

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Planning Committee**

**Date: Thursday 7 April 2022**

**Time: 4.00 pm**

**Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA**

## Membership

### **Councillor George Reynolds (Chairman)**

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

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

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

## Substitutes

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

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

## AGENDA

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

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

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

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

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

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

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

**4. Minutes (Pages 5 - 52)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 March 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. Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester, OX25 5QL (Pages 55 - 103) 21/01123/F**
- 9. Land Opposite Hanwell Fields Recreation, Adj To Dukes Meadow Drive, Banbury (Pages 104 - 141) 21/03426/OUT**
- 10. OS Parcel 2778, Grange Farm, North West Of Station Cottage, Station Road, Launton (Pages 142 - 194) 21/04112/OUT**
- 11. Land South of Faraday House, Woodway Road, Sibford Ferris (Pages 195 - 229) 21/04271/F**
- 12. Grass Verge Adj To North Lane, Weston On The Green, OX25 3RG (Pages 230 - 236) 22/00124/TPO**
- 13. 7 Churchill Road, Kidlington, Oxfordshire, OX5 1BN (Pages 237 - 253) 22/00425/F**
- 14. 137-153 The Fairway, Banbury, OX16 0QZ (Pages 254 - 262) 21/03912/F**

## **Review and Monitoring Reports**

### **15. Appeals Progress Report (Pages 263 - 272)**

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 30 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 March 2022 at 4.00 pm

#### Present:

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

#### Substitute Members:

Councillor Adam Nell (In place of Councillor Patrick Clarke)  
Councillor Barry Wood (In place of Councillor Sandy Dallimore)

#### Apologies for absence:

Councillor Patrick Clarke  
Councillor Sandy Dallimore

#### Officers:

Alex Chrusciak, Senior Manager - Development Management  
Andrew Lewis, Principal Planning Officer  
David Lowin, Principal Planning Officer (Major Projects Team)  
Karen Jordan, Deputy Principal Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Lesley Farrell, Democratic and Elections Officer

#### Officers Present Virtually

Nat Stock, Team Leader – General Developments Planning Team  
Wayne Campbell, Principal Planning Officer

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## **Declarations of Interest**

### **8. The Foscothe Clinic, 2 Foscothe Rise, Banbury, OX16 9XP.**

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

Councillor Colin Clarke, Conflict of Interest, as a neighbour who would be affected by the application and would leave the meeting for the duration of the item.

### **9. Land South West of Queens Avenue and Kingsclere Road, Bicester OX26 2JH.**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which has been consulted on the application and a separate declaration for Conflict of Interest, as he had opposed the application and would address the committee as local Ward Councillor and not participate in the debate or vote on the application as a Planning Committee Member.

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

### **10. Land West of Chinalls Close adj to Banbury Road, Finmere.**

Councillor Mike Kerford-Byrnes, Non Statutory Interest, as a member of Finmere Parish Council but he had not taken part in any aspect of the parish consultation on the application.

### **12. Sites B C D And E, MOD Bicester, Murcott Road Upper, Arcott.**

Councillor Barry Wood, Non Statutory Interest, as a member of the Shareholder Committee.

Councillor Ian Corkin, Conflict of Interest, as a Non-Executive Director of Graven Hill 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.

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## **Requests to Address the Meeting**

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

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## **Minutes**

Subject to the following alteration to minute 139 - Former Rodney House Private Drive off Graven Hill Road, Ambrosden the Minutes of the meeting held on 10 February 2022 were agreed as a correct record and signed by the Chairman:

Deletion of item C – CDC S106 monitoring fee from the resolution.

145 **Chairman's Announcements**

The Chairman made the following announcement:

1. A questionnaire from the Chairman relating to site visits would be circulated to Planning Committee Members and Substitutes regarding site visits.
2. Application 21/03523/OUT, Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park would be considered first.

146 **Urgent Business**

There were no items of urgent business.

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

There were no pre-committee site visits.

148 **Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park**

The Committee considered application 21/03523/OUT, an 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) at Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park for Pye Homes Limited.

Nigel Pugsley, Agent for the applicant addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation 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 21/03523/OUT subject to:
  - i) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, to secure the heads of terms listed below (and any amendments as deemed necessary);

**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 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/m<sup>2</sup>/Swales £97.71 per m<sup>2</sup>

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

- ii) The following conditions (and any amendments to those conditions 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"

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**The Foscote Clinic, 2 Foscote Rise, Banbury, OX16 9XP**

The Committee considered application 21/00549/F for a single storey extension to create radiology areas, upper floors to provide a Staff Room and a new Boardroom and additional car parking at The Foscote Clinic, 2 Foscote Rise, Banbury, OX16 9XP for Shakib and Company.

Andy Tilsiter, agent for the applicant and Roger Cumming, architect for the applicant, addressed the committee in support of the application.

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

**Resolved**

(1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00549/F subject to:

- i) A resolution of the lead local flood authority's objection
- 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, authority be delegated to the Assistant Director of Planning and Development 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.

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

#### 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.

15. Notwithstanding the details shown on the approved plans, no access by staff shall be provided to the flat roof area of the single rear extension.

Reason: In order to safeguard the privacy of the residential dwellings to the south in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 saved Policy C28 of the Cherwell Local Plan 1996.

iv) The redrafting of condition 4 and condition 7 to provide clarity on how the restrictions on the trees and vegetation across the site will operate with the separate arrangements for the management of the hedge along the southern boundary.

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**Land South West of Queens Avenue and Kingsclere Road, Bicester  
OX26 2JH**

The Committee considered application 21/02890/F for the development of 10 residential units at Land South West of Queens Avenue and Kingsclere Road, Bicester, OX26 2JH for Bicester Builders Homes Limited.

Councillor Sibley addressed the committee as local ward member in objection to the application.

Peter Foxton CBE, a local resident addressed the committee in objection to the application.

Aidan Lynch, agent for the applicant addressed the committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Pratt that application 21/02890/F be refused due to the design and bulk of the building and the lack of parking available for residents and visitors.

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

It was proposed by Councillor Woodcock and seconded by Councillor Perry that application 21/02890/F be approved in line with the officer recommendation.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/02890/F subject to:
  - i) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following 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
    - c) The provision for S106 monitoring fees.
  - ii) The following conditions (and any amendments to those conditions as deemed necessary):

### **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 and the on-street mitigation works 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.

151 **Land West Of Chinalls Close Adj To Banbury Road, Finmere**

The Committee considered application 21/03066/OUT, an outline application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved, at Land West of Chinalls Close adj to Banbury Road, Finmere for Katie Christou.

Joanne Brooks, local resident, addressed the committee in objection to the application.

Katie Christou, Planning Manager for Hayfield Homes addressed the committee in support of the application.

It was proposed by Councillor Corkin and seconded by Councillor Wood that application 21/03066/OUT be refused contrary to the officer's recommendation due to it being in an unsustainable location, outstanding archaeology concerns, a lack of S106 agreement, a loss of high value agricultural land and surface water flooding.

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

**Resolved**

- (1) That application 21/03066/OUT be refused contrary to the officer's recommendation due to:
  - a) Unsustainable location on the edge of the village, dislocated to it, and turning its back on the existing settlement. Lack of connection the village.
  - b) Outstanding Archaeology concerns
  - c) Lack of S106
  - d) Loss of high value agricultural land
  - e) Surface water flooding and potential impacts on surrounding properties (Anglian Water concerns)

With the exact wording of the reasons for refusal delegated to the Assistant Director for Planning and Development.

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

The Committee considered application 21/03749/F for a variation of condition 2 (plans) of application 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) at Sites B, C, D and E, MOD Bicester, Murcott Road, Upper Arncott for Mr Adrian Unitt.

Paul Troop, a local resident, addressed the committee in objection to the application.

John Jowitt, agent for the applicant, addressed the committee in support of the application.

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

## **Resolved**

(1) That the Planning Condition 2 of application 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 biodiversity gain will be delivered, shall be submitted 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 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.

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/Graven Hill 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 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.

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.

153 **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.

In response to questions from the Committee regarding the Ben Jonson Public House site, the Senior Manager - Development Management, advised the Committee that an update would be provided to Committee Members outside of the meeting.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 7.55 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

Planning Committee - 7 April 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	Hatch End Old Poultry Farm Steeple Aston Road Middle Aston Bicester OX25 5QL	21/01123/F	Deddington	Approval	James Kirkham
9	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	21/03426/OUT	Banbury Hardwick	Approval	Rebekah Morgan
10	OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton	21/04112/OUT	Launton and Otmoor	Approval	James Kirkham
11	Land South of Faraday House Woodway Road Sibford Ferris	21/04271/F	Cropredy, Sibfords and Wroxton	Approval	Wayne Campbell
12	Grass Verge Adj To North Lane Weston On The Green, OX25 3RG	22/00124/TPO	Launton and Otmoor	Approval	Iain Osenton
13	7 Churchill Road Kidlington Oxfordshire OX5 1BN	22/00425/F	Kidlington East	Approval	Sarah Greenall
14	137-153 The Fairway Banbury OX16 0QZ	21/03912/F	Banbury Ruscote	Approval	Sarfaraz Khan

\*Subject to conditions

**21/01123/F**

**Hatch End Old Poultry Farm  
Steeple Aston Road  
Middle Aston  
Bicester  
OX25 5QL**



**1:1,200**



# 21/01123/F

**Hatch End Old Poultry Farm**  
**Steeple Aston Road**  
**Middle Aston**  
**Bicester**  
**OX25 5QL**

Hatch End  
Industrial Estate

El Sub Sta

Hatch End Old Poultry Farm

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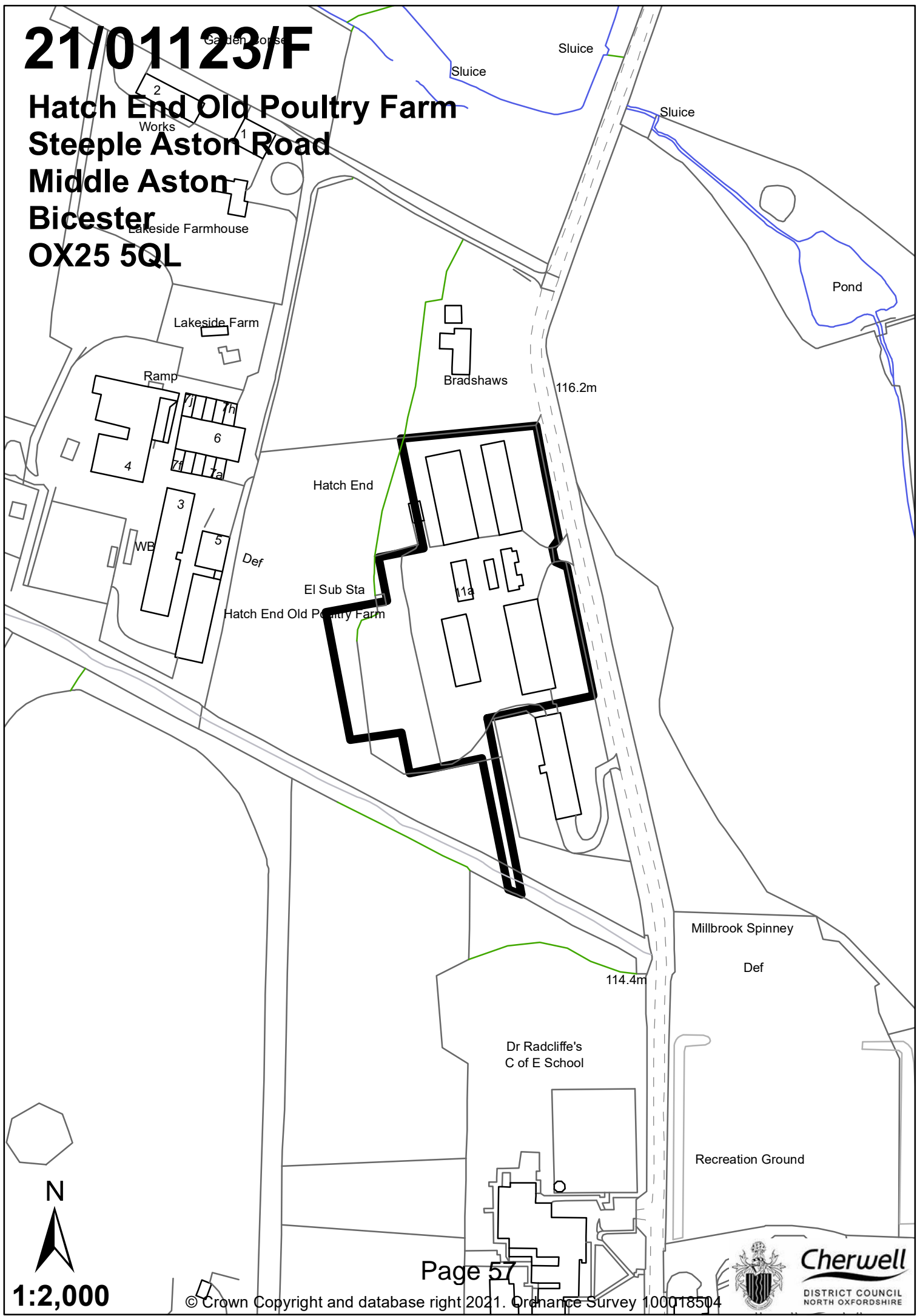
**1:790**





# 21/01123/F

**Hatch End Old Poultry Farm**  
**Steeple Aston Road**  
**Middle Aston**  
**Bicester**  
**OX25 5QL**



**Case Officer:** James Kirkham

**Applicant:** Middle Aston Limited

**Proposal:** Demolition of existing buildings. Construction of replacement business units (buildings 2,3, 4,5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. (Re-submission of 20/01127/F)

**Ward:** Deddington

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

**Reason for Referral:** Major development

**Expiry Date:** 11 April 2022

**Committee Date:** 7 April 2022

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**UPDATE PAPER – ITEM DEFERRED FROM DECEMBER PLANNING COMMITTEE**

**1. BACKGROUND**

1.1. The application was reported to the December Planning Committee where members resolved to defer the application to allow engagement with the applicant into highway issues and the scale of the proposals. This update report should be read in conjunction with the original report (Appendix 1) as amended by the previous Written Update (Appendix 2) which contains the main analysis of the issues pertinent to the application.

**2. UPDATE**

2.1. Since the December Planning Committee Officers have engaged with the applicant in respect of the concerns raised by the committee. The applicant also met with the representatives of the Parish Council; however, this didn't resolve their concerns and a mutually acceptable way forward was not established.

2.2. The applicant has therefore requested that the application be reported back to Planning Committee without any amendments. However, the applicant has provided additional information in the form of a Transport Addendum Note which seeks to demonstrate that the assumptions they have made regarding the traffic impact of the development are robust. This is discussed further below.

**3. RESPONSES TO PUBLICITY ON ADDITIONAL INFORMATION**

3.1. A further 11 letters of objection have been received. The comments received can be viewed in full on the Council's website, via the online Planning Register. A summary of the issues raised are:

- Impact of traffic on narrow unsuitable lanes, the proximity of the school and highway safety concerns relating to the school and increased use of the roads.
- Increase in congestion around the school.

- The peak traffic impacts are unrealistic and coincide with the school peak times
- Visitors and deliveries are not taken account of in the submission which will increase traffic associated with the development
- A pedestrian link back to the village should be made.
- The impact of the Covid Pandemic should be discounted
- Are the units still commercially viable?
- How will the contribution to the bus service enhance the service.
- Impact of construction traffic and structural damage to houses from increase in traffic.
- Proposal is virtually wholly served by private car and other options are not available.

#### 4. RESPONSES TO CONSULTATION ON NEW INFORMATION

- 4.1. The below comments have been received on the additional information. The earlier comments on the application are outlined in the original committee report (Appendix1):
- 4.2. STEEPLE ASTON PARISH COUNCIL: **Objects.** SAPC previously submitted its objections to this application in October 2021. We consider that the proposed increase in the number of businesses on the site represents an intensification of use, which in turn will generate vehicle movement numbers that will present a danger to pedestrians, who will continue to use Fir Lane, particularly at School times.
- 4.3. The methodology used by the applicants, and apparently accepted by OCC Highways officers, fails to take into account vehicle movements due to visitors, clients, deliveries, service and maintenance vehicles and others. Find it inconceivable that a successful redevelopment with up to 85 employees and all the other associated vehicle movements which have been ignored, can be said to have a “negligible impact” on the rural lane that serves the site.
- 4.4. The Parish Council therefore remains unconvinced of the case put forward by the applicants in this additional document and stands by the objection to the application.
- 4.5. Reiterate that they are not against development of this site in principle. Our objection is to the number of businesses proposed and to the danger to pedestrians posed by the traffic generated.
- 4.6. Remind the Committee that the original planning application (96/00939/F) in 1996 for the site to be used as a business park was refused by CDC. The reason was that: *“The adjacent road network is in places narrow and of tortuous alignment and therefore traffic generated as a product of this proposal will have a detrimental physical impact causing increased hazard and a detriment to the safety and convenience of other road users.”*
- 4.7. Since that time the only thing that has changed is the increased popularity of the primary school adjacent to the site, and the encouragement of parents and children to walk to school.
- 4.8. Subsequent to the refusal, a conditional approval was given, which imposed a condition requiring prior approval for any change of use of the units specified in the application. This condition was imposed specifically because Cherwell officers clearly remained concerned about the impact of traffic generated by the development.

- 4.9. Therefore, requests the Planning Committee to similarly restrict any approval which it is minded to give to the current application, so that the “worst-case” scenario set out in the Transport Addendum 2 document is enforceable by planning officers. For example, in Table 2.1 of the document it is stated that 61 employees would be the worst case generated by the 732sq.m. of office floorspace recommended for approval. Consider, in the circumstances, that it would be perfectly reasonable for CDC in due course to monitor the floor areas allocated to each type of use as set out in the table, and to monitor the numbers of employees (note: not FTE as the concern is car usage) generated by each use class. If either of these indicators was to be exceeded at any time, CDC would be able to enforce compliance under such a planning condition.
- 4.10. OCC HIGHWAYS: **No objection** subject legal agreement and condition. In response to Cherwell District Council planning committee's deferment, the applicant has submitted further transport analysis and information in the form of Transport Addendum 2 (TA2) which addresses the following issues.
- The use of employment densities to determine trip generation;
  - Clarification of the suitability of the mode share data presented and its impact on forecast traffic generation
  - The provision of a footway into Steeple Aston on Fir Lane.

#### Trip Generation

- 4.11. The methodology in TA2 employs the land use allowance to which it applies employment densities taken from the Homes and Communities Agency Employment Densities Guide. This methodology determines that the employment density of the site would be 1 employee per 26m<sup>2</sup> and the resulting number of employees would be 85.
- 4.12. TA2 then goes on to determine that the employment density represented by the TRiCS trip rate survey sites used in the Transport Statement is 1 employee per 24m<sup>2</sup>.
- 4.13. The employment densities determined by these two separate approaches are very similar and it is considered that the TRiCS approach employed in the Transport Statement is therefore validated. It is acknowledged that the employment density approach does not allow for visitor trips, deliveries and building servicing. However, the slightly higher trip rate implied by the TRiCS approach would go some way to covering this element.

#### Mode Share

- 4.14. The Addendum notes that:

*"The interim mode share had been based upon the standard approach applied in Transport Statements for the above purpose and for employment land uses, whereby the 'method of travel to work' data had been sourced from the 2011 Census for the most applicable area to the site and development proposals. On this basis, the Cherwell 010 Middle Super Output Area had been selected."*

and that:

*"...the selected area covers Middle Aston and Steeple Aston and is otherwise a largely rural area of Cherwell District. There are no other locations within this area that would be expected to differ significantly to the site's location in terms of availability of sustainable travel connections. Moreover, the fact that the majority of the area is very rural, the corresponding mode share may mean that, if anything, the overall mode share will provide an underestimation of sustainable travel mode share in Middle Aston / Steeple Aston."*

- 4.15. The County Council considers that the Cherwell 010 MSOA represents the best observed measurement of mode share that could be applied to the development site. Furthermore, given that it is largely rural in nature comprising mainly villages and with the largest settlements being Deddington and the emerging development at Heyford Park, the County Council considers this data source to be entirely appropriate.
- 4.16. It is noted that the TRiCS trip generation estimate does not rely on the mode share since it is based on actual surveys of vehicles entering and leaving TRiCS subject sites. The mode share presented in the Transport Statement is presented only as a baseline for comparison against future mode shares surveyed as part of the Travel Plan monitoring exercise.

#### Footway on Fir Lane

- 4.17. TA2 examines the possible provision of a footway on Fir Lane between the development site and the village of Steeple Aston in the context of paragraph 110 of the NPPF. It concludes that opportunities to promote sustainable travel have been taken up and that safe and suitable access to the development has been provided. It also argues that it may not be possible to build such a footway, although this argument is not fully substantiated.
- 4.18. Regardless of the above, the County Council has already indicated that an internal pedestrian connection to a public footpath which borders the western boundary of the site and connects with Fir Lane will provide a suitable pedestrian route between the site and Steeple Aston to the south. However, the County Council would take this opportunity to specify that the internal pedestrian connection should be accompanied by improvement works to the surfacing of the public footpath to which it connects.

## **5. ASSESSMENT**

- 5.1. Following the comments of a number of members of the Planning Committee about the robustness of the transport information submitted that applicant has provided additional information in respect of the following:
- Trip generation calculations
  - Further clarity surrounding mode share and what impact this has on forecast traffic generation
  - The provision of a footway into Steeple Aston on Fir Lane
- 5.2. These are discussed in turn below.

#### Trip generation calculations

- 5.3. Criticisms have been made by the public and the Parish Councils that the trip generation calculations used by the applicant significantly underestimate the level of traffic likely to be associated with the development. As outlined in the original committee report the trip generation rates of the proposed development have been calculated using the TRiCS database which is industry practice and is considered to be acceptable by the local highway authority (LHA) who provide the district with expert advice in this regard.
- 5.4. The applicant has now sensitivity-tested the traffic generation forecast by applying employment densities (i.e. how many people are likely to be employed per m<sup>2</sup> of floorspace) to the proposed uses using the 'Homes and Communities Agency (HCA) Employment Densities Guide'. This calculation takes into account the maximum amount of each type of employment floor space which could be occupied at the site (which is controlled by the proposed condition 29 outlined in the original committee report).

- 5.5. This concludes that as a worst case scenario 85 people (1 person per 26m<sup>2</sup> of floor space) are likely to be employed at the site. This assumes 100% occupation and with the maximum allowable E(g) (i), (ii) and (iii) use classes allowances applied as these are the higher density employment uses.
- 5.6. Based on a mix of uses, with lower employment densities (e.g. use class B8), that would also be allowed under condition 29 the site could be expected to employ 32 employees (1 person per 70m<sup>2</sup> floor space).
- 5.7. Therefore, based on the employment densities and the controls imposed by proposed condition 29 the site is likely to accommodate between 32 (1 person per 70m<sup>2</sup>) and 85 (1 person per 26m<sup>2</sup>) employees depending on the nature of the uses at the site.
- 5.8. To compare the results of the employment density exercise (as outlined above) against the TRICS database, which has been used to forecast traffic generation, the applicant has used the information in the TRICS database (which includes details of number of employees and uses) of the sites used from the TRICS database to work out the employment densities of these sites. This has been used to calculate the employee density of the TRICS sites and gives an overall aggregate average of employee density across all of the TRICS site surveys used (i.e. the total floor area across the sites divided by the total employees across the sites). This gives an aggregate average employment density of 1 employee per 24m<sup>2</sup> for the TRICS sites used.
- 5.9. Therefore, the sites used in the TRICS database have a slightly higher (1 employee per 24m<sup>2</sup>) employment density than the employment density that arises when applying the employment densities for the proposed development using the HCA guidance (worse case of 1 employee per 26m<sup>2</sup>). The use of the TRICS data for the original assessment is therefore considered to be robust for the purposes of calculating the traffic generation modelling and presents a worse case than the HCA employment densities.
- 5.10. The conclusions on the traffic impact of the development outlined in the original Transport Statement and the original Committee Report are therefore considered to be robust and the LHA continues to raise no objection in this respect.

Further clarity surrounding mode share and what impact this has on forecast traffic generation

- 5.11. At the committee meeting concerns were raised the mode share (i.e. whether people walk, cycle, drive, etc to the site) appeared highly optimistic and that this assumption may impact on the traffic generation presented with the application.
- 5.12. It is important to note that the TRiCS trip generation estimate, for which the application is being assessed against, does not rely on the mode share since it is based on actual surveys of vehicles entering and leaving TRICS subject sites. The mode share therefore does not impact on the traffic generation figures. The mode share (which residents contest) presented in the Transport Statement is presented only as a baseline for comparison against future mode shares surveyed as part of the Travel Plan monitoring exercise and therefore does not impact on traffic generation estimates presented in the original committee report (paragraph 9.40).
- 5.13. Notwithstanding the above, the interim mode share adopted at the site is based upon the standard approach applied in Transport Statements, whereby the 'method of travel to work' data has been sourced using data from the 2011 Census for the area. In this case this census area is a largely rural area covering Deddington, Heyfords, the Astons, Somerton, Fritwell and Duns Tew. This is therefore considered appropriate to use for the assessment and the most appropriate evidence to use.

- 5.14. The mode share from the above is that 81.4% of journeys are being undertaken as single occupier vehicles (SOV), a further 4.7% would travel as a car passenger, and 1% by motorcycle meaning that approximately 87% of trips will be undertaken by motorised vehicles. The applicant has also undertaken some sensitivity testing of this, using TRICS survey data to assess travel to work patterns, which demonstrates that the traffic impact is very similar.
- 5.15. The LHA continues to raise no objection to the application and the information submitted to assess the application is considered to be robust.

#### Provision of a footway into Steeple Aston on Fir Lane

- 5.16. Following the committee, the applicant was requested to consider exploring a potential to provide a footpath back to the village. However, the applicant has stated that they do not consider that this is required to make the development acceptable in planning terms and would therefore not meet the relevant tests of being necessary and fairly related in scale and kind to the development as outlined in the NPPF. Officers agree that whilst a footpath connection back to the village is desirable and have encouraged the applicant to make such provision, ultimately it cannot be insisted upon, for the reasons outlined in paragraph 9.13 and 9.14 of the original committee report. Therefore, the proposal is considered to remain acceptable in this regard. For the above reasons officers do not also consider that the latest request of the County Council to upgrade the surface of part of the public footpath which runs through the tree belt to the south of the site would be justified and this is located outside of the application site boundary.

#### Other matters

- 5.17. The Parish Council has pointed to historic refusals on the site for commercial development. However, each application has to be assessed on its own merits on the evidence before the Council at that time. The current application has been submitted with a Transport Statement which in the view of officers and the County Council is acceptable and robust. This is new evidence that was not submitted with earlier applications.
- 5.18. The Parish Council also requests several conditions. Whilst the overall floorspace for different types of uses is proposed to be controlled through condition 29, on the basis of the evidence provided, it is not considered reasonable or justified to control the number of employees or car movements at the site (as requested by the Parish Council). Furthermore, these types of conditions would be unlikely to pass the relevant test of reasonableness and enforceability given they would be very difficult, if not impossible, to monitor and enforce.

## **6. CONCLUSION ON ADDITIONAL INFORMATION**

- 6.1. The additional information is not considered to materially impact on the conclusions reached on transport matters in the earlier Committee Report. The conclusions and of the earlier report therefore remain as set out in the original report.

## 7. RECOMMENDATION

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

### S106 HEADS OF TERMS

- Contribution of £40,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston,
- Contribution of £1,446 to fund the monitoring and review of the Travel Plan
- OCC 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: Application forms and drawing numbers PL001(SK) – Location plan, PL002 – Existing site plan, PL003 - Existing ground floor plan, PL004 = Existing Floor Plans. PL005 - Existing Floor Plans, PL006 - Existing site sections, 139990\_P101 G – Proposed site plan, 139990\_P102 E – Site plan overall, 139990\_P103 A – Site Sections, 139990\_P104 A – Site sections, 139990\_P105 A – Proposed site elevations, 139990\_P106 – Unit 1, 139990\_P107 – Unit 2, 139990\_P108 – Unit 3, 139990\_P109 – Unit 4, 139990\_P110 – Unit 5, 139990\_P111 – Unit 6, 139990\_P112 – The Hub, 139990\_P1113 – Visuals, HATCHTRP OCT21 - Tree retention and Protection Plan and HMA-LE-GEN-XX-DR-500-S5-A1-E – Proposed 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.

3. No development shall take place until details of all finished floor levels in relation to existing and proposed ground 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 full accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within Section 12 of the National Planning Policy Framework. This



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

4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to the Local Planning Authority and agreed in writing. This should identify;
  - The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
  - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
  - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
  - Contact details for the Site Supervisor responsible for on-site works,
  - Travel initiatives for site related worker vehicles,
  - Parking provision for site related worker vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
  - Engagement with local residents

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

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

Informative Note: The CTMP should follow Oxfordshire County Council's template.

5. 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.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

9. No works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the Habitat and Species Regulations 2017 (as amended) and a copy thereof has been submitted to the Local Planning Authority.

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.

10. Prior to any works above slab level full details of the pedestrian access through the site linking to the public right of way to the south of the site shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

11. 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 the measures in 5.2.1 and 5.3.1.1 of the submitted ecological survey and also include a plan of buffer zones and how they will be marked as well as any other timing and precautionary methodology/supervision needed for bats on site. 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.

12. Prior to any works above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of a biodiversity enhancement scheme to demonstrate a net gain in biodiversity for the site. The development shall not be carried out other than in accordance with the approved LEMP and the biodiversity enhancements shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

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.

**INFORMATIVE ON CONDITION 12:**

The LEMP shall include the use of a Biodiversity Impact Assessment Metric to demonstrate a net gain in biodiversity. The Council seeks to secure a 10% net gain.

13. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.  
(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

14. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. This shall include samples of the proposed timber, metal cladding and a sample panel of the proposed stone walls. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the

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

15. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

17. Prior to any works above slab level, a scheme for the provision of vehicular electric charging points to serve at least 25% of the parking spaces 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 any part of the development and shall be 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, Policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy (2021) and to maximise opportunities for sustainable transport modes in accordance with paragraph 112(e) of the National Planning Policy Framework.

18. Prior to any works above slab level 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.

(d) details of any boundary fences or walls.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and shall be retained as such thereafter and the approved soft scheme shall be implemented by no later than 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.

19. 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.

20. Details of the any proposed external lighting including the design, position, orientation and the management of such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. It shall be demonstrated how the lighting scheme complies with the guidance outlined in Section 5.3.2.6 of the Windrush Ecology – Preliminary Ecological Appraisal (March 2021). The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the ecological value of the site and the visual amenity and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy PD6 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework

21. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose and shall be used for no other purpose whatsoever.

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 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

22. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:
- Proposed Drainage Strategy, HMA-LE-GEN-XX-DR-CE-500, Rev D
  - Flood Risk Assessment, HMA-LE-GEN-XX-RP-CE-FRA01-C-Flood Risk Assessment, March 2021

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

23. 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 any appointed management company information.

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

24. The development and tree protection measures shall be carried out in strict accordance with recommendations in the B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for commercial re-development (18<sup>th</sup> October 2021) document including drawing HATCHTRP-OCT21 unless otherwise agreed in writing under a separate discharge of planning condition.

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.

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

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision, traffic generation and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. No goods, materials, plant or machinery (other than vehicles) shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved under a separate discharge or variation of condition by the Local Planning Authority.

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

27. The hub building hereby permitted shall be used only for purposes ancillary to the remainder of the commercial units hereby permitted and shall not and shall not be sold, leased or occupied as a separate unit.

Reason: In order to ensure the uses are appropriate to the location of the site having regard to traffic generation and Policy SLE2, SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Part 3 (changes of use) and Part 7 (non-domestic extensions and alterations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be changed use, extended or hard surfaces laid within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the site shall only be occupied for the purposes falling within Class E(g) (i), (ii) and (iii) and Class B8 and no other purpose whatsoever. No more than 732 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E (g)(i) at any one time and no more than 862 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E(g) (ii) and (iii) at any one time. The remaining floor area is restricted to those uses falling within use Class B8 or ancillary uses.

Reason: In order to retain planning control over the use of the site, to ensure residential amenities are protected and the character of the area is maintained, and to ensure the development complies with Policies SLE1, SLE2, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

# APPENDIX 1

**Hatch End Old Poultry Farm Steeple Aston Road  
Middle Aston Bicester OX25 5QL**

**21/01123/F**

**Case Officer:** James Kirkham

**Applicant:** Middle Aston Limited

**Proposal:** Demolition of existing buildings. Construction of replacement business units (buildings 2, 3, 4,5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. (Re-submission of 20/01127/F)

**Ward:** Deddington

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

**Reason for Referral:** Major development

**Expiry Date:** 31 July 2021

**Committee Date:** 2 December 2021

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**SUMMARY OF RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS AND THE COMPLETION OF A S106 PLANNING OBLIGATION.**

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is Hatch End Business Park which is located to the western side of Fir Lane, between Middle Aston and Steeple Aston. It currently consists of a number of low range, single storey, former agricultural units clad in timber, which have been used for a variety of commercial uses but which are largely now vacant. It also includes a scout hut store building believed to be used largely for storage in the north western corner of this group of buildings.
- 1.2. To the north is a relatively recently completed new dwelling. Further commercial units in separate ownership exist to the west of the site. To the south-east of the site is a further converted former agricultural unit beyond which lies a public footpath (364/5/10) and the local primary school at the edge of Steeple Aston.
- 1.3. The site rises quite sharply from the road with the units and land to the rear of the site being located on higher ground (approx. 5 to 6 metres difference between the road and the areas of parking to the rear of the existing buildings).

## **2. CONSTRAINTS**

- 2.1. The application site is within Mid-Cherwell Neighbourhood Plan area. Immediately to the south of the site is a public footpath (364/5/10). Whilst not within the Conservation Area the Steeple Aston Conservation Area also extends along Fir Lane and is within 100 metres of the site.
- 2.2. Several mature trees exist across and adjacent to the site. These include a prominent row of roadside lime trees (Category A trees) located adjacent to the road to the east of the site and an old avenue of mature trees (horse chestnuts and beech – Category A and B trees) immediately to the north west of the site, which are subject to a Tree



Preservation Order. There are also numerous other trees around the boundary of the site including a belt of trees separating the site from the public footpath to the south.

