to be agreed at reserved matters stage. They will comply with the national "Technical Housing Standards - nationally described space standards" (2015), be built to Building Regulations Requirements M4(2) Category 2: accessible and adaptable dwellings, a minimum of 1% of the affordable units with be constructed so to accord with Building Regulations Requirements M4(2) Category 3: Wheelchair User Dwelling and the tenure agreed at the detailed design stage.
- 9.51. The Council's Strategic Housing Officer has advised the proposal is acceptable in principle and expects the Affordable Housing Scheme to include 10 affordable homes as part of the affordable housing contribution (9 units would fall under the 'at least 30%' requirement).
- 9.52. The national policy requiring 25% First Homes would also apply. This would deliver 3 no. First Homes on the site which could be 2 or 3-bedroom houses suitable for first time buyers. The remainder of the affordable dwellings would be Affordable Rent tenure with rents up to 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. As there are 8 no. 1-bedroom rented homes proposed on the first phase development of the site, we would expect to see 3 and 4-bedroom affordable rented homes on this second phase development to account for the needs of larger families. Whilst there is a need for 1, 2 and 3-bedroom homes,

there is a small but very acute need for more larger 3-bedroom 5-person and 4-bedroom 8-person rented affordable homes.

- 9.53. Considering the need to provide a policy compliant Affordable Housing Scheme that meets local housing need, it is suggested the following Dwelling and Tenure Mix would be appropriate:

Affordable Rent – Total 7 dwellings:

- x 2-bedroom 4-person houses
- x 3-bedroom 5-person houses
- 2 x 4-bedroom 7 or 8-person houses

First Homes - Total 3 dwellings:

- x 2-bedroom 4-person houses

- 9.54. The proposal would deliver 31 dwellings of the 1,600 allocated in Policy Villages 5. Of these dwellings, the 30% affordable housing would be secured (including their mix) by a s106 agreement. It is therefore considered the proposed development complies with the relevant elements in Policy Villages 5 relating to housing provision and also with the other relevant policies in CLP 2013 Part 1 relating to housing and sustainable communities.

#### Ecology

- 9.55. 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.
- 9.56. 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.
- 9.57. 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.
- 9.58. 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.
- 9.59. 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.

9.60. These polices are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats and Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.61. 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.

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

a. 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:

b. 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

c. 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')

9.63. 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.

9.64. 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. In this case the developer has already entered into the Great Crested Newt District Licencing Scheme and that the necessary certificate has been obtained and submitted.

9.65. 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.

9.66. The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological

importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.

- 9.67. The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals
- 9.68. 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.

#### Flood Risk and Drainage

- 9.69. Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 requires provision of sustainable drainage including SuDS in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the Council's Strategic Flood Risk Assessment and development should be set back from watercourses.
- 9.70. The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site could be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road as per phase 1. OCC, the Lead Local Flood Authority have no objection subject to conditions to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer suggests a condition is imposed on contamination.

#### Traffic, Transport, Accessibility

- 9.71. To ensure sustainable development, Strategic Objective 13 of the CLP 2031 Part 1 seeks to reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.
- 9.72. Under Policy SLE 4: Improved Transport and Connections of the CLP 2031 Part 1, the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind

contributions to mitigate the transport impacts of development. 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. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact, will not be supported. Transport improvements at Upper Heyford are specifically identified and supported.

9.73. Policy Villages 5 of the CLP 2031 Part 1 requires measures to minimise the impact of traffic generated by the development on the surrounding road network through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures; development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application; the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required; Integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible; and Retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.74. MCNP contains objectives that seek:

- T1 To work with Oxfordshire County Council, Thames Valley Police and their bodies to develop strategies to protect against rising traffic volumes and the impact of increased development on the capacity of the rural road network serving the neighbourhood. This includes concerns about speeding, safety, and the impact of heavy goods vehicles.
- T2 To secure the future of bus services linking the neighbourhood' s villages with each other and with Bicester; to influence train operators to improve currently inadequate services, especially as the local population rises and the need for travel to Oxford and elsewhere increases.

9.75. The NPPF advises in para 110, *“that where sites may be allocated for development in plans, or 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;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

9.76. Para 111 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 9.77. The current application proposes to create a new vehicle access from Camp Road into the development, via the Phase 1 application (ref: 15/01357/F). The indicative plans are not considered to provide sufficient detail with regards to widths, along with wider pedestrian links at the site which will need to be supplied as part of a reserved matters application.
- 9.78. The layout submitted is indicative, but it is considered important to provide an additional link to Larsen Road in terms of connecting and linking the site to the surrounding movement network. However, the applicants have confirmed that a link will be provided within the reserved matters application.
- 9.79. The Parish Council has concerns with regards to the proposed access in relation to existing traffic calming measures, speed of traffic on Camp Road and access during construction. The traffic calming measures will be moved and therefore will not impact the access to this development.
- 9.80. The Highway Authority has raised no objection to the provision of the new access, and it is considered to be acceptable in terms of visibility and tracking. The works to create the access and undertake the highway improvement works would need to be secured through a S278 Agreement via the Section 106 agreement.
- 9.81. The applicants have submitted a transport assessment and it is considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site at Heyford could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.
- 9.82. Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application was achieved a committee resolution to grant planning permission in November 2020 and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, Pye Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.83. It is therefore considered the proposals accord with the requirements of Policies Villages 5 and SLE 4 of the CLP 2031 Part 1 as well as the relevant national policy set out within the NPPF

#### Planning Obligations

- 9.84. Policies INF1, SLE4 and Villages 5 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of affordable housing, transport, education, health, social and community facilities.
- 9.85. Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover in order to mitigate the impact of the proposed development.
- 9.86. Pye Homes accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure

provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below.

9.87. In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below

**Affordable Housing:**

- 10 affordable units to be delivered
- Affordable mix to be agreed with CDC
- 3 4-person units required
- 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.

**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 2.5 apprenticeships

**Biodiversity:**

- Enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum. Financial contribution in the region of £78,371

**Conservation of heritage interests:**

- Financial contribution in the region of £104,494

**Health:**

- 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.- £26,784

**Household Waste Recycling Centres:**

- Expansion and efficiency of Household Waste Recycling Centres (HWRC) - a contribution of £3,441

**Contributions towards community infrastructure and open space:**

- Indoor Sports Provision-£25,883.35
- Outdoor Sport Provision-£62,527.93
- Community Hall Facilities-£35,442.96

- Public Art/Public Realm-£6,994
- 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 per hedge (to be measured)
- LAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £tbc
- 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

### **Oxfordshire County Council**

#### Library:

Funding of Bicester library-financial contribution-£3,348

#### Education:

- Primary and nursery education serving the development- £213,125
- Primary school land contribution-£20.053
- Secondary education capacity serving the development-£99,480
- SEN capacity serving the development-£15,103

#### Waste Management:

Contribution of £2,912.76

#### Traffic and Transport:

This development, together with the adjacent Phase 1 (15/01357/F), will need to contribute proportionately to the off site mitigation measures for Heyford Park as agreed in the main Policy Villages 5 planning application under reference No.18/00825/ HYBRID. Specifically, this will include contributions towards the following measures.

- M40, Junction 10
- Bus service contribution
- Junction safety improvements A4260 / B4027
- HGV restrictions on the B4030
- Capacity improvements at Hopcrofts Holt
- Middleton Stoney Bus Gate or other scheme to relieve congestion
- Cycle link between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Rd/B430 junction
- Signalisation of B430/unnamed road junction



- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and masterplan bus route
- Village traffic calming
- Junction safety improvements A4260/North Aston Road
- Camp Road improvements
- Crossing by school
- Travel Plan initiatives

The precise methods by which the proportionate share will be determined are still to be confirmed

Monitoring fees:

- Contributions towards monitoring on behalf of both the District and County Council will also be required

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 10.2. The application proposes residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.3. The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be cumulative effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as acceptable walking and cycling links. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.4. Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.
- 10.5. It is considered this scheme together with the earlier phase of development, 15/01357/F, would help contribute to the new settlement creating an area of distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The new community will benefit from social infrastructure being provided and a s106 agreement will ensure its provision at the appropriate time.
- 10.6. It is considered that subject to details of design which will come forward as reserved matters, this scheme would form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. It will be ensured that buildings are of a scale and have a variety of designs in a contemporary arts and crafts and military style seen elsewhere that is reflective of the

character of Heyford. Taken together that would form an appropriate form of development. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement.