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

- 3.1. The current application seeks permission to redevelop the site for a mix of Class E (commercial, business and service) and Class B8 (storage and distribution) uses as outlined in more detail below.
- 3.2. The current application would include the demolition of all the existing buildings (2,246 sq m of floor space) and the erection of several purpose-built new units (total of 2,215 sq m of floor space). The units would be arranged in a similar location to the existing units. There would be two smaller units located centrally to the frontage of the site. One of these would be a central hub building which would be a shared building with all the units on the site to include shared facilities such as toilets, meeting spaces and dining space. Four larger buildings would be located parallel to the road either side of the central buildings. An additional unit would be located to the south west. These larger buildings would be subdivided into 24 smaller business units ranging from 65 sq m to 200 sq m.
- 3.3. The buildings would be arranged over a single floor with ridge heights ranging between 4.1m and 5.5m largely with simple pitched roofs. The elevations would be clad in timber boarding and steel cladding with stone plinths. The roofs would be slate coloured roof sheets. Given the levels difference across the site a number of retaining walls are required and it is proposed that the retaining walls would be rendered in a light-coloured stone colour finish and the internal site road would be laid to a light coloured hoggin.
- 3.4. The site would utilise the existing access and the development would be served by 74 car parking spaces around the site and 34 cycle parking spaces.
- 3.5. It is also proposed to provide a new footpath link through the site to link back to the public footpath which runs through the tree belt to the south of the site.
- 3.6. In respect of the uses proposed on the site, Use Class E was introduced in 2020 and allows for much greater flexibility in uses. It covers a wide range of uses including retail, restaurants and cafes, professional services (e.g. solicitors, estate agents), indoor sport and fitness, medical facilities, childcare facilities, offices and light industrial uses. During the course of the application discussions have taken place with the applicant as a number of these uses were not considered appropriate for the site. As a result of the discussions further clarification has been given regarding the extent and nature of the uses proposed. These are:
  - Class E(g) (i) – Offices (formerly B1(a)): 732 sq m (33%)
  - Class E(g) (ii) and (iii) - Research and development and light industrial (formerly B1(b) and B1(c): 862 sq m (39%)
  - Class B8 – Storage and distribution: 422 sq m (19%)
  - Ancillary Use (Hub) including toilets, meeting space, etc: 198.81 sq m (9%)

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

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

#### Whole site

55/00153 – Erection of poultry plant for research – Permitted

75/00367 – Residential development – Refused

82/00414 – Erection of 2 broiler houses – Permitted.

82/00483 – Extension to two broiler houses – Permitted

96/00939/F - Change of use of buildings to B1, B2 and B8 uses inc. m/cycle repair workshop, car preparation, metal fabrication, vehicle maintenance, joinery store/workshop, furniture store/restoration, catering equipment store, assoc. landscaping, parking and access works (RETROS.) – Refused due to impact on highway

97/01419/F - Change of use of building Nos 2, 3, 4, 5, 8 and 9 to various B1, B2 and B8 uses (offices/general industrial/warehouses). Use of building (Jabaville) as scout hut and use of existing office building as office not assoc. with poultry farm. (RETROSPECTIVE)- This application was permitted subject to conditions and a legal agreement. The legal agreement required the removal of a number of former buildings, the laying out of the access and parking and the provision of landscaping etc. It also includes several conditions including condition 1 which only allows for the buildings to be used for the uses specified within the application in the interests of amenity and highway safety. It later appears that an informal mechanism was introduced which allowed for the occupiers to change through an exchange of letters between the applicant and with the Local Planning Authority. This however subsequently this appears to have been removed by a further letter. This consent also included conditions which restricted the use of outdoor spaces, hours of operation, parking and landscaping.

- 4.2. A number of further permissions have been granted on the site however these have generally been made personal to the intended occupier or strictly controlled through conditions. These include the permissions outlined below:

#### Northern western Building

00/00014/F - Change of use from storage of catering equipment (B8) to car disassembly (B2) and storage/distribution of parts (B8) – Permitted

00/00985/F - Change of use from storage of catering equipment (B8) to Prestige Car Preparation (B2) – Permitted

#### South western building

07/01779/F - Change of Use from sui generis use to Class B1 (business) use – Permitted (required business to be approved in writing prior to occupation)

03/01548/F - Change of use to repair of vehicles and operate coach and mini bus for private hire and HGV freight (RETROSPECTIVE) – Permitted (personal consent)

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

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

19/00185/PREAPP - Redevelopment of site in same uses (B1, B2 and B8 use and a community use)

- 5.2. It was stated that the redevelopment of the site could be acceptable in principle however concerns were raised over the extent of the site and a new scout hut facility. Concerns were raised over the layout and scale of the proposal and the impact on the

character and appearance of the area and setting of the Conservation Area. It was advised that buildings should generally be single storey and retain a low key and simple appearance. It was also stated consideration needed to be given to the tree on the site. In regards to highway matters it was advised matters be discussed with the Highway Authority and some concern was raised over HGVs. It was stated that ecology, flood risk, drainage and energy reports would need to be included with any application.

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **21 May 2021**.

6.2. 57 letters of objection and 4 comments have been received. The comments raised by third parties are summarised as follows:

- Highways
  - Increase in traffic (including HGVs) on unsuitable local narrow roads leading to highway safety concerns and risk of accidents on the neighbouring roads and through the various routes through the adjoining villages.
  - No offer of a traffic crossing operative has been included in the application or traffic calming outside of the school.
  - Increase in traffic significantly underestimated by the proposal
  - Increase risk to school and pre-school children which is located close to the site particularly at peak times from additional traffic, type of traffic, worse congestion and on street parking
  - School already generates high levels of traffic
  - Increase congestion
  - Modal share in application reports is wildly optimistic
  - There is no safe pedestrian route between village and site. Cycling opportunities are limited. Topography of the area is not favourable to walking and cycling.
  - Poor public transport in the locality and no guarantee the bus service will remain
  - The site is not located in a sustainable location.
  - Construction traffic on unsuitable roads.
  - The proposal is too large for its location.
  - Already significantly more traffic in the area due to ongoing developments such as at Lower Heyford.
- Inadequate parking provision leading to on street parking to the detriment of highway safety and leading to congestion
- Character and appearance
  - Impact of additional traffic on the character and appearance and heritage assets of the area.
  - Coalescence between Middle Aston and Steeple Aston.
  - Buildings not in keeping with the stone properties in the village.
  - Parking to the frontage would urbanise the site.
  - The provision of a footpath would be harmful to the character and appearance of the area and result in creeping suburbanisation.

- Concerns over future changes of use within Use Class E and further changes to other uses with subsequent impacts (e.g. traffic, opening hours)
- Residential amenity
  - Disruption from additional traffic and noise to residents and school
  - Risk of damage to properties in the village from extra traffic.
- Increase in air pollution and light pollution.
- No need for the development.
  - Plenty of existing industrial sites in urban areas.
  - Increases in working from home will mean there is not need for such premises.
- 2 buildings don't have a specified use class
- The development includes 2 land registry tiles one currently with no buildings. The new layout encroaches onto the undeveloped part (unit 1) and would change its planning status.
- A Polecat, which is a Priority Species, has been sighted near the site.

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 AND NEIGHBOURHOOD FORUMS

7.2. MID CHERWELL NEIGHBOURHOOD PLAN: **Objects** principally on the grounds that it does not satisfy the criteria associated with Policy PC1: Local Employment of the MCNP and also gives rise to serious concerns regarding the impact of the scheme on the locality. The site is sensitive between 2 parishes. The desire for new purpose-built building is understood and supports the change, in principle, with Policy PC1 stating "*Continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged.*"

7.3. Policy PC1 continues with criteria that must be satisfied in order to gain that support:

*"Proposals for the establishment of new small businesses will be considered favourably where they:*

*a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy, or enhance agricultural production.*

*b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.*

*c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking."*

7.4. Comment that it seems unlikely many people living in Mid-Cherwell will set up business at the site and there will be unlikely be any agricultural production. Acknowledge there would be benefits to the local economy, regardless of where staff come from, in terms of increased usage of local shops and other facilities.

- 7.5. The design and scale of the building appear more appropriate than early submission however concerns over frontage parking which has now been removed.
- 7.6. Concerns over amount of traffic and consider there could be significant amounts of traffic and staff at the site (up to 201 people based on floor space). Unconvinced that other modes of travel will be attractive to people and consider the car parking may be inadequate.
- 7.7. Concerns regarding that impact of additional traffic on the safety of the nearby school which is already congested and has safety concerns particularly at school drop off and pick up time. Additional parking on the road would render the route past the school virtually unusable the nature of the road.
- 7.8. Policy PD5 requires new housing development to provide new and improved footpaths and cycle ways to access village facilities. Whilst this relates to housing in the policy given the large number of people using the site a footpath link should be provided back to the village.
- 7.9. Concerns regarding traffic volumes in the wider neighbourhood plan area and the increase in traffic from the proposals is totally unacceptable to the two communities most affected. There are concerns over construction traffic and the impact on local roads and local residents.
- 7.10. If granted consent, permitted development rights should be removed. Furthermore, it should be ensured that the land between the application site and Lakeside Business Park is not considered ancillary to the use of the site for commercial purposes.
- 7.11. There are incorrect statements in the submission that say there was no highway objection to the original submission. Many concerns were raised regarding highways matters.
- 7.12. MIDDLE ASTON PARISH MEETING: **Objection.** Whilst some objections have been addressed, the proposal as revised remains unacceptable, because of its threat to the safety of residents and the damage to the rural nature of the village.

1. The application replaces seven existing buildings with seven new buildings divided into 25 units. The application is for Classes E (g)I, E(g)ii and E(g)iii uses (in 4 buildings), Class B8 (in 1 building); two buildings (Building 3 and the Hub) do not have a use class specified. (officer note: It has been confirmed building 3 would be for Classes E (g)I, E(g)ii and E(g)iii uses)

2. Object to the increase in road traffic, and risk to pedestrian and vehicle safety, which would result from the scale and intensification of the redeveloped site

3. Object to the urbanisation of its location and its visual impact on the rural space separating the parishes of Steeple Aston and Middle Aston

4. The assessment by the impact on traffic is seriously erroneous in several respects:

- a. Travel Demand, Business Units: This has been calculated by factoring up the floor area currently occupied to the floor area post-development. It applies no weighting to the increase in number of business units; currently each of the seven buildings is a single business unit, whereas the developed site would comprise 25 units, which will significantly increase the potential number of employees on the site. Allowing 12m<sup>2</sup> per person, the site could accommodate, fully let, around 180 people. This means that both the on-site parking requirement and the estimation of traffic flows relating to

employee arrivals and departures in this application are greatly understated, even if the travel mode share assumptions were reasonable, which they are not (see below)

b. Mode Share: The document predicts that 18.6% of employee arrivals and departures will be by bus, train, bicycle or on foot. This is considered to be overestimated given the lack of services serving the site

c. No account has been taken to visitors to the site in the traffic estimates provided.

5. Parking is inadequate. 74 car parking spaces are proposed. If only 81.4% of 180 employees travel by car in single occupancy, that would require 146 spaces. This will result in inappropriate on street parking on the already narrow road, creating a major safety hazard for children and parents, and serious congestion for through traffic

6. The local road network is narrow and not suitable for significantly increased levels of traffic, either from goods vehicles or increased commuting. No footpaths exist to the site. Concerns therefore relate to this proposal's potential impact upon the safety of pedestrians, and most particularly, children given the proximity of the school. The proposal would have an unacceptable impact on road safety, noise and disturbance, in conflict with Policy PC1 of the Mid-Cherwell Neighbourhood Plan and paragraph 109 of the National Planning Policy Framework.

7. The proximity of Dr Radcliffe's Primary School: The proposal would be contrary to the Oxfordshire County Council a School Streets initiative given the increase in traffic. Traffic congestion close to Dr Radcliffe's is already a great concern at peak school times and this will make it very much worse and extremely hazardous. Support the statement of OCC Highways Department that, for approval to be given, "A footway between the site access and Steeple Aston will be required" as this would provide some protection for pedestrians on this section of Fir Lane. However the Transport Addendum submitted by Mode suggests that a footway entirely within the development site would satisfy this requirement, which is manifestly absurd in relation to the safety of parents and children at the school.

8. Urbanisation: The site currently has a strong rural feel, due to its agricultural origins. Would not want any development to detract from that character, or create a ribbon of continuity between Middle Aston and Steeple Aston. Appendix K of the Neighbourhood Plan includes a character assessment of Middle Aston which lists among its key features "the rural approaches to the settlement". The saved policy C15 of the Cherwell Local Plan 1996 seeks to prevent coalescence of settlements. Our particular concern is that the likelihood of parking overspill on to the road will fill the green rural space that separates the two settlements.

9. If despite the objections raised, this proposal is allowed to proceed, it is essential that the following implemented and enforced as conditions of approval:

i. Absolute prohibition of all construction vehicle movements between 08.30 and 09.30, and between 14.45 and 16.00, on Mondays to Fridays in school term time

ii. signage at the northern end of Middle Aston Lane (Somerton Road junction) prohibiting all construction traffic

iii. similarly, signage at the Middle Aston exit from A4260 prohibiting all construction traffic in addition to the existing advisory notice on HGV unsuitability

iv. The creation of a footway along Fir Lane, from the site entrance to Dr Radcliffe's School, prior to the commencement of demolition and construction work

### 7.13. STEEPLE ASTON PARISH COUNCIL: **Objects.**

- 7.14. Intensification of use: The proposal introduces a large number of office and other staff to the site which could lead up to 201 people on the site (adopting 11 sq m per person). The parking provision is inadequate. The existing buildings are not suitable for such numbers so the current proposal will result in significant intensification.

Contrary to SLE1: Considers proposal to be contrary to SLE1 for numerous reasons including no justification provided to support the intensification of the use, vehicle traffic will be detrimental to amenity, character and safety and will be dominated by private car use. Also, no evidence of need has been provided as required by SLE1.

Traffic Volumes: The roads through the villages are inappropriate for more traffic and single lane in many places. The increase in traffic at the likely level is totally unacceptable.

Pedestrian Safety and the school: Concerns over safety pedestrians and children from additional traffic and parking particular at peak school times. This is already an issue. There is no pavement between the site and school and pedestrians have to walk in the road at peak times due to parking and the road is congested and single width. The proposal will exacerbate this. A footpath link between the site and school is required to be on public highway (not private land)

Parking provision: The parking provision is inadequate for the likely number of employees at the site. This will lead to on street parking to the detriment of highway safety and the character and appearance of the area.

Travel Plan and vehicles movements: The modal share in the Transport Statement and Travel Plan are unrealistic given the distance to public transport and lack of evidence that there is a need for the development on the site to serve local residents. This will result in further traffic being generated and does not take account of other visitors. The increase in levels of pollution from additional vehicles is also unacceptable. The application will cause a detrimental impact from increased traffic on the residents of Steeple Aston and on the character and amenities of the village and its Conservation Area. As a result it fails to satisfy policy PC1 of the Mid-Cherwell Neighbourhood Plan and CDC Local Plan policies ESD13 and ESD15.

Construction period: Noise, disturbance, vibration and safety concerns regarding construction traffic will cause significant disruption to residents particularly given the nature of the routes. Conclude that there is no suitable access for construction vehicles to reach the application site.

Proposed uses: Requires the proposed uses to be conditioned as part of any approval and other flexibilities removed.

Conflict with NPPF: Considers the proposal to be contrary to Paragraph 85 of the NPPF and is exactly what the NPPF guidance seeks to avoid – a development that has an unacceptable impact on local roads; the current footpath proposal also fails to facilitate safe access to the site on foot.

### OTHER CONSULTEES

- 7.15. OXFORDSHIRE COUNTY COUNCIL (OCC) HIGHWAYS: **No objections** subject to contributions towards the bus service and travel plan monitoring, an obligation to enter secure new footpath to link the site to the public right of way to the south of the site and various planning conditions.

- 7.16. Transport Development Control -The Transport Statement (TS) is considered to be an appropriate level of submission for a development proposal of this size. The following points are noted.
- 7.17. The TS does not present records regarding personal injury accidents (PIA) as is standard practice for a submission of this type. However, upon a review of latest available PIA data for the last five years OCC confirms the narrative in the TS.
- 7.18. Cllr Fatemian has voiced concern regarding the impact of the increased traffic generated by the development on Road Safety at Dr Radcliffe's C of E Primary School. OCC's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result OCC remains of the view that the additional traffic generated by the development does not give rise to a safety concern that needs to be addressed.
- 7.19. Table 4.2 of the TS presents a trip generation analysis and concludes that the development proposals will generate 13 additional trips in the AM peak hour, 8 additional trips in the PM peak hour and 42 additional trips over a 12 hour period. This increase in trip generation is considered unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network.
- 7.20. Table 6.1 of the TS demonstrates that the quantum of cycle parking to be provided will meet the County's standards. Table 6.2 of the TS shows that car parking provision of 79 spaces will exceed the 63 spaces required by the County's standards. This is not considered to be significant over provision. The parking accumulation presented in Figure 6.1 of the TS demonstrates that this shortfall should not result in unwanted on-street parking.
- 7.21. The Construction Traffic Management Plan (CTMP) is inadequate for a number of reasons. This is not a reason for the County to object to this planning application since an improved CTMP can be submitted in discharge of a condition of planning permission. An improved CTMP should be developed with reference to the County's checklist which forms part of the condition included in this document.
- 7.22. Transport Strategy - The location of this site is rural. The road network in the area reflects this rural setting, with roads being narrow, winding and lacking in visibility and lighting. There is a relative lack of walking and cycling infrastructure, including gaps in footway provision and it is challenging to implement walking and cycling infrastructure in this location.
- 7.23. The development site is not well located to allow sustainable connections due to the rural location and lack of existing walking, cycling and bus infrastructure within the surrounding area.
- 7.24. There is the 300 metre gap in footway provision between the site and the existing footway south of the site at Steeple Aston, with no measures proposed to address this in the Transport Statement. If the development is permitted, then OCC originally stated that the developer would need to provide a footway on the western side of Fir Lane between the site access and the existing footway in Steeple Aston which terminates at the vehicle access to Dr Ratcliffe's C of E Primary School to provide a continuous off carriageway link back to the village to enable access to service and facilities and encourage journeys by foot. However further to the receipt of the amended details they have stated that the footpath shown on within the Transport Addendum which only links the site with the public footpath of the south of the site and does not provide a continuous footpath back to the village would be acceptable



given the existing use of the site compared to the proposed use and the trip generation not being significantly increased.

- 7.25. Public Transport - OCC seeks to ensure that development is well located in relation to the public transport network, and that schemes make financial contributions for the support of such services where this is relevant. Contrary to section 5.4 of the Transport Statement, the site is not "*located as to enable bus connectivity with the wider Oxfordshire area*". There are no suitable bus services available from two of the four places listed, those being Chipping Norton and Bicester. It is also considered highly unlikely that staff would make use of Heyford railway station. The site is not in a sustainable location for public transport access with walk distances to the nearest bus stops and railway station being significant. It is likely that the private car will be the principal mode of access to the site.
- 7.26. In the event that permission is granted the development should make a contribution towards the retention and improvement of the S4 bus service through Steeple Aston. Based on an increase of AM peak vehicle trips of 13, and an assessment comparison with a recent site elsewhere on the S4 corridor, the County Council requires a public transport services contribution of £40,989.
- 7.27. Travel Plan - The application is accompanied by a Framework Travel Plan (FTP). This has been reviewed by OCC's Travel Plans team, and is closely aligned to that which was submitted with original application 20/01127/F. As such it is considered acceptable and should be activated on first occupation of the development. Thereafter the FTP should be monitored and updated as set out in Section 8 of that document. The proposal will trigger the need for monitoring the Framework Travel Plan. This will require a monitoring fee of £1,446
- 7.28. CDC CONSERVATION: **No objections**. The existing buildings have no historic merit, although they largely have an agricultural character and therefore are relatively inconspicuous within the countryside. There are no concerns with regards to the removal of these buildings. The design of the new buildings has been amended and they now have an appearance which is more akin to the agricultural character of the site. Furthermore, the size of the proposed buildings is much closer in scale to the existing buildings on the site. The layout and form also replicate the existing and this is considered to reduce the dominance of the buildings and ensures the development is in keeping with its countryside location. Overall, it is considered that the proposals will preserve the character of the rural approach to the Steeple Aston Conservation Area.
- 7.29. CDC ECOLOGY: **No objection**. The submitted information is appropriate in scope and depth and whilst the bat surveys will need to be updated for a licence they are sufficient for determination of the planning application. Beyond the bats there are no major protected species issues on the site. An unverified record of a polecat has been made. Whilst the buffer zone to the wooded area should help prevent disturbance additional enhancements on site with these species in mind should be considered here. Recommended conditions requiring a licence, a Construction Environment Management Plan for biodiversity, a lighting scheme, and a Landscape and Ecological Management Plan including biodiversity enhancements (with biodiversity calculator) to ensure that a net gain in biodiversity is secured.
- 7.30. CDC ARBORIST: **No objections** to the original submission subject to condition regarding implementation of tree protection plan and method statement.
- 7.31. LEAD LOCAL FLOOD AUTHORITY: Further to the receipt of additional information raise **No objections** subject to conditions requiring implementation of drainage strategy and evidence of provision.

- 7.32. THAMES WATER: **No objections.** The waste water network, sewage treatment works infrastructure, water network and water treatment infrastructure has capacity.
- 7.33. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on ground investigation and provision of electric vehicle charging points.
- 7.34. OCC ARCHAEOLOGY: **No objections**
- 7.35. CDC RIGHTS OF WAYS: **No objections.** The public right of way should remain clear at all times.
- 7.36. CDC RECREATION AND LEISURE: **No objections.**
- 7.37. OCC MINERALS AND WASTE: **No objections.** The site lies in the Mineral and Waste Strategic Resource Area (SRA) 8 (Duns Tew Area) for soft sand. Policy M8 of the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy states that development that would prevent or otherwise hinder the possible future working will not be permitted unless certain criteria are met. As the site already has buildings which are being replaced with new buildings in the same location and due to other buildings around the site, no objection to this application.

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20 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 (CLP 2015)

- Policy SLE1 - Employment Development
- Policy SLE4 - Improved Transport Connections
- Policy BSC12 - Indoor Sport, Recreation and Community facilities
- Policy ESD1 - Mitigating and Adapting to Climate Change
- Policies ESD3-ESD5 – Sustainable construction and renewable energy
- Policies ESD6 – 7 – SUDS and flood risk
- Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13 - Local Landscape Protection and Enhancement
- Policy ESD15 - Design and the Built Environment
- Policy ESD17 - Green Infrastructure
- Policy Villages 1 - Village Categorisation

### Saved Policies of the adopted Cherwell Local Plan 1996 (CLP 1996)

- Policy EMP1 - Allocation of sites for employment generating development
- Policy TR7 - Minor roads
- Policy TR10 - Heavy Goods Vehicles
- Policy C8 – Sporadic Development in the Open Countryside
- Policy C15 - Coalescence
- Policy C28 - Design Considerations

### Mid-Cherwell Neighbourhood Plan (May 2019)

- Policy PD4 - Protection of Important views and vistas
- Policy PD5 - Building and Site Design
- Policy PD6 - Control of Light Pollution
- Policy PC1 - Local Employment

### Other

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Steeple Aston Conservation Area Appraisal
- Conservation of Habitats and Species Regulations 2017

## **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 including heritage impact
- Highways matters
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Other matters

### Principle of Development

#### *Policy Context*

- 9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and case law has determined that the Development Plan is the starting point for decision making. In this case the Development Plan consists of the CLP 2015, the Saved Policies of the CLP 1996 and the Mid Cherwell Neighbourhood Plan (2019) ('MCNP').
- 9.3. Policy SLE1 of the CLP 2015 relates to employment development and in respect of existing employment sites states that employment development will be focused on existing employment sites, including in the rural area and that intensification will be permitted subject to compliance with other policies in the Plan and other material considerations. The policy then states that, unless exceptional circumstances are demonstrated, employment development in the rural area should be located within or on the edge of Category A villages (as defined by Policy Villages 1).
- 9.4. Policy SLE1 then goes on to list a set of criteria against which proposals new employment proposals in rural areas will be considered. However, given that this proposal is for the redevelopment of an existing employment site these criteria need to be considered in this context and in light of the earlier statements in this policy that employment development will be focused on existing employment sites and permitted on existing and vacant employment sites in the rural areas including intensification.
- 9.5. Policy ESD1 states the Council will mitigate the impact of development on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and by delivering development that reduces the need to travel.
- 9.6. Policy PC1 of the MCNP also considers employment development and states that continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged. It

goes onto state that proposals for the establishment of new small businesses will be considered favourably where they:

a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy or enhance agricultural production.

b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.

c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking.

- 9.7. The NPPF also highlights that significant weight should be placed on the need to support economic growth and should enable the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings. Paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

#### *Assessment*

- 9.8. The application site is an existing employment site within the rural area of the district. It is therefore not a new employment site for the purposes of planning policy where the more rigorous tests outlined in Policy SLE1 relating to justifying the principle of the use in a rural location would apply. The area of land to be developed largely remains within the historically approved site area and whilst there is a small extension to this area it is not considered to be significant in policy terms.
- 9.9. The current proposal is therefore considered to be an intensification of an existing employment site in the rural area, which is broadly supported by Policy SLE1 of the CLP 2015 and PC1 of the MCNP. Furthermore, the proposed development would not significantly increase the amount of commercial floor space available at the site (indeed it represents a slight decrease). It is acknowledged that the current site appears to have historically operated at a very low level, but the existing floor space could be used - i.e. the use could significantly increase - without further consent.
- 9.10. The Mid Cherwell Neighbourhood Plan Forum has raised comments that the proposal may not be occupied by local businesses or enhance agricultural production in line with Policy PC1. However, the planning system cannot dictate that local companies occupy the site. The proposal would provide 'opportunities' for new employment for people living in the local area with a range of units and uses and would also help support the local economy.
- 9.11. Concerns have also been raised that the applicant has not demonstrated a need for the development to be in this location. However, given the fact the site is an existing employment site of a similar scale in the rural area where Policy SLE1 supports intensification this is not considered reasonable to require and would be more appropriate in circumstances for where a *wholly new* employment site is proposed

(i.e. where the site is not the redevelopment of an established employment site as is the case here).

- 9.12. The site is in close proximity to Steeple Aston which is a Category A village with food shop, public house, primary school and post office. The site is also previously developed land and in officers' opinion complies with Policy SLE1 in this respect. The applicant has also provided a Market Summary Report from Cartas Jonas which states that, despite the pandemic, in general terms the Oxfordshire commercial market remains strong and nearby similar developments have near full occupation and they consider there is a strong market for such proposals. The site will also provide a number of small units which may provide employment opportunities for local people which is supported by PC1 of the MCNP.
- 9.13. Concerns have been raised regarding the locational sustainability of the site in regard to opportunities for walking, cycling and public transport. The NPPF notes that opportunities for sustainable transport will vary between urban and rural locations. The site is located near to Steeple Aston and opportunities to walk and cycle to the site would be available to residents albeit some of this would be in the road carriageway as the public footpath from the village on Fir Lane terminates at the access to the school and does not extend to the site (see the following paragraph). Notwithstanding the site's relative locational sustainability, the application relates to an *existing employment site* and the decision maker must have regard to the existing situation, which may be considered a fallback position, and that the proposal would not result in any new net floor space over the existing.
- 9.14. Oxfordshire County Council (OCC) as Local Highway Authority originally requested a new footpath to the west of Fir Lane to provide a new continuous segregated footpath between the site and Steeple Aston. However, during the course of the application, the applicant has agreed to provide a footpath link through the site to link to the public right of way which exists in the tree belt to the south of the site and to the north of the school playing field. This would not provide a continuous footpath link back to the village via a segregated footpath, and people would still need to walk on the verge or in the road for approximately 120 metres. However, it would provide an *improved* connection back to the village compared to the existing situation. Whilst this is not ideal in terms of a pedestrian connection and a continuous route would have been more desirable, OCC has confirmed that it considers the arrangement put forward by the applicant to be acceptable given that the scale of development proposed under this application is very similar to that which already exists on the site. On balance, given: (i) the current site is already an existing employment site of a similar size; and (ii) the views of the Local Highway Authority re the footpath, the proposed arrangement is considered to be acceptable.
- 9.15. The closest bus stops to the site are on located on South Side approximately 1km to the south of the site and are served by the S4 Gold Service, which operates between Oxford and Banbury every hour Monday to Saturday. The service is hourly, although the distance to the bus stop is further than ideal. In discussions with the County Council the applicant has agreed to pay of contribution of £40,989 to help fund the continuation and enhancement bus services serving Steeple Aston in the operating hours of the site. The applicant has also agreed this contribution. The application is also accompanied by a Travel Plan to encourage sustainable forms of travel to the site which is considered acceptable and would require a monitoring fee to be secured through a legal agreement.
- 9.16. Opportunities also exist for cycling to the site. Whilst it is noted there are limitations regarding the opportunities for sustainable transport options, given the site is an *existing employment site* of a similar scale and the proposal is considered to comply with the Policy SLE1, which is supportive of intensification of existing rural

employment site, this would not warrant a reason to refuse the scheme. Furthermore, the NPPF acknowledges the difference between rural and urban areas needs to be taken into account.

- 9.17. It is noted that previous planning consents on the site have sought to restrict the businesses that operate from the site with the use of planning conditions (see planning history section for further information), and it appears that this requirement has been relaxed overtime, albeit without any formal application to vary or modify the condition. However, the current application has to be assessed against the relevant planning policies that exist today and these historic conditions do not alter the fact that the site is an authorised employment site.
- 9.18. During the course of the application negotiations have taken place regarding the type of uses proposed on the site. As noted elsewhere in this report Use Class E has been introduced and has a much wider range of uses that can operate under this use class. Many of these uses, such as offices, retail and restaurants etc., are 'main town centre uses' as defined by the NPPF, which would not be considered appropriate on this site at this scale without strong and robust justification given conflict with other planning policies. Therefore, during the course of the application and in discussions with Officers the following uses have been proposed on site (and could be controlled through condition) which more strongly align with the former use class order and Policy SLE1:
- Class E(g) (i) – Offices (formerly B1(a)): no more than 732 sq m
  - Class E(g) (ii) and (iii) = Research and development and light industrial (formerly B1(b) and B1(c)): no more than 862 sq m
  - Class B8 – Storage and distribution: 422 sq m
  - Ancillary Use (Hub) including toilets, meeting space etc: 198.81 sq m
- 9.19. Officers consider this balance of uses to be acceptable in principle having regard to current planning policy. Whilst offices (Class E (g) (i)) are defined as a 'main town centre use' in the NPPF, on balance and having regard to the context of the site (including history, scale and location) the extent of office use on the site is considered to be 'small scale rural offices' and therefore would be exempt from the sequential assessment in accordance with paragraph 89 of the NPPF. Furthermore, it is considered that, given the mix of uses likely to occur in the Hub building, it would be reasonable for a condition to be imposed on any permission given to require this building remain ancillary to the wider development.
- 9.20. In addition to the above, during the course of the application the extent of the application site has been reviewed and no longer includes the land between Lakeside Business Park to the west and the application site and relates much more closely to the previously consented application site. Any future application on this land outside of the red line would need to be considered on its own merits.

### *Conclusion*

- 9.21. The proposed development is considered to be a redevelopment and intensification of an existing rural employment site, which is supported by Policy SLE1 of the CLP 2015 and Policy PC1 of the MCNP. The site is located close to Steeple Aston, a relatively sustainable Category A village, and would provide opportunities for local employment given the range of uses. The type of uses proposed now more closely align with the employment uses supported by local planning policy. Overall, therefore, the principle of the redevelopment of the site is considered acceptable, with overall acceptability subject to compliance with other policies and other material considerations.

## Character and appearance including heritage impact

### *Policy context*

- 9.22. Policy ESD13 of the CLP (2015) states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting which positively contributes to an areas character and identity. It also requires new development to conserve, sustain and enhance the setting of heritage assets such as Conservation Areas.
- 9.23. Saved Policy C8 of the CLP 1996 seeks to resist sporadic new development in the open countryside and Saved Policy C15 also states the Council will prevent the coalescence of settlement by resisting development in areas of open land, which are important. Saved Policy C28 states that all development should ensure that the layout, design and external appearance are sympathetic to its context.
- 9.24. Policies PD5 and PD56 of the MCNP are also relevant and sets out that proposals should have full regard to the Heritage and Character Assessment of the Neighbourhood Plan, should be sensitively designed and should minimise the risk of light pollution.
- 9.25. The NPPF advises that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character and history. In regard to heritage assets the NPPF states assets should be conserved in a manner appropriate to their significance and great weight should be given to assets conservation. Where development would lead to harm (including setting) it should require clear and convincing justification. Where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the scheme.

### *Assessment*

- 9.26. The existing site lies outside the built limits of the village and has a rural character and appearance. The trees around the site, including along the frontage, make a positive contribution to the character and appearance of the locality. Whilst the existing buildings on the site are of limited architectural merit, they are existing structures and maintain a strong agricultural character and appearance, associated with their previous use as poultry sheds. The site currently contributes to the rural setting of the villages and the Conservation Area. The Conservation Area Appraisal includes the 'Peripheral Areas' Character Area closest to the application site and states '*As the name suggests, these areas are set at the extreme edges of the historic core and have a less formal feel to them when compared with the traditional streets. Despite being separated, these entrances to the village are similar in their low-key rural approaches to the historic areas.*' The visual appraisal for the area identifies significant trees and important hedges and vegetation in the area.
- 9.27. With the exception of the new building in the south west part of the site, the layout of the buildings would largely be based on the existing arrangement of buildings on the site and would therefore reflect the existing layout of the site. The proposed buildings would be taller than the existing buildings. However, the buildings on the frontage would be single storey in scale and retain a relatively simple form with pitched roofs parallel to the road. The use of the materials with stone plinths and timber cladding would also help to provide a rural character and appearance to the scheme and provide a modern 'barn like' appearance, which Officers consider would be appropriate for the site.

- 9.28. During the course of the application, the plans have been amended at the request of officers to remove areas of parking to the frontage of the site given concerns over the urbanisation of the entrance to the village and the long term conflict with the mature lime trees along the road frontage. Amendments have also been made to make the elevations of the building facing onto the road more simple in appearance and to remove a bin store from the front of the site. These changes are considered to help retain the rural appearance and character of the locality and ensure a simple rural appearance to the development. The Conservation Officer raises no objection to the amended scheme and it is considered to preserve the setting of the nearby Conservation Area as a heritage asset.
- 9.29. The scheme has been designed to work with the levels of the site which rises to the rear and would look to utilise the floor slabs of the existing buildings to some extent. The retaining walls will be finished in a soft coloured render and the circulation and parking areas would be in a light coloured hoggin, which is considered to be appropriate to the rural context. It is proposed to retain the majority of the trees on the site, including the large lime trees to the front of the site by the road site and the historic avenue of mature trees to the west of the site. This would safeguard the verdant character of the site, which is important to the area and would be augmented by additional planting. The Council's Tree Officer has considered the submitted tree reports and impacts assessments and raises no objection to the scheme. The new building to the south west of the site would be slightly taller. However, given it is set back from the road and behind an existing building and would only form a small element of the built form on the site, on balance this is considered to be acceptable.
- 9.30. In terms of Saved Policy C15, which seeks to prevent coalescence of settlements, the proposed built form on the proposed development is largely located on the footprint of existing buildings and contained within the extent of the authorised site and would remain relatively low profile. Therefore, the impact in terms of coalescence between Middle Aston and Steeple Aston is considered limited in this case.
- 9.31. Full details of the materials of the development and any lighting scheme can be controlled through condition to ensure they are appropriate for the site and surroundings.
- 9.32. Overall, it is acknowledged that the site would appear more developed than is currently the case given the increase in height and bulk of the buildings and the likely increased level of activity on the site over present levels. However, the existing buildings are of no significant architectural merit and it is considered that the proposed development, for the reasons outlined above including scale and relatively simple design, is an appropriate design response for the site which would provide an improved employment offering on the site whilst also preserving the setting of the nearby Conservation Area and the verdant and rural character and appearance of the locality including the setting of the villages. The proposed development is therefore considered to be acceptable in design terms.

#### Highway matters

##### *Policy Context*

- 9.33. Policy SLE4 of the CLP Part 1 2015 states all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development and which have severe traffic impacts will not be supported. Saved Policy TR7 states that development that would attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted and Saved Policy TR10 has a similar trust in regard to HGV movements



- 9.34. Policy PC1 of the MCNP notes that favourable consideration will be given to proposals for employment development which are unlikely to generate a volume of goods traffic which would have a significantly harmful effect on road safety or amenity.
- 9.35. Paragraph 108 of the NPPF states that in assessing development proposals it should be ensured that safe and suitable access to the site can be achieved for all users; and the significant impacts from the development on the transports network or on highway safety can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Assessment*

- 9.36. The current proposal would retain the existing access onto Fir Lane to serve the development. The visibility from this is considered acceptable and to be in excess of the Manual for Streets stopping sight distance given the recorded 85<sup>th</sup> percentile recorded speeds and the LHA raises no objection to the application in this respect.
- 9.37. As part of the consultation on the application, local residents and the Parish Councils have raised significant levels of concerns regarding the impact of the development in respect of traffic generation, the adequacy of the highway network and highway safety matters alongside concerns over the amount of parking at the site. The roads serving the site are relatively narrow rural lanes with a number of pinch points being single width in some locations.
- 9.38. The application has been accompanied by a Transport Statement and Framework Travel Plan. These have been subject to consultation with the LHA, which raises no objection to the application subject to a legal agreement securing financial contributions to the bus service and travel plan monitoring and a number of conditions.
- 9.39. The Transport Statement reviews the traffic impact of the development which has included a baseline study of the vehicle trips associated with the existing land uses at the site (factored to take account of the vacant units) using a manual traffic count at the site. A forecast of the vehicle trips likely to be associated with the proposed development has been calculated through the interrogation of comparable site surveys in the TRICS database which is common industry practice for Transport Statements. This takes account of all trips to the site including visitors. The difference in traffic associated with the existing use of the site and the forecast traffic from the proposed development provides the net traffic generation. The mode share (i.e. whether people walk, cycle, use public transport or drive) for the development is based on the travel to work census data for the local area. Despite criticism of these methodologies by objectors, this approach and the trip generation and net impact is considered acceptable by the County Highways Engineer who provides the District Council with expert advice in this regard.
- 9.40. The submitted details show that in the AM peak there is estimated to be a total of 33 movements (a net increase of 13 compared to the existing) associated with the proposed development and 24 movements (a net increase of 8) in the PM peak (17:00-18:00). Over the course of the day (07:00-19:00) there is forecast to be 173 trips in total (a net increase of 42). The visits of heavy good vehicles to the site are likely to be limited due to the small size of the commercial units and be similar to the existing situation.
- 9.41. The LHA has considered this information and the characteristics of the site and surrounding road network and advises that the increase in trip generation is unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network so would be acceptable in this regard and not lead to a severe

impact which is the high threshold for refusal set by the NPPF in regard to such matters.

- 9.42. Concerns have been raised by local people and the Governing Body of the School regarding the impact of the increase traffic on the road safety at Dr Radcliffes C of E Primary School, which is located to the south of the site and, like many schools, has peaks of traffic at school drop off and pick up time including parking on the highway. The LHA has considered this in detail and has stated: *The County's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result the County still concludes that the additional traffic generated by the development does not give rise to a safety concern that the County needs to address.* Therefore, whilst the concerns of residents in this respect are noted it is considered that the level of traffic associated with the development would not lead to road safety concerns that would justify refusal of the application.
- 9.43. In regards to vehicle parking, the proposed development would provide 74 parking spaces including 12 spaces fitted for Electric Vehicle (EV) charging points. The applicant has also presented a parking accumulation exercise based on the trip generation forecast for the site which indicates that the parking would be adequate to serve the development. The Highway Engineer has considered these against the County Council's optimum parking standard, which the current proposal exceeds, and considers the level of parking to be acceptable to serve the development and should not lead to unwanted on street parking. The Highway Engineer has raised concerns regarding the number of EV charging spaces and have requested that 25% (19) of the spaces are provided with EV charging spaces. This can be controlled through condition. 34 cycle spaces will be provided at the site and this complies with OCC's Standard and is considered to be acceptable.
- 9.44. The application is accompanied by tracking plans and these demonstrate that the site would operate in a safe and efficient manner allowing vehicles to enter and leave the site in a forward gear.
- 9.45. The submission also included a Construction Traffic Management Plan. The LHA has raised a number of concerns regarding the details therein, but these matters can be controlled through a condition of any planning permission given. The concerns of residents regarding construction traffic are noted; however, given their temporary nature and with the submission of an amended CTMP this is not considered to be a matter which would justify refusal of the application.
- 9.46. Overall, the development is considered acceptable from a highways perspective and is considered to comply with the relevant planning policy and is not considered to result in a severe highway impacts or result in unacceptable highway safety impacts.

#### Residential amenity

- 9.47. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space.
- 9.48. Saved Policy ENV1 of the CLP 1996 state development which is likely to cause materially detrimental levels of noise, smell, fumes or other types of environmental pollution will not normally be permitted.
- 9.49. The proposed development is considered to be located a sufficient distance from the neighbouring properties to ensure it does not significantly impact on their residential

amenity. The scale of the buildings would be slightly taller than the existing buildings and would be clearly visible from the windows in the side elevation of the new dwelling to the north of the site, Millbrook House. However, given the distance, approx. 30 metres, the scale of the proposals and the fact that the development would largely replace existing buildings, the impact on this light or outlook to this property is not considered to be significant.

- 9.50. By the nature of the uses proposed (use class E(g) allows for uses which can be carried out in a residential area without detriment to its amenity) for the majority of the site they are considered to be appropriate for a residential area. The unit which is proposed to be used for storage and distribution is located to the to the southern part of the site and furthest from the dwelling to the north. The Council's Environmental Protection Officer has raised no objections to the application in this respect and officers agree with this assessment.
- 9.51. Concerns have also been raised that additional traffic through the villages would be raise to unacceptable levels of noise, disturbance and vibration. However, given the relatively small scale of the development this is not considered to be significant in planning terms.

### Ecology Impact

#### *Legislative context*

- 9.52. 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.
- 9.53. 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.
- 9.54. 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.
- 9.55. 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.

#### *Policy Context*

- 9.56. 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.
- 9.57. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.58. 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.
- 9.59. 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.
- 9.60. 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.
- 9.61. 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 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*

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

- 9.63. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.64. The application is supported by a Preliminary Ecological Appraisal which the Council's Ecologist considers to be appropriate in scope and depth. The habitats present within the site include buildings, improved grassland, amenity grassland, hedgerow, trees, ruderal vegetation and hard-standing with the mature trees and woodland being the habitats of greatest ecological value. Two buildings are also known to support roosting bats (day roost of low numbers) and the demolition of these will require a European Protected Species Licence.
- 9.65. The Council's Ecologist has considered the submitted information and advises the extent of surveys are adequate for a planning application. The demolition of the buildings will require alternative bat roost provision and this would be secured by the licence and through conditions and the Council's Ecologist considers that the suggested mitigation with roost replacements on mature trees and bat roosting features incorporated into the new buildings, is likely to be acceptable.
- 9.66. There are also unverified records of polecats being present on the site and the Council's Ecologist is satisfied that the proposal would not be harmful in this respect and that additional enhancements could be provided on site through the Landscape and Ecological Management Plan with this species in mind which is proposed to be secured through a planning condition.
- 9.67. A number of conditions are required to protect the ecology and biodiversity of the site including measures during construction, a lighting scheme to ensure it is not harmful to wildlife and a Landscape and Ecology Management Plan with biodiversity enhancement plan to ensure a net gain in biodiversity is secured on the site.
- 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 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.

#### Flood Risk and Drainage

- 9.69. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.70. The site is located in Flood Zone 1 which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. Surface water from the existing site is connected to a pipe to watercourse to the east of the site
- 9.71. The submitted Flood Risk Assessment and Drainage Strategy notes that the ground conditions are suitable for infiltration drainage and this strategy has been proposed to reduce rainwater run-off from the proposed development compared to the existing flow with the use of a number of trench soakaways and permeable surfacing. The

Lead Local Flood Authority (LLFA) has currently raised objections to the scheme requesting details of methods to improve water quality, details of existing and proposed flood exceedance routes and soakaway tests to demonstrate that infiltration rates are acceptable. These details have now been provided and the LLFA raises no objection to the scheme subject to the implementation of the drainage strategy. In light of the comment from the LLFA Officers consider the matters relating to flood risk and drainage are acceptable.

#### Other matters

- 9.72. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard. The proposed development has been accompanied by an Energy Assessment which confirms that the building will achieve BREEAM rate of 'Very Good' and this standard can be secured through a suitable planning condition. The energy efficiency measures include: good fabric insulation, improved air tightness and low energy light fitting with presence detection.
- 9.73. In regard to Policy ESD5 the application includes an analysis of renewable and low carbon energy provision. In this case it is proposed that the units will have air source heat pumps to provide heating and cooling as the most effective source of renewable energy. Solar panels had been considered but discounted due to the orientation of the buildings and tree coverage which would reduce effectiveness and future cost benefit to incoming tenants and air source heat pumps were considered more effective.

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

- 10.1. The proposed development would provide economic benefits in the form of providing opportunities for new jobs and construction activities. The principle of intensifying the use of an existing employment site in a rural area is considered to comply with Policy SLE1, which seeks to take a balanced approach to employment development in the rural areas of supporting development on existing sites whilst requiring justification for the establishment of new sites in line with the urban focus of the Development Plan. The site is located near Steeple Aston, a Category A village and one of the more sustainable settlements in the rural part of the district, and whilst it is noted that transport options are limited it is considered that a balanced application of the policy context alongside the existing use of the site indicates that the principle of the redevelopment of the site is acceptable.
- 10.2. The proposal is considered to protect the local environment by being sensitively designed to its rural setting and having regard to the ecological and natural constraints of the site. Whilst the proposal would lead to the creation of additional traffic on the nearby highway network this is likely to be relatively limited when compared to the existing use of the site and it is not considered to result in a severe impact on the highway network which is the high threshold set down by national planning policy. The LHA has carefully considered the highway safety matters and advises that the proposal would not result in unacceptable impacts in this respect.
- 10.3. Overall, the proposal is considered to comply with the Development Plan when considered as a whole and there are not considered to be any material considerations which would justify refusal. The proposed development is therefore considered to constitute sustainable development and it is therefore recommended that Planning Permission be granted.

## 11. RECOMMENDATION

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

- Contribution of £40,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston,
- Contribution of £1,446 to fund the monitoring and review of the Travel Plan

### 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 forms and drawing numbers PL001(SK) – Location plan, PL002 – Existing site plan, PL003 - Existing ground floor plan, PL004 = Existing Floor Plans. PL005 - Existing Floor Plans, PL006 - Existing site sections, 139990\_P101 G – Proposed site plan, 139990\_P102 E – Site plan overall, 139990\_P103 A – Site Sections, 139990\_P104 A – Site sections, 139990\_P105 A – Proposed site elevations, 139990\_P106 – Unit 1, 139990\_P107 – Unit 2, 139990\_P108 – Unit 3, 139990\_P109 – Unit 4, 139990\_P110 – Unit 5, 139990\_P111 – Unit 6, 139990\_P112 – The Hub, 139990\_P1113 – Visuals, HATCHTRP OCT21 - Tree retention and Protection Plan and HMA-LE-GEN-XX-DR-500-S5-A1-E – Proposed 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.

3. No development shall take place until details of all finished floor levels in relation to existing and proposed ground 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 full accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to the Local Planning Authority and agreed in writing. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
  - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
  - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
  - Contact details for the Site Supervisor responsible for on-site works,
  - Travel initiatives for site related worker vehicles,
  - Parking provision for site related worker vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
  - Engagement with local residents

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

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

Informative Note: The CTMP should follow Oxfordshire County Council's template.

5. 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.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

9. No works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the Habitat and Species Regulations 2017 (as amended) and a copy thereof has been submitted to the Local Planning Authority.

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.

10. Prior to any works above slab level full details of the pedestrian access through the site linking to the public right of way to the south of the site shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

11. 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 the measures in 5.2.1 and 5.3.1.1 of the submitted ecological survey and also include a plan of buffer zones and how they will be marked as well as any other timing and precautionary methodology/supervision needed for bats on site. 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.

12. Prior to any works above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of a biodiversity enhancement scheme to demonstrate a net gain in biodiversity for the site. The development shall not be carried out other than in accordance with the approved LEMP and the biodiversity enhancements shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

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.

**INFORMATIVE ON CONDITION 12:**

The LEMP shall include the use of a Biodiversity Impact Assessment Metric to demonstrate a net gain in biodiversity. The Council seeks to secure a 10% net gain.

13. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.  
(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

14. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. This shall include samples of the proposed timber, metal cladding and a sample panel of the proposed stone walls. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

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

15. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details

and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall not commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

17. Prior to any works above slab level, a scheme for the provision of vehicular electric charging points to serve at least 25% of the parking spaces 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 any part of the development and shall be 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, Policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy (2021) and to maximise opportunities for sustainable transport modes in accordance with paragraph 112(e) of the National Planning Policy Framework.

18. Prior to any works above slab level 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.

(d) details of any boundary fences or walls.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and shall be retained as such thereafter and the approved soft scheme shall be implemented by no later than 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.

19. 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.

20. Details of the any proposed external lighting including the design, position, orientation and the management of such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. It shall be demonstrated how the lighting scheme complies with the guidance outlined in Section 5.3.2.6 of the Windrush Ecology – Preliminary Ecological Appraisal (March 2021). The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the ecological value of the site and the visual amenity and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy PD6 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework

21. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose and shall be used for no other purpose whatsoever.

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 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

22. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:
- Proposed Drainage Strategy, HMA-LE-GEN-XX-DR-CE-500, Rev D
  - Flood Risk Assessment, HMA-LE-GEN-XX-RP-CE-FRA01-C-Flood Risk Assessment, March 2021

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

23. 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 any appointed management company information.

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

24. The development and tree protection measures shall be carried out in strict accordance with recommendations in the B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for commercial re-development (18<sup>th</sup> October 2021) document including drawing HATCHTRP-OCT21 unless otherwise agreed in writing under a separate discharge of planning condition.

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.

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

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision, traffic generation and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. No goods, materials, plant or machinery (other than vehicles) shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved under a separate discharge or variation of condition by the Local Planning Authority.

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

27. The hub building hereby permitted shall be used only for purposes ancillary to the remainder of the commercial units hereby permitted and shall not and shall not be sold, leased or occupied as a separate unit.

Reason: In order to ensure the uses are appropriate to the location of the site having regard to traffic generation and Policy SLE2, SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Part 3 (changes of use) and Part 7 (non-domestic extensions and alterations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be changed use, extended or hard surfaces laid within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the site shall only be occupied for the purposes falling within Class E(g) (i), (ii) and (iii) and Class B8 and no other purpose whatsoever. No more than 732 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E (g)(i) at any one time and no more than 862 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E(g) (ii) and (iii) at any one time. The remaining floor area is restricted to those uses falling within use Class B8 or ancillary uses.

Reason: In order to retain planning control over the use of the site, to ensure residential amenities are protected and the character of the area is maintained, and to ensure the development complies with Policies SLE1, SLE2, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## APPENDIX 2

### **Recommendation**

As set out in the published report

### **Agenda Item 10**

**21/01123/F**

**Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester**

### **Additional representations received**

None received.

### **Recommendation**

As set out in the published report. However, condition 16 reworded to the following:

16. No development shall commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

### **Agenda Item 11**

**21/03017/F**

**94 The Moors, Kidlington, OX5 2AG**

This application was **WITHDRAWN** on the 29 November 2021.

### **Agenda Item 12**

**21/02472/F**

**The Ben Jonson Inn, Northampton Road, Weston on the Green**

### **Additional representations received**

Five additional representations have been received from members of the public, all objecting to the application, including the current landlady of The Ben Jonson. New issued raised are summarised as follows:

- Garden is used approximately 5 months of the year for dining – pub would not survive if half of garden was taken away – loss of 9 tables
- The Ben Jonson was a failed business for at least 10 years prior to taking over 2 years ago – unsustainable overheads vs. amount of trade
- Play area attracts families during holidays
- Punch have never invested in the property despite being ongoing failed business – false claim that they will re-invest into business, only raised prices
- New dwelling will overlook pub garden
- Final nail in the coffin, The Ben Jonson business and pub will not survive another year

Agenda Item 9  
**21/03426/OUT**

**Land Opposite Hanwell Fields Recreation  
Adj To Dukes Meadow Drive  
Banbury**



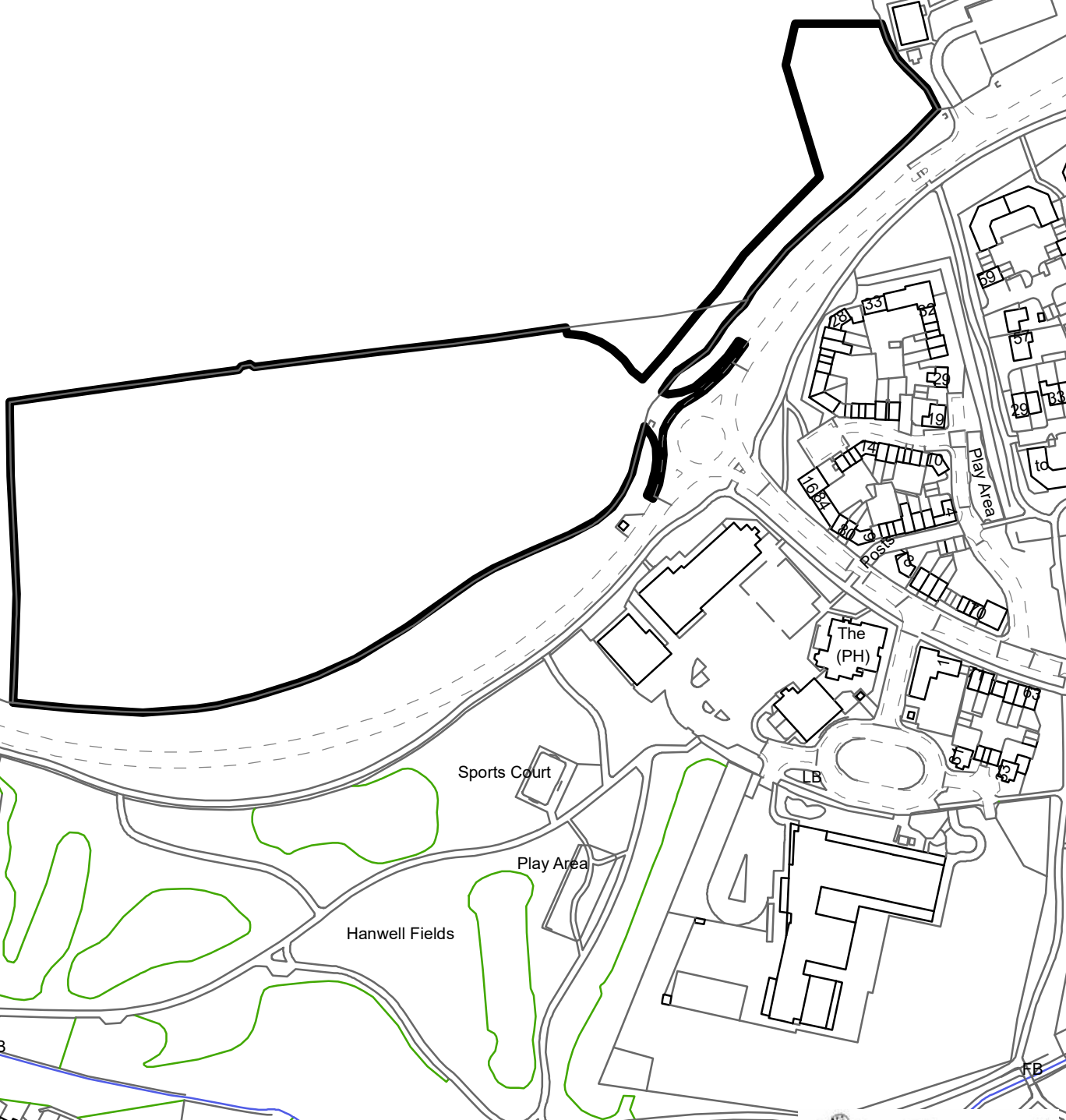
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# 21/03426/OUT

## Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



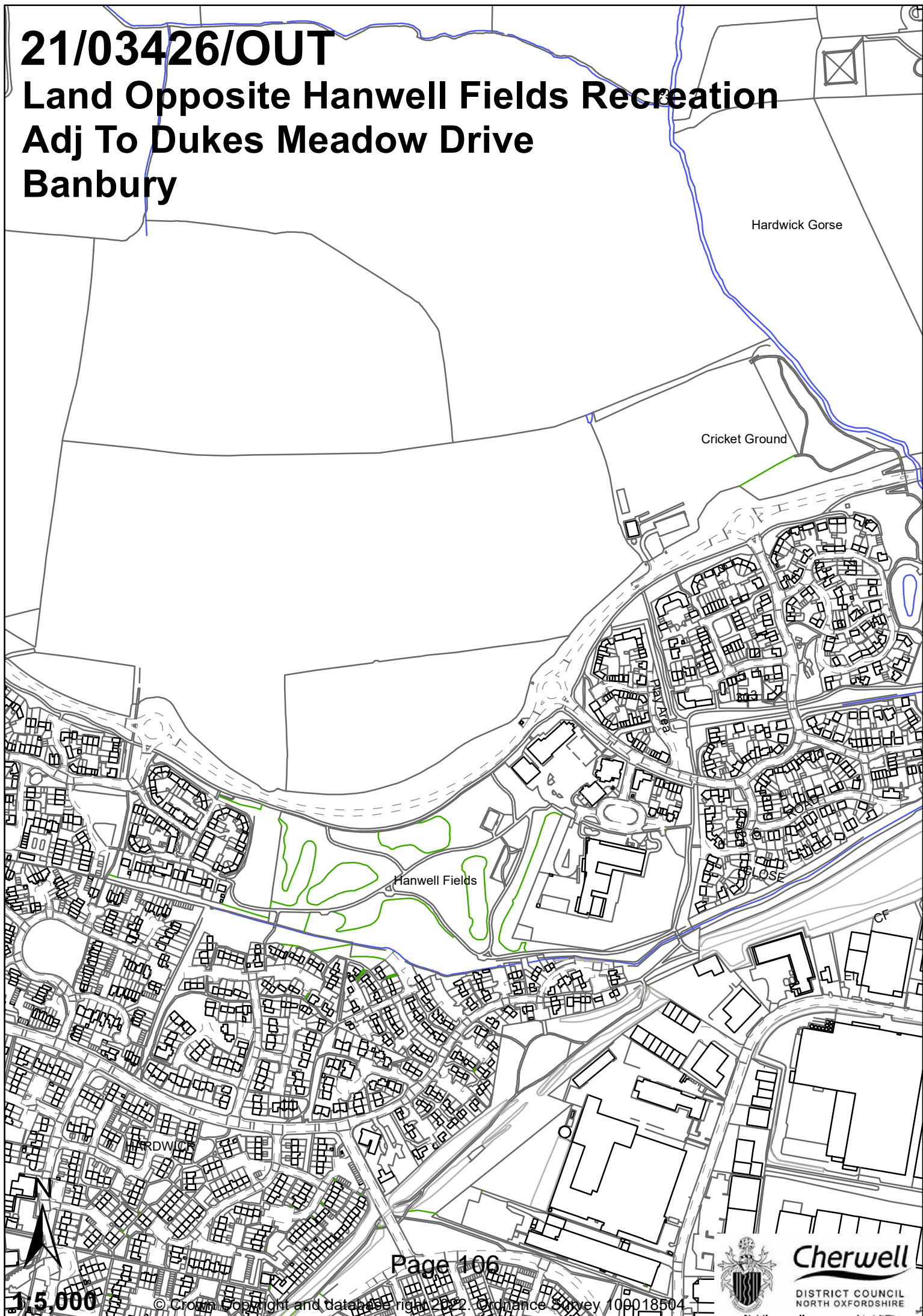
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# 21/03426/OUT

## Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



Hardwick Gorse

Cricket Ground

Hanwell Fields



**Case Officer:** Rebekah Morgan

**Applicant:** Mr P M Donger, Mrs S M Donger and Manor Oak Homes

**Proposal:** Outline planning application for up to 78 dwellings and associated open space with all matters reserved other than access

**Ward:** Banbury Hardwick

**Councillors:** Cllr Nathan Bignell, Cllr John Donaldson and Cllr Tony Ilott

**Reason for Referral:** Major development

**Expiry Date:** 6 May 2022

**Committee Date:** 7 April 2022

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**SUMMARY OF RECOMEDNATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT.**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is comprised of former agricultural land totalling approximately 3.6 hectares of land to the north of the existing Hanwell Fields estate in Banbury. The land is accessed from an existing arm on a roundabout on Dukes Meadow Drive (the spine road for the existing residential estate). The site is bounded by established hedgerows along the northern, western and eastern edges and landscaping and post and rail fence along the southern edge (Dukes Meadow Drive). The site slopes gently upwards from east to west.
- 1.2. The site is immediately to the north of the built-up residential area of Hanwell Fields, directly opposite the community facilities, local shopping area, public house, school, public open space and play areas and the sports/recreation ground lies immediately to the east.

**2. CONSTRAINTS**

- 2.1. The application site has the following constraints:
- Within Flood Zone 1 – i.e., the land is the lowest flood risk
  - Within 2km of a Site of Special Scientific Interest, but not close
  - There is a public footpath on land to the west of the site that leads up the hill to the village of Hanwell, to the north

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks outline planning permission for up to 78 dwellings and associated open space. All matters are reserved except for access.

- 3.2. The applicant states the proposal is led by the following key principles:
- The delivery of up to 78 dwellings in total of a range of sizes, types and tenures;
  - Development at an approximate density of 25-30 dph (typical of the existing Hanwell Fields estate);
  - Provision of just over 30% affordable housing (24 dwellings) – with mix in line with SHMA requirements;
  - A suitable layout and planting scheme;
  - Access from Dukes Meadow Drive roundabout;
  - Two new footpath links southwest from the site towards the existing footpath network;
  - A proposed perimeter block style layout in keeping with the existing development on the southern side of Dukes Meadow Drive and taking cues from the emerging development at Sites Banbury 2 and Banbury 5; and
  - An integrated SUDS drainage system using a series of surface attenuation ponds to ensure discharge can be maintained at greenfield rates.
- 3.3. Timescales for Delivery: The applicants planning statement advises that, in the event that planning permission is granted, *'swift delivery could be assured through the application of bespoke conditions requiring submission of reserved matters within 18 months and a shortened implementation period thereafter'*. The letter advises that first to last completion would likely take around 18 months, with a single developer on the site.

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

- 4.1. The following application(s) are relevant to the application:

21/03484/SO: Screening opinion 21/03426/OUT – Outline planning application for up to 78 dwellings and associated open space with all matters reserved other than access.

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

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

21/01880/PREAPP: Erection of between 60 to 70 dwellings dependent on officer advice and design.

- 5.2. The pre-application advice set out the Council's 5-year housing land supply position (4.7yrs at the time of issue) and accepted the LPA could not demonstrate a 5-year housing land supply. Therefore, the tilted balance as set out in para.11 of the NPPF would apply in the consideration of any application.

- 5.3. With regards to impact on the character of the area, the applicant was advised to submit a full LVIA, however, it was considered that the lack of a 5-year housing land supply was likely to outweigh any potential visual impact bearing in mind the site lay in a natural dip and was well contained by natural topography and boundary hedgerows. The principal of the proposal was supported given the sustainability credentials of the settlement and site.

## **6. RESPONSE TO PUBLICITY**

6.1. The 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 **24 November 2021**.

6.2. 36 letters of objection have been received, no comments and no letters of support. The comments raised by third parties are summarised as follows:

- The site is not allocated in the Cherwell Local Plan;
- There are areas of land around Banbury already approved for development – these should be developed first;
- Application is premature in light of the current Local Plan review;
- Development would encroach on the village of Hanwell and impact its rural setting;
- It would set a precedent for further development towards Hanwell;
- Development should focus on brownfield sites;
- Conditions should be included to protect the land beneath existing and planted trees to keep them free from surface treatments;
- Comments relating to sustainability (reference to public transport, access to further transport opportunities, and the commercial and employment activities in Banbury) are overly optimistic;
- Dukes Meadow Drive should form the northern (unbreachable) extent of the town;
- The immediate locality and services of the town more broadly are currently unable to cope with further development;
- Loss of countryside;
- Detrimental impact on wildlife;
- Detrimental impact on traffic in the area and through the village of Hanwell;
- Light pollution;
- Noise pollution;
- Disruption during construction;
- Landscape impact – prominent views of the site from the east; and
- Banbury does not have suitable infrastructure to accommodate further development.

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. BANBURY TOWN COUNCIL: **Objects**; they understand the District Council cannot demonstrate a 5yr housing land supply, but nevertheless object that by reason of its scale and siting beyond the built up limits of the settlement, and within the countryside, the proposal would result in development of a greenfield site that contributes to the rural character of the approach into Banbury and is important in preserving the character of the this edge of Banbury, with Dukes Meadow Drive providing a firm urban fence to the town.

This concern is considered to outweigh the tilted balance that exists where land supply is deemed to be insufficient. The proposal is therefore unacceptable in principle and contrary to Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7.3. HANWELL PARISH COUNCIL: **Objects**; for the following reasons:
- The proposed site is not allocated within the Cherwell Local Plan and is therefore premature and contrary to the Development Plan. Approval of the proposal would seriously prejudice consideration of alternative sites and preparation of the current Local Plan review;
  - The site was assessed as 'not suitable' in the 2018 HELAA;
  - The proposed housing development would have seriously harmful impacts on the local area, which adopted planning policies prevent; namely a significant urban extension (unallocated site), piecemeal housing development in the open countryside and loss of important, prominent landscape features that add to the character and identity of the area of open countryside;
  - Development of the site would set a precedent for further development north of Dukes Meadow Drive, resulting in the gradual loss of the strategic gap between Banbury and Hanwell;
  - Do not support the argument that a lack of 5yr housing land supply justifies the development;
  - The site is not sustainable and therefore contrary to planning policies;
  - Consider the notional benefits of the scheme (argued by the applicant) are demonstrably outweighed by the harm associated with the development; and
  - After COP26, there must be much more emphasis on the overall sustainability of future development. This can only be achieved through a robust national and local planning framework, not through piecemeal development.

It is noted that the full response makes reference to relevant adopted planning policies in the Cherwell Local Plan 2011-2031 and 'saved' policies from the Cherwell Local Plan 1996.

## CONSULTEES

- 7.4. LEAD LOCAL FLOOD AUTHORITY: **No objection**, subject to conditions relating to surface water drainage and a site wide SUDs strategy.
- 7.5. OCC HIGHWAYS: **No objection**, subject to:
- Section 106 contributions (as set out in the report)
  - An obligation to enter into a Section 278 agreement (as detailed in the response)
  - Planning conditions and informative notes

*Key points:*

The development is acceptable in principle and the vehicular access arrangement appear to be acceptable.

Given the scale of the development, there is no reason that the 3m wide shared use provision shouldn't continue along the entire length of the access. 3 metres is considered the minimum for shared use cycle/footways in LTN1/20.

The proposed pedestrian links from the south of the site to Hanwell Fields Park should be formalised with dropped kerb crossing points and self-binding gravel type paths.

- 7.6. OCC EDUCATION: **No objection**, subject to Section 106 contributions (as set out in the report).
- 7.7. OCC ARCHAEOLOGY: **No objection**. We have now received and accepted a revised archaeological evaluation report for this site, and no further archaeological work will be required.
- 7.8. OCC WASTE MANAGEMENT: **No objection**, subject to Section 106 contributions (as set out in the report).
- 7.9. CDC CONSERVATION: **Comments** - The site is not immediately adjacent to or within the immediate setting of Hanwell Conservation Area but lies in the open land between the edge of Banbury and Hanwell village, which have historically had a clear separation between the two settlements. There are concerns with the principle of developing so close to the historic settlement boundary could lead to coalescence between two distinct settlements and have a detrimental impact on the character of Hanwell Conservation Area.