## 11. 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. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, TO SECURE THE HEADS OF TERMS LISTED AT PARAGRAPH 9.87 OF THE PUBLISHED AGENDA REPORT (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time Limit**

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

#### **Approved Documents**

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:
  - Planning Application Form
  - Planning Statement
  - Design and Access Statement
  - Landscape and Visual Appraisal
  - Arboricultural Impact Statement
  - Flood Risk Assessment and Drainage Statement
  - Transport Assessment
  - Archaeological Assessment & Heritage Statement
  - Ecological Appraisal
  - Affordable Housing Statement (included in Planning Statement)
  - Section 106 Heads of Terms (included in Planning Statement)
  - Statement of Community Involvement (included in Planning Statement)

and drawings numbered:

- 2105-200 - Site Location Plan
- 2105-201 - Illustrative Masterplan
- 2105-203 - Land Use Parameter Plan
- 16413-01 C Proposed Site Access
- 16413-05 - Site Access & Vehicle Tracking
- 10215L.LSP.003 - Illustrative Landscape Strategy
- 4388-LETCH-ICS-02-XX-DR-C-0001-S2 P01 Indicative Drainage Strategy

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.

### **Reserved Matters**

3. 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).

### **Submission of further matters-prior to commencement**

4. 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:
  - A proposed scheme of access for pedestrians and cyclists to the western edge of the application site boundary to facilitate a 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 requirements 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.

### **Landscape Management Plan-prior to occupation**

5. Prior to the first occupation of the development hereby approved, a landscape and ecology management plan (LEMP), 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 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, 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 Section 15 of the National Planning Policy Framework.

### **Open Space and Play Areas-prior to commencement**

6. 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 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.

**Construction of roads and paths-prior to commencement**

7. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths 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**

8. 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**

9. 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**

10. 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

**Travel Information Pack-prior to occupation**

11. 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.

### **Cycle Parking**

12. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details 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.

### **Construction Environmental Management Plan (CEMP)**

13. No development shall take place 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.

### **Sustainable Drainage Details Required (SUDS)-prior to commencement**

14. 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 compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - Where calculations are provided for individual soakaway, a drawing must be provided which indicates the area attributed to the soakaway. This should match the area used in the drainage calculations.
  - A Flood Exceedance Conveyance Plan;

- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA
- C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

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**

- 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 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) for Biodiversity – Prior to commencement**

17. 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**

18. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, in compliance with the strategy sent out in the submitted Ecology Report 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)**

19. 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**

20. 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**

21. 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.

22. 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.

23. 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**

24. 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 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**

25. If a potential risk from contamination is identified as a result of the work carried out under condition 24, 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**

26. If contamination is found by undertaking the work carried out under condition 25 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**

27. If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. 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)**

28. 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**

29. 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"

### **PLANNING NOTES**

1. The Council has worked with the applicant/agent in a positive and proactive way as set out in the application report. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority.
2. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act. Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; [RoadAgreements@oxfordshire.gov.uk](mailto:RoadAgreements@oxfordshire.gov.uk)
4. Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems
5. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
6. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning

permission where any other person's rights are involved.

7. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
8. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).
9. The developer can request information to support the discharge of condition 29 by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning)
10. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
11. Environment Agency Advice to planning authority and applicant: The foul drainage method associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the

granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

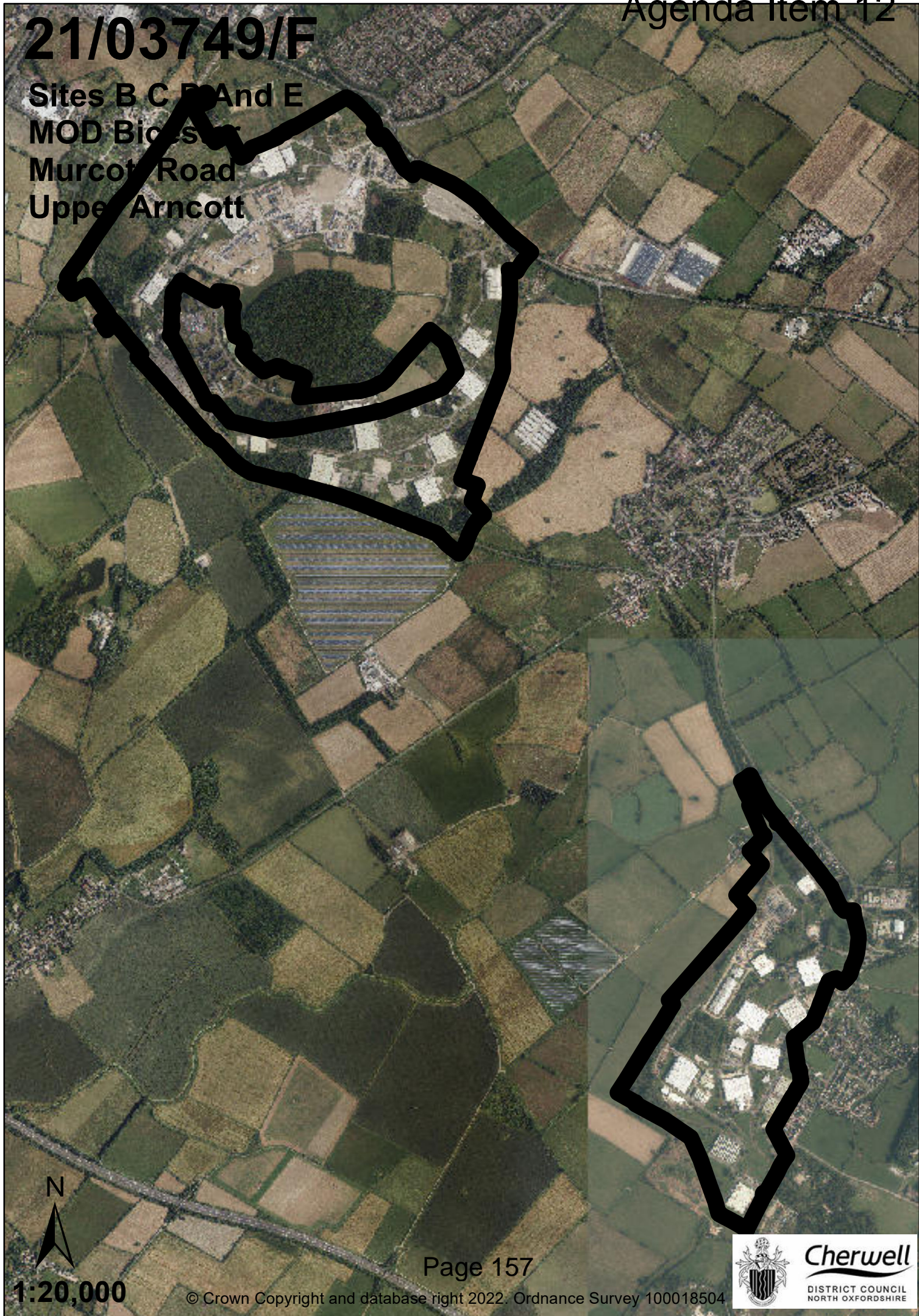
Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

12. As requested by the NSP: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR94) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 21 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 23 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