In terms of the visual impact on the setting of Hanwell Conservation Area further information will be required in the form of a visual appraisal and potentially drawn sections of the site. Efforts should be made to use the natural topography, existing trees and hedgerows and potentially additional screening measures to ensure the visual impact on the setting is minimised.

- 7.10. CDC ENVIRONMENTAL PROTECTION:

Noise – **Comment** - conditions are recommended relating to noise levels within dwellings (and any required sound insulation) and the requirement for a Construction Environment Management Plan.

Contaminated land – **Comment** - A Phase 2 contaminated land report will be required to be produced and agreed with the LPA prior to the construction of the dwellings.

Air quality – **Comment** - conditions are recommended requiring a detailed air quality impact assessment to be submitted/approved by the LPA and the provision of a system of electric vehicle charging for the dwellings.

Odour – **No comments**.

Light – **Comment** - A condition is recommended requiring full details of the proposed lighting scheme to be submitted/approved by the LPA.

- 7.11. CDC ARBORICULTURE OFFICER: **No objections** to the proposal as no significant trees are going to be removed. Conditions are recommended relating to a tree

protection plan and submission of an arboricultural impact assessment and arboricultural method statement.

- 7.12. CDC LEISURE: **Comment** - Section 106 contributions have been requested towards enhancement of community hall facilities, outdoor sports provision, indoor sports provision and public art commensurate with the scale of development proposed. The details are set out in the report.
- 7.13. CDC STRATEGIC HOUSING: **No objection in principle**, subject to the provision of 30% affordable housing to the required standard and tenure mix.

The proposal is for up to 78 dwellings, 24 of which would be affordable housing. This complies with policy BSC 3 of the adopted Cherwell Local Plan 2011 -2031. The proposed tenure split of 17 rented and 7 shared ownership also complies with this policy, which requires 70% rented and 30% intermediate tenure(s). However, the NPPF requires that on major developments 10% of the overall scheme is delivered as low-cost home ownership. 8 dwellings of intermediate tenure(s) would therefore be required on a scheme of 78 dwellings. Further details of required tenures are set out.

## 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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable Housing
- 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
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- INF1 – Infrastructure

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

- H5 – Affordable Housing
- H18 – New Dwellings in the Countryside



- C7 – Landscape Conservation
- C8 – Sporadic Development in the Open Countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

### 8.3. Other Material Planning Considerations

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

## 9. APPRAISAL

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

- Principle of development
- Impact on the character of the area
- Impact on heritage assets – Hanwell Conservation Area and its listed buildings
- Site layout and design principles
- Highways and vehicular access
- Rights of Way, access and pedestrian and cycle connectivity
- Residential amenity
- Affordable housing
- Ecology impact
- Flood risk and drainage
- Infrastructure provision and Section 106 contributions

#### Principle of Development

##### *Policy Context*

9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. Cherwell has an up-to-date Local Plan but cannot demonstrate a deliverable 5-year housing land supply. The current monitoring report shows just a 3.5-year housing land supply (Apr.'22-Mar.'27). The NPPF is a significant material consideration.

9.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up-to-date Development Plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date applying a 'tilted balance' – i.e., placing great weight in the planning balance to granting permission unless the NPPF policies as a whole (and relevant Development plan policies) provide a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits of providing housing to meet identified needs.

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

#### *Assessment*

- 9.7. The Council's 2021 Annual Monitoring Report (AMR) confirms that the District cannot demonstrate a 5-year housing land supply. In the circumstances that an LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and the circumstances at paragraph 11d of the NPPF are engaged. In short, development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of delivering housing when assessed against the policies in the Framework as a whole.
- 9.8. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities that are served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of habitats available for wildlife and the setting of the site. The site is well contained by natural topography and established hedgerows and relates reasonably well to the existing built form. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and can be considered to be sustainable. However, these aspects are explored in greater detail through the coming paragraphs.

#### *Conclusion*

- 9.9. The proposal as submitted is considered by Officers, having regard to the consultation responses and the analysis of the relevant issues identified above and analysed below, to be sustainable development notwithstanding the fact that the development falls contrary to the Development Plan by not comprising an existing development allocation.

#### Impact on the character of the area

#### *Legislative and policy context*

- 9.10. 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.

9.11. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.12. Policy ESD15 of the Adopted Local Plan Part 1 states that 'new development proposals should:

- Contribute positively to an area's character and identity by creating or reinforcing distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views;
- Respect the traditional pattern, routes, spaces, blocks, enclosures and (inter alia) create clearly defined active public frontages.

9.13. 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 consistent with local character;
- Harm the setting of settlements, buildings, structures, or other landmark features;
- Harm the historic value of the landscape.

9.14. 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.

9.15. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development. In addition, policies ESD1 to 3 of the Adopted Local Plan seek to mitigate and adapt to climate change.

### *Assessment*

- 9.16. The application site is located on the northern edge of Banbury, adjacent to existing residential and community-use development. The application site formed part of a larger parcel of land that was assessed in the Housing and Economic Land Availability Assessment (HELAA), February 2018. In relation to site HELAA036, the document states: *'Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as development in this location would be prominent on the landscape, particularly when viewed from the east, one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resources for local people, which is in close proximity to the existing Hanwell Fields development'*.
- 9.17. It is noted that the HELLA assessment considered a much larger parcel of land comprising 19.74ha, with the application site only being 3.64ha (18%) at its eastern end. The application proposal sits within the lowest part of the site, closest to the existing spine road, the roundabout and local centre and therefore would have considerably less landscape impact than the larger site considered within the HELAA, which was primarily on the western plateau land bisected by public footpaths linking directly to Hanwell village.
- 9.18. The application has been submitted with a Landscape and Visual Technical note that considers the impact of the proposal on the wider visual landscape. It reaches a conclusion that the site is considered to be relatively well contained in visual terms. It does acknowledge that the sloping nature of the site does mean there would be some short range and longer distance cross-valley views available, however these would sit within the context of the immediate and wider developed context of the settlement of Banbury. Overall, the report considers the site's immediate and localised environment has capacity in visual terms to integrate a sensitive, high quality residential proposal.
- 9.19. Due to the size and location of the proposed site, Officers agree with the assessment set out in the Landscape and Visual Technical note. Although there would be some wider views and therefore some visual harm, the proposal would sit within those views in the context of existing development. Furthermore, any limited harm must be assessed against the considerable weight afforded to the 'tilted balance' set out in paragraph 11 of the NPPF. In this case, the limited harm is not considered to 'significantly and demonstrably outweigh the benefits' of the proposal in terms of the presumption in favour of residential development afforded to sustainable locations.

### Impact on heritage assets

- 9.20. Hanwell Village is located to the north of the application site. A large proportion of the village is designated Conservation Area and there are several listed buildings within the village.
- 9.21. Although the proposal would extend the residential development of Banbury closer to Hanwell, due to the curve of the existing spine road and dip in the natural topography, this would not be substantially closer than existing development. The development, when limited to the application site, would not result in coalescence of the settlements or any significant inter-visibility.
- 9.22. When considering any future reserved matters application, the applicant would need to have careful regard to the heritage assets when considering the design, style and heights of building, in particular along the northern edge of the site. Overall, it is

considered a residential development could be satisfactorily accommodated on this site without causing significant harm to heritage assets.

- 9.23. The site sits within an area identified as of potential 'archaeological interest'. The applicant submitted an Archaeological Written Scheme of Investigation, undertook trenching works and submitted an Archaeological Evaluation of the site. The results of that investigation were that the site has low archaeological potential. Oxfordshire County Council's Archaeologist has confirmed they are content with the work that has been carried out, the findings of the report and therefore require no further work.

#### Site layout and design principles

##### *Policy Context*

- 9.24. 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 NPPF is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.25. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

##### *Assessment*

- 9.26. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.
- 9.27. The indicative landscaping, with retention of the existing trees and proposal for a green buffer along the northern edge allowing for a transition to the rural landscape is deemed acceptable in principle. The effect of the development on the landscape is considered later in this appraisal.
- 9.28. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition attached to any such permission.

##### *Conclusion*

- 9.29. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 78 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

#### Highways and vehicular access

##### *Policy Context*

- 9.30. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport.

However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 9.31. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.32. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provision and aims of the NPPF. 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*”; whilst Policy SLE4 states that: “*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported*”.
- 9.33. Policy TR7 states that: ‘*Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted*’.

#### *Assessment*

- 9.34. All matters are reserved except for access. The development would include a new access from the existing fourth arm on the roundabout on Dukes Meadow Drive.
- 9.35. The Local Highway Authority (LHA) advises the proposed vehicular access is acceptable based on the information submitted. In terms of traffic impact, the overall conclusions of the Transport Statement are accepted. The LHA is content with the methodology used to generate the final trip generation figures and the junction is considered to have suitable capacity.
- 9.36. The NPPF (Para.111) states that: ‘*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.
- 9.37. The LHA raises no objection to the application on the basis of highway safety.
- 9.38. The LHA has requested financial contributions towards enhancement of public transport services, public transport infrastructure, a traffic regulation order, travel plan monitoring, public rights of way and strategic highway contribution. The details of the requested contributions are set out in full in a later section of this report.

#### *Conclusion*

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

## Rights of Way, access and pedestrian and cycle connectivity

### *Policy Context*

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

### *Assessment*

- 9.46. There is a public Right of Way to the west of the site connecting the existing Hanwell Fields (Banbury) estate with the village of Hanwell. The site would be situated on the existing spine road for the Hanwell Fields estate which provides pedestrian footpaths which join Warwick Road to the west and Southam Road to the east. There are also pedestrian links through the Hanwell Fields estate to the neighbouring Hardwick estate.
- 9.47. The nearest bus stop is located on the Hardwick estate (approximately 650 metres from the site) and is served by the B9 bus route. The walking route is not ideal as it goes via unlit paths through public open space. Alternative stops are located approximately 950 metres away on Southam Road and are served by the B3 bus

route. Oxfordshire County Council have stated that the current bus stops are not ideal to serve the proposed development, however, they are seeking a financial contribution towards public transport to ensure the existing services can be maintained at a high frequency for a longer period of time. They have also suggested it may be possible to divert the existing B3 bus service from its current route on Southam Road along Dukes Meadow Drive to the development.

- 9.48. The proposed location of the site is immediately opposite an existing local centre containing a convenience store, food outlets, other retail premises, dentist, public house, community centre and primary school. These are ideally located and provide safe/convenient pedestrian access to these facilities from the site.
- 9.49. Overall, the development would provide sufficient pedestrian and cycle access to/from the site, which is considered to be safe and attractive. Existing public transport links are not currently ideal, but they still have the ability to serve residents of the site and there is the potential for future improvements to the current service.

#### Residential Amenity

- 9.50. 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'*.
- 9.51. The application is in outline only. Any detailed proposals would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD about appropriate standards of amenity for both existing and future residents together with adopted Policies ESD 1 to 3. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.52. The nearest residential properties to the site would be on the opposite side of Dukes Meadow Drive; these being the flats above the local centre. There would be a sufficient distance between the properties and some intervening landscaping, therefore it is considered that, subject to appropriate scale and design of any proposed dwellings along the southern boundary of the site, it is likely that a satisfactory layout could be achieved that would avoid any significant unacceptable impacts on the residential amenity of the neighbouring residential properties.
- 9.53. Assessment of internal amenity with the proposed dwellings would be a matter for consideration at any reserved matters or detailed application stage. Whilst only indicative at this stage, the concept layout indicates an appropriate layout that would provide for both public and private outdoor amenity space that would allow for an acceptable standard of living to be achieved for potential future occupants.
- 9.54. Given the above, Officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupants, with acceptable details to be secured at reserved matters stage.

#### Affordable Housing

- 9.55. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the adopted Cherwell Local Plan part 1 2011-2031 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating



socially mixed and inclusive communities. Policy BSC3 requires development such as this are to provide 30% affordable housing on site and provides details on the mix that should be sought between affordable/social rent and shared ownership. Policy BSC2 requires that to make efficient use of land that new residential development should be provided at a net density of at least 30 dwellings per hectare.

- 9.56. On a development of 78 units Policy BSC3 requires 24 units to be provided as affordable housing. Of these 24 affordable units, the Strategic Housing Team recommends an indicative mix of tenures and sizes. Policy BSC 3 of the Local Plan requires 30% of the total number of dwellings to be affordable housing with a tenure split of 70% rented and 30% intermediate. The proposed tenure split of 17 rented and 7 shared ownership dwellings complies with this policy and is acceptable to the Strategic Housing Team. However, the NPPF requires that on major developments 10% of the overall scheme is delivered as low-cost home ownership. 8 dwellings of intermediate tenure(s) would therefore be required on a scheme of 78 dwellings.
- 9.57. The Council's Strategic Housing Officer has provided detailed comments on the size, type and tenure that would be required of the development. Additional information has also been provided on parking provision requirements, accessibility, layout and appearance, energy efficiency and the requirement to notify the Council of the proposed Registered Provider.
- 9.58. The First Homes initiative that has recently been introduced by Government will be applicable to this proposal because it will be determined after 28 March 2022. As outlined in the Cherwell First Homes Interim Policy Note, there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (as new discounted market sale product). As such, the expected tenure mix for affordable homes on the proposed site is:
- 25% First Homes
  - 70% Social Rent
  - 5% Intermediate housing such as shared ownership
- 9.59. The application will be subject to a Section 106 agreement which will include clauses relating to affordable housing, including the housing mix. The applicant has demonstrated within the application that the policy requirement for 30% affordable housing can be met. Therefore, Officers are seeking delegated authority within the recommendation to finalise the details of the affordable housing and precise dwelling numbers for each tenure type as part of the discussions for the Section 106 agreement.

### Ecology Impact

#### *Legislative context*

- 9.60. 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.
- 9.61. 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.

- 9.62. 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.
- 9.63. 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.
- 9.64. 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*

- 9.65. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.66. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.67. Paragraph 180 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.

- 9.68. 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.
- 9.69. 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.
- 9.70. 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.
- 9.71. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.72. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- It also states that LPA's can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.73. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site 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.
- 9.74. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.75. 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.

- 9.76. The application is supported by a detailed protected species survey which concluded that *'the extended 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. A number of specific measures and recommendations are set out in order to ensure the suitable protection of the retained habitats and associated fauna, whilst where possible it is recommended that any new planting at the site incorporate native species for the benefit of local wildlife, in combination with the enhancement and management of the retained features of value.*

*The habitats within the site have the potential to support several protected species, including species protected under both national and European legislation and indeed, badger activity is confirmed on site through the presence of latrines, whilst the habitats present appear suitable for use by common reptile species and nesting birds. 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 where appropriate.*

*In conclusion, subject to the implementation of the measures and recommendations set out, the proposals will 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 net gains as part of the proposals'.*

- 9.77. 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

- 9.78. 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.
- 9.79. Policy ESD7 of the CLP 2015 requires the use of Sustainable urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.80. The application was supported by a Flood Risk Assessment. Following initial objections from the Lead Local Flood Authority (OCC), the applicant submitted further information in the form of a Technical Note relating to surface water discharge.
- 9.81. Following re-consultation, the LLFA have raised no objections to the proposal subject to the impositions of appropriate conditions. The suggested conditions have been included within the recommendation and are set out in a later section of the report.

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

#### Infrastructure provision and Section 106 contributions

##### *Policy Context*

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

##### *Assessment*

- 9.86. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 9.87. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.88. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in Officers’ view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

##### *Cherwell District Council (all contributions will be index linked)*

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details

of long term management provisions in accordance with the Policy BSC11 of the CLP

- Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision Hanwell Fields Recreation Ground and/or North Oxfordshire Community use site - Up to £157,328.34 (based on 78 dwellings)
- Off-site indoor sports facilities – Towards Indoor Tennis Centre and/or improvements of leisure centre provision in the locality. - Up to £65,125.85 (based on 78 dwellings)
- Community hall facilities – Up to £89,178.26 (based on 78 dwellings) – To be spent on improvements/enhancements/redevelopment of Hanwell Fields Community Hall
- £106 per dwelling for bins
- Affordable housing provision – 30%
- Provision of Public Art in the locality – Up to £17,472.00 (Based on 78 dwellings)
- CDC monitoring fee.

#### Oxfordshire County Council

- Public transport contribution of £117,156 (based on 78 dwellings) for the continued provision of higher frequency bus services in the area around the site, which may include the B3 and/or B9 services
- Public transport infrastructure contribution (if not dealt with under S278/S38 agreement)
- Travel Regulation Order (if not dealt with under S278/S38 agreement) of £2,250 to accommodate new bus stop on new footpath east of site access
- Travel Plan Monitoring
- Public Rights of Way of £10,000 to improve the surfaces of all routes within 2km and to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing etc.
- Strategic Highway Contribution of £70,000 towards active Travel improvements along Dukes Meadow Drive in accordance with the emerging Banbury LCWIP
- Obligation to enter into a S278 agreement to secure:
  - a. A bus stop on the northern side of Dukes Meadow Drive to the east of the Lapsley Drive / site entrance roundabout, together with associated footway works for adequate access from the development. This bus stop should include a pole, flag and timetable case to OCC specification (attached) and a two-bay shelter, the details of which should be discussed with Banbury Town Council who have an arrangement with Clear Channel for the provision of shelters
  - b. Two dropped kerb crossing facilities to be provided at the proposed pedestrian crossing points south of the site to Hanwell Fields Park. These should include tactile paving
  - c. Provision of two pedestrian paths linking the site to the two dropped kerb crossing points on Dukes Meadow Drive. These should be at minimum, self-binding gravel type surfaces as this area is currently grass, not suitable for crossing by pedestrians and vulnerable users

- £631,503 towards secondary education capacity and £63,327 towards secondary school land contribution for secondary school places in Banbury area to ensure adequate secondary school provision
- £37,757 Special School contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision
- £7,329 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity
- Monitoring Fee.

#### *Conclusion*

9.89. Subject to the above the proposal is considered to be acceptable with regards to its impact on local infrastructure and would mitigate acceptably mitigate the impact arising from the development.

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

10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. The proposal proposed application site is located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The proposal would have some limited impact on wider landscape views, but this harm would not outweigh the benefits of the proposal, especially when considered within the context of the Council being unable to demonstrate a 5-year housing land supply.

10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.

### **11. RECOMMENDATION**

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

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 6 MAY 2022. 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

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

### S106 HEADS OF TERMS

As set out in the table set out at Appendix 1.

### CONDITIONS

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

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

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months 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. The time period for submission has been reduced from the standard period. The application has been submitted to address the Council's 5 year housing land supply position and is in accordance with the applicant's planning statement.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 40 calendar months 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). The time period for submission has been reduced from the standard period. The application has been submitted to address the Council's 5 year housing land supply position and is in accordance with the applicant's planning statement.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing numbers SLP-02 Rev P4 (Site Location Plan), LUPP-01 Rev P4 (Land Use Parameter Plan) and 340-TA114 Rev A (Proposed Access: Option 2 without layout).

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.



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

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

6. In accordance with the recommendations of the Phase 1 report submitted with the application, 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.

7. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

8. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers

- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
- A detailed maintenance regime for all proposed drainage features and SuDS features
- A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

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

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.

11. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To ensure the creation of a satisfactory environment for future residents in accordance with Government Guidance contained in the NPPF.

12. As part of any reserved matters for layout, an updated Arboricultural Impact Assessment, Tree Protection Plan and an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and to accord with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

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

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

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

14. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation 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.

15. 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, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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.

16. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers.

17. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

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

18. Prior to occupation of any part of the development hereby approved, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried on in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

19. Prior to first occupation a Travel Information Pack shall be submitted to Local Planning Authority for approval. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

20. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:

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

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

21. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local

Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

22. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

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

23. 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 in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

24. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

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

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

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

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

**Planning Notes**

1. OCC require a swept path analysis for an 11.6m in length refuse vehicle for all manoeuvres in forward gear. All internal bends and junctions will need to be tracked with two vehicles using the bend/junction at the same time.
2. Highway boundary needs to be checked with OCC Highway Records ([highway.records@oxfordshire.gov.uk](mailto:highway.records@oxfordshire.gov.uk)) to determine whether or not it coincides with the site boundary at the proposed access junction. If there is a ditch present the highway boundary is usually the roadside edge of the ditch.
3. Visibility Splays must be dedicated to OCC if they fall out of the existing highway boundary.
4. No private drainage to discharge onto existing Highway.
5. No private drainage to discharge onto any area of proposed adoptable highway.
6. No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design will be subject to a full technical audit.

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	<p>Provision on site.</p> <p>Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum.</p>	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p><b>Directly related</b> – For the use of future occupiers of the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council.</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	<p>Provision on site.</p> <p>Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p>	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		<b>Fairly and reasonably related in scale and kind –</b> In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – towards enhancement of outdoor sporting provision Hanwell Fields Recreation Ground and/or North Oxfordshire Community use site	£157,328.34 (based on 78 dwellings)	To be delegated to officers	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related –</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind –</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards Indoor Tennis Centre and/or improvements of leisure centre provision in the locality	Up to £65,125.85 (based on 78 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Community hall facilities – To be spent on improvements/enhancements/redevelopment of Hanwell Fields Community Hall.	Up to £89,178.26 (based on 78 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Contributions to bins	£106 per dwelling	To be delegated to officers	<b>Necessary –</b> The dwellings will required adequate waste receptacles for future occupants and in



			<p>accordance with the advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 30% of total number.</p> <p>Housing mix – To be delegated to officers.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD and Cherwell First Homes Interim Policy Guidance Note</p>	To be delegated to officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p> <p><b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Public Art Contribution	Based on 78 dwellings @ £200 per dwelling plus		<b>Necessary</b> – Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall

	5% management and 7% maintenance. <b>£17,472.00</b>	To be delegated to officers	<p>quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p><b>Directly related</b> – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scheme could include artwork on the roundabout near the local centre. This would be in keeping with the other roundabouts on earlier phases of the development each with a landmark artwork and be prominent and visible.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking.	To be confirmed	To be delegated to officers	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution of £117,156 (based on 78 dwellings) for the continued provision of	£117, 156		<b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development

higher frequency bus services in the area around the site, which may include the B3 and/or B9 services.		To be delegated to officers	and made attractive to future users to reduce car dependency.  <b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.  <b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.
Public transport infrastructure	TBC		
Travel Regulation Order (TRO) (if not dealt with under S278/S38 agreement) to accommodate new bus stop on new footpath east of the site.	£2,250		
Travel Plan Monitoring	TBC		
Strategic Highway Contribution towards active Travel improvements along Dukes Meadow Drive in accordance with the emerging Banbury LCWIP.	£70,000		
Public Rights of Way of £10,000 toward improvements to PROW in the vicinity of the site.	£10,000		
Obligation to enter into a S278 agreement, including:	To be delivered on and off site	To be delegated to officers	<b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the

<ul style="list-style-type: none"> <li>• A bus stop on the northern side of Dukes Meadow Drive to the east of the Lapsley Drive / site entrance roundabout, together with associated footway works for adequate access from the development. This bus stop should include a pole, flag and timetable case to OCC specification (attached) and a two-bay shelter, the details of which should be discussed with Banbury Town Council who have an arrangement with Clear Channel for the provision of shelters.</li> <li>• Two dropped kerb crossing facilities to be provided at the proposed pedestrian crossing points south of the site to Hanwell Fields Park. These should include tactile paving.</li> <li>• Provision of two pedestrian paths linking the site to the two dropped kerb crossing points on Dukes Meadow Drive. These should be at minimum, selfbinding gravel type surfaces as this area is currently grass, not suitable for crossing by pedestrians and vulnerable users.</li> </ul>			<p>development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
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Secondary education capacity contribution and contribution towards secondary school land in Bicester	£631,503 towards secondary educate capacity and £63,327 towards secondary school land contribution for secondary school places in Banbury area (final amount to be based on final housing mix).	To be delegated to officers	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special School contribution to be spent on expansion of SEN school capacity	£37,757 (final amount to be based on final housing mix)		<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	£7,329	To be delegated to officers	

Agenda Item 10  
**21/04112/OUT**

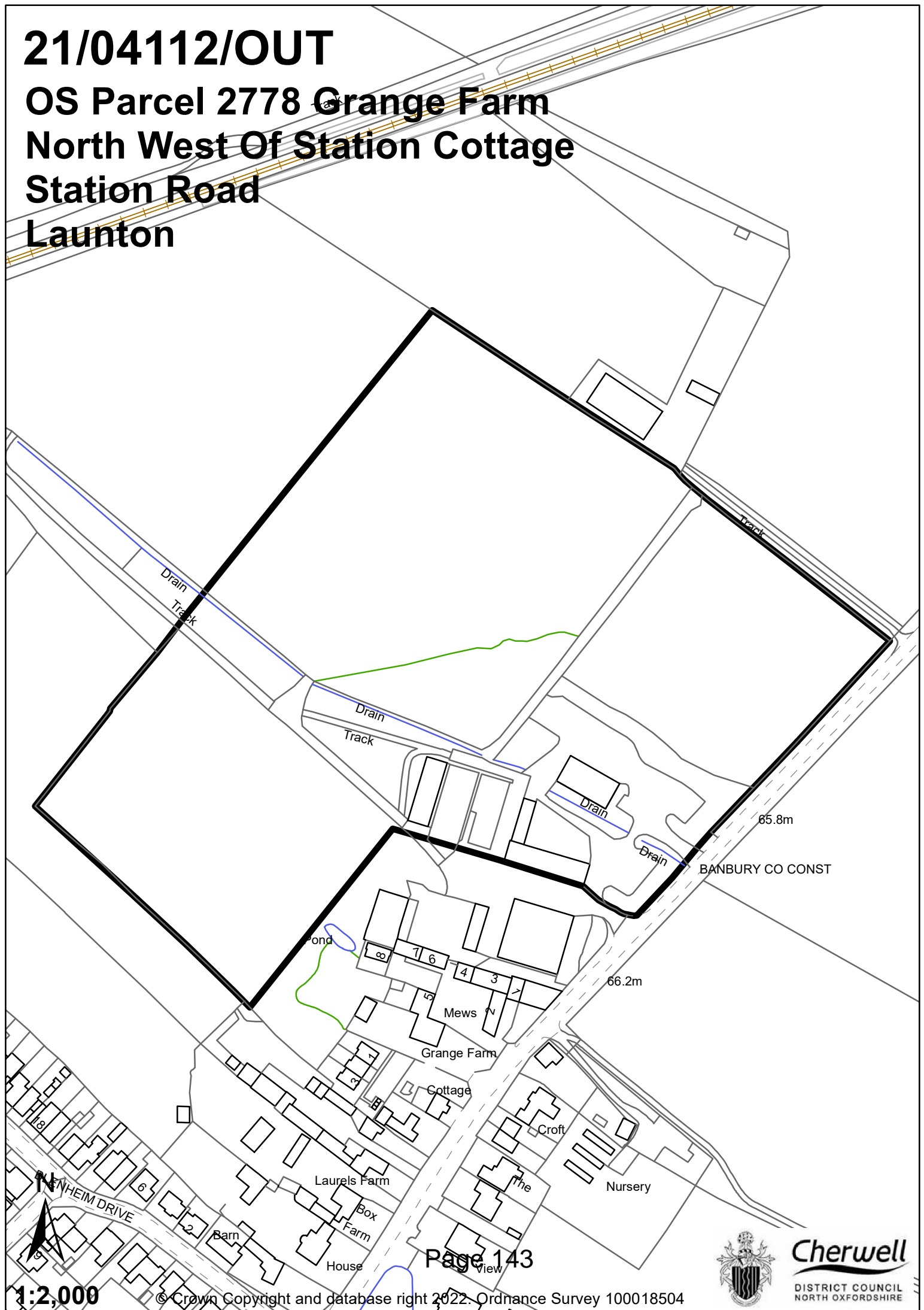
**OS Parcel 2778 Grange Farm  
North West Of Station Cottage  
Station Road  
Launton**



**1:2,500**

# 21/04112/OUT

## OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton



65.8m

BANBURY CO CONST

66.2m



1:2,000

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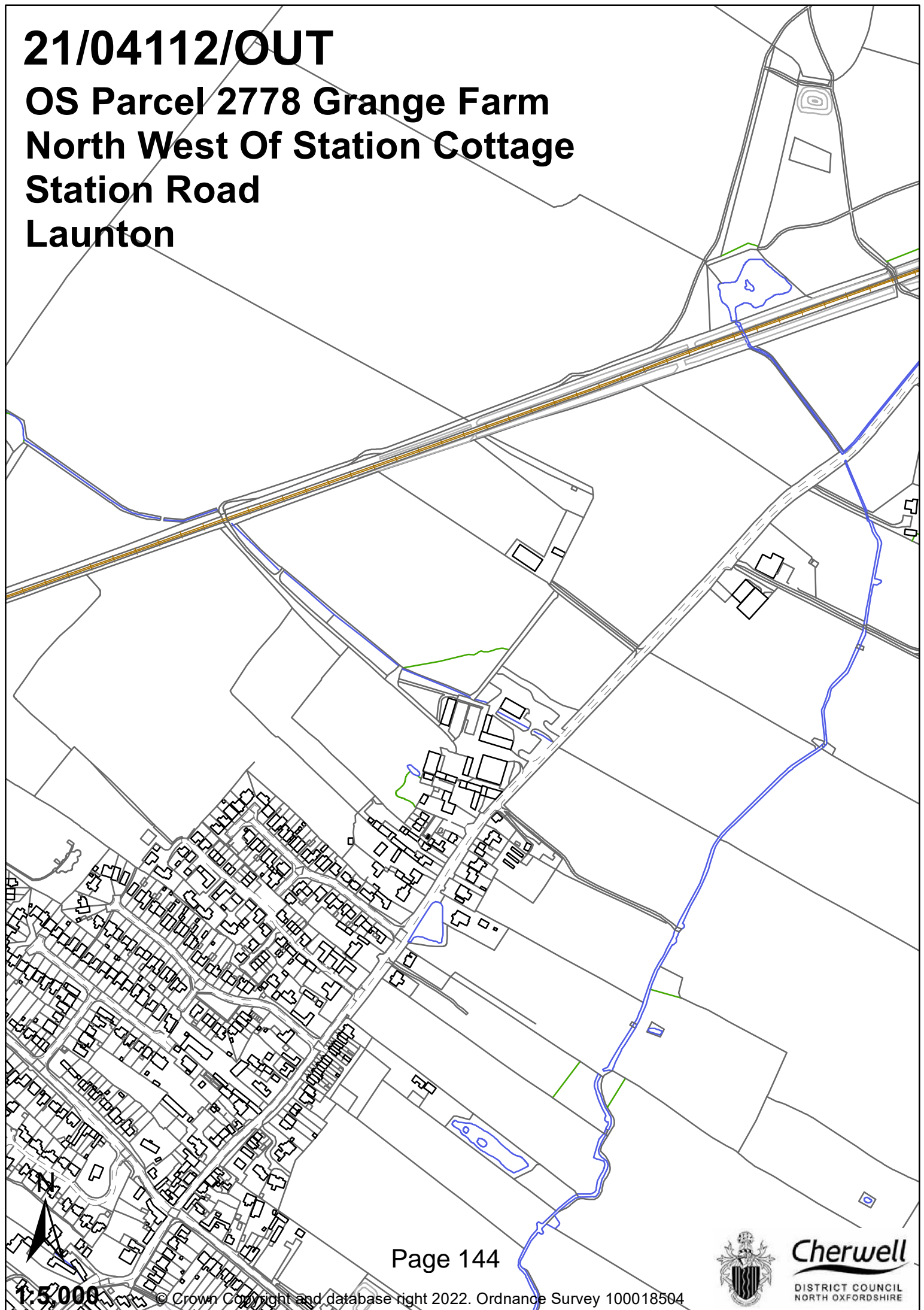
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 21/04112/OUT

## OS Parcel 2778 Grange Farm North West Of Station Cottage Station Road Launton





**Case Officer:** James Kirkham

**Applicant:** Richborough Estates

**Proposal:** Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road)

**Ward:** Launton and Otmoor

**Councillors:** Councillor Simon Holland, Councillor David Hughes

**Reason for Referral:** Major development

**Expiry Date:** 29 April 2022

**Committee Date:** 7 April 2022

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**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO CONDITIONS, AND SECTION 106 PLANNING OBLIGATIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises approximately 5.8 hectares located on the northern edge of the village of Launton. The northern and western parts of the site comprise green fields. The southern part of the site includes several modern buildings being use for commercial purposes and areas used for open storage and a large yard area currently utilised for car parking and the parking of buses. Approximately a third of the overall site comprises established woodland which is located to the east of the site, adjacent to Station Road, and to the centre of the site.
- 1.2. The site lies adjacent to a further series of outbuildings to the south of the site, formerly associated with Grange Farm. These outbuildings now form the Grange Mews Business Centre accommodating several business uses. Grange Farm House is a Grade II listed building in residential use and some of the business centre buildings are curtilage listed.
- 1.3. The railway exists approximately 140 metres to the north and west of the site which is being upgrades to accommodate East West Rail (EWR). The site is bounded by open countryside to the north, east and west.

**2. CONSTRAINTS**

- 2.1. The application site is located in an area of potentially contaminated land and the south west part of the site, which currently accommodates development, is located in an area of archaeological potential.
- 2.2. A public right of way (route code: 272/12/10) lies outside but runs parallel with the north western boundary of the site. As part of the EWR project the footpaths in the area will be subject to change. This includes a new public footpath being provided through the application site on a north west, south east axis linking to a new footbridge over the railway. Part of the current public right of way which runs along the north western boundary of the site will also be extinguished as part of these. Whilst these

routes are not yet implemented, they have been approved under the consent for the EWR scheme.

- 2.3. Grange Farmhouse is a Grade II listed building and is located to the south east of the site.

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

- 3.1. The current application is made in outline with all matters reserved except the principle means of access into the site from Station Road by a single priority junction. This would also include footpaths back to the village along Station Road to link to the existing footpath network.
- 3.2. When the application was originally submitted it was for up to 68 dwellings; however, during the course of the application this has been reduced to now be for up to 65 dwellings as the indicative density of some of the developable areas has been reduced. It is also proposed to have up to 8 live-work units on the site.
- 3.3. Several illustrative plans have been submitted to demonstrate how the site could accommodate the scale of development proposed. This includes a Framework Masterplan, Land Use and Access Plan, Building Heights and Density Plan, a Green Infrastructure Parameter Plan and an illustrative masterplan. However, these are illustrative plans only and do not form part of the determination of this application. The layout shown is not the final layout and a further Reserved Matters application would need to be submitted, at which time such details would be assessed.
- 3.4. The illustrative plans show how the existing woodland planting and ditch through the site could largely be retained and how new development at a density of 25 to 30 dwellings per hectare could be provided. They show developable areas to the south of the access into the site from Station Road and further development to the western and norther part of the site. They also show provision of green space with new woodland planting belts to the north east and north western boundary of the site. They indicate 1.5 storey development to near to Station Road and 2 storey on the wider site. This has been reduced from 2.5 storey when the application was originally submitted.
- 3.5. *Timescales for Delivery:* The agent has advised that, in the event that planning permission is granted, they anticipate development commencing in autumn 2023 with the first houses being occupied by 2024.

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

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

Application: 17/00803/OUT

Outline application for residential development up to a maximum of 70 dwellings, provision of open space, landscaping, access, infrastructure & demolition of outbuildings

Refusal July 2017

- 4.2. The above application was refused for the following reasons:

1. *Having regard to the District's strong housing supply and delivery position the proposals would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable extension of the village that would harm the character and rural setting of the village to the detriment of the built, natural and historic environment. The proposal is therefore*

*contrary to policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.*

- 2. The application site is located some distance from the centre of the village, this would create a new community isolated from the existing village and services and would place heavy reliance on unsustainable car use to reach even local services within the village such as the school and shop. This lack of connectivity within the existing settlement would result in an isolated form of unsustainable development which would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.*
- 3. The proposed development fails to demonstrate that any of the applicable criteria as set out in policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 have been met and as such would result in the unacceptable loss of employment land. No other planning objectives would outweigh the value of retaining the site in employment use and as such the development would be contrary to policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.*
- 4. The application and accompanying Illustrative Masterplan(s)/indicative layout submitted fail to adequately take adequate account of the policy requirements for general green open space and outdoor sports provision. As such, the Local Planning Authority is unable to determine whether the quantum of residential development proposed could be satisfactorily accommodated on site in accordance with basic policy requirements whilst also safeguarding areas identified within the application for landscape, ecological and biodiversity enhancements. The proposal therefore fails to accord with the requirements of policies BSC10, BSC11, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.*
- 5. The Design and Access Statement and Illustrative Masterplan(s)/indicative layout submitted as part of application fails to provide sufficient acceptable detail in respect of design principles set as a basis for the future detailed consideration of the development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on site in a manner that would respect its context and respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.*
- 6. The site is located within an off-gas area where policies ESD4 and ESD5 apply. The application fails to provide the required feasibility studies for the consideration of Decentralised Energy Systems and on-site Renewable Energy provision. The proposal therefore fails to accord with the requirements of policies ESD4 and ESD5 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.*
- 7. In the absence of the completion of a satisfactory Planning Obligation, it cannot be demonstrated that the necessary infrastructure directly required both on and off site as a result of the development can be provided in the interests of safeguarding public infrastructure, delivering mixed and balanced communities through the provision of affordable housing and securing on site future maintenance arrangements. The development is therefore contrary to policy*

- 4.3. There is also a considerable amount of planning history relating to the existing buildings at Grange Farm business mews which form part of the current application site. Many of these uses do not appear to benefit from formal planning consent to be used for commercial purposes. This includes:

02/00115/F – Change of use of building B6 to four industrial starter units – Refused (this is the larger building close to Station Road which forms part of the current application site)

03/00120/F – Change of Use of Building B6 to 3 light industrial starter units with central heating unit for development - Refused

05/00217/F - Change of Use of Building B6 - To offices, warehouse and workshop storage including mezzanine floor (as amended by revised plans received 13.04.05) – Refused (this is a building close to Station Road which forms part of the current application site)

- 4.4. Also of relevance is the new Mulberry Homes development on Blackthorn Road in Launton for up to 72 dwellings (planning reference 17/01173/OUT). This was allowed at appeal following a Public Inquiry. At the time the Council was able to demonstrate a 5 year housing land supply.

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

- 5.1. No pre-application discussions have taken place with regard to this proposal. The last pre-application discussions were undertaken in 2017 with the earlier application on the site.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 March 2022**.

- 6.2. A total of 369 letters of objection have been received and 1 letter of support. Of the 69 individual letters received, 43 raise traffic congestion, 37 raise drainage and flood risk, 20 raise highway safety, 11 raise parking provision, 9 raise nature conservation, 8 raise environmental pollution, 4 raise previous planning decisions, and landscape impact and trees impacts are raised by single correspondents. The other letters of objection raise similar issues, along with comments about the number of houses and the level of local service provision.

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

- The village has already received its fair share of housing from other consented development in the village in the current Plan Period and under Policy Village 2.
- There is no need for further housing in the village and the proposal would lead to a disproportionate level of growth in the village.
- Overdevelopment of Launton. Cumulative impacts with the Blackthorn Road development need to be considered.
- Launton is at risk of becoming a suburb of Bicester.

- Contrary to planning policy
- The development of the site was refused in 2017 for 7 reasons all of which are still relevant, and the application should be refused again.
- Loss of open countryside which contributes to the village's rural character. Loss of greenfield site and extension of village boundary.
- Rural character already adversely affected by unsympathetic development at Yew Tree Farm. The proposal will exacerbate this.
- 2.5 storey development on the site is not in keeping with village.
- Adverse visual impact on open countryside and users of the rights of way network
- Adverse impact on setting of Listed Buildings.
- Disproportionate extension to the village will destroy the village structure and pattern of development
- Adverse ecological impact and impact on protected species including bats, barn owls, Great Crested Newts and other wildlife.
- Loss of trees and habitat
- Adverse impact on pollution, air quality, light pollution and noise.
- Adverse impact on neighbouring land uses including welfare of animals.
- Loss of employment uses. Impact on existing agricultural and equestrian businesses in the area from more traffic and proximity of development.
- Additional traffic will lead to further congestion and highway safety issues. The roads are already at capacity and dangerous.
- Significant adverse traffic impact on Station Road which already suffers significant traffic and highway safety issues particularly at the cross roads with Bicester Road.
- The highway works don't appear achievable.
- Traffic calming is needed.
- The conditions of the local roads are awful and this will make them worse.
- Primary School already at capacity
- Inadequate sewer capacity and pumping station serving the village and the proposal will make this worse with more flooding and pollution.
- Concerns over drainage and flooding including the capacity of Cutters Brook and the development exacerbating existing flooding that occurs in the village.
- Increased strain on infrastructure including electricity system, school, shops, broadband etc
- Inadequate car parking within the proposed development
- Heavy reliance on private car use despite local bus service which has been reduced.
- Better, more appropriate sites should be considered close to the village core
- Poor connectivity to the rest of the village with poor quality footpaths and poorly related to the village services
- Not a sustainable location, promoting car use, due to walking distances to services and facilities. The bus service is not adequate for frequent use by residents.

- Concerns over realignment of public rights of way.
- Technical information is misleading including the transport assessment which was undertaken when the road was closed.
- The amount of affordable housing proposed is too low and the prices will be too high for local people. Local people should be given priority to affordable housing.
- No need for further affordable housing given the other developments in the village.
- Noise and disturbance during construction from traffic.
- Land may be contaminated.
- No public benefits, only private benefits.

## 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. LAUNTON PARISH COUNCIL: **Objects.** Outside the village confines and too far and poorly connected from centre of the village resulting it is being contrary to the 10 minute walkable neighbourhood concept. Walking distances to facilities are too far and would lead to heavy reliance on private car to use facilities such as shop and school and make public transport unattractive. A series of walking distances are provided in these comments. Bus route no longer connects directly to Oxford.
- 7.3. Station Road is narrow with parked cars. It has been closed due to EWR but vehicle volumes will rise when reopening and no consideration appears to be given the traffic attempting to emerge for the side roads. The suggested alterations to the crossroads are impractical and in other schemes little has been achieved. The additional traffic using the junction will lead to an increased risk of accidents. OCC Highways do not appear to take into account the 65 new homes at Blackthorn Road (*Officer comment: OCC have confirmed this has been considered within the Transport Assessment and that the works to the crossroads appear achievable*).
- 7.4. The school is oversubscribed and cannot be extended or accommodate children from the development. The surface water and foul water provision is not sufficient for the needs of the village as a whole. There have been instances over sewage flooding in the village in the past 5 years.
- 7.5. Within the timeframe of the current Local Plan (2011-2031), the village has already had three significant developments at:
- Woodland Close (11 dwellings – 2013)
  - Yew Tree Farm (40 dwellings – 2017)
  - Mulberry / "Launton Mews" (65 dwellings – 2018, currently being constructed)
- 7.6. This would give an increase of 116 houses – 22% over the 2011 level of approximately 520 dwellings. 68 more from this development would be a further 13%, giving an overall increase of 35% in 11 years. This is clearly an unsustainable rate of growth for a village community, to say nothing of the fact that none of this recent development has made any significant improvements to the village's increasingly inadequate infrastructure. The village has provided far more than its share of the 750 rural homes allocated under PV2.

- 7.7. Significant loss of wildlife habitat and loss of amenity in the area where many people walk.
- 7.8. The very minor claimed benefits are clearly outweighed by the major adverse impacts of this large development. As already stated, it is in an unsuitable and unsustainable location right on the very edge of the village which will increase private vehicle use and do so on a road that already has significant traffic problems. The proposal is contrary to Policy Village 2 and ESD15 of the CLP 2015; adding to traffic problems in the area
- 7.9. If the Council were minded to approve the development, the Parish Council would require:
- £200,000 for the re-development of the Parish Hall;
  - a sum for sports provision within the village;
  - mitigation and amelioration of the effects of the additional traffic at the Station Road crossroads to Bicester Road including the possibility of a 'shared space design';
  - funding for additional traffic management including vehicle activated signage;
  - funding for the Parish street furniture replacement programme;
  - funding for adequate sewage / foul drainage provision;
  - funding to improve the village paths and public rights of way to make them easily traversable all year round.
- 7.10. AMBROSDEN PARISH COUNCIL: Has **significant concerns** on the impact of road closures on the A41, which is already extremely busy and has a significant corridor of developments from warehouse developments to Rodney roundabout, and traffic from planned/approved developments in Ambrosden and also in adjoining villages

#### CONSULTEES

- 7.11. CDC LANDSCAPE OFFICER: Further to receipt of additional information **no objections**. Originally raised concerns regarding views from PROW to the north west boundary and requested a woodland belt which has now been shown on the plans. Generally agrees with the findings of the LVIA and agrees with overall conclusions that the development will not result in unacceptable harm on landscape and visual receptors. The proposal includes a combined LAP and LEAP which is located to the centre of the site which is considered to be acceptable. Detailed landscaping plans will be required. Future arrangements or commuted sums for open space and retained woodland will need to be provided.
- 7.12. OCC HIGHWAYS: **No objection** subject to conditions, S106 contributions and an obligation to enter into a S278 agreement
- 7.13. The application is very similar to the previous application at the site, 17/00803/OUT which OCC Transport Development Control did not object to. There is no justifiable reason to recommend an objection to this latest iteration. The only significant change from a transport perspective is that the S5 bus route no longer serves the village. Route 17 offers a similar level of service (to Aylesbury rather than Oxford) but the stops are slightly further from the site. Whilst the 17 is in operation, it is considered that the site is sustainable in transport terms, so a financial contribution is required to help maintain the service.
- 7.14. *Traffic impact* - The Transport Assessment (TA) is essentially the same as that previously submitted and found acceptable. The TA has been updated to incorporate

additional traffic generated by the Mulberry Homes development and a general increase to background traffic in accordance with standard practice.

- 7.15. The junction analysis outputs shows that the junction as a whole operates well within capacity with this and other committed development traffic included. It is likely that the flows will return to the 2015 survey pattern when the EWR works are complete and Station Road reopens.
- 7.16. Works to improve the layout of the Station Road junction are proposed and can be delivered as part of the S278 agreement package. Some hatching in the northern corner has already been marked but is not as extensive as that shown on the proposed plans, which will allow the Station Road stop line to be moved further into the junction with an improvement to north-westward visibility.
- 7.17. *Access arrangements* - The new access is accepted in principle and the required visibility splays are achievable. The proposals include relocating the speed limit and village entry feature and new/improved footpath provision back to the village.
- 7.18. *Sustainable transport connectivity* - The County Council's Local Transport Plan contains provisions for the collection of financial contributions for the improvement of public transport services and infrastructure in the vicinity of appropriate development. A contribution of £1,051 per dwelling for the provision of public transport services in Launton is required. The S5 to Bicester and Oxford has been withdrawn and now the village is served by route 17 which is financially supported by the County Council using developer contributions which only have a limited number of years to run. Therefore, these contributions are essential to maintain any form of usable public transport service to the village. In recognition of the significant walking distance from the site, which is longer than ideal but within 10 minutes for the majority of likely residents, it is proposed that a further financial contribution of £6,397 is made to secure improvement to the nearest bus stops at The Bull Inn.
- 7.19. *Public rights of way* - A public footpath 272/12 which turns into 272/10 runs to the west of the site. The applicant has committed to making a connection to this route. During daylight hours and periods of better weather, this would ensure that an attractive route to destinations such as the school, community hall and post office is available to new residents. A S106 contribution of £15,000 is requested to allow the Countryside Access Team to plan and deliver improvements with third party landowners under the Rights of Way Management Plan. The contribution would be spent on improvements to the public rights of way. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating and drainage.
- 7.20. *Parking* – Parking should be aligned with the optimum standards and cycle parking provision should be made. All residents should have EV charging facilities with 25% unallocated visitor spaces.
- 7.21. *Travel plan* – The Travel plan need some changes before it can be approved and this can be controlled through condition.
- 7.22. LEAD LOCAL FLOOD AUTHORITY: Originally objected requesting further information. Further to the receipt of additional information raise **no objection** to the scheme subject to a detailed surface water drainage scheme being conditioned.
- 7.23. CDC DRAINAGE: Further to the receipt of additional information raise **no objection**.



- 7.24. THAMES WATER: **No objection.** The existing foul water sewerage network has capacity to accommodate the development. The existing water network infrastructure has an inability to accommodate the needs of the development proposal. Therefore, requests a condition requiring no part of the development to be occupied until an agreed solution is undertaken.
- 7.25. CDC CONSERVATION: **No objection.** The proposal will lead to less than substantial harm to the setting of the listed building. The settlement pattern of the area has been significantly eroded with modern development. The proposed development is located to the north west end of Launton along the same side of the road as the existing modern development. The area lay outside of the historic settlement of Launton. Part of the area is now utilised as a small scale industrial estate. Grange Farmhouse, of 1638 date is a grade II listed building and its associated farmyard structures (now in separate use) are in close proximity to the proposed development land. The buildings are considered to be curtilage listed. It is noted that the development involves demolition of a number of later barns and farmyard structures, but that the historic buildings are to remain.
- 7.26. There will be some impact on the setting of Grange Farmhouse and associated buildings through the development of the site, but the setting of the site has already been compromised by the development of Grange Mews Business Centre. Given the existing pattern of development in this area of Launton there is no objection in principle, but it is considered that additional work could be undertaken to mitigate the impact on the setting of the listed building.
- 7.27. OCC ARCHEOLOGY: **No objection** subject to conditions requiring a staged program of investigation. Given the archaeological interest of the general environs of the proposed site it is possible that previously unidentified archaeological deposits and features could survive within the application area.
- 7.28. CDC ECOLOGY: **No objections.** Appropriate levels of ecological information to assess the impacts of the proposals have been provided. With the additional off-site land proposed as compensatory habitat a net gain is achieved on site. The proposals for safeguarding areas of highest ecological value and protected species are acceptable. There are bats likely to be present within one of the buildings to be demolished and the mitigation measures for the most likely scenario has been put forward and are acceptable. Emergence surveys will be required with final mitigation proposed at reserved matters stage. The need for a bat licence should be conditioned. A range of bat species were found to be using the woodland edges in particular including rare and light sensitive species. In order to ensure that their foraging and commuting is not disturbed and to maintain their conservation status a lighting scheme for both the construction phase and ongoing will need to be conditioned.
- 7.29. Great crested newts are also likely to be using the site for terrestrial habitat as they have been confirmed in a pond to the south east of the site. To mitigate this impact the applicant proposes to either use the District Licence (DL) scheme which would be required to be demonstrated at reserved matters stage or a fuller mitigation scheme will need to be submitted when layouts are finalised. The Councils Ecologist has stated that the need for a licence for Great Crested Newts should be conditioned which can then be fulfilled by either the DL scheme or the traditional route through Natural England.
- 7.30. Pole mounted barn owl boxes are acceptable although it would be preferable to have some provision within a larger building to the edge of the site if this is an option as this increases the chance of usage and retains the provision indefinitely (and is easier to maintain). Bat boxes integrated within the new dwellings are proposed as part of mitigation and enhancement for bats. A minimum of the equivalent of one bat or bird

provision per dwelling (albeit these may be best clustered) to be integrated into the fabric of new buildings. Bricks for red list species such as swifts may be beneficial here for example. These measures should be provided within an ecological management plan and biodiversity enhancement scheme.

- 7.31. Further to receipt of additional information the biodiversity Impact assessment demonstrates that with the use of the off site land to the North West a good level of net gain for biodiversity is achievable. The extent of amenity use of the woodland should be considered at reserved matters and ideally some areas should not be accessible.
- 7.32. In relation to the badger sett, given the constraints of the site, no objection is made to the closure of this site. This will require a badger sett closure licence and mitigation scheme from Natural England. A copy of this should be conditioned and additional survey work is likely to be required.
- 7.33. CDC STRATEGIC HOUSING: **No objection** subject to securing 35% affordable housing. Comments provide details on the tenure, size and standard of the units which would be secured through the S106 and consideration of the reserved matters application.
- 7.34. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions for further ground investigation, remediation, and provision of EV charging points. Agrees with the findings of the Noise Assessment, land investigation report and air quality assessment.
- 7.35. OCC EDUCATION: **No objection** subject to financial contributions towards primary, secondary (including land contribution) and SEN school provision in Launton and surrounding area.
- 7.36. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity. The existing facilities are not fit for purpose and over capacity.
- 7.37. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.38. CDC RECREATION AND LEISURE: **No objections** subject to financial contributions towards offsite indoor and outdoor sports, community halls and public art.
- 7.39. CDC PLANNING POLICY: **No comments**
- 7.40. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects**. The reasons for refusal of the site in 2017 remain valid. The site is remote from services and facilities in Launton and Bicester and will be car reliant and will impact on carbon emissions. The proposal will be unacceptable when considered alongside other consented development and EWR. It will impact on Launton's infrastructure including drainage and add to road congestion. More detail is required regarding the live work units. Concerns regarding biodiversity net gain and off-site provision being used for this and future management

arrangements. Concerns over impact on ecology on the site and the adjacent Ray Conservation Target Area.

- 7.41. NETWORK RAIL: **Comment.** When East West Rail is undertaken many footpaths will be closed. Noise and vibration from the railway must be taken into account. The proposal should ensure that surface water is drained away from the railway.
- 7.42. EAST WEST RAIL ALLIANCE: Originally **objected** as the plans did not consider the revised routes of the public rights of way granted by the EWR consent which would run through the site once implemented (*Officer note: the plans have been amended to show how these routes could be accommodated. EWR Alliance and been consulted and comments are awaited*).
- 7.43. MOD SAFEGUARDING: **No objection.** The site occupies the birdstrike safeguarding zone surrounding RAF Weston on the Green. To detracts large or flocking birds flat roofs should be avoided and the attenuation features should be designed with dense vegetation around the periphery and no islands to deter feral geese.
- 7.44. CRIME PREVENTION DESIGN ADVISOR: The DAS should have a section on safety and security. Concerns over the lack of details of the live-work units including access control, parking and neighbour disputes with conflicting uses. Offers further general advice for consideration are reserved matters.

## 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 development
- SLE1 – Employment Land
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- BSC3 – Affordable Housing
- 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
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- 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
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

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

- C8 – Sporadic development in the open countryside
- H18 – New dwellings in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental Pollution

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Residential Design Guide SPD
- Cherwell Developer Contributions SPD
- Cherwell First Homes Interim Policy Guidance Note

### **9. APPRAISAL**

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

- Principle of Development
- Loss of Employment Land
- Landscape/Visual Impact/Local Character
- Design and illustrative layout
- Housing Mix/Affordable Housing
- Impact on Heritage Assets
- Transport
- Trees/landscape/open space
- Neighbour amenity
- Noise, Contamination and Air Quality
- Ecological Implications
- Flood Risk and Drainage
- Sustainability and Energy Efficiency
- Effect on Infrastructure/Planning Obligations

#### Principle of Development

##### *Policy Context*

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

9.3. 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.

- 9.4. 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 an 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.
- 9.5. 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'.
- 9.6. 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.'*
- 9.7. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and 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'*.
- 9.8. 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*

- 9.9. 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.
- 9.10. 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’.*

- 9.11. 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’.*
- 9.12. 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.
- 9.13. 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’.*
- 9.14. 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 increasing to 2,255 in the period 2022-2027 to achieve a five-year supply as required by the NPPF. This is a significantly different position to that which informed Refusal Reason 1 in the previous application.
- 9.15. 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”.*
- 9.16. 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 HELAA179 and was not considered to be suitable or achievable for housing and states:
- A part greenfield, part brownfield site outside the built-up limits. Launton 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. Part of the site lies within an Archaeological Constraint Priority Area. A public footpath runs alongside the north western boundary of the site and the Ray Conservation Target Area lies adjacent to the south eastern boundary. The site is considered to be unsuitable for development as development on the site would harm the character and setting of the village in particular when entering into the village from the north. It would also harm the setting of the heritage assets to the south of the site. (2018 HELAA, Appendix 4)*
- 9.17. 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). The categorisation of villages was informed by a defined range of sustainability criteria (CLP para C.255). Launton is a Category A village and is considered among the most sustainable villages in planning terms.

- 9.18. 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'.
- 9.19. 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 and visual 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*

- 9.20. Launton 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. By population size (2011 Census) Launton is the 10<sup>th</sup> largest Category A settlement with a population of 1204 (2011 census). It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2018 appeal for a development of 72 houses.
- 9.21. 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. The requirement of Policy Villages 2 to provide 750 homes at category A villages is monitored in the 2021 AMR. This outlines that, as of 31<sup>st</sup> March 2021, 749 dwellings had either been completed or were on sites under construction with planning permission. It goes on to record that since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings, i.e. there are sites at Category A villages with permissions for a further 313 dwellings beyond the 749 completed or under construction.

- 9.22. The achievement of the requisite 750 homes is a material consideration in considering developments of more than 10 dwellings 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 in the rural areas. It has been accepted at a number of appeals relating to the application of PV2 that, while unconstrained growth in the rural areas could undermine the overall housing strategy, the 750 figure is not a ceiling or a cap.
- 9.23. 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'. As such this policy is given lesser weight in the consideration of planning applications. In the absence of a 5 year land supply and in the context of the NPPF objective to significantly boost the supply of homes there is clearly a current housing need to be met.
- 9.24. In one of the more recent appeals relating to PV2 at Ambrosden (18/02056/OUT refers) the Inspector commented that PV2 does not contain any temporal dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters fall to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the Category A villages with fewer amenities on the grounds of locational sustainability it falls that those Category A villages with a greater number of key services would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages.
- 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 in the 2018 HELAA is also material, albeit of limited weight (given the purpose of this document). The earlier decisions on the site and the planning appeals within the district including the appeal at Blackthorn Road in Launton (17/01173/OUT) in 2018 are also material considerations.

#### *Policy Villages 2 Criteria*

- 9.26. The applicable criteria of PV2 are provided at paragraph 9.19 above. In regard to criterion (i) the south western part of the site includes a number of buildings and storage areas. Whilst these do not appear to have benefited from any formal planning approvals they appear to have been operating in commercial use for a number of years (2014 aerial photography shows the outside storage of vehicles) and it is arguable that these areas constitute previously developed land. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value.
- 9.27. In regard to criterion (iv) the applicant states that the Agricultural Land Classification does not constitute Best and Most Versatile (BMV) Agricultural Land and this is supported by the Natural England maps which appear to show it to be poor quality. Whilst the application is not supported by a detailed soil assessment to confirm the actual land classification, on the balance of the evidence available it would not appear to be BMV agricultural land
- 9.28. Criterion (vii) requires an assessment to be made as to whether the site is well located to services and facilities and this was a concern in the earlier application on the site and Launton Parish Council has also raised this matter. The site is located at the far northern edge of Launton. The village contains several key facilities including two pubs, farm shop, a convenience store with post office, primary school, sports and social club, community hall, play area, church and a number of small business



enterprises. The village is also served by a bus service between Aylesbury and Bicester (Route 17). This has a service approximately every hour to hour and a half between 7am and 7pm (in both directions) (excluding Sunday when there is no service) and stops on Bicester Road. Furthermore, Launton is also within relatively close proximity of a wider range of services and facilities and job opportunities in Bicester and, whilst these are unlikely to be accessed on foot from the site due to the length and nature of the routes, opportunities for cycling exist (it is located on the National Cycle Network Route 51) and the proximity to Bicester is a material consideration which weighs in favour of the proposal.

- 9.29. In the 2019 appeal for 72 new houses on Blackthorn Road in Launton the Planning Inspector noted that: *...it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village (paragraph 21 of appeal at Blackthorn Road).* Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in PV2.
- 9.30. Turning to the specifics of this site, and as captured in Refusal Reason 2 of the 2017 application, the site is not ideally located in relation to the services and facilities within the village outlined above, most of which are located on Bicester Road to the south of the site some walking distance from the site. From the main access to the site onto Station Road and walking along the footpaths of the roads, the development would be approximately 700m from the crossroads between Station Road, Blackthorn Road and Bicester Road where the farm shop and pub is situated. It would be slightly in excess of 800 metres (10 minute walk) from the shop and bus service which exist further along Station Road. The school is approximately 1.2km (15 min walk) from the access of the site. Clearly residents of the proposed development would have to walk further than these distances as they would also need to walk through the site to get to Station Road. Some proposed residents may choose to use the public right of way network, to which the application is proposed to be conditioned to be linked, which may shorten a number of journeys from within the site. However, this is not likely to be suitable at all times of the year due to it being partly through fields and unlit albeit OCC have requested contributions to make these rights of way more attractive options (as outlined elsewhere).
- 9.31. It is accepted that some of these distances are longer than may be attractive to some residents and could lead to car use in some instances. However, this needs to be considered within the context of being located in a rural village. Launton has a relatively wide range of services, facilities and more regular public transport than many other Category A villages in the district, and that footpath access exists between the site and village amenities presents a more favourable situation than in some other Category A villages. Therefore, future residents would have better access and opportunities than many village residents in the district. Furthermore, as outlined above, the proximity of Launton to Bicester also weighs in favour of the development and there are opportunities for cycling to Bicester. Whilst the distance to these services and facilities is not ideal and weighs somewhat against the development proposal, in the context of the Council not being able to demonstrate a 5 year land supply this is not considered to be a reason to constitute refusal of the application in its own right.

- 9.32. Concerns have been raised that the scale of growth is also not appropriate to Launton when considered alongside the other developments which have been granted permission in the plan period. The AMR 2021 outlines that during the plan period 3 other major developments have been granted in the village including 11 dwellings at Chestnut Close (13/00186/F), 40 dwellings at Yew Tree Farm (11/01907/F granted in 2013) and 72 dwellings at Blackthorn Road (17/01173/OUT), although the 750 figure is to be composed of developments approved between 1<sup>st</sup> April 2014 and 2031, i.e. only the Blackthorn Road scheme forms part of the 750.
- 9.33. Whilst the third party concerns are noted in this regard, given Launton's general sustainability it is considered that the scale of development proposed (alongside the existing authorised development) would not result in harm to the overall rural housing strategy outlined in the Development Plan and as noted above Planning Inspectors have noted there is no spatial distribution of housing required under PV2. Other matters relevant to the consideration of scale of the development include the impact of the development on local infrastructure and the impact on the character and appearance of the area and these are considered elsewhere in this report
- 9.34. Consideration of criteria (ii) wildlife and heritage, (v) landscape impacts, (vi) vehicular and pedestrian access, (viii) impact on infrastructure and (xl) flood risk of PV2 are outlined in detail elsewhere in this report.
- 9.35. 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.

#### *Conclusion*

- 9.36. Overall, whilst consideration of the matters below is required to reach an overall conclusion of the development in respect of compliance with Policy Villages 2 and other relevant planning policies', the broad principle of this scale of growth in the village of Launton is considered to be acceptable. Whilst the proposal would lead to a further increase of the number of dwellings permitted in the rural areas under Policy Villages 2, this policy is rendered out of date given that the Council is unable to demonstrate a 5 year land supply. The village contains a range of services and facilities and whilst some of the walking distances from the site are not ideal these matters need to be considered in the rural context of the site and weighed in the planning balance and in the context of there being a clear and pressing need for housing in the district.

#### Loss of employment land

##### *Policy context*

- 9.37. Policy SLE1 of the CLP 2015 seeks to retain existing employment sites for employment use unless the applicant can demonstrate the following;
- that an employment use should not be retained, including showing that the site has been marketed and has been vacant long term
  - that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
  - that the proposal would not have an adverse effect of limiting the amount of land available for employment.
- 9.38. It states that regard will also be given to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses. Also, regard will be had to whether the applicant can demonstrate that there are

other planning objectives that would outweigh the value of retaining the site in an employment use.

- 9.39. Section 6 of the NPPF relates to creating a strong and competitive economy and states policies should, amongst other things, allow for new and flexible working practices (such as live-work accommodation).

*Assessment*

- 9.40. The proposal would lead to the loss of several buildings and storage areas on the site which are currently occupied by businesses in the south eastern part of the site.
- 9.41. The earlier application on the site in 2017 for residential development was refused in part due to the loss of this employment space.
- 9.42. However, the applicant now contends that the site should not be considered as an employment site in the context of Policy SLE1 as it was not included in the Employment Land Reviews supporting the preparation of the Local Plan.
- 9.43. Whilst Officers do not accept this argument, Officers have undertaken a further review of the planning history of this part of the site and whilst the commercial operations appear to have been operating for a number of years these do not appear to have been subject to any formal planning consents. In fact, there is a history of refusals on this part of the site for employment uses, albeit these were considered under a different policy context in the early 2000s. Therefore, it is considered there is some force in the applicant's arguments that the proposal should not constitute a loss of existing employment provision.
- 9.44. Notwithstanding the above, the businesses that would be lost as a result of the development currently employ 7 full time equivalents between them according to the applicant. The current proposal has been developed to include the provision of up to 8 live-work dwellings which would provide employment for a similar level of people and is encouraged by the NPPF. The details of the live-work units would need to be controlled through a condition requiring full details of these at reserved matters stage and detailed concerns regarding the management of these and parking (such as those raised by Thames Valley Police) would be considered at the reserved matters application process.
- 9.45. Policy SLE1 also states that regard will be had to whether there are any other planning objectives that would outweigh the value of retaining the employment use. Given the above analysis, the provision of live-work units and the absence of a five year land supply it is considered that any perceived conflict with Policy SLE1 is outweighed by the benefits of new housing supply and that any refusal on the grounds of loss of the site's employment use would not be sustainable at appeal.
- 9.46. Overall Officers now conclude there would be no conflict with Policy SLE1 of the Local Plan and the development is acceptable in this regard.

## Landscape and Visual Impact

### *Policy context*

- 9.47. 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. It goes on to note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.48. Saved Policy C8 seeks to resist new sporadic development in the open countryside. 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*.
- 9.49. 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*. It goes on to state that 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, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.50. 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*.
- 9.51. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the built environment.
- 9.52. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

### *Assessment*

- 9.53. A Landscape and Visual Impact Appraisal accompanies the application. The site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a flat, low-lying vale landscape, associated with small to medium pasture fields, many watercourses and hedgerow trees with small to medium

sized nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages with planting characteristic of the area and maintain the nucleated pattern of settlements.

- 9.54. The LVIA outlines that the application site consists of a number of small to medium sized fields and supports a number of land uses including pasture, plantation woodland and commercial businesses. There is vegetation to most of the field boundaries and there are some mature ash and oak trees on the boundaries some of which are veteran trees. The topography is mainly flat. The LVIA concludes the site is of localised importance and medium landscape value, which the Council's Landscape Officer agrees with.
- 9.55. The indicative scheme put forward demonstrates that the quantum of development could be achieved whilst retaining the majority of the existing landscape features of the site including the existing trees, and the majority of woodland plantations, watercourse and existing hedges. The hedgerow boundaries would be strengthened and new belts of planting would be provided to the boundaries of the site. The LVIA concludes that the level of effect on the character of the site would be moderate adverse at year 1 reducing to minor adverse at year 15. It also considers the impact on the wider local character area to be minor adverse at year 1 and negligible at year 15. The Council's Landscape Officer has considered the LVIA and concurs with its conclusion.
- 9.56. Officers consider that, whilst the proposal would lead to a substantial urbanising change to the character of the majority of the site itself (e.g. from undeveloped fields to a new housing development), the impact on the wider landscape character would be moderate and many of the landscape features of the site such as the broad topography, trees, woodland planting and hedgerows will be retained. Furthermore, strengthening of the hedgerow is proposed (and would be required by condition) and a new woodland belt is indicated to be provided to the north west boundary of the site. It is noted that the character of this part of the site is already significantly impacted upon by the railway to the north west of the site.
- 9.57. In terms of the visual impacts of the development the LVIA considers that the extent of visibility of the application site is limited to public rights of way in the immediate proximity and glimpsed views from local roads and occasional residential properties. This is due to the presence of mature boundary features, surrounding built development and the predominately flat topography of the site and area. The Council's Landscape officer has confirmed that he agrees with the judgements made in the appraisal of visual effects within the LVIA and the viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal.
- 9.58. The most significant visual impacts would occur from the public rights of way to the north west and south west of the site. However, many of these views are also experienced within the context of the existing railway line. The Council's landscape officer originally raised concerns regarding the visual effects of the development from the north western part of the site and the views experienced by users of the public rights of way on this boundary. There is currently no planting on this part of the site boundary. The applicant has amended the illustrative plans to show a new 5-7metre woodland belt along the north west and north east boundary of the site and this would help soften views of the development from the north and west. The proposal would still be visible in views from the public right of way to the north and west of the site; however, the retention of existing planting and provision of new planting would help soften this.