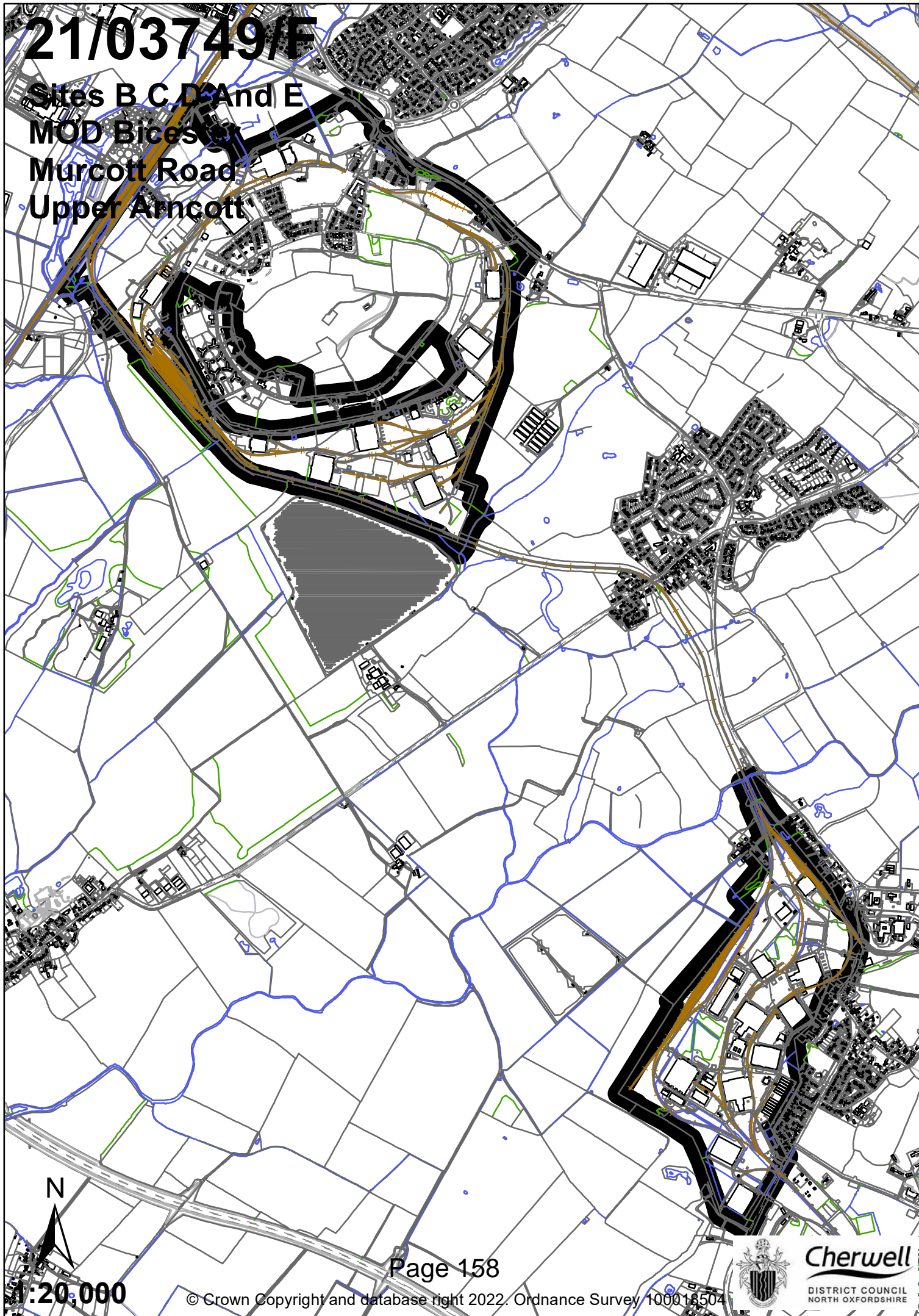
21/03749/F

Sites B C D And E  
MOD Bicester  
Murcott Road  
Upper Arncott



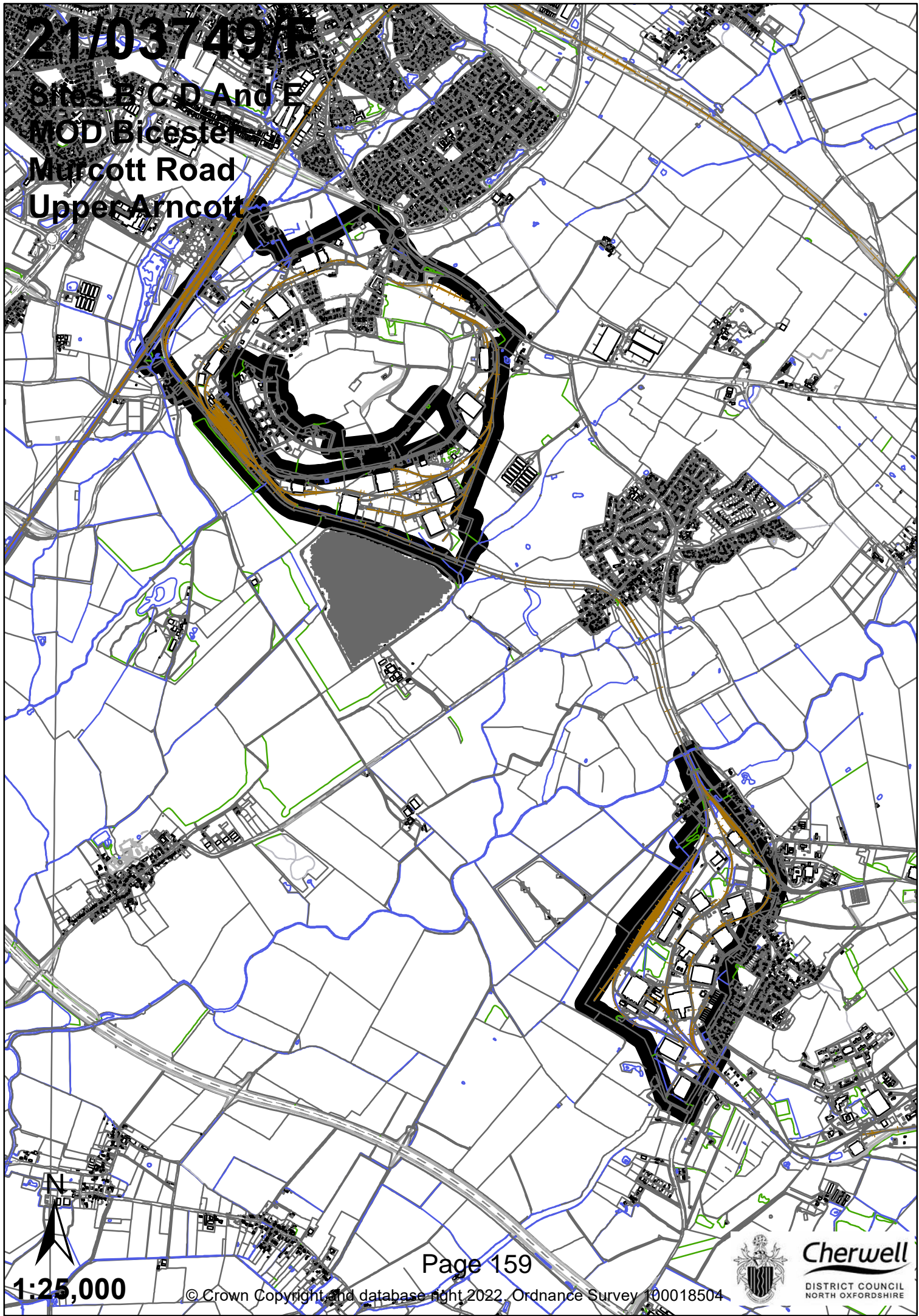
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21/03749/F