- 9.59. The depth of development proposed from Station Road is similar to that which already exists in Yew Tree Close and Blenheim Drive to the south west of the site and in some views these would reduce the visual intrusion of the development. However, it would be visually separated from these areas by some open land from some viewpoints and would result in some harm to the nucleated form of the village.
- 9.60. The illustrative density and building heights plans have also been amended during the course of the application to reduce the building heights to 2 storeys, rather than 2.5 storeys, in these areas - such building heights would then be more characteristic of the dwellings in Launton - and also reduce the density from 35 dwelling per hectare to 25 dwelling per hectares at the edge of the site. This would allow a gentler transition between the site and the open countryside.
- 9.61. Under the East West Rail (EWR) scheme part of the footpath to the north west boundary (which currently has no boundary hedge to the site) is to be stopped up and in part replaced with a new footpath that runs through the application site from Station Road. This has been approved as part of the relevant consents for EWR; however, the changes have not yet been implemented. Officers are aware that there are some discussions over whether this could be altered. However, for the purposes of this planning application the approved route has to be considered. The plans have been amended to accommodate this new route. The users of this route would also experience a high degree of visual harm although it is noted that some of the proposed route goes close to the existing buildings on Station Road so would already be impacted by them.
- 9.62. There would also be some visual impacts at a localised level for residential properties within proximity to the site and people travelling along Station Road. The existing former agricultural buildings near to Station Road already impact on views from the roadside albeit their agricultural form and appearance are not out of keeping at the edge of the village. The proposal would alter the appearance of this entrance to the village with a new housing development which would have a more urbanising effect. However, the views experienced would generally be only experienced for a short distance along Station Road given the existing hedgerow and tree planting which would reduce wider views.
- 9.63. In the earlier application concerns were raised regarding how the development would relate to the character and form of the village. Launton is a cruciform village with development concentrated along Bicester Road with some development extending along West End and Station Road. The historic character of Station Road is formed by predominantly a linear arrangement of development. However, this has been eroded with a number of post war development in the form of cul-de sacs including Sycamore Road, Yew Tree Close and Blenheim Drive, and now the Mulberry Homes development. These are clustered closer to the node of the village than the application site. Outside of this arrangement of built development, the village is surrounded by open countryside comprising medium open green fields.
- 9.64. The application proposes an estate development which would be somewhat detached from the existing residential development on Station Road and segregated from it by the Grange Farm Business Complex and undeveloped land. Given this separation the proposed development would be somewhat out of keeping with the established built form and character of the village. However, the form and typology of the proposal would be not dissimilar to much of the village and it is noted that the depth of the development proposed in this application is similar in depth to the existing developments at Yew Tree Close and Blenheim Drive. Given the extent of development in depth along Station Road this harm is *moderate* rather than *significant* or *substantial*.

### *Conclusion*

- 9.65. As with the development of any greenfield site the proposed development would lead to some harm to the character and appearance of the locality. However, this harm would be reduced given the existing and proposed landscape features which would help to screen the development and integrate it into the natural and built context. There would also be some localised harmful visual impacts from the users of the rights of way and to a lesser extent Station Road. There would be some harm to the nucleated character and built form of the village given the location and somewhat detached nature of the development. As such the proposal is considered to have a harmful impact on the character and rural setting of the village and would lead to some conflict with Policies ESD13 and ESD 15 of the Local Plan. This harm needs to be considered in the planning balance.

### Design and illustrative layout

#### *Policy Context*

- 9.66. 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 NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policy C28 and C30 echo this. 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. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 9.67. 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.

#### *Assessment*

- 9.68. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan, Framework Masterplan, Building Heights and Density Plan and Land Use and Access Plan which demonstrate one way the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles.
- 9.69. In the earlier application concerns were raised that it had not been demonstrated that the quantum of development proposed on the site could be accommodated alongside the requirement for open space and outdoor sports provision (Refusal Reason 4). There were also concerns that the Design and Access Statement did not represent an acceptable design solution and would not be consistent or sympathetic to the rural vernacular type of development which would be required within an edge of village location (Refusal Reason 5).
- 9.70. In the current application the illustrative plans demonstrate how the majority of the existing landscape features can be retained and new landscape provision made to the boundaries of the site whilst providing developable areas to accommodate up to 65 units. The developable areas are shown at 25 dwellings per hectare closer to the north and west boundaries of the site and 30 dwelling per hectare more central to the site which is considered to be suitable for this edge of settlement site.

- 9.71. The plans also demonstrate how a suitable quantum of general green space can be provided on site in accordance with Policy BSC11 alongside the woodlands which would be retained and publicly accessible. In the current application the Council's Recreation and Leisure Team have requested an off-site financial contribution for outdoor sports provision (which would be secured by a legal agreement) rather than it being provided on site, so this does not need to be accommodated within the site. Furthermore, it is noted that the scale of the proposal only just meets the threshold for consideration of on-site outdoor sports provision outlined in Policy BSC11 and Table 7 of the CLP 2015.
- 9.72. The development would require the provision of a Local Area of Play (LAP) and also a Local Equipped Area of Play (LEAP) in accordance with Policy BSC11. The landscape officer has stated this could be provided as a combined facility. The illustrative plans demonstrate one way this could be achieved and the Landscape Officer raises no objection to the scheme on this basis. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas.
- 9.73. The submitted Design and Access Statement does go into some design principles for the site which look to work with the constraints of the site. Many of the principles outlined in this are considered appropriate such as the retention of existing features, setting the development away from the boundaries of the site, the creation of primary and secondary streets, the development of a central open space, development being predominately 2 storey and the provision of the live-works units at the entrance to the site in a barn like style. However, there are a number of concerns regarding the illustrative masterplan which appears to create a crescent form of development to the open space and also to the open countryside beyond. Officers have concerns this would be overly formal and out of keeping with the rural character of the site. There are also concerns over some of the more detailed elements of the DAS including the use of materials and building types, which would not be acceptable.
- 9.74. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

#### Impact on Heritage Assets

##### *Policy Context*

- 9.75. 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.* It goes on to state that when a proposal would lead to 'less than substantial harm' this should be weighed against the public benefits. Policy ESD15 of the CLP 2015 echoes this guidance expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have regard to the desirability of preserving listed buildings and their setting.

##### *Assessment*

- 9.76. The village is not a conservation area, but there are a number of listed buildings in the immediate surrounding area which lie on Station Road to the east and south east of the site. These include Grange Farmhouse, Laurels Farmhouse, Box Tree



Farmhouse and Watermoor House which are all Grade II listed buildings. There would be no direct impact on these; however, the development does have the potential to impact on their setting.

- 9.77. The application is accompanied by a Heritage Assessment which has been considered by the Councils Conservation Officer. The listed building upon which the development would have the greatest impact is Grange Farmhouse and associated curtilage listed structures which now form part of Grange Farm Business Centre. The heritage significance of these is primarily derived from its built form as an example of a 17<sup>th</sup> century farmhouse and it has group value with the outbuildings which contribute to its setting. The agricultural fields that form part of the application site are historically associated with the farmhouse and have glimpse intervisibility with the rear of the asset. The site is therefore considered to make a minor contribution to the overall setting of the listed building as part of the wider agricultural landholding.
- 9.78. The development involves demolition of a number of modern barns and farmyard structures around the listed building but the historic outbuildings would remain. There would be some harmful impact on the setting of Grange Farmhouse and associated buildings through the development of the site, but the Conservation Officer notes that the setting of the site has already been compromised by the development of Grange Mews Business Centre to some extent. The Conservation Officer raises no objection in principle to the development of the site but notes additional work could be undertaken to mitigate the impact on the setting of the listed building which could involve a more substantial buffer between the development and the rear of the listed building and greater consideration being given to the form of development in this area. The applicant has updated the parameter plan to show additional planting on this boundary and the detailed layout of the scheme would be considered at reserved matters stage.
- 9.79. Overall, the proposed development is considered to result in 'less than substantial harm' to the setting of Grange Farmhouse however this would be located at the lower end of the spectrum of harm given its limited impact. In accordance with the NPPF this harm needs to be weighed against the public benefits of the scheme in the planning balance.
- 9.80. In regard to the other listed building the submitted assessment concludes that the setting of these buildings would not be harmed by the proposals owing to their distance from the site, lack of historic relationship and intervening buildings and vegetation.
- 9.81. The Heritage Assessment also identified one non-designated heritage asset being the ridge and furrow earthworks in the northern field which is of low value and forms part of a wider non-designated heritage asset. No objections have been received regarding the loss of this from the Conservation Officer or County Archaeologist. The County Archaeologist has stated that given the general environs of the proposed site it is possible that previously unidentified archaeological deposits could survive within the application area which would be disturbed by this development. They have therefore requested a condition be imposed requiring a staged programme of archaeological investigation which is considered to be reasonable.

### Highways

#### *Policy Context*

- 9.82. 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.” The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe

#### *Assessment*

- 9.83. The application has been accompanied by a Transport Assessment (TA) which has been assessed by the Local Highway Authority (LHA). The LHA considers this to form a robust basis on which to assess the application, which uses industry standards to forecast traffic generation, and raises no objection to the application subject to a number of conditions and a legal agreement securing a number of works.
- 9.84. Many residents have raised concerns regarding the traffic impact of the proposed development and the impact on Station Road and in particular the crossroad between Station Road and Blackthorn/Bicester Road. Residents have also raised concerns that the TA may not take into account that Station Road has been closed to through traffic due to works relating to East West Rail. However, the TA takes account of this and uses traffic flow information undertaken prior to the closures which have been updated to incorporate additional traffic generated by the new housing development on Blackthorn Road and general increases in background traffic in accordance with industry practice. The Highway Engineer is satisfied with this approach.
- 9.85. The applicant has proposed changes to the layout of the Station Road/West End/Bicester Road crossroads through which many of the vehicles generated by the development will travel to improve the visibility at this junction. This includes hatched white lining on the carriageway to allow the stop line on Station Road to be pushed further into the carriageway in addition to widening on the southern side of the junction. Part of the white line hatching has already been undertaken. The LHA advises these changes are acceptable and that they would improve visibility for all drivers emerging from Station Road. Concerns have been raised by residents that these works may not be achievable but the LHA disagrees; the exact details would be secured as part of a S278 agreement.
- 9.86. The TA has considered the impact of the traffic on the capacity of a number of junctions including the Station Road/Bicester Road crossroads and the impact on the Bicester Road railway bridge and demonstrates they would continue to operate within capacity.
- 9.87. The proposed development would be accessed from a new access onto Station Road and would include the provision of a new footpath linking the access back to the existing footpath network along Station Road. It is also proposed to move the 30mph speed limit and entrance feature further to the north of the proposed access. The LHA has raised no objection to the proposed access or visibility and considers that it is suitable and safe to serve the quantum of development proposed. These works would be secured by an obligation to enter into a S278 Agreement.
- 9.88. A public right of way runs to the west of the site and it is important that any development creates linkages to this to provide future residents with alternative links to village services and facilities along with the requested contribution of £15,000 from OCC to make improvements to public rights of way in the vicinity of the site and encourage their use by residents. These can be secured through a legal agreement.
- 9.89. It is also considered that the contribution of £1,051 per dwelling to support the bus service in the village (Route 17) is justified as this is important to the sustainability of

the site in transport terms and it is financially supported by the County Council using developer contributions. The contribution of £6,397 towards enhanced bus stop facilities in the village to make them more attractive to user is also considered to be justified.

- 9.90. A Travel Plan Statement has been submitted with the application, some additional information will be required to ensure that the Travel Plan is effective at promoting sustainable travel to and from the site. A condition is requested to secure a revised Travel Plan Statement.

#### *Conclusion*

- 9.91. Overall, the application is therefore considered to be acceptable in highway terms and would not result in unacceptable highway safety impacts or severe traffic impacts. Measures are proposed to encourage sustainable transport options and encourage walking having regard to the rural context. The proposed development is therefore considered to be in accordance with policies SLE4 as well as Government guidance within the NPPF and NPPG.

#### Flood Risk and Drainage

- 9.92. A Flood Risk Assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the NPPF, given the site extends to over 1ha in area. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems to manage surface water. This is all with the aim to manage and reduce flood risk in the District.

- 9.93. The site is located in Flood Zone 1 in relation to river flooding (the lowest risk of flooding) on the Environment Agency Flood Risk Maps where residential development is considered to be appropriate. The Environment Agency Surface Water Flood Risk Maps indicate that part of the centre of the site and to the south east have a risk of surface water flooding. Surface water hydraulic modelling was undertaken which concluded that the reason why flooding is occurring is due to undersized culverts and a blocked ditch network within the development site and development is generally situated away from these areas.

- 9.94. The Flood Risk Assessment includes an outline drainage strategy which outlines that the surface water from the proposed development would be conveyed, stored and treated in three proposed attenuation basins on the site. The proposed basin would manage flows generated for up to and including the 1 in 100 year plus 40% climate change storm event. The site investigation indicates that the ground is not suitable for soakaways. The water would therefore be stored in the attenuation basins and then be discharged into the existing ordinary watercourse which with runs through the site at a Greenfield rate thereby not increasing flood risk elsewhere.

- 9.95. Further to the receipt of additional technical information both the Council's Drainage Officer and the Lead Local Flood Authority raises no objection to the outline drainage strategy subject to conditions. The development is therefore considered to be acceptable in accordance with policy ESD 6 and ESD 7 in this regard and is considered acceptable with regards to flood risk and not increase the risk of flooding off the site.

- 9.96. In relation to foul drainage, concerns have been raised by residents that the existing infrastructure will not have sufficient capacity to accommodate the needs of the development and problems with the existing network have been highlighted. However, whilst Thames Water acknowledges that the catchment area is subject to high infiltration flows during certain groundwater condition, they have stated that the scale of the development does not materially affect the sewer network and as such

they raise no objection to the current application. In the longer term Thames Water has advised they are working on a strategy to reduce groundwater entering the sewer networks to help with these existing issues.

- 9.97. In relation to water supplies, Thames Water has identified an inability of the existing network to accommodate the needs of the development and has therefore requested for a condition to be placed on any consent to ensure this is addressed prior to the occupation of the site. This can be secured by condition.
- 9.98. Based on the fact that the statutory consultees in respect of these technical matters raise no objection to the proposal the development is considered to be acceptable in this respect.

### Ecological Implications

#### *Legislative context*

- 9.99. The Conservation of Habitats and Species Regulations 2017 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. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. 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.

#### *Policy Context*

- 9.100. 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. It goes on to state 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.

- 9.101. 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.

9.102. 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.

9.103. 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 ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

9.104. The application is supported by an Ecological Assessment which the Council's Ecologist (CE) considers to be adequate in scope to assess the impacts of the development. The site is not located in any statutory or non-statutory designated site although the Ray Conservation Target Area is located to the east of the site beyond Station Road.

9.105. The site is a mix of agricultural land, brownfield, and woodland. The habitats that would be lost to the development are generally of local ecological importance and their loss would be mitigated through new habitat creation and enhancements to retained habitats with the most ecologically important habitats being retained and enhanced.

9.106. A number of protected species have been identified on the site. This includes a badger sett within some man made bunding adjacent to the woodland. This is not considered to be a main sett and is an outlier sett. The proposed development would require the closure of this sett. The CE has raised no objection to this and a licence from Natural England would be required for this which may also include mitigation measures. Details of this could be secured by condition.

9.107. A number of trees were noted to have bat roost potential however these are to be retained. A modern timber clad building which would be removed as part of the development has potential to support roosting bats and an outline mitigation strategy has been proposed in respect of this, with which the CE is satisfied. A diverse assemblage of foraging/commuting bats have been identified as using the boundaries of the site including the rare barbastelle bat albeit these are low in number. The boundary features of the site are to be retained and enhanced which the CE considers to be appropriate along with a sensitive lighting strategy for the site which can be controlled through a condition.

9.108. Whilst there are no ponds on the site, there are ponds within the vicinity of the site. A pond 20 metres to the south east of the site has been confirmed to have Great Crested Newts present. The proposal will impact on the terrestrial habitat and an outline mitigation strategy is put forward within the submitted Ecological Assessment which the CE is generally satisfied with. However, a Licence will be required for these works. As this is an outline application the option remains open at reserved matters stage to join the District Licencing scheme to off-set the impact on newts. A number of reptiles have also been confirmed as present on the site and will require translocation, mitigation and enhancement.

- 9.109. A barn owl nesting site, located in one of the modern steel framed buildings to be removed, will also be lost and therefore replacement nesting facilities will be required. The applicant has suggested the provision of pole mounted barn owl boxes however the CE considers that 'built in provision' would be preferable. Full details of the mitigation and enhancement strategy could be secured through conditions requiring an ecological management plan and biodiversity enhancement scheme to come forward alongside any reserved matters for layout.
- 9.110. The application also includes a biodiversity impact assessment which includes a biodiversity metric and demonstrates that a net gain in biodiversity is achievable. However, this includes the use of land immediately adjoining the north west of the site but outside of the application site to provide ecological enhancement. This land is also within the applicant's control. Following comments from the CE it has been confirmed that this area will not be publicly accessible however given that it lies outside of the application site its provision and long-term management of it for biodiversity net gain would need to be controlled through a legal agreement.
- 9.111. The CE has also indicated that the extent of public access to the retained woodlands on the site would also require consideration at reserved matters stage to ensure it did not undermine the ecological value of these areas. The CE has not raised any objection in regard to the impact on the adjacent Conservation Target Area.
- 9.112. Overall, the CE has stated that the proposals for safeguarding areas of highest ecological value and mitigation/enhancement of protected species are acceptable and that it has been demonstrated that a net gain can be achieved. Therefore, subject to conditions and a legal agreement Officers consider the development to be acceptable in this respect.

#### Housing Mix/Affordable Housing

- 9.113. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.114. Policy BSC3 requires development within locations such as Launton to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is
- 25% First Homes
  - 70% Social/affordable rent
  - 5% Intermediate housing such as shared ownership.
- 9.115. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2, 3, 4 and 5 bed units.
- 9.116. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 23 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined

in the Developer Contributions SPD. This will be secured as a benefit of the scheme through S106 agreement.

#### Effect on Neighbouring Amenity

- 9.117. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings.
- 9.118. Due to the location of the site some distance from existing residential properties, it is unlikely that existing residential properties will be significantly affected as a result of the proposal. The detailed layout and design of the site would be considered at reserved matter stage at which time a careful and considered approach to design will ensure that any impact to neighbouring amenity would be minimised.
- 9.119. Concerns have been raised regarding the impact of the development on a barn which is used for keeping horses to the north of the site. The owner of this building has raised concerns over security and safety of the animals and the yard. It is not unusual for new residential development to adjoin agricultural fields and the illustrative plans show the residential development set off the boundaries. Whilst the concerns are noted it is not considered that this would warrant a reason to refuse the application.

#### Noise, Contamination and Air Quality

- 9.120. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution
- 9.121. The application is accompanied by an Air Quality Assessment which outlines that the proposal would not lead to an unacceptable impact on air quality in the area. This has been considered by the Council's Environmental Protection Officer who raises no objection to the scheme on this basis.
- 9.122. A Noise Assessment also accompanies the application and assesses the noise environment of the site and takes into account the relationship of the development with the retained commercial uses and also the future noise environment of the site when the East West Rail link becomes operational. The Council's Environmental Protection Officer has reviewed this and is satisfied that acceptable internal and external noise environments can be achieved on the site subject to detailed mitigation which can be secured by condition.
- 9.123. In relation to contaminated land the submitted Phase 1 Geo-environmental Desk Study concludes that an intrusive investigation will be required to be undertaken along with any subsequent remediation scheme. This can be secured through condition.
- 9.124. Based on the comments of the Council's Environmental Protection team, the proposal is considered to be acceptable with regards to noise, air quality and contaminated land.

#### Sustainable Construction and Energy Efficiency

- 9.125. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the

CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.

9.126. The site is within an off-gas area where policies ESD 4 and ESD 5 would apply. The policies require feasibility studies to be submitted for the use of decentralised energy systems and renewable energy. Feasibility assessments have been submitted which conclude that decentralised energy systems would not be feasible on the site given the likely payback period and relatively small size of the development. The proposed development is also considered to be too far from the closest district heating network to provide a viable connection. In regard to the use of renewable energy it is stated that it is proposed to use air source heat pumps on all the proposed dwellings along with a fabric first approach and solar panels will be considered. Full details of this can be controlled through condition.

9.127. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

#### Impact on Local Infrastructure

##### *Policy Context*

9.128. Policy INF1 of the CLP 2015 states that: "*Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*"

9.129. Policy BSC11 of the CLP 2015 states that: "*Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.*" Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.130. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

##### *Assessment*

9.131. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in



regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

9.132. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.133. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

*Cherwell District Council (all contributions will be index linked)*

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields - Based on £2017.03 per dwelling.
- Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre- Up to £54,271.54 (based on 65 dwellings)
- Community hall facilities – Up to £74,311.08 (based on 65 dwellings) – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building in the locality.
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 23 units)
- Provision of Landscape and Ecological Management Plan and long-term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.
- CDC monitoring fee

*Oxfordshire County Council*

- Public transport contribution of £1,051 per dwelling to maintain the operation of the bus service serving Launton.
- Public transport infrastructure contribution of £6,397 towards the provision of new bus shelters on Bicester Road.
- Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.
- Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.
- Obligation to enter into a S278 agreement to secure:

- New site access bellmouth junction with Station Road, as shown indicatively on drg. no. T21547 001 Rev. –
  - New 1.8m wide footway, approximately 35m in length, between the site access and Grange Mews, as shown indicatively on drg. no. T21547 001 Rev. –
  - New dropped kerb crossing with tactile paving, as shown indicatively on drg. no. T21547 001 Rev. –
  - Relocation of the speed limit terminal signs and village entry feature, as shown indicatively on drg. no. T21547 001 Rev. –
  - Modifications to the Bicester Road/Station Road/Blackthorn Road/West End junction, as shown indicatively on drg. no. T21547 003 Rev.
- Primary education contribution of £490,828. Towards expansion/alteration of Launton CE Primary School. OCC Education have stated that the current published admission number is 20 children per year, although the school uses its accommodation flexibly to accommodate fluctuating local demand for places. Pupil numbers are forecast to remain high, as the school has been repeatedly over-subscribed. The school therefore does not currently have surplus capacity to meet the needs of this proposed housing development. Due to the sustained pressure on places at this school, the county council previously carried out a feasibility assessment into expanding the school to an admission number of 30, which would be sufficient to meet the needs of the proposed development. This identified that expansion would be possible, but further work would be needed to update this assessment. Whilst the parish council's concerns regarding school capacity are noted they are not supported by the comments of the County Council.
  - £565,029 towards secondary education capacity and £56,661 towards secondary school land contribution for secondary school places in Bicester to ensure adequate secondary school provision.
  - £35,896 Special School contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
  - £6,389 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
  - Monitoring Fee

#### Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They there are requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 163 people).

#### *Conclusion*

9.134. Subject to the above the proposal is considered to be acceptable with regards to its impact on local infrastructure and would mitigate acceptably mitigate the impact arising from the development.

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

10.1. Planning law requires that development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposed scale of growth at Launton is considered to be acceptable and is not

considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan.

- 10.2. However, the proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. It would also result in some harm to the pattern of development and character of the edge of the village. When viewed as a whole the proposal is therefore considered to be contrary to the Development Plan particularly Policy ESD13, Policy ESD15 and Saved Policy C28. The proximity of the site from services and facilities is not ideal, however having regard to the rural context of the site and the relatively good level of services (including public transport) in the village as a whole, this is only considered to carry limited weight against the proposal.
- 10.3. The proposal would also lead to some harm to the setting of Grange Farmhouse. This is considered to be 'less than substantial harm' in the context of the NPPF however the level of harm would very much be at the lower level of the spectrum of harm. Whilst this harm carries great weight, it is not considered to be a clear reason for refusal and when weighed against the other public benefits (as outlined below) is considered to be outweighed.
- 10.4. Turning to other material considerations the Council is not presently able to demonstrate a 5 year land supply and there is therefore a clear and pressing need for new housing to be delivered in the district. In this case paragraph 11(d)(ii) of the NPPF, also known as the tilted balance, is engaged, which favours granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.
- 10.5. The provision of up to 65 residential units on the site would align with the NPPF objective to significantly boost the supply of new housing and in the context of the Council not being able to demonstrate a 5 year land supply is given significant weight in favour of the proposal. The proposal would also provide up to 23 affordable homes which is a matter that carries substantial weight in favour of the proposal. The provision of the live-work units would support the rural economy and reduce the need to travel and attracts moderate weight in favour of the proposal. The improvements to the footpaths also carries some positive weight in favour of the proposal as these will benefit existing and proposed residents. The scheme would also lead to ecological enhancements and a net gain in biodiversity which carries some weight but not more because it is required to make the development acceptable. There would also be some economic benefits associated with the development including the jobs through construction and the likely increased spending in local services and facilities stemming from an increase population which carry some weight in favour of the proposal.
- 10.6. Overall, taken as a whole the harm arising from the development is not considered to clearly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that planning permission be granted.

## 11. RECOMMENDATION

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

### HEADS OF TERMS

As set out in the table set out at Appendix 1.

### CONDITIONS

#### **Time Limit**

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

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

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

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

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

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

#### **Compliance with Plans**

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawings numbered 45439-02, 45439-05, T21547 001 (contained in Transport Assessment), T21547 002 (contained in Transport Assessment) and T21547 003 (contained in Transport Assessment)

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.

**Levels**

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

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

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

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

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

9. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:
- Discharge rates based on 1:1 year greenfield run off rate
  - Discharge Volumes
  - SUDS
  - Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers.
  - Network drainage calculations
  - Phasing
  - Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
  - A detailed maintenance regime for all proposed drainage features and SuDS features.
  - A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance within the National Planning Policy Framework.

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority and approved in writing.

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

12. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. As part of any reserved matters for layout, a Arboricultural Impact Assessment, Tree Protection Plan and an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and to accord with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework

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

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

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

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

15. 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, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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.

16. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

17. Prior to the first occupation of any of the development, the means of access shall be constructed in accordance with the approved details shown on the Site Access plan T21547 001 and T21547 002 (contained in Transport Assessment) and shall be retained as such thereafter.

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

18. No development shall commence unless and until details of a new public right of way across the site from existing right of way 272/12 in the west as far as Station Road in the east have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to occupation of the development, the new public right of way shall be constructed and retained in accordance with the approved details and available to use by the public at all times.

Reason: To ensure safe and suitable access to the development for all people and to connect the development to the existing rights of way to encourage walking.

19. No development shall commence above slab level unless and until full specification details of the proposed new footway along Station Road, connecting the site access to the existing footway on the south east side of Station Road which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason - In the interests of highway safety, to ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework

20. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

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

21. Prior to occupation of any part of the development hereby approved, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried



on in accordance with the approved details.

Reason – To encourage occupiers to use sustainable modes of transport in line with the NPPF

22. As part of any application for reserved matters including layout, full details of the live work units including the extent and type of commercial workspace within each unit and a management plan of how they will be controlled and the division of space between residential and commercial space provided shall be submitted and approved in writing to the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved details. The premises shall be thereafter be used solely as a Live/Work units (sui generis) and for no other purpose including for residential or employment use.

Reason: To secure the live work units and ensure they are provided and operated in an acceptable manner.

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

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

24. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

25. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

26. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on badgers until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

27. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

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

28. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

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

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

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

30. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

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

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

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

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

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p>	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		<b>Fairly and reasonably related in scale and kind –</b> In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	£2017.03 per dwelling	To be delegated to officers	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related –</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind –</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	Up to £54,271.54 (based on 65 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.	Up to £74,311.08 (based on 65 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Contributions to bins	£106 per dwelling	To be delegated to officers	<b>Necessary –</b> The dwellings will required adequate waste receptacles for future occupants and in

			<p>accordance with the advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p> <p><b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>

<p>Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.</p>	<p>To be provided and managed long term in accordance with the LEMP</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p><b>Directly related</b> – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p><b>Fairly and reasonably related in scale and kind</b> – To off-set the impacts of the development and provide a net gain.</p>
<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
<p>Monitoring Fee Contribution towards the Council's (both district and County Council) costs</p>			<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p>

of monitoring compliance with the agreement or undertaking	CDC Monitoring Fee - £1000 (exc VAT)  OCC - To be confirmed	To be delegated to officers	<b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
Public transport contribution of £1,051 per dwelling to maintain the operation of the bus service serving Launton	£1,051 per dwelling	To be delegated to officers	<b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.  <b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.  <b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.
Public transport infrastructure contribution of £6,397 towards the provision of new bus shelters on Bicester Road	£6,397		
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£15,000		
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		
Obligation to enter into a S278 agreement to secure:  - New site access bellmouth junction with Station Road, as shown indicatively on drg. no. T21547 001 Rev. –	To be delivered on and off site	To be delegated to officers	<b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the

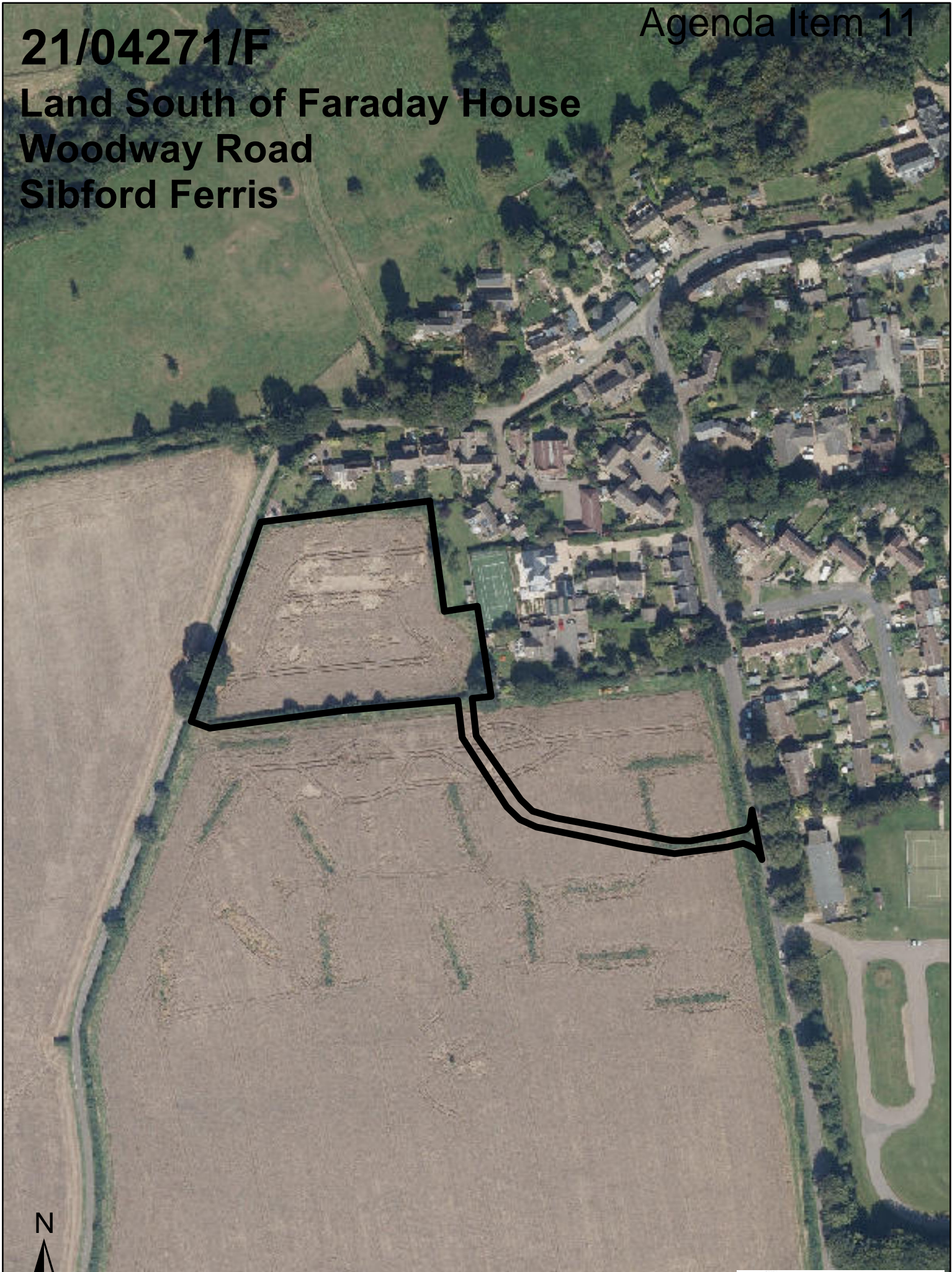


<ul style="list-style-type: none"> <li>- New 1.8m wide footway, approximately 35m in length, between the site access and Grange Mews, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- New dropped kerb crossing with tactile paving, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- Relocation of the speed limit terminal signs and village entry feature, as shown indicatively on drg. no. T21547 001 Rev. –</li> <li>- Modifications to the Bicester Road/Station Road/Blackthorn Road/West End junction, as shown indicatively on drg. no. T21547 003 Rev.</li> </ul>			<p>development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Primary education contribution towards expansion/alteration of Launton CE Primary School.	Up to £490,828 (final amount to be based on final housing mix)	To be delegated to officers	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p>
Secondary education capacity contribution and contribution towards secondary school land in Bicester	£565,029 towards secondary educate capacity and £56,661 towards secondary school land contribution for secondary school		

	places in Bicester (final amount to be based on final housing mix)		<b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.
Special School contribution to be spent on expansion of SEN school capacity	£35,896 (final amount to be based on final housing mix)		
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	£6,389	To be delegated to officers	<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>