Sites B, C, D And E  
MOD Bicester  
Murcott Road  
Upper Arcott



1:25,000



**Case Officer:** David Lowin

**Applicant:** Mr Adrian Unitt

**Proposal:** Sites B C D And E, MOD Bicester, Murcott Road, Upper Arccott  
Variation of condition 2 (plans) of 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub,. The masterplan is proposed to be amended to include these proposals, and excludes the employment land, for clarity (Site D)

**Ward:** Bicester South and Ambrosden

**Councillors:** Cllr Cotter, Cllr Sames, and Cllr Wing

**Reason for Referral:** Referred to the Planning Committee due to controversy and significance

**Expiry Date:** 20 March 2022

**Committee Date:** 10 March 2022

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The site of the application is known as Graven Hill and is located on the southern edge of the town of Bicester. Historically the site has been used as an MOD logistics, commodities and service operations base. The site has been referred to by the MOD as sites C, D and E. The site is accessed off the A41 Aylesbury Road/A4421 to the north and also from the A41 to the northeast along Pioneer Road. St David's Barracks, to the south of Graven Hill, is outside of the application site and remains in MOD ownership.
- 1.2. The site comprises a wooded hill in the centre of the overall site, which is allocated for a mixed-use development, including 2,100 homes in the adopted Cherwell Local Plan 2011-2031 (Policy Bicester 2). The development allocation surrounds the hill, which is designated as a local wildlife site due to its high ecological value and comprises a large area of ancient woodland. The Alchester Roman Scheduled Monument site lies to the west of the site.
- 1.3. Outline planning permission (ref: 11/01494/OUT) was granted in August 2014 for the redevelopment of sites C, D and E including the demolition of existing buildings and the erection of up to 1,900 homes along with a local centre comprising a primary school, community hall, shops and retail services, employment development comprising a mix of B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) uses, and associated public open space, highway works, sustainable drainage systems etc., plus erection of a 70,400m<sup>2</sup> fulfilment centre on 'C' site and associated on site access improvement works, hardstanding's, parking and circulation areas.
- 1.4. This outline application has since been varied by a section 73 application (ref: 15/02159/OUT) approved in June 2016, by a further section 73 application (ref:



16/01802/OUT) approved in June 2017, and most recently by an updated outline permission (ref: 19/00937/OUT). It is noted that insofar as site C is concerned, time limiting conditions on the original consent were reached on 8 August 2017. Therefore, the planning permission relating to site C has expired. Section 73 does not allow for an amendment to the original description of development and therefore reference to site C will remain in the decision even though the permission has expired.

## **CONDITION PROPOSED TO BE VARIED**

- 1.5. Condition 2 of Outline planning consent (ref 19/00937/OUT), approved on 3 January 2020, requires that the overall Graven Hill scheme be undertaken in accordance with the current extant Master Plan (Dwg. 1982-A-L-010 Rev U). A previous Non-Material Amendment (ref: 19/01998/NMA dated 24/10/19) varied the previously approved parameter plans that accompanied the Masterplan as follows:

Phase 1 Parameter Plan (1 of 4) - 1982-A-L-741 Rev. Y

Phase 1 Parameter Plan (2 of 4) - 1982-A-L-742 Rev. AK

Phase 1 Parameter Plan (3 of 4) - 1982-A-L-743 Rev. AK

Phase 1 Parameter Plan (4 of 4) - 1982-A-L-744 Rev. AE

This latter decision, including the drawings listed above, showed the locations approved for the pub, nursery, community centre and extra care facility at that time.

## **2. RELEVANT PLANNING HISTORY**

- 2.1. In addition to the planning approvals referenced above, the following planning history is also considered relevant to the current proposal:

11/01494/OUT

Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas Application Permitted

15/00266/DISC

Discharge of conditions 26 (masterplan and design code), 30 (phasing plan), 31 (M40 junction improvements), 37 (district heating feasibility), 48 (strategic landscape scheme), 61 (relief road safeguarding zone), 62 (foul water drainage), 65 (surface water drainage) and 67 (surface water drainage) of outline planning permission 11/01494/OUT Application Permitted

15/02159/OUT

Variation of Conditions 2 (approved plans), 26 (masterplan and design code), 27 (reserved matters first phase), 32, 33 (building heights), 39, 40 (construction standards), 41, 42 (housing mix), 51, 52 (highways works), 56 (lighting scheme), 58 (internal access), 68 (approved drainage strategy) of 11/01494/OUT Application Permitted

15/02365/OBL

Variation to S106 agreement attached to 11/01494/OUT Application Permitted

16/01802/OUT

Variation of Condition 30 of 15/02159/OUT - Revised Design Code and Master Plan, and Removal of Condition 35 - Housing Mix Application Permitted

16/01807/REM

Reserved matters to 15/02159/OUT - Reserved matters in respect of public areas in Phase 1a and part of phase 1b Pending Consideration

16/02174/REM

Reserved Matters application to 15/02159/OUT - For a two and a half storey single dwelling. Access, Appearance, Landscaping, Layout, Scale (change of slope to roof) Application Permitted

17/00022/NMA

Non-Material Amendment to condition 30 of 15/02159/OUT - Substitution of amended parameter plan to increase GIA figures Application Permitted

17/00130/NMA

Non-Material Amendment to 16/01802/OUT - substitution of parameter plan to amend size of 1 bed coach houses to 81sqm and 2 bed coach houses to 132 sqm in order to take account of garages - Plot Nos: 30, 101, 117, 172, 173, 174, 221, 222, 310, 311, 336 and 337 Application Permitted

17/02352/REM

Reserved Matters to application 16/01802/OUT - layout, scale, appearance and landscaping in respect of public areas in Phase 1b Application permitted

18/00378/REM

Sub stations 1, 2 and 5 (retrospective) Application Permitted

18/00225/DISC

Discharge of condition 68 (Phase 0 timetable for final road surface) of 16/01802/OUT Pending Consideration

18/00325/OUT

Variation of conditions 2 (plans), 28 (Phasing), 30 (building heights), 32 (Residential Construction Standards), 33 (Non-Residential Construction Standards), 38 (Landscape Habitat Management Strategy), 46 (Archaeology), 54 (Ground Levels), 57 (Entrance works), , 63 (Phase 0 Masterplan), and 71 (Phase 1 Masterplan) and removal of condition 58 (Pioneer Junction works) of 16/01802/OUT Application Permitted

- 2.2. The current outline planning permission was granted under application 19/0937/OUT. Several reserved matters and non-material amendment planning applications have also been approved, of particular relevance to the determination of this application is the approval of 19/01998/NMA, which, as described above, via a set of parameter plans for the Graven Hill site as a whole set out the location of specific land uses including those the subject of this application.

### 3. PRE-APPLICATION DISCUSSIONS

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

### 4. RESPONSE TO PUBLICITY

4.1. 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 **15 December 2021**.

4.2. The 39 comments raised by third parties in response to the application comprise, 31 objections, 7 of support and 1 comment and are summarised as follows:

- Need to stick to original plans
- Moving community centre and pub from village centre mistaken, as it will impact negatively on the community by reason of negating the purpose of the village centre
- Less sustainable position for community centre and pub than present.
- Jointly positioning community centre with sports pavilion will discourage use of the latter facility
- Community consultation inadequate 'only 10% of residents attendance'
- Inadequate parking for community centre
- Only financial considerations of the developer considered not the community
- Relocation of nursery to the original pub site places nursery in busier road
- Relocation of pub 'invites potentially unwanted patrons from beyond the community'
- Pub sited on busy and dangerous roundabout (Rodney roundabout) and will act as a 'service station' for the A41
- Support new location for pub, only 5 minutes' walk from original location
- Community centre in less central location and will allow for noisier events
- Nursery will be bigger
- Pub not viable in original location
- Community centre in new position will not be able to share facilities with school
- Extra care too far from medical centre
- Four-storey care centre too large for adjoining townscape
- Noise nuisance from new pub location
- Changes proposed will allow quicker delivery of community facilities
- Revised position of community centre will delay delivery of that facility
- Pragmatic changes proposed reflecting changed business and market conditions and still within easy reach of residents.

4.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal, together with the applicants rebuttal statement on the third-party comments.

## 5. RESPONSE TO CONSULTATION

- 5.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 5.2. BICESTER TOWN COUNCIL: **No objection** and welcome the extra care facility.
- 5.3. BICESTER BIKE USERS GROUP (BBUG): **Objects** to this planning application as submitted. The plans increase parking at the pub and change its location to a drive-in, designed to serve vehicles from the A41, not local residents and active travel users nor those contemplating making the switch to sustainable modes of transport. This will increase traffic at the entrance of the development, disincentivizing active travel access now and for the long term. The community centre needs to be in the centre of the village where it is easily and safely accessible by all members of the community. People will walk or cycle to the village centre but moving the community centre to the edge of the village, encourages car use, especially as the proposed plans offer a large car parking space. This wastes a lot of space for parking, increases road traffic danger, increases pollution and greenhouse gases, and is poor for health outcomes. A community centre needs to be safe to access all year round. Vulnerable users will not want to travel to an isolated location when there is nobody around, particularly during the dark winter months. This will tend to discourage use.

Plans show the recycling banks at the far end of the community centre car park, this village-edge location will further incentivising car travel. There also appears to be no segregated cycle path to access the community centre. Instead, access is via an ungraded ironstone path, which is unsuitable for young children, elderly and the unsure to cycle on.

### 5.6. CDC ENVIRONMENTAL PROTECTION:

*Noise:* I do have some concerns over noise from the pub garden causing a potential nuisance to the nearby residential properties although I am sure that these can be managed under planning and licence conditions when the reserved matters and licence application comes forwards.

*Contaminated Land:* No comments.

*Air Quality:* We would like to see provision for EV charge points at the commercial and community sites.

*Odour:* We would like to see full odour assessments carried out on premises where commercial extraction system will be installed such as the café and pub.

*Light:* No comments.

- 5.11. CDC RECREATION & LEISURE: **Comment** - We reserve judgement on commenting on the relocation of the community centre whilst conversations are ongoing with the developers and the community group.
- 5.12. OXFORDSHIRE COUNTY COUNCIL – TRANSPORT: **Do not object** to the planning application on highway grounds.

## 6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council in 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)

- BSC4 – Housing Mix
- SLE 4 – Improved Transport and Connections
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Floor Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Bicester 2 – Graven Hill

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

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

- 6.3. Other Material Planning Considerations:
  - National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)

The National Planning Policy Practice Guidance (PPG) advises:

*“An application can be made under section 73 of the Town and Country planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek (inter alia) a material amendment, where there is a relevant condition that can be varied. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission”.*

- 6.4. As such, the assessment in this case is limited to considering the merits of the applicant’s request for the condition in question to be varied, having regard to the reasons for the conditions being imposed.

## 7. APPRAISAL

- 7.1. The applicant submitted as a supporting document to the application the results of a public consultation undertaken by them via a series of meetings with local residents. The application is consistent with the adopted Local Plan designation of the site as a strategic mixed-use development and the relevant policies that govern that development, as set out above.
- 7.2. Graven Hill Village Development Company (GHVDC) have explained that they have been seeking interest since 2015 for the proposed Pub, Nursery, Extra Care Housing and Retail facilities to be provided as part of the new community. These proposed changes are made in order to accommodate the needs of prospective users where potential operators have come forward (for example, the Nursery, who require a larger facility), and/or to make sites more economically attractive to potential operators (e.g. the Pub Site).
- 7.3. The proposed Community Centre is to be provided by Graven Hill as a requirement of the original planning permission. The specification for the Community Centre is the subject of ongoing discussion between residents, and Cherwell District Council.
- 7.4. The proposed site for the Community Centre is 260m north of the approved site, on the opposite side of the proposed School and would combine the community centre with the sports pavilion, with the sports pitches either side and a combined car park to the front. Officers consider that this joint facility would likely provide greater use and the potential for increased income from extra hiring out/functions and facilitate a larger parking area. Whilst the change of location of the community centre at a slightly greater distance from the village centre is a relevant consideration, the distance is not materially significant for the land use to not achieve its function. The facility would still be readily accessible within easy walking a cycling distance for all residents. This application and the change to the positioning of the other land uses is submitted to revise the approved Master Plan. The details of the land uses will have to come forward subsequently as Reserved Matters applications.
- 7.5. The Extra Care Facility is shown in both its currently approved location and as a replacement for the approved nursery alongside on the current master plan. The proposal will be up to a four-storey height building situated such that it will:
  - Allow a significantly larger site for extra care, providing approximately 60-70 more units, in accordance with care provider requirements;
  - A 3-4 storey building compared to single storey Community Centre, which will fit better into the street scene, providing a landmark on a corner plot behind open land, as required in the original design brief;
  - A dedicated parking area; and
  - Provide a 'low traffic' use opposite the School site.
- 7.6. The Nursery is proposed to be sited 200m to the east, on the location of the approved pub site and remains within the central village area. It would be on a larger site, able to provide necessary open space and with sufficient area for a single storey building.
- 7.7. The building line is positioned away from the road, in accordance with the agreed building line within the master plan, allowing a landscaped area. Car parking is to be set back from Westacott Road allowing further landscaping, mirroring that on the opposite side of the road.

- 7.8. The applicant has indicated that a Nursery Operator has been confirmed, the proposals accord with their operational requirements, and a planning application is in course of preparation.
- 7.9. The Public House site is proposed to be moved 270m from the former pub site to a site adjacent to the A41 Rodney House Roundabout, at the entrance to Graven Hill. The applicant has informed the Council that despite efforts over some years to find an operator the present site has attracted no interest. The proposed site is more visible and larger and as a result, is likely to be more commercially viable.
- 7.10. The revised position of the pub is such that it will still be part of the area of the Graven Hill site, which provides the main hub for the site as a whole and separated slightly from housing, although still readily accessible by walking and cycling from all the residential areas at Graven Hill.
- 7.11. In planning terms, it is noted that the Town Council and the Highway Authority raise no objections to the proposals, the latter having considered the disposition of the land uses in terms of highway safety. The disposition and appearance of the uses at this outline stage will be further refined as applications for Reserved Matters are received and many of the concerns expressed by third parties can be considered in terms of the detailed designs coming forward; a matter confirmed in the response to consultation from CDC's Environmental Protection Officer.
- 7.12. The proposals whilst amending the disposition of uses approved in the master plan and parameter plans do not materially amend the facilities to be provided to the existing and future community at Graven Hill to such an extent that Officers consider there would be sufficient relevant planning grounds to object. The facilities would move no more than 200-270m from their currently approved locations. The proposed locations of the various uses is not such that any of them would be located at such a distance from any section of the community to amount to them being in an unsustainable location and as such there are no reasonable planning grounds upon which to resist these proposals.