21/04271/F

Land South of Faraday House  
Woodway Road  
Sibford Ferris



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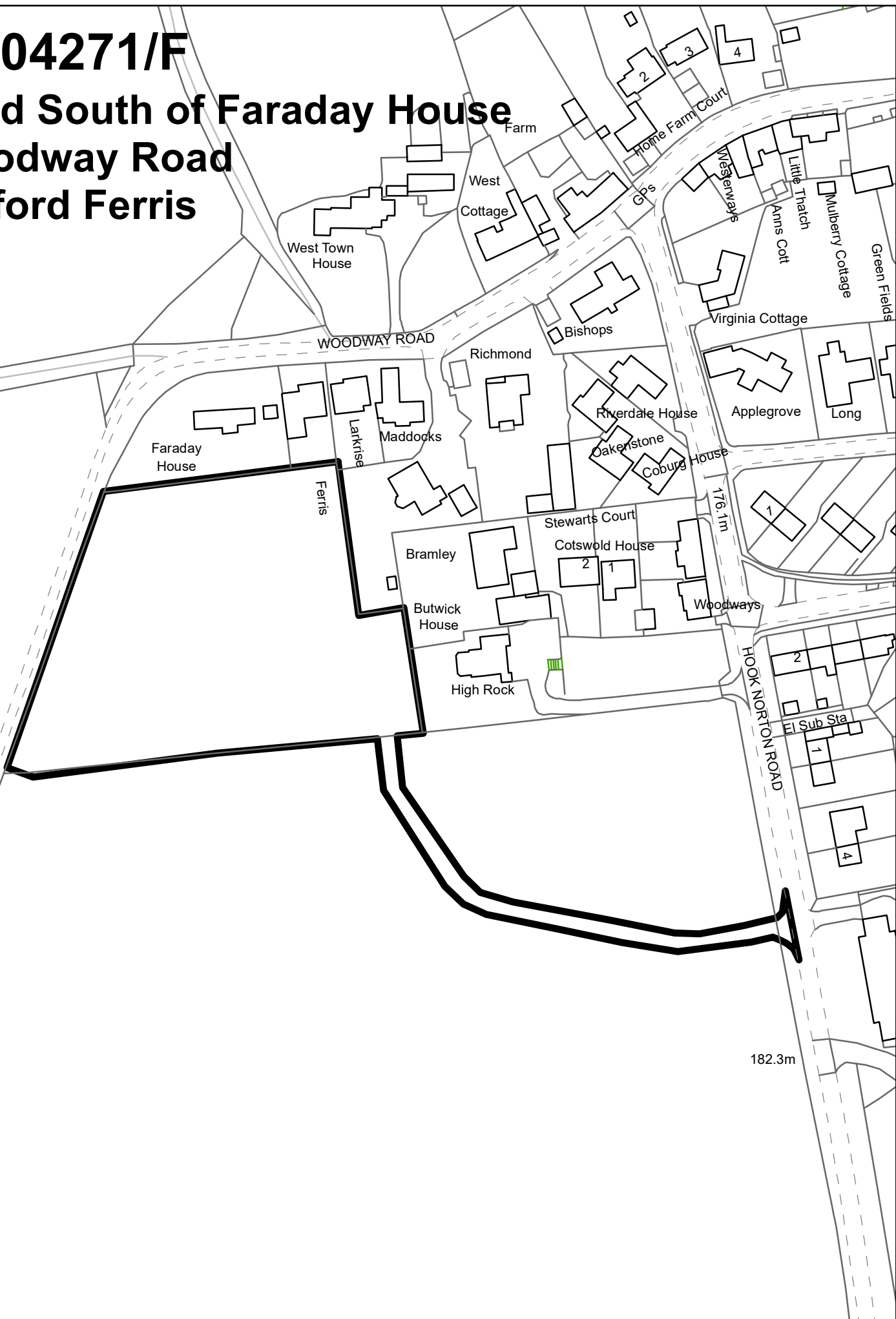


# 21/04271/F

## Land South of Faraday House

### Woodway Road

### Sibford Ferris

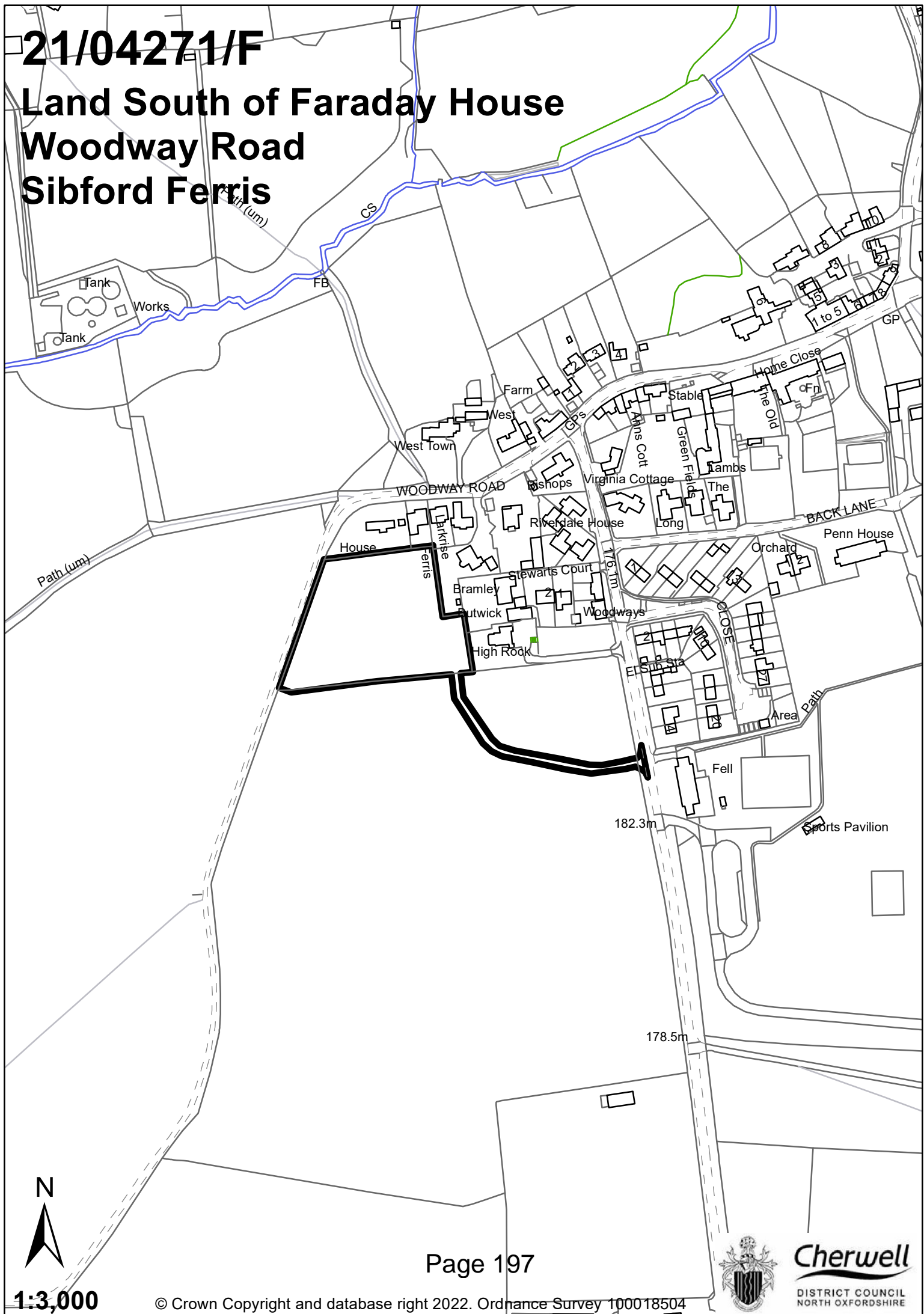


1:1,500



# 21/04271/F

## Land South of Faraday House Woodway Road Sibford Ferris



**Case Officer:** Wayne Campbell

**Applicant:** Blue Cedar Homes Limited

**Proposal:** Erection of 6no single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

**Ward:** Cropredy, Sibfords and Wroxton

**Councillors:** Cllr Chapman, Cllr Reynolds, and Cllr Webb

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

Public Interest – there are many objections from concerned residents requiring the topic to be discussed publicly.

Sustainability – The Sibfords including Burdrop are three small villages with very limited services. They are not well connected to each other. This application does not support CDC policies.

The Sibford Ferris infrastructure is stretched, including sewage already. This is prior to the adjacent 25 homes being built and putting more pressure on services. This new application will put even more pressure on the narrow and congested high street

**Expiry Date:** 11 March 2022

**Committee Date:** 7 April 2022

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

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located on the western edge of Sibford Ferris village and covers an area of 0.94ha. The northern and eastern boundaries to the site are marked by existing residential properties while the southern edge of the site is marked by a hedgerow boundary beyond which is a further field which has outline planning permission for up to 25 dwellings approved at appeal under application 18/01844/OUT (and subject of a current Reserved Matters application). To the west the site is marked by Woodway Road and open fields.

1.2. The existing houses adjoining the site to the north and east are two-storeys in height while the boundaries between these dwellings are a mix of hedgerows and fences. Other than the hedgerow boundaries the site is an area of open agricultural land which currently has the appearance of a paddock, but from google maps the site has clearly been used for agricultural use with evidence of ploughing in the past.

**2. CONSTRAINTS**

2.1. The application site is located outside the built form of Sibford Ferris village but abuts the edge of the village. The site therefore has the appearance of an area of open countryside.

- 2.2. The Sibford Ferris Conservation Area boundary lies some 70 metres to the north of the site with existing residential properties on intervening land. The nearest listed buildings within the Conservation Area lie some 175 metres to the north-east of the site located on the main street through the village.

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

- 3.1. The application seeks planning permission for the development of the site for six detached bungalows. Access would be provided off a spur road to link into the approved residential development to the south of the site, and delivery of the proposed development is dependent upon the provision of the access road to the development to the south. Work on this site is unlikely to commence until this road serving the estate to the south is implemented.
- 3.2. The applicant has confirmed that the bungalows would be age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. The bungalows would be controlled by an age restriction of 55 years and above for the occupiers.

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

- 4.1. There is no planning history directly relevant to the proposal. However, as access to the site is to be obtained via the development to the south the history for this adjoining site is relevant.

18/01894/OUT - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage. Refused and approved on Appeal.

21/02893/REM - Approval of reserved matters pursuant to condition 1 of planning permission 18/01894/OUT for details of layout, appearance, scale, landscaping, access and parking for 25 dwellings. Pending decision.

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

- 5.1. The application was the subject of a pre-application enquiry. A meeting with the applicant and agent was carried out; however, the application was submitted before a response was provided though after the target date for the response. As such no written advice had been provided to the applicant prior to the submission of this application.

### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records along with formal consultees. The final date for comments was **31 January 2022**. There were 106 letters of objection, 1 letter of support and no comments received.

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

- Principle – Application conflicts with The Sibfords Community Plan.
- Attempts to build on this site over the years, they have all been refused as the site was deemed unsuitable.
- Development unnecessary, inappropriate and unsustainable contrary to Policy C28 of the Cherwell Local Plan 1996, Policy villages 2 and Policies ESD13 and

ESD15 of the Cherwell Local Plan 2011-2031 part 1 and the National Policy Framework and the National Design Guide.

- Need – No new permissions in rural areas needed as the Housing Delivery targets already exceeded, a total of 1062 dwellings have been identified to meet the Policy Villages 2 requirement for 750. The Annual Monitoring Review sets out Cherwell has a "Housing Land Supply from Deliverable Sites" for the 5 year period 2020 - 2025 and the other for the period 2021 - 2026 of respectively 4.8 and 4.7 years, marginally under the required 5 years.
- Sustainability – Council's own CRAITLUS report says development in the Sibfords is the least sustainable in the Cherwell district. The allowed appeal decision for 25 houses at Hook Norton Road in November 2019, overlooked the relative isolation, aged infrastructure, limited capacity, lack of facilities and poor accessibility of Sibford Ferris.
- Occupants of the proposed dwellings, being older, less mobile and less likely to walk or cycle, will be highly reliant on the use of private cars. Government advice on the location of housing for older people states that factors to consider include the proximity to good public transport, local amenities, health services and town centres. None of these apply in this instance.
- Nearest bus stop is 650m from the site entrance. On weekdays there are five buses to Banbury and Stratford, on Saturdays there are four and on Sundays there are no services and no services to Chipping Norton. Chartered Institution of Highways and Transportation guidance states maximum walking distances to bus stops is: "400 metres on single high frequency routes (every 12 minutes or better)." "300 metres on less frequent routes." The guidance disregarded by the applicant.
- Sibford Ferris, Sibford Gower and Burdrop wrongly classed as Category A Villages... leaves them vulnerable to speculative and unsustainable development. Class A categorization under review with communities and local MP and raised by Planning Inspector commenting on the appeal case of the Hook Norton Rd Development.
- The few public amenities in Sibford Gower and Burdrop, only accessed by narrow roads with poor, incomplete footpaths, limited lighting and congestion caused by parked cars. The villages are separated by a deep valley (Sib Brook) have poor accessibility for anyone, let alone older persons, without a car while the bus service has more than halved in recent years.
- Development beyond the confines of Sibford Ferris village and the residents of Sibford Ferris and Sibford Gower limited services means residents overly dependent Banbury, Stratford upon Avon and Chipping Norton. Sibford Ferris is not a suitable location for these age restricted dwellings.
- Infrastructure – No guarantee local infrastructure will cope with approved development for 25 new homes such as traffic, sewerage system at capacity, appointments at the local surgery, lack of public transport, lack of pavements, lack of Broadband, water pressure therefore further dwellings have a greater impact
- Transport impacts – Traffic implications with two lots of site traffic opposite the main entrance to Sibford Friends School and additional traffic will drive up CO2 emissions and drive down air quality.
- The traffic assessment in support of the application is not a true reflection of the village infrastructure, where with only one small shop/post office that often does not have the most basic of items that you may need located in the centre of the village which is a distance of 900 metres away from the proposed site.



- Traffic assessment mentions there have been no reported accidents at the proposed location; again this is not a true reflection of the village.
- Implications – Proposal clearly a phase 2 style extension of the Hook Norton Rd site, with a phase 3 put forward as part of the Local Plan review leading to Developer Creep.
- Benefits – How does developer ensure homes will go to local people? Development will attract additional older people to the village, which already has a much higher proportion than the national average. Demand for affordable housing but this development is not going to contribute any to young families.
- Despite being described as for older people, the proposal is open market housing, fettered only by the not particularly demanding requirement for the occupiers to be 55 years of age. Whilst an ageing population has particular housing needs, 'retirement bungalows' in this location with a negative effect on the character and appearance of the area do not warrant any particular pre-eminence.
- Impact on landscape – Proposed development will adversely affect the local Landscape character of the village and the outlook over the ANOB with a beautiful landscape of farmland, natural flora and fauna further development will only erode the natural beauty of the area.
- Design – The proposal appears ill-conceived, incorporating large bungalows with variety of roof pitches, timber boarding and other uncharacteristic features is contrived, takes no design cues from the established historic character of its surroundings.
- Bungalows sited close together, have very small private amenity spaces, appear cramped and out of character with the quality of development in the village, which is designated as a Conservation Area.
- Gables on the north & east elevations would cause unnecessary restrictions to light and visual impact to the properties surrounding the development.
- Revised position of bin collection point would result in noise disturbance on collection day, lights from refuse lorry would shine directly into our property resulting in evasion of privacy.
- Revised plans place new road access, along with the swept path assessment, directly bordering our entire garden, which will affect our property with fumes, noise and after dark light pollution with vehicle lights from anyone driving along this access road shining directly into our property when this road is in use. Proposed access road means a complete loss of privacy, as well as a loss of wildlife that we often observe there from pheasant to deer and a loss in our ability to enjoy our hard worked for home and garden.
- Health – In an age of ever-increasing mental health issues, busy work lives, balancing the work/home life our outside space is at a premium for wellbeing, putting roads and properties on unsuitable green space areas decreases chances to connect with nature and have those peaceful safe spaces.
- The immediate and close presence of fields that grow rotational crops, can spark asthma, so a breathing compromised elderly person could react to that aspect of the environment,
- Council declared a Climate Change Emergency, but none of these environmental objectives will be achieved by repeating the same mistakes and approving more and more homes in attractive but inherently unsustainable villages like Sibford Ferris. This is a poorly conceived scheme on an unsuitable site in an unsustainable location and should be refused.

- Support the application as *it's good to have affordable housing for older people particularly in this area where Londoners can afford to outbid everyone*

### 6.3. Sibford Action Group:

- Conflict with the development plan, *Cherwell Annual Monitoring Report 2021 states that the 750 dwellings figure is likely to be exceeded by 312 dwellings, when allowing for non-implementation of some consents. This is with 9 years to go to the end of the Plan period. At close on 50% more than the 750 dwellings requirement, this proposal would add to a material exceedance of the policy figures and is therefore clearly unnecessary in terms of satisfying Policy Villages 2.*
- Accept that Council unable to demonstrate 5-year land supply and despite delivering 153% of its housing requirement between 2018 – 2021 that the 'tilted balance' under paragraph 11d of NPPF is engaged. Notwithstanding this the Action Group consider the adverse impact of the proposal would clearly outweigh any minor benefits.
- Unsustainable, poorly conceived scheme is an incursion into the beautiful open countryside surrounding the village and in an unsustainable location especially for older people. *Parish Council is seeking to amend the classification of the village because it is not a true or accurate reflection of the history, community, geography, topography and location of its sparse facilities.*
- The Sibfords' Community Plan (2012) detailed that nearly 75% of respondents used the small village shop, but only for up to thirty percent of their shopping overall. Villagers still drive to nearby settlements for a supermarket, or any other shops and most services for the other 70% of their shopping needs. Proposal to be private car dependent with associated environmental harm so not suitably located and unsustainable for older persons.
- Government guidance on "Housing for older and disabled people" states: '*The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.*' None of these apply to the current application site and proposal.
- Harm to the landscape, as the site lies outside the built-up limits of the village in an attractive landscape that can be viewed from the Cotswolds Area of Outstanding Natural Beauty. *Sibford Ferris is one of the best examples of a village being absorbed within the landscape. Historically, dwellings have been subservient to the landscape, which is rolling, rural and influenced by the Sib Valley and the Ironstone Downs. However, regrettably new development is now threatening this.*
- Generating extra traffic on unsuitable roads as *occupants of the proposed dwellings, being older, less mobile and less likely to walk or cycle, they will be highly reliant on the use of private cars. This was accepted by the Inspector on the Hook Norton Road appeal. It is underlined by the double garages and two parking spaces for each bungalow included within the scheme. There is the added complication provided by proposed access through the Hook Norton Road site, which may not proceed concurrently with the present proposal at Woodway Road or could be exacerbated during the construction of either or both of the proposed developments together or sequentially*
- Poor layout and design, contrary to the NPPF and National Design Guide, *design, incorporating large bungalows with a variety of low and other roof pitches, timber boarding and other uncharacteristic features is contrived and takes no design cues from the established and historic character of its*

*surroundings, with the Sibford Ferris Conservation Area just a few metres away to the north of Faraday House. The bungalows are sited close together, have very small private amenity spaces and would appear cramped and out of character with their immediate surroundings.*

- *In assessing distances and times for walking and cycling to other facilities topography is an important factor and with the exception of the Shop/Post Office all the other facilities identified in application are located in Sibford Gower where the only link between the two villages is a narrow road through the Sib valley with steep gradients (around 20%) for several hundred metres in each direction. As the Blue Cedar proposal is for age restricted dwellings for people over 55 the extent to which occupants will be willing to tackle such gradients is questionable and more likely there will be much higher usage of private cars than in the “typical” case.*
- *In terms of highway safety the applicants report fails to take proper account of the specifics of the location providing access from the site to Hook Norton Road and of the traffic movements connected with Sibford School.*
- *Changes to the internal layout has caused considerable loss of amenity to the existing residential properties adjoining the proposed development. For High Rocks, Butwick House and Bramley House a refuse collection site for the entire development is now proposed directly adjacent to their perimeter fences and back gardens. In the case of Faraday House an enlarged turning area now reaches to the perimeter of the development where it is the perimeter fence of their back garden with consequent fumes, noise and after dark light disturbance to the property.*
- *The Traffic Report by Pegasus is flawed as it considers the position as it exists today and not as it will exist when the Gade Homes development has been completed. This will be prior to the completion of the Blue Cedar development but access between the Hook Norton Road and the Blue Cedar development will be through the Gade development which will have itself already created a new junction with additional traffic at the junction.*
- *The Cherwell Rural Area Integrated Transport and Land Use Study (CRAITLUS) commissioned by Cherwell District Council and submitted in 2009 concluded that Sibford Ferris and Sibford Gower were two of only four villages in the rural area where road conditions and transport links rendered them unsuitable for further residential development.*

6.4. **Local MP.** A letter from the local MP Victoria Prentis has been received. The letter outlines that the MP has been contacted by a number of constituents regarding the cumulative impact of the development with the adjoining development allowed on appeal. It is stated that the site is grade 2 quality agricultural land and although recognise the need for sustainable homes concerned over the possible loss of such productive farmland when suitable brownfield sites are available and where the importance of a resilient domestic food supply has been highlighted over the past two years and where land of this quality is already in short supply. Several constituents have advised that the Council has already exceeded its target of 750 homes in the largest rural villages under the current local plan.

6.5. Constituents question whether Sibford Ferris, Sibford Gower and Burdrop should be considered as allocated as a category A village. MP considers it is clear that these villages are separate and not capable of sustaining a large amount of further development. Constituents highlight that access to small shop in Sibford Ferris and remaining amenities in Sibford Gower and Burdrop along narrow lanes with tight

bends, parked cars limited footpaths would present clear challenges for older residents from an age restricted development. Given the residents ability to walk or cycle together with the limited bus service it is clear that the future occupiers of the bungalows will be largely reliant upon the use of cars. Constituents feel that this is at odds with vital need to promote sustainability in future housebuilding. MP highlights concern over current water and sewage infrastructure in the Sibford's being at capacity and that this application would push these systems to breaking point.

- 6.6. A legal opinion has been submitted by the Applicant in support of the planning merits of their proposals.
- 6.7. 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. SIBFORD GOWER PARISH COUNCIL: **Objects** on the grounds of although a Category A village in the appeal for the Hook Norton Road development the Inspector noted that *Given the spread of services across each settlement, it is unlikely that the Development of any site around the Sibfords would readily enable access by sustainable Transport modes.* Category A identification may be appropriate in planning terms but fails to reflect the actual nature of the community, geography, topography and location. Sibford Ferris only has a small shop, with the limited other public amenities available in Sibford Gower/Burdrop. The bus service has been reduced to half in recent years over-development; outside the village confines; adding to traffic problems in the area. Development contrary to the Sibford Community Plan 2012. Hook Norton development represent a 17% increase in households, additional 6 units increase this to 21%.

Concerned about sewage. No proven capacity adding further risk; Limited access to appointments and parking at the local surgery; Lack of public transport; Lack of pavements; Lack of Broadband; Poor Water Pressure; and Blocked drains are already a problem in the village.

CRAITLUS Report August 2009 states of 33 Villages Shenington, Sibford Ferris/Sibford Gower and Charlton-on-Otmoor perform poorly due to their location on minor roads with long travel times and distances to access key facilities.

*Due to the wording of the current plan there is a level of ambiguity related to the development figure set for rural development. We understand that the plan talks about providing 750 dwellings in rural areas for the planning period 2011 to 2031 but this is not tightly worded and so open to interpretation as being: a ceiling, a goal, a minimum etc. Since 2014 1062 dwellings identified to meet the Policy Villages 2 and further permissions will exceedance of this target. 8293 permissions granted for homes, which haven't been built yet around Bicester, Banbury and Upper Heyford. Sibford Ferris has a housing density of 148 properties. Concern that the Sibfords potential "developer creep" into this site. Unreasonable for the small settlement of Sibford Ferris to absorb further speculative development.*

Little evidence development would benefit Sibfords residents, likely to attract more older people to a location which already has a higher proportion of older people than

national average. The 55 years age restriction would appear to afford open market housing for potential residents.

Design unsympathetic to the established historic character of the village, much of which is designated as a Conservation Area. Location of development for older people is unsuitable and would produce an incongruous and cramped form of development, fails to respond to local character. Adverse impact on the local landscape, extending the village built-up footprint to Woodway Road, eroding the existing unspoilt, rural character.

*The proposal is contrary to Policy C28 of the Cherwell Local Plan 1996, Policy villages 2 and Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 part 1 and Government guidance contained within the National Policy Framework and the National Design Guide.*

Following receipt of amended plans SIBFORD GOWER PARISH COUNCIL raises the following objections:

- Development closer to Woodway Road results in less green space as larger areas are consumed by the access road. This affects the openness of this part of the village and brings the built development closer to the well-used PROW and national cycle route.
- Design still appears ill-conceived and overdeveloped. Bungalows are sited close together, have very small private amenity spaces and would appear cramped and out of character with their immediate surroundings and the quality of development in the village, which is designated as a Conservation Area. Contrary to paragraph 134 of the NPPF.
- Communal refuse now located at the rear of High Rock and we object to this on amenity grounds, as the refuse is too close to pre-established household of High Rock.
- Proposal is clearly not well-designed and now appears to have replaced timber with red brick which will make it appear to be a 1970's design and does not respond to existing local character and surrounding context.
- Despite being described as for older people, the proposal is for expensive market housing for occupiers of 55 years of age and above. This is not retirement age?
- Unclear from the revised site map how this impact on the drainage plan.
- Revised plans do not address the lack of sustainability and Infrastructure in the village
- Do not know how the infrastructure will cope with the Gade Homes development for 25 new homes on the adjacent site. Particular concerned about sewage and note that Condition 8 (Sewage) has not yet been discharged for the Gade Homes development. Have Severn Trent undertaken a comprehensive study to see if capital improvements are required and how and when will this will be done? Urge the case officer to recommend objection to this application until the safety of the Sib is proven.
- Occupants being older, less mobile and less likely to walk or cycle, will be highly reliant on the use of private cars and this is underlined by the double garages and two parking spaces for each bungalow
- Danger of extra traffic on unsuitable, narrow roads through the village,

- Unsafe Site Traffic as proposed access through the Gade Homes site. If the two site are developed at the same time, there will be double site traffic passing the main entrance to the Sibford School on the Hook Norton Rd,
- Revised plans do nothing to address cumulative effect of development in Sibford
- Application appears to be part of a long term three-phase development and the cumulative effect of all three developments on the village, need to be considered.

### CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**. Following receipt of amended plans.
- 7.4. CDC STRATEGIC HOUSING: **No objection**. 6 units is below the threshold for affordable housing. There is a need in Cherwell for accommodation for older people and the proposed development will contribute to meeting this need. As there is no policy requirement for affordable housing, Strategic Housing have no further comments.
- 7.5. OCC ARCHAEOLOGY: **No objection**
- 7.6. SEVERN TRENT WATER: **No objection** subject to conditions
- 7.7. ENVIRONMENT AGENCY: **No comments** to make on the proposal
- 7.8. CDC CONSERVATION OFFICER: No comments received
- 7.9. CDC ECOLOGY: No response received
- 7.10. CDC PLANNING POLICY: No comments received
- 7.11. CDC ENVIRONMENTAL HEALTH: No comments received
- 7.12. WILDLIFE TRUST: No response received
- 7.13. OCC LEAD LOCAL FLOOD AUTHORITY: 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
- 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

#### 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)
- Sibford Community Plan 2012
- 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
- Highway Implications
- Residential amenity
- Drainage
- Ecology impact
- Sustainable construction

## 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. 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 policy for England and how this should be applied.
- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.5. 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.*
- 9.6. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.7. Paragraph 73 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. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State;*  
and



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

#### *Development Plan*

- 9.8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.9. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.* Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.*
- 9.10. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.* The policy continues by stating that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.* Although it is accepted that the applicant is not providing sheltered housing, the accommodation is aimed at those who are aged 55 and above. The advice in the National Planning Practice Guidance (NPPG) states that the definition of age-restricted general market housing is, *housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.*
- 9.11. Saved Policy H18 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
- (i) it is essential for agriculture or other existing undertakings, or*
  - (ii) the proposal meets the criteria set out in policy H6; and*
  - (iii) the proposal would not conflict with other policies in this plan.*

Under the current CLP 2015 Saved Policy H1 was replaced by Policy BSC1 while Saved Policy H6 was replaced with Policy Village 3 (Rural Exception Site).

- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.

- 9.13. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.8 year supply for the current period 2021-2026 and a 3.5 year supply for the next five year period (2022-2027) commencing on 1 April 2022. The calculations also highlight that there is a shortfall of housing supply equal to 1,864 for the period 2021-2026 and 2,255 for the period 2022-2027. Although the current application is only for a small development of 6 bungalows, the proposal would make a contribution towards the provision of dwellings within the District.
- 9.14. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *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.* In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was reviewed in the HELAA under site reference HELAA267 under which the HELAA confirmed that this site had few physical constraints and limited potential impacts, and the site was considered suitable for a residential development of up to 20 dwellings.
- 9.15. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Sibford Ferris is a Category A village.

#### *Assessment*

- 9.16. This application seeks planning permission for the development of an agricultural field for age restricted bungalows. The site is undeveloped, agricultural land that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south. The site is bounded on the fourth side by Woodway Road then open countryside.
- 9.17. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan.
- 9.18. Policy BSC1 of the CLP 2015 sets out the district wide housing distribution for the plan period 2011 to 2031 to enable the District to meet its housing needs in that time. The housing strategy of the Local Plan is to focus development at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, in particular RAF Heyford.
- 9.19. Being outside the limits of the village, the proposal conflicts with Policy Villages 1 and, being less than 10 dwellings, it does not find support from Policy Villages 2.
- 9.20. For development of less than 10 units, Policy BSC1 sets a "windfall" of 754 houses in the rest of the district outside Bicester and Banbury. The 2021 AMR shows that at 31/03/21 the level of Windfall Allowance (for <10 dwellings) stands at 770 completions with a further 217 for Planning Permissions at 31/3/21 and completions of 770.
- 9.21. The current position shows the level of windfall development in the rural area has passed the 754 set in Policy BSC1. The proposed development would increase the level of rural dwellings further. However, the figure is not a ceiling and, given the Council's housing land supply position (see below), exceeding the figure is not a

reason to warrant a refusal in this instance. As with all new development in considering the level of development the key issue is the impact of the development on the area and other material considerations around the development.

- 9.22. Saved Policy H18 of the CLP 1996 outlines criteria under which new development will be considered against. The proposed development would not provide essential agricultural housing and is not considered to represent a rural exception housing site providing an element of affordable housing. This weighs against the development of this site for the 6 bungalows.
- 9.23. The site is not previously developed land. The site is within an area of Grade 2 (possibly Grade 1 according to the Council's GIS mapping) agricultural land. This would weigh against the proposal.
- 9.24. The site to the south was granted permission at appeal. The Planning Inspector held that, *although the proposals would involve the loss of Grade 2 agricultural land, this has to be balanced against the benefits which the proposals could make to the provision of additional housing.* The appeal proposal was for a significantly larger number of dwellings on the site and hence a larger area of agricultural land lost to development than the current proposal.
- 9.25. It is considered that the conclusions of the Planning Inspector are a material consideration and that the benefit of the additional 6 bungalows has to weigh against any refusal on the grounds of lost agricultural land in this instance.
- 9.26. In addition, the applicant has advised that the site has been farmed on an agricultural tenancy by the adjacent owner of the land to the south. Access for agricultural operations has been conducted from his land to the south. Now that the southern land has been sold for development purposes the access is no longer available. The applicant states that farm tenant has no desire to farm it and has surrendered his tenancy. Furthermore, the landowner considers that, because of the size and shape of the site, the cost of travelling to it, and the size of modern equipment, it is no longer viable for farming.
- 9.27. Turning to the site's location relative to key services and facilities, Members will see that objectors to the scheme have raised the point that the village of Sibford Ferris along with all rural villages was subject to a review in the Cherwell Rural Areas Integrated Transport and Land Use Study Final Report ('CRAITLUS') 2009.
- 9.28. The purpose of the CRAITLUS was to identify the transport and land use impacts of potential new housing development in the rural areas. The outcome of this report assisted in the decisions regarding the location of new housing to 2026.
- 9.29. The objectors to the scheme highlight that under the CRAITLUS Sibford Ferris is outlined as being a less sustainable village being one of *four villages showing little capability to sustainably support additional housing Sherington, Sibford Ferris/Sibford Gower and Charlton-on-Otmoor have some facilities and public transport accessibility but are located on minor roads with long travel times and distances to access key services in major centres.*
- 9.30. Although Sibford Ferris performs poorly in the CRAITLUS, Members should also take into account the view expressed by the Planning Inspector in the appeal for the adjoining larger site to the south. The Inspector acknowledged *the CRAITLUS survey completed in 2009 and its conclusions on the use of private transport in the Sibfords but this matter was considered as part of the local plan which designated the village as a Category A village. Furthermore, although representations from SAG addressed concerns over the levels of congestion in the village caused by the amount of traffic*

*passing through the narrow village roads, compounded by the 'school run' to the Sibford school I saw only limited examples of this during this critical time when I visited the village. Furthermore, during two visits to the village I observed that the amount of traffic on local roads was low. Although I acknowledge that bus services to the village have been reduced since the local plan's adoption in 2015 I still consider that the inclusion of new housing could go some way to sustaining the existing level of service provision.*

- 9.31. Notwithstanding the conclusions of the Inspector, Sibford Ferris is a Category A village as a 'cluster' with Sibford Gower and Burdrop, and across the three settlements there are a range of services that help residents meet their day to day needs. Taken together, these villages are somewhat more sustainable than some other Category A villages. That the Inspector considered the site to the south, a significantly larger development than the current proposal for 6 bungalows, to be sufficiently sustainable for residential development of this scale, is a material consideration in the assessment of the current application.
- 9.32. It is also noted that this site was reviewed in the HELAA under site reference HELAA 267, with the conclusion that the site had few physical constraints and limited potential impacts and was considered to be suitable for residential development of up to 20 dwellings. 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". Planning Inspectors have previously afforded the HELAA conclusions limited weight as they have not been through a planning application and associated consultation.
- 9.33. The development of the site would urbanise it and change its character, and given the proposal's design would be unlikely to contribute in enhancing the built environment (NB. the key test in this regard is instead *whether it would cause harm*). However, the site is relatively small and visually contained. Given the site's location, bounded on two sides by residential development and an approved development on a third, and the single storey scale of the proposed dwellings, it is considered that the proposal would not result in a significant adverse impact on the landscape for this edge of village development.
- 9.34. Access can be achieved through the future residential development to the south with a direct access onto the Hook Norton Road which has outline permission and currently with an application for the reserved matters being considered.
- 9.35. Overall, the proposal conflicts with Policy Villages 1 and Saved Policy H18. That said, the Council's housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policy BSC1, Policy Villages 1 of CLP 2015, and saved Policy H18 of CLP 1996, and the weight to be afforded these policies is therefore reduced. The decision maker needs to apply the *presumption in favour of sustainable development*. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.36. The NPPF places great importance on boosting the supply of homes and notes it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 states that: *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly'*. It is also clear that the development is aimed at providing accommodation for a specific group namely those aged 55 and above. The applicant has provided evidence that Cherwell follows, but substantially exceeds the national trend toward owner-occupation as the dominant tenure for older people. The applicant states that *around four out of every five older people in Cherwell are homeowners. The profile of the Cherwell in relation to the age of its population is currently very slightly below the national average but those 65 years of age will make up a quarter of the total population of the district by 2040. This will be a major factor in shaping future policy for housing, health and social care authorities. Between 2020 and 2040 the applicant states that there will be 9,500 more people in the District who are 85 years of age or more and this will present a major challenge for health and social care agencies.*
- 9.37. The applicant considers that due to the above points *in the absence of an adequate supply of appropriate, contemporary accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.* The applicant has highlighted that although the age specified is 55+ this is in line with the National Planning Practice Guidance definition of age-restricted general market housing *which is housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.*
- 9.38. Policy BSC4 of the CLP 2015 states that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.* The Oxfordshire Market Position Statement highlights that there is a general need for housing for elderly people across the county. The development would provide age restricted housing (which can be controlled by a condition) and this is considered to be a benefit of the scheme that will need to be weighed in the planning balance.
- 9.39. Notwithstanding, an age restriction of 55 and above should not be taken to suggest that the residents of the bungalows would be unable to walk and / or cycle to places in and around the village. As with any new resident to the village aged 55 or above they would not necessarily be of an age which prevents them from walking and / or cycling as suggested by a number of objectors to the proposal who possibly see the suggestion of retirement bungalows as being occupied by elderly or frail residents which is not necessarily the case.
- 9.40. Paragraph 79 of the NPPF seeks to *promote sustainable development in rural areas and advises that housing should be located where it will enhance or maintain the vitality of rural communities.* It states that *planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.* Paragraph 80 continues by stating, amongst other things, that *planning policies and decisions should avoid the development of isolated homes in the countryside.* Within the CLP 2015, the classification of villages under Policy PV1 has been undertaken using criteria including: population size; range of services and facilities; and whether there were significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a school). The classification of settlements under policy PV1 and the direction of growth to the category A villages under policy PV2 therefore meets the NPPF aspiration to ensure that the rural housing needed to maintain the vitality of rural

communities it located appropriately. With this proposal the development would provide another choice of accommodation within the village, and due to its location, the development would not be seen as an isolated development but as a natural extension to the western edge of the village.