## **8. RECOMMENDATION**

- 8.1. That Planning Condition 2 of 19/00937/OUT be varied subject to the following:

1. No development shall commence on any part of the site until full details of the internal access roads and circulation routes, layout, scale, appearance and landscaping for that part of the site (hereafter referred to as "the 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, and Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:
  - 1982-A-L-005-B [MOD Bicester Application Site Red Line]
  - 1982-A-L-010-AB [Proposed Master plan] – with the exception of the employment land which is covered by INC-SA[20]0020 Rev P11 [Employment Land Masterplan]
  - 1982-A-L-035-D [Building Density Constraints]
  - 1982-A-L-050-O [Land Transfer Areas]

- 1982-A-L-060-H [Commercial Areas Sheet 1]
- 1982-A-L-073-L (05.07.18) - [Primary School Plan]
- 1982-A-L-074-G (13.07.18) - [Primary School Title plan Land Transfer 1]
- 1982-A-L-550 H (16.5.14) [Final Bus Route LTA 1 and LTA 2]
- 1982-A-L-553-G (19.5.14) [Spine Road Location Land Transfer 1 and 2]
- 1982-A-L-556 [Temporary Bus Rouse Phase 1a]
- 1982-A-L-549 B [Temporary Bus Route Phase 1b]
- 1545 (05.03.2018) [Rodney House roundabout Temporary Pedestrian Management]
- 1546 (04.03.2018) [Rodney House roundabout Pedestrian management]
- 1982-A-L-040 AB [Land Use Plan]
- 27808-L508a (December 2012) - Landscape Screening Proposals
- 27808-LEA520a (December 2012) - C Site strategic masterplan
- 27808-L509 (December 2012) - C Site: Proposed Sections
- 27808-L506 (December 2012) - C Site: Screen planting to west boundary
- 27808-L415 (September 2011) - MOD Bicester application sites
- 27808-L464.dwg.smitv (September 2011) - A41/Pioneer Road mitigation scheme
- 27808-L390.dwg (September 2011) - A41/Graven Hill Road/ B4100 mitigation scheme (Signal)

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.

3. The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter 3, page 30 of the Environmental Statement set submitted with the original application, which was prepared by AMEC dated September 2011.

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.

4. Revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development.

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

5. In the case of the reserved matters for Graven Hill, applications for the approval of reserved matters shall be made not later than 08 August 2022.

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, and Article 5 of the Town and



Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

6. The development at Graven Hill to which this permission relates shall be begun not later than:
  - I. the expiration of two years from the final approval of the reserved matters for Phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for Phase 1.
  - II. provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.

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, and Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

7. Each reserved matters application shall refer to a phase, phases, or part thereof as identified in the approved phasing plan: Drawing Nos. 1982 A-L-609 Rev M, 1982 A-L-573 Rev Y and 1982 A-L-555 Rev F.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

8. With the exception of Phase 0, Phase 1a and 1b as shown on Drawing No: 1982-A-L-573- V and the employment site associated with units D1 and D4 (shown on drawing number 0002 Rev C), prior to the submission of reserved matters for each phase of Graven Hill a Masterplan and Design Code shall be provided covering at least such matters as the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Masterplan and Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Masterplan and Design Code.

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, reserved matters applications for each phase of development shall include details of existing and proposed ground levels of the highway and public realm infrastructure (referred to as "off plot features" in the Design Code 2017) and existing and proposed ground levels and finished floor levels of the residential plots within that phase. The development shall thereafter be carried out in accordance with the approved levels.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

*N.B: The existing and proposed grounds levels and finished floor levels of the residential plots shall include; (1) a proposed golden brick finished floor level for each plot, (2) an existing and proposed ground level to the front boundary at the point the*

*vehicle access enters the plot, (3) an existing and proposed ground levels to the rear boundary, including details of any retaining feature required to link up to the neighbouring plot level and (4) existing and proposed ground levels to each side elevation, including details of any retaining feature required to link up to the neighbour plot level.*

10. The maximum building heights for residential properties at Graven Hill site shall not exceed those shown on Drawing No: 1982-A-L-030-N

Reason: To ensure the satisfactory appearance of the completed development and prevent visual encroachment above the base of the tree line on the Graven Hilltop, to mitigate the impact of the development on the rural peripheral landscape, and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the proposed development is in scale and harmony with its rural surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The dwellings hereby approved shall be constructed so as to achieve the minimum standards for Graven Hill residences as detailed at Section 4 of the Passive Design Standards Rev. F (October 2015) prepared by Hoare Lea Sustainability and shown on page 5 of The Design Code 2017, or such alternative minimum construction standards as shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD1, ESD3 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. All new non-residential buildings above 500m<sup>2</sup> GIA hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard, and any new retail buildings and non-residential buildings below 500m<sup>2</sup> hereby approved on Graven Hill shall be constructed to at least a BREEAM 'very good' standard, or such other standard as has first been submitted to and approved in writing by the Local Planning Authority, including as part of the reserved matters.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD1, ESD3 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358 sq m in total or comprise of any single unit exceeding 150 sq m in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000 sq m gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000 sq m retail unit shall not be used for any purpose outside of use class A1.

Reason: To ensure the provision of appropriate local community facilities to serve the development in accordance with Policy Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 Government advice contained in the National Planning Policy Framework.

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

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. In relation to Graven Hill:

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

In this condition a "retained tree" is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey Report (WIC15119.R.2.1.TA\_LTA1\_Tree Survey Report).

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 Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the original application, which was prepared by AMEC dated September 2011 and in accordance with the mitigation proposals laid out in table 3.1 of the "Response to Regulation 25 Request" prepared by Wood Environment & Infrastructure Solutions UK Ltd dated May 2018.

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.

18. The development at Graven Hill site shall only proceed in accordance with the 15 Year Landscape & Habitat Management Strategy dated June 2018 prepared by Waterman Energy, Environment & Design Ltd.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell

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

19. The development at Graven Hill site shall only proceed in accordance with the conclusions and recommendations contained in the approved Thames Water Modelling Tasks: Graven Hill Development Modelling Report (Job No. 5112682.370 Rev 3.0) dated October 2015.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

20. Except where otherwise approved under a condition of this permission, the development at Graven Hill site shall be carried out in accordance with the following measures to mitigate flood risk:

- Discharge rates limited to 11l/s/ha during a 1 in 100 year plus 30% climate change storm event.
- Attenuation provided for up to the 1 in 100 year (plus 30% for climate change) event using swales and ponds.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in order to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. The development at Graven Hill site shall only proceed in accordance with the conclusions, recommendations and initiatives contained in the approved Employment Strategy Report prepared by Knight Frank and received by the Council on 23 November 2015.

Reason: To secure sustainable economic growth in order to create jobs and prosperity in accordance with Policies SLE1 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L-573-V, the development at Graven Hill site shall only proceed in accordance with the recommendations and mitigation contained in the approved Protected Species Report dated February 2015 prepared by Waterman Energy, Environment & Design Ltd.

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. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L-573-V, the development at Graven Hill site shall only proceed in accordance with the approved Habitat Creation and Management Plan dated March 2015 prepared by Waterman Energy, Environment & Design Ltd.

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.

24. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-

L-573-V, the development at Graven Hill site shall be carried out strictly in accordance with the approved Traffic and Logistics Management Plan (Graven Hill Infrastructure - 3252 Rev A) dated April 2013 prepared by Careys.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arncott during the construction period and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

25. In respect of Phase 0, Phase 1a and Phase 1b as shown on drawing number 1982-A-L573-V, the development at Graven Hill site shall only proceed in accordance with the Written Scheme of Investigation dated December 2014 and February 2016 prepared by Watermans and the Evaluation Report dated April 2016 and Archaeological Watching Brief and Evaluation Report dated September 2016 prepared by Oxford Archaeology.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

26. The approved safeguarded route for a possible South Eastern relief road as shown on Drawing No: 1982 A-L-542 Rev B shall remain free of built development at all times.

Reason: In order to safeguard the possible provision of a new relief road, in accordance with the Bicester Movement Study, Policies SLE4, Bicester 2 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

27. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 19820-AL-573-V, the development shall be carried out in accordance with the Archaeological Written Scheme of Investigation, 'Graven Hill Bicester Land Transfer Area 2', dated February 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

28. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, and following approval of the Written Scheme of Investigation referred to in condition 48, prior to any demolition and the commencement of any development on each phase of development (other than in accordance with the agreed Written Scheme of Investigation) a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

29. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase of development revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing 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.

30. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to work commencing on any phase at Graven Hill, a Habitat Creation Plan, identifying how existing biodiversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented in accordance with the phasing set out in the plan.

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.

31. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of the development on any phase hereby permitted on Graven Hill 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. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

32. If contamination is found by undertaking the work carried out under condition 31, prior to the commencement of the development hereby permitted on Graven Hill 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

33. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site including any demolition and any works of site clearance a Construction Environment Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the CEMP shall include:

- Measures to minimise the environmental impacts of noise, vibration, smells, dust and fumes resulting from construction
- Measures to ensure that construction works do not adversely affect biodiversity

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

Reason: To ensure the environment is suitably protected during construction and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site a Construction Management Travel Plan (CMTP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the CMTP shall include:

- Details of all construction activity
- Details of wheel washing facilities
- Restrictions on construction & delivery traffic
- Details of construction routes to the Graven Hill development site

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

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arcott during the construction period and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

35. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site an Arboricultural Method Statement (AMS) relating to that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved AMS.

Reason - In the interests of the visual amenities of the area, to ensure the creation of

a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

36. Prior to the development of each phase, the related Sustainable Drainage Systems (SUDS) shall be laid out and constructed in accordance with the approved Sustainable Drainage design Code prepared by Waterman dated February 2015 (ref: CIV15119 ES 001 rev A01), the Surface Water Drainage Strategy prepared by Waterman dated September 2015 (ref: CIV15119 DR Drainage Strategy A01), and the Sustainable Drainage Maintenance Manual prepared by Waterman dated September 2015 (ref: CIV15119 DR SUDS Maintenance Manual A01). The SUDS shall be maintained in accordance with the approved details thereafter.

Reason: To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the scheme, to comply with Policies ESD6, ESD7, ESD10, and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

37. The development of Graven Hill shall not be occupied until:

- a) In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L573-V, the remedial works have been carried out in accordance with the approved Remediation Options Appraisal and Remediation Strategy Report for Land Transfer Area 1 (ref: WIB13983-104-R-2-2-3-MA-MACF dated January 2016) prepared by Waterman Infrastructure & Environment Ltd. 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.
- b) In respect of all subsequent phases, if remedial works have been identified in condition 53, the remedial works have been carried out in accordance with the scheme approved under condition 53. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

38. No more than 100 dwellings at the Graven Hill development shall be occupied before the proposed entrance works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L4390 (September 2011) - A41/Gravenhill Road/B4100 mitigation scheme (signal), between the land and the highway have been formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and all ancillary works specified have been undertaken.

Reason - In the interests of highway safety and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained in the National Planning Policy Framework.

39. No dwellings in any phase of the development shall be occupied until the part(s) of the approved scheme for the provision of mains foul water drainage and treatment,



as detailed in the Sewer Impact Study (ref: X4503-619 SMG 0990) prepared by Thames Water, that relate to the relevant phase(s) of the development have been implemented in full.

Reason: To ensure that sufficient capacity is made available to dispose and treat the foul flows discharged from the development, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and guidance set out in the National Planning Policy Framework.

40. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, and prior the first occupation of any subsequent phase of the Graven Hill development hereby permitted, fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Government guidance contained within the National Planning Policy Framework.

41. Notwithstanding the provisions of Class O of Part 3, schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with Policies SLE1 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

42. No enclosures shall be erected within 5 metres of the retained barracks without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy and safety of the occupants of the proposed dwellings and to safeguard the security of the MoD barracks and to comply with Policies ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

43. In respect of Phase 0, the reserved matters shall be made in accordance with the approved Masterplan and Design Code, comprising of the following documents:

- Drawing No: 1982-A-L-010-H Proposed Masterplan
- Drawing No: 1982-A-L-011-I Proposed Masterplan Northern Area
- Drawing No: 1982-A-L-040-N Proposed Land Use Plan
- Drawing No: 1982-A-L-030-J Building Height Constraints
- Drawing No: C-SA-90-406-A09 Road Hierarchy Plan
- Drawing No: 1982-A-L-510-I Typical Road Sections
- Drawing No: EED13983-107\_GR\_LD\_15\_RevD Strategic Landscape and Habitat Masterplan
- Drawing No: 1982- A-L-020 Rev F
- Graven Hill Design Code 2015 received by the Local Planning Authority on 04.09.15
- Street Hierarchy Summary dated 02.09.15 prepared by Glenn Howells Architects

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

44. The development of Phase 0 shall be carried out in accordance with the approved Project Environment Plan (Graven Hill Infrastructure - 3252 Rev A) dated 30 March 2016 prepared by Careys.

Reason: To ensure the environment is suitably protected during construction and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

45. The development of Phase 0 shall be carried out in accordance with the approved Arboricultural Method Statement as shown on Drawing Nos: WIB-AA-74-501 Rev F and WIB-AA-74-502 Rev F.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

46. The development of Phase 0 shall be carried out in accordance with the approved details of existing and proposed levels as shown on Drawing No: C-SA-90-0814 Rev C02 unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

47. The development of Phase 0 shall be carried out in accordance with the following approved details of internal access and circulation routes:

- Internal vision splays as shown on Drawing No: C-SA-90-SK121 Rev A02
- Pedestrian, cycle and vehicle routes shown on Drawing No: C-SA-90-0810 Rev C05
- Tracking manoeuvres for refuse vehicles, fire tenders and large mobile crane as shown on

Drawing Nos: C-SA-90-0811 Rev C02, C-SA-90-0812 Rev C01, and C-SA-90-0813 Rev A01

Unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

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

48. Prior to the occupation of any dwelling in Phase 0, a phasing plan and timetable for the laying out and final surfacing of the estate roads, bridges, pedestrian and cycle routes within that Phase, along with details of the materials, construction and maintenance of any temporary surfacing, 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 timetable and details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

49. The development at Phase 0 shall only be carried out in accordance with the approved lighting scheme for the pedestrian, cycle and vehicle routes as shown on drawing number P035/969 Rev B dated 6 May 2016. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details prior to the occupation of the 6th dwelling in Phase 0.

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

50. Prior to the first occupation of any dwelling in Phase 0, the approved scheme to ensure that no surface water shall be discharged onto the adjoining highway (as detailed in the letter from PJP Planning (ref: 1768/JJ) dated 19th November 2015 and submitted with application ref: 15/00490/DISC) shall have been constructed and completed in accordance with the approved details.

Reason - In the interests of highway safety and mitigating flood risk and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

51. In respect of Phase 1a, Phase 1b and Phase 1c, the reserved matters shall be made in accordance with the approved Masterplan and Design Code, comprising of the following documents:

- Drawing No: 1982-A-L-010-R Proposed Masterplan
- Drawing No: 1982-A-L-011-Y Proposed Masterplan Northern Area
- Drawing No: 1982-A-L-040-AB Proposed Land Use Plan
- Drawing No: 1982-A-L-030-N Building Height Constraints
- Drawing No: C-SA-90-0458-A12 Road Hierarchy Plan
- Drawing No: 1982-A-L-510-L Typical Road Sections
- Drawing No: EED13983-107\_GR\_LD\_15\_RevE Strategic Landscape and Habitat Masterplan
- Drawing No: 1982-A-L-741 Rev Y Phase 1 Parameter Plan (1 of 4)
- Drawing No: 1982-A-L-742 Rev AK Phase 1 Parameter Plan (2 of 4)
- Drawing No: 1982-A-L-743 Rev AK Phase 1 Parameter Plan (3 of 4)
- Drawing No: 1982-A-L-744 Rev AE Phase 1 Parameter Plan (4 of 4)
- Drawing No: 1982-A-L-562 Rev K Masterplan Pedestrian and Cycle Network
- Graven Hill Design Code 2018 V1 received by the Local Planning Authority on 27.04.2018
- Street Hierarchy Summary dated 27.04.2017 prepared by Glenn Howells Architects

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

52. The development of Phase 1a, Phase 1b and Phase 1c shall only be carried out in accordance with the approved infrastructure and public realm ground levels details as shown on drawings C-SA-90-406-C06, C-SA-90-407-C07 and C-SA-90-408-C07, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the development does not cause harm to the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

53. The development of Phase 1a, Phase 1b and Phase 1c shall be carried out only in accordance with the approved Construction Environment Management Plan (CEMP) dated July 2016 and drawing number WIB-AA-78-002-D05 Capture and Enclosure Methods.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arcott during the construction period and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

54. The development of phase 1a, phase 1b and phase 1c shall only be carried out in accordance with the approved Tree survey Report dated March 2016 and Drawing No: WIC-AA-77- 102-Rev A Tree Retention and Removal Plan, WIC-AA-77-103-Rev A Tree Retention and Removal Plan, WIC-AA-77-104- Rev A Tree Retention and Removal Plan and WIC-AA-77- 005-A01 Tree Survey, WIB-AA-74-503-Rev D Tree and Habitat Protection Plan, WIB-AA74-504 Tree and Habitat Protection Plan, WIB-AA-74-505-Rev A Tree and Habitat Protection Plan, WIB-AA-74-506-Rev A Tree and Habitat Protection Plan, WIB-AA-74-507- Rev A Tree and Habitat Protection Plan, WIB-AA-74-508-Rev A Tree and Habitat Protection Plan, WIB-AA-74-509-Rev A Tree and Habitat Protection Plan, WIB-AA-74-510- Rev A Tree and Habitat Protection Plan, WIB-AA-74-511-Rev A Tree and Habitat Protection Plan, WIB-AA-74-512-Rev A Tree and Habitat Protection Plan, WIB-AA-74-513- Rev A Tree and Habitat Protection Plan, and WIB-AA-74-514-Rev A Tree and Habitat Protection Plan.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **INFORMATIVE NOTES TO APPLICANT**

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Consent has been granted subject to conditions. It is the developer’s responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and **you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details.** This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £116 per request. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

3. **Legal Agreement** - Attention is drawn to a Legal Agreement dated 08 August 2014 related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
4. **Environmental Impact Assessment** - In accordance with Regulations 26 and 29 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the reasoned conclusion of the Local Planning Authority in respect of the significant environmental effects of the development on the environment as a result of the approved changes is outlined in the Case Officer's delegated report, which is published on the Council's online planning register at: <https://www.cherwell.gov.uk/info/115/planning/443/see-or-comment-on-a-planning-application>.

As the Local Planning Authority has concluded, based on the environmental information submitted with this S73 application, that the approved changes are not likely to give rise to significant additional environmental impacts over and above those considered and mitigated as part of the original outline consent (ref: 11/01494/OUT), no additional conditions or monitoring measures are required to address the significant environmental effects of the development on the environment.

5. **Time limit condition** - The Government's Planning Practice Guidance (PPG) is clear that "Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made".
6. **Other notes** - All historic reports completed in respect of Graven Hill site shall be made publically available through the Local Historic Environment Record and the National Monuments Record
7. The construction or alteration of any culverting or dam or weir like structure on a watercourse, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds and consent for such works will not normally be permitted.

8. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and containing certain species of plant.
9. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
10. Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reason

## Cherwell District Council

### Planning Committee

10 March 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) 21/01474/F – 35 Longleat Close, Banbury, OX16 9TG

Change of use of amenity land to domestic garden and single storey side extension

Officer recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 04.02.2022  
Statement Due: 11.03.2022  
Decision: Awaited  
Appeal reference – 22/00012/REF

##### b) 21/02346/F – 1 Cranesbill Drive, Bicester, OX26 3WG

Loft conversion with rooflights to front roofslope and dormer extension to rear roofslope.

Officer Recommendation – Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 21.02.2022  
Statement due: N/A  
Decision: Awaited  
Appeal reference - 22/00014/REF

##### c) 21/01403/F – 5 Chichester Walk, Banbury, OX16 1YP

Two storey extension and conversion into two separate studio flats - with on plot parking and electric vehicle charging points (resubmission of 20/01937/F)

Officer recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Date: 22.02.2022  
Statement Due: 29.03.2022  
Decision: Awaited  
Appeal reference – 22/00015/REF

### 3.2 **New Enforcement Appeals**

**a) 20/00115/HH - Thames Valley Police, Headquarters South, 169 Oxford Road, Kidlington, OX5 2NX**

Appeal against the decision by the Council not to issue a remedial notice on a high hedge complaint made by a local resident.

Start date: 31.01.2020  
Questionnaire due: 28.02.2022

### 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  
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 – Tuesday 10th May 2022  
Start Date: 09.12.2021  
Statement due: 11.01.2022  
Decision: Awaited  
Appeal reference 21/00045/REF

**c) 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

**d) 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

**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 – 18<sup>th</sup>/19<sup>th</sup> May 2022  
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 – 18<sup>th</sup>/19<sup>th</sup> May 2022  
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) 20/03635/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

**i) 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

**j) 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

**k) 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

**l) 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

**m) 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

**n) 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

**o) 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**

**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

**3.5 Forthcoming Public Inquiries and Hearings between 11 March 2022 and 7 April 2022**

None

**3.6 Appeal Results**

Inspectors appointed by the Secretary of State have issued the following decisions:

**a) 20/01984/F – Allowed the appeal by Mr A Rugg against the refusal of planning permission for Single storey extension to the front and side (resubmission of 19/02605/F). 98 Hazel Crescent, Kidlington, OX5 1EL**

Appeal summary to follow in the next appeals progress report. The decision for the appeal can be found on the Council's online planning register - <https://planningregister.cherwell.gov.uk/Appeals/Display/22/00001/REF>

**b) 20/03406/F – Dismissed the appeal by Punch Partnerships Limited against the refusal of planning permission for 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. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Appeal summary to follow in the next appeals progress report. The decision for the appeal can

be found on the Council's online planning register -  
<https://planningregister.cherwell.gov.uk/Appeals/Display/21/00038/REF>

- c) 20/03407/LB – Dismissed the appeal by Punch Partnerships Limited against the refusal of listed building consent for Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Appeal summary to follow in the next appeals progress report. The decision for the appeal can be found on the Council's online planning register -  
<https://planningregister.cherwell.gov.uk/Appeals/Display/21/00039/REF>

- d) 21/02477/F – Dismissed the appeal by Mrs J Thomson against the refusal of planning permission for Proposed single storey rear part side and front extensions with associated internal and external works. The Gables, 93 Mallards Way, Bicester, OX26 6WT**

Officer Recommendation – Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference 22/00006/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

It was concluded that the proposal would harm the character and appearance of the area. The Inspector decided that, whilst the roof ridge height of the side and rear extension would be much lower than the existing, the lack of set back from the front elevation would result in this element appearing less subservient. Added to which, the rendered finish would increase the prominence of the extension. Further, the first-floor side window would appear disproportionately large in comparison to existing upper floor windows of the existing dwelling and immediate street scene. The proposed porch was considered acceptable, however would not diminish the harm caused by the design of the proposed side and rear extension. Overall, the Inspector considered that the proposed side and rear extension would appear unduly dominant and incongruous.

The Inspector dismissed the appeal.

- e) 21/02608/F – Dismissed the appeal by Mr and Mrs Hayes against the refusal of planning permission for 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. 26 Grebe Road, Bicester, OX26 6EL**

The Inspector identified the main issue of the appeal is the effect of the development on the living conditions of the occupiers of 28 Grebe Road with regard to outlook, light and privacy.

The Inspector found that proposed extension would result in significant enclosure to the rear garden and elevation of No 28 and have an overbearing effect. Views of the extension from the kitchen (ground floor) and lounge (first floor) windows at No 28 would be angled but still noticeable. The Inspector also found that the existing property at No 26 already overshadows No 28 because of its orientation but there would be further loss of light to the rear garden and elevation of No 28 due to size and position of the extension.

The Inspector concluded that the development would result in significant harm to the living conditions of occupiers of 28 Grebe Road with regard to outlook and light.

The Inspector dismissed the appeal.

## **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  
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  
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  
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  
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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Alex Chrusciak, Interim Senior Manager, Development Management  
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