#### *Conclusion*

- 9.41. Sibford Ferris village has very limited services, but together with Sibford Gower and Burdrop is a Category A village that a Planning Inspector concluded was sufficiently sustainable for a larger development on land immediately to the south of the site. The applicant has confirmed that the development of the site could be achieved within a five-year period and is available to develop. Although located outside the built form of the village the site is located adjoining the village boundary and is surrounded on three sides either by existing or approved residential development.
- 9.42. The site is not located within a flood zone and with no objections or comments being raised from the lead local flood authority, the Environment Agency nor Seven Trent Water it is considered that the development could be designed to ensure no adverse impact on the drainage. The site is classified as Grade 2 agricultural land which weighs against the proposal, although the site to the south is also Grade 2 agricultural land and was allowed at appeal for a larger development than that proposed here.
- 9.43. The proposal conflicts with Policy Villages 1 and Saved Policy H18. However, the Council's housing land supply position means that reduced weight is afforded to these Local Plan policies for the supply of housing. In light of the Council's housing land supply position and the allowed appeal to the south, it is considered that the principle of the development is acceptable, and that any refusal of this proposal on this basis would not be sustainable at appeal.

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

- 9.44. 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.*
- 9.45. 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.
- 9.46. 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.
- 9.47. 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*

- 9.48. This application seeks planning permission for the development of an agricultural field for 6no, age restricted bungalows. The site is undeveloped land outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south and on which a reserved matters application is currently being considered. All three boundaries are marked by a mix of landscape features and the proposal would seek to retain and hence the landscape along these boundaries.
- 9.49. The site is currently an area of agricultural land with no built form and as such the proposal to build 6 bungalows would result in a significant change in the character of this part of the village. That said the proposed development is for single storey dwellings, and the existing landscaping along the edge of the site which forms the edge boundary to the village would be retained and would form an effective screen to the development helping to soften the appearance and impact from outside the site. The existing landscaping would be a more effective screen for the current proposal than it would for two-storey dwellings, which would be visible from footpaths to the north and west.
- 9.50. Turning to the design of the bungalows themselves, the dwellings would be purely single storey with no accommodation provided within the roof space. Although it is accepted that the majority of dwellings within the village are of a two-storey design there are numerous examples of bungalows within the village and therefore the development of the bungalows on the site would not be out of character for the village. Indeed, it would be an appropriate design solution for this visually sensitive edge of village location.
- 9.51. In terms of layout the proposal is for a single access road feeding off the access road to serve the new residential development to the south of the site. Once within the site the access road would split into two private driveways one serving the north of the site and a second separate driveway to the south. The 6 bungalows would all front onto one of the private driveways in an arc form with the rear elevations all facing towards a central communal rear garden space.
- 9.52. Although the main area to the rear of the bungalows would be the communal landscape garden each bungalow would also maintain a small private rear garden area with privacy fencing between the plots.
- 9.53. Objectors to the application have raised the concern that the layout appears cramped and an over development of the site. Although it is accepted that on the initial layout the arrangement of the bungalows did have the appearance of a cramped form the applicant has addressed this point by moving the southern plots towards the western boundary thereby freeing up space between the plots. This moves the plots to the south closer to the western edge of the application site and would reduce the area of landscape buffer but not to a point which would result in the development appearing over dominant to warrant the refusal of the application. Furthermore, in order that no further extension of the bungalows or building within their curtilage is carried out under permitted development that could impact on the amenities of surrounding residents, members will see from the recommendation that two conditions are included that would remove the permitted development rights. These conditions would ensure that in the event that any further works are required that an application is submitted to allow for an assessment of the proposal before any works are carried out.

- 9.54. With regards to the materials to be used on the bungalows, the initial proposal was for the use of reconstituted stone, timber boarding and slate roof tiles. The use of reconstituted stone is not a material which would be acceptable in the village and that natural stone would be the only type of stone acceptable in this location. As a substitute to stone it is accepted that this part of the village also features several dwellings faced in brick and plain tiles. The applicant has instead suggested the use of a buff brick, but this too would not be in keeping with the surrounding area. Timber cladding is also shown on the submitted plans but is not a feature of residential dwellings in the area and for the same reasons as recon stone would not be appropriate. It is considered that the use of a good quality red brick and natural slate, both of which are also shown on the submitted materials plan, would be acceptable, and the use of appropriate materials can reasonably be required by condition of any permission given.
- 9.55. Concern has been raised by some objectors that the development of this site would impact upon the character of the village and in particular reference to the impact on the Conservation Area has been raised. Although the development is located close to the Conservation Area officers note that the site is not located within nor abuts the edge of the Conservation Area. The site is closest to the Conservation Area to the north of the site, but the existing dwelling of Faraday House is located between the site and the Conservation Area. 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.*
- 9.56. In this instance it is considered that as the development is not located within nor abutting the Conservation Area the proposal would not result in any adverse impact upon the character of the Sibford Conservation Area.
- 9.57. Overall, subject to the use of appropriate materials, the proposal for 6 bungalows on this site is considered to represent an acceptable form of development in terms of design and appearance. The retention and enhancement of the landscaping boundary to the site would ensure that the appearance of the development would be softened and would not appear out of place nor overbearing development on the edge of the village.
- 9.58. The layout of the development in the form of an arc around a central communal garden space is considered acceptable and with the additional landscape garden area will ensure that the setting of the development appears as a landscape led development. The applicant has increased the space between the plots to allow a layout which does not appear cramped. For these reasons it is considered that in terms of design and appearance the proposal represents an acceptable form of development and complies with the adopted policies.

#### Highway Implications

- 9.59. 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.*

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.*

- 9.60. This application seeks to provide a link to Hook Norton Road via the new access road provided through the approved new estate to the immediate south of the site. Once within the site the access road would divide in two to provide two separate private drives one serving the north and the second serving the south of the site. Initial concerns raised by the local highway authority on the acceptability of the access arrangements have been addressed by the applicant in the form of an amended plan. This amended plan now shows that both the north and the south of the site can be accessed by a fire tender and that a refuse vehicle can access the southern section of the site where the bin storage area will be located. The revised plan shows a tracking for a refuse vehicle accessing the site to the south and sufficient space to allow the refuse vehicle to turn within the site and leave within forward gear.
- 9.61. Concern has been raised by a number of objectors that the revised layout has resulted in harm to the amenities of adjoining residents. These concerns include position of bin store close to boundary and access road leading to light pollution and noise.
- 9.62. The applicant has confirmed that the scheme would be managed by Blue Cedar Homes and refuse will be transferred to the bin store near the turning head in the south on the eastern side of the carriageway adjacent to Plot 4 on bin collection day. This is similar to arrangements at other Blue Cedar Homes schemes in Oxfordshire that are recently approved and occupied, and at other sites throughout the Country. With regards to light pollution and noise, although it is accepted that the development would lead to an increase in light and potential on some neighbouring dwellings the level of harm is not considered to a point which would warrant a refusal in this instance.
- 9.63. Officers consider that the amended proposal would not result in any highway safety issues and that there is no highway reason to warrant a refusal of permission.

#### Residential amenity

- 9.64. 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'.
- 9.65. This application seeks planning permission for the development of the site with 6 detached bungalows. The site shares a common boundary with existing residential properties to the north and the east the boundaries of which are marked by a mix of open style fences and existing landscaping. As the layout of the development is for the bungalows to face towards the shared boundaries there is the potential that the development would result in a loss of privacy to the existing residential properties. However, the distance between the front of the nearest bungalow and the shared boundary is in the region of 14m with a further 20m before the rear elevation of the existing property. This distance together with the fact that the proposal is for a bungalow would ensure that an adequate distance would be maintained to ensure

that the development will not result in any significant loss of privacy or outlook or light pollution.

- 9.66. Given the above, it is considered that the development is acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers. The development therefore complies with the adopted Policies.

### Drainage

- 9.67. 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.*

- 9.68. 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.*

- 9.69. 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.

- 9.70. 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.

- 9.71. 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. The applicant has submitted a Foul and Surface Water Drainage Strategy in support of the application. This strategy outlines that in accordance with the Sustainable Drainage Systems (SUDS) hierarchy, rainfall run-off should be managed in the following preferential order:

1. Infiltrated to ground.
2. Discharged to local watercourse.

3. Discharged to a local surface water sewer network.
4. Discharged to a local combined water sewer network

The Strategy continues by stating that given the advice contained within the geotechnical report, runoff from the individual plots would be collected via a positive piped system and conveyed to a communal soakaway feature in the proposed open space area to the west. This would ensure that concentrated volumes of water will be at an appropriate distance from buildings. Areas of hardstanding would be formed using a permeable surface and will cater only for rainfall falling directly upon that area, no additional inflows would be included. In this way the surface would mimic the existing rainfall action. The access road and driveway areas would be split into self-contained 'cells' in order to ensure that runoff does not migrate across the site, keeping individual catchment areas relatively small. Where areas of significant hardstandings are immediately adjacent to a building, the area of permeable paving will be set away from the edge of the structure.

- 9.72. In considering the details of the drainage strategy no comments have been received from the LLFA and the Environment Agency confirmed that there are no comments raised on this application. Seven Trent Water provide the foul drainage in the area and in considering this application Seven Trent have confirmed that *foul water is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. As a pumped solution is being proposed for foul water discharge from this site, a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.*
- 9.73. Members will note that a condition is attached to the recommendation to approve this application requiring details of foul and surface drainage details to be submitted to and approved prior to the commencement of any development. As highlighted in the comments of Seven Trent Water, the applicant will need to discuss the details of the final drainage connection with Seven Trent and reach an agreement on what if any changes to the infrastructure are required, to allow the development to connect to the current system. There is no objection raised to the proposal by Seven Trent Water. Furthermore, in considering the development on the adjoining site for a larger development the Planning Inspector in allowing the appeal confirmed that *the site lies in the Flood Zone 1 and a Flood Risk Assessment submitted with the appeal identified that the risk of flooding was low. Furthermore, the scheme does include sustainable urban drainage.* Based on this and the no objections raised to the application by the LLFAS, Environment Agency and Seven Trent it is considered that subject to the necessary infrastructure being in place there is no drainage reason to warrant a refusal in this instance.

#### Ecology impact

##### *Legislative context*

- 9.74. 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.

9.60. 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. 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.

9.61. 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.

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

#### *Policy Context*

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

9.64. Paragraph 175 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity*

*improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

- 9.65. 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.
- 9.66 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (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*

- 9.68 The application is supported by a detailed ecology assessment of the application site. The report highlights that an ecological survey and appraisal of the site and proposed development was undertaken on the 23rd September 2021. The survey was also supported with a desk-based review of maps, satellite imagery, and information supplied by the Thames Valley Environmental Records Centre.
- 9.69 The report outlines that the proposed development site is not covered by any statutory or non-statutory nature conservation designations, and there are no potentially affected designated sites in the local landscape. It is highlighted that the boundary hedgerow used by common bats and two oak trees, which have low potential to support roosting bats, will be protected. The report considers that habitat affected by the development is of negligible value for foraging bats. It is possible that common mammals move through the study area. But that the site is not suitable for supporting ground nesting birds, and the vast majority of boundary hedgerow that could support low numbers of nesting common birds will be retained and protected. The site is not considered to support reptiles or great crested newt.
- 9.70 The submitted ecology assessment considers that mitigation measures to include protection of bats, mammals and nesting birds would be included as part of the development. The mitigation includes the design can include new mixed native hedgerow, trees and species-rich grassland, while five bat roosting boxes and twelve swift nesting boxes would be installed on new buildings. The proposed development complies with both national and local planning policies to maintain and enhance biodiversity, in particular those habitats and species identified as priorities in the UK and Oxfordshire, and the scheme provides a net biodiversity gain. The residual ecological effect of the proposed development is considered to be positive in a Local context.

#### *Conclusion*

- 9.71 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

- 9.72. 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.*
- 9.73. 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).*
- 9.74. Policy ESD 2 relates to 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.
- 9.75. 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.*

- 9.76 This application seeks planning permission for the development of this site for 6 detached bungalows. The applicant has provided a sustainability statement which confirms that the proposed development will incorporate many sustainability initiatives which seek to not only comply with the 3 sustainability objectives in the NPPF as well as CLP Policy ESD3. The key features include: the use of air source heat pumps which will be used due to the lack of mains gas in the area. All dwellings are designed to reduce air leakage which assist with the use of the air heat pumps. All dwellings will be provided with electric car charging and additional bicycle storage will be provided for each dwelling. All the dwellings are design to M4(2) provision for future adaptability. PV cells would be provided to the roofs of the dwellings. The scheme would include a SuDS drainage to mimic natural drainage. The development includes the provision of a communal landscaped gardens which together with the landscape buffer along the western edge of the site would encourage biodiversity. Finally, it is confirmed that the dwellings would be installation with appliances, fixtures and fittings to reduce the use of water to 110litres/person/day as required by Policy ESD3.
- 9.78. Based on the above measures it is considered that the development would be completed to assist in the reduction of impact on the environment as required under Policy ESD3.

## **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. Sibford Ferris is a Category A village under the 2015 Local Plan. It has limited services, public transport links and employment opportunities. It is accepted that the future residents of the development would have no choice but to use their own private cars to serve their needs. However, a Planning Inspector considered the village sufficiently sustainable to accommodate 25 dwellings on the site immediately to the south of the application site.
- 10.3. Under Policy BSC1 developments of less than 10 dwellings are considered as 'windfall' developments and the CLP allocates 754 dwellings under this category as an aspiration. The AMR 2021 highlights that the delivery of developments under 'windfall' developments over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 754 dwellings at 771. The position of housing delivery in the rural area is therefore considered to be healthy in respect of the vision of the Development Plan and so the proposal does not find support from Policy BSC1.

- 10.4. The site is an open field not allocated for development in the Development Plan. The Being outside of the built limits of the village the proposal conflicts with Policy Villages 1 of the CLP 2015 and Saved Policy H18 of the CLP 1996.
- 10.5. 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 are afforded reduced weight.
- 10.6. In the circumstances where the housing supply policies are to be considered out of date, the presumption in favour of sustainable development must be applied, which 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.
- 10.7. 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.
- 10.8. Due to the position of the site and spatial relationship to its surroundings, the proposed development would not project development out into the area of open countryside like previous appeal sites in the village and, given the single storey dwellings proposed, would not adversely affect the character or appearance of the landscape. The proposal is also considered acceptable in heritage terms.
- 10.9. Significant weight is attached to the proposal's conflict with the Council's housing strategy. If the Council had been able to demonstrate a 5 year housing land supply this policy conflict would have carried greater weight. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land (as did the Inspectors in dismissing appeals on the adjoining site). Substantial weight is given to the benefits of additional housing and the proposal's contribution to the Council's housing land supply and in particular the age restriction which will extend the variety of housing choice within this area and the District.
- 10.10. Overall, it is considered that in the absence of the necessary supply of housing land at this time that the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land, on its own, would not outweigh the proposal's benefits. Given the above assessment and in light of current guiding national and local policy set out in the report, it is recommended that planning permission be granted in this instance.

## **11. RECOMMENDATION**

### **RECOMMENDATION – GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW**

#### CONDITIONS

##### **Time Limit**

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



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

### **Compliance**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans [Site Location Plan (4192 3 002 Rev D); Site Plan (4192 3 049 Rev B); Plot 1 and 2 Floor Plans (4192 3 200 Rev B); Plot 3 Floor Plans (4192 3 203 Rev C); Plot 4 and 5 Floor Plans (4192 3 205 Rev C); Plot 6 Floor Plans (4192 3 208 Rev C); Plot 7 Floor Plans (4192 3 210 Rev D); Plot 1 and 2 Elevations (4192 3 220 Rev A); Plot 3 Elevations (4192 3 221 Rev A); Plot 4 and 5 Elevations (4192 3 222 Rev A); Plot 6 Elevations (4192 3 223 Rev A); Plot 7 Elevations (4192 3 224 Rev C); Materials Plan (4192 3 052 Rev B); Conservation Enhancement Plan (4192 3 051 Rev C); Entrance wall and planter (4192 3 300 Rev A); Proposed hard surfaces (4192 3 053 Rev C); Site Access and Highway works (P19-1601 Figure 2 Rev D); Refuse and Recycling Plan (4192 3 057); Cycle Storage Plan (4192 3 056) and Drainage and Flood Risk Assessment prepared by Hydrock dated 26 November 2020 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. Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed parking turning, loading, and unloading provision for vehicles to be accommodated within the site including details of the proposed surfacing and drainage of the provision, has been submitted to and approved in writing by the Local Planning Authority. The approved parking turning, loading, and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking turning, loading, and unloading spaces shall be retained for the parking turning, loading, and 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, and unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

4. No development shall take place including any works of demolition until a Construction Environment and Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a. The parking of vehicles of site operatives and visitors;
  - b. The routing of HGVs to and from the site;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;
  - e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g. Measures to control the emission of dust and dirt during construction;
  - h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i. Delivery, demolition and construction working hours;
  - j. details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site,

together with the details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.

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.

5. 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.

6. Prior to the occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with a scheme which shall firstly be submitted to and 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.

7. 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.

8. A schedule of materials and finishes to be used in the external walls and roofs of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

9. 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 development shall not be carried out other than in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of 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.

10. 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 and shall be maintained for a period of not less than 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.

11. The existing hedge along the western 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.

12. Before any above ground works commence a scheme for the provision and implementation of foul and 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 scheme before the first occupation of any of the 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.

13. 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.

14. 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, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings.

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

15. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure other than oil or LPG storage tanks shall be erected or placed within the curtilage of the dwellings hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: Having regard to the density, character and layout of the development the Local Planning Authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

16. Notwithstanding the provisions of Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the dwellings shall not be further extended, nor shall any further structures be erected within the curtilage of the dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason: Having regard to the density, character and layout of the development the Local Planning Authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

17. The 6 dwellings hereby permitted shall only be occupied by persons (a) aged 55 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.

Reason – To ensure that the development is used by elderly people only, to ensure compliance with the description of development and in accordance with Government guidance contained within the National Planning Policy Framework.

Agenda Item 12  
**22/00124/TPO**

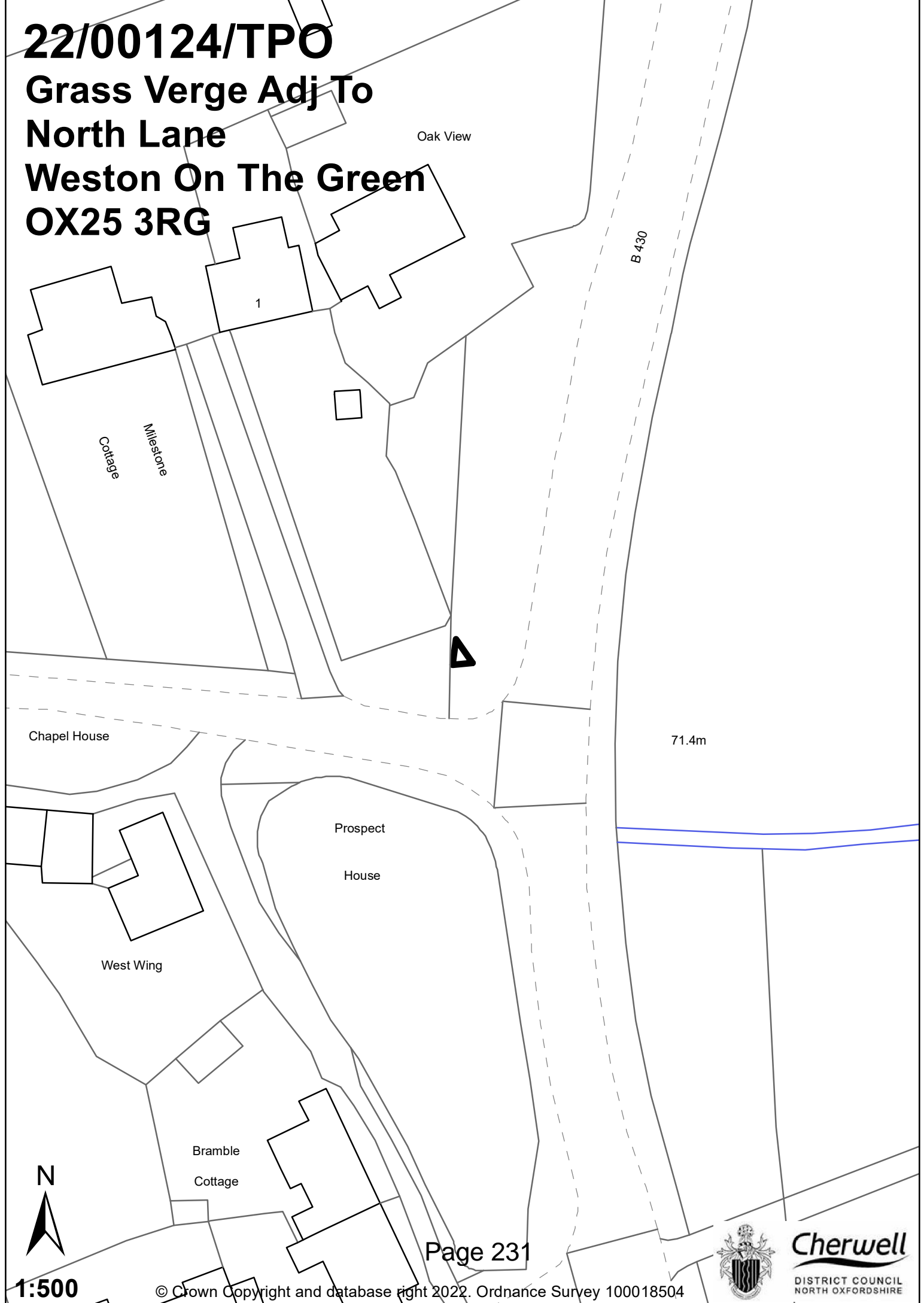
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North Lane  
Weston On The Green  
OX25 3RG**



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# 22/00124/TPO

## Grass Verge Adj To North Lane Weston On The Green OX25 3RG

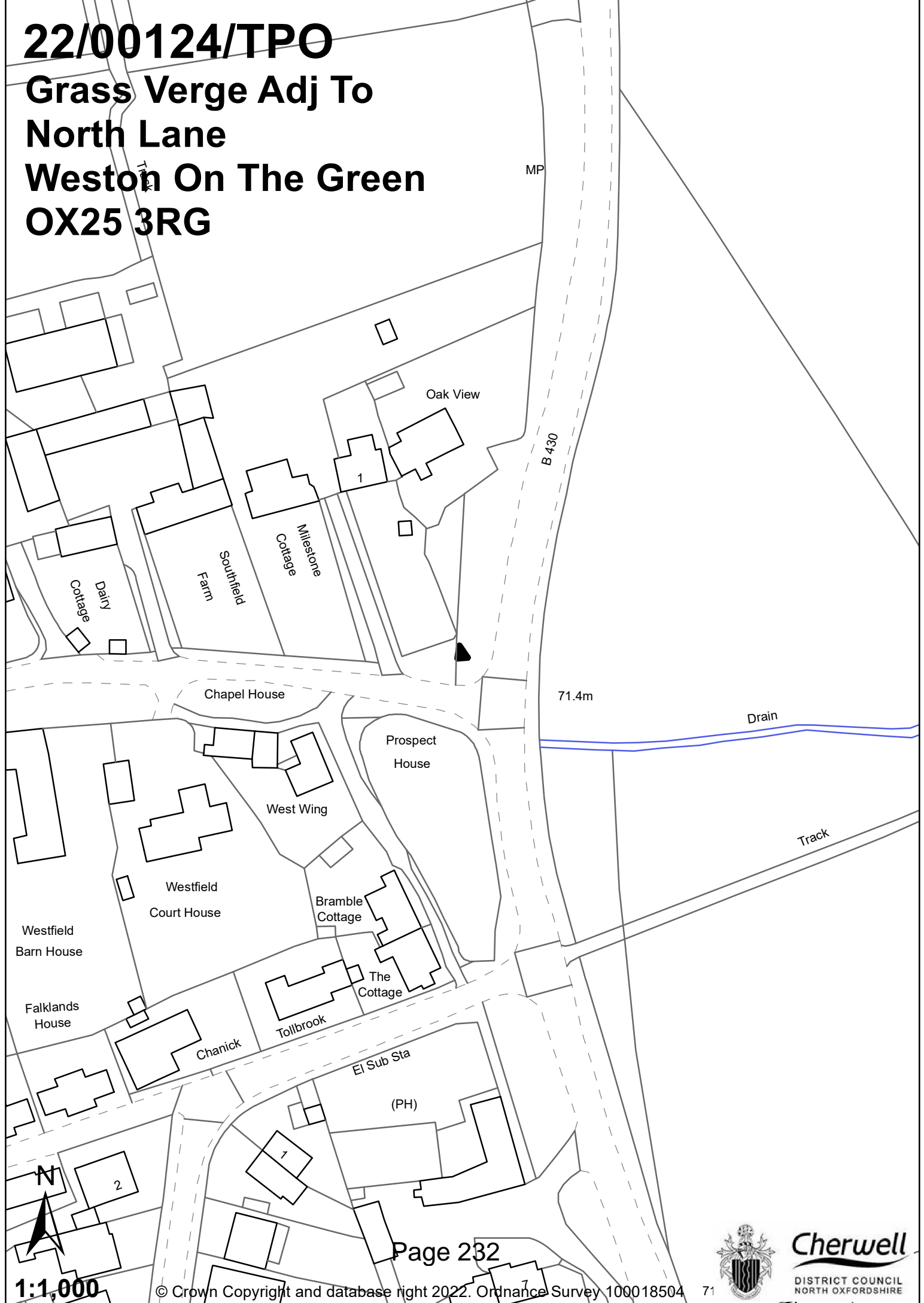


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# 22/00124/TPO

## Grass Verge Adj To North Lane Weston On The Green OX25 3RG



MP

B 430

Oak View

1

Milestone  
Cottage

Southfield  
Farm

Deain  
Cottage

Chapel House

71.4m

Drain

Prospect  
House

West Wing

Westfield  
Court House

Bramble  
Cottage

The  
Cottage

Tollbrook

Chanick

El Sub Sta

(PH)

Track

Westfield  
Barn House

Falklands  
House

N

2

1





**Grass Verge Adj To  
North Lane  
Weston On The Green  
OX25 3RG**

**22/00124/TPO**

**Case Officer:** Iain Osenton

**Applicant:** Oxfordshire County Council

**Proposal:** Crown lift south west limb only to 2m. Crown lift through a combination of light selective reduction and small branch removal, with no cuts exceeding 50mm - Subject to TPO 04/2018

**Ward:** Launton and Otmoor

**Councillors:** Cllr Holland, Cllr Hughes.

**Reason for Referral:** Called in by Cllr Holland on the basis of substantial public interest.

**Expiry Date:** 10 March 2022

**Committee Date:** 7 April 2022

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

### **1. APPLICATION AND SITE LOCALITY**

- 1.1. The application relates to T1 of TPO 04/2018. One Oak tree located on the grass verge where North Lane joins the B430. The tree is mature, prominently located, holds significant public amenity and contains veteran features.

### **2. DESCRIPTION OF PROPOSAL**

- 2.1. The applicant seeks permission to complete a crown lift of the south-west limb only, which currently sits below 1.7 metres above a newly installed footpath, to a height of up to 2 metres in order to reduce obstruction to pedestrians.
- 2.2. The crown lift would be completed in a sympathetic manner by selectively pruning branches to achieve the clearance height of 2m. No cuts would exceed 50mm.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. The TPO was made in 2018. This is the first TPO application received.
- 3.2. There was previously one notification of tree works in a conservation area, reference 03/01828/TCA.

### **3.3. PRE-APPLICATION DISCUSSIONS**

- 3.4. The applicant, Oxfordshire County Council, discussed with CDC arboricultural officer (South) the desire to complete works, where it was agreed a TPO application would need to be submitted.

#### 4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site, 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 24 March 2022.
- 4.2. There have been 27 letters of objection, no comments, and no letters of support received. Comments raised by third parties are summarised as follows:
- The proposal has been prompted as a result of the new raised footpath.
  - The proposal will permanently damage the tree's form and appearance.
  - Alternative footpaths are being explored. The existing footpath may be temporary and as such the requirement for crown lifting may be removed.
  - The proposal is not made in the interests of the tree.
- 4.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal.

#### 5. RESPONSE TO CONSULTATION

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

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 5.2. Weston on the Green Parish Council: **Objects** on the grounds the proposal is made as a result of the raised footpath being built beneath the tree. An alternative footpath has been approved (21/00516/F). Should this be built, and the existing footpath be removed, the need to crown lift is removed.

#### 6. APPRAISAL

- 6.1. The key issues for consideration in this case are:
- Impact on tree health.
  - Impact on amenity.
- 6.2. When considering an application, the National Planning Practice Guidance (NPPG) sets out that the Authority is advised to:
- Assess the amenity value of the tree and the likely impact of the proposal.
  - Consider if in light of this assessment the proposal is justified.
  - Consider if any loss or damage is likely to arise if consent is refused.
  - Consider if any requirements apply in regard to protected species.
  - Consider other material considerations, including development plan policies where relevant; and
  - Ensure that appropriate expertise informs its decision.

##### Arboricultural need for the works

- 6.3. The objections received to this application highlight that the proposed works are only required as a result of a new footpath being built beneath the tree. The works are not

required to safeguard the health of the tree, but to reduce obstruction to any pedestrians using the footpath.

- 6.4. The comments of the Parish Council highlight that an alternative footpath has been approved (Planning reference 21/00516/F). This alternative footpath has not yet been installed. Whilst this separate permission represents an alternative option to the footpath recently installed and would not require the proposed tree works to be undertaken, it carries little material weight in the assessment to be made for this application.
- 6.5. Government guidance (NPPG) is that: *“The higher the amenity value of the tree or the greater the impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is low, and/or the amenity impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no arboricultural need for the work”*.
- 6.6. On the basis of the above Government advice, it is considered that the impact of the proposed works on the tree and the amenity value it represents is the key determinant. Even if the works to the tree were found not to be required to protect its health or vitality, nor found not to represent the only means to address the issues with the footpath that has been installed, it is only if *the impact on the amenity value represented by the tree was undermined* that the works could be opposed.

#### Impact on tree health

- 6.7. The proposal to selectively prune branches below 50mm in diameter sits within British Standard BS3998:2010. Summarised as:
- *7.1 - In order to help ensure that the tree has enough energy and remains sufficiently intact to resist disease and decay satisfactorily, the amount of leaf-bearing twig structure removed and the size of pruning cuts – both individually and collectively – should be kept to the minimum required to achieve the objectives.*
  - *7.2.4 - If a stem or branch is to be shortened, the cut should be made distal to a union or group of unions where one or more healthy lateral branches bear enough foliage to sustain the parent stem or branch. If there is only one such union near the intended cut, the lateral branch should have as large a diameter as possible (i.e. at least one-third and preferably more than half that of the removed portion).*
  - *7.6 - Crown lifting should be avoided or minimized in mature or old trees if possible, since it can increase the probability of stem failure. If it cannot be avoided, it should preferably involve the removal of secondary branches or branch shortening rather than removal of branches back to the stem, provided that the desired clearance can thereby be achieved. The choice of these options should take account of factors such as the size, growth-potential, branching habit and shade tolerance of the tree.*
- 6.8. The proposed works accord with both BS3998:2010 and also; *Veteran trees, a guide to good management*. The size of the proposed cuts (<50mm) is not expected to expose an unacceptable volume of heartwood, reducing the likelihood of pathogen ingress. The volume of photosynthetic tissue proposed for removal is minimal when considered alongside what photosynthetic material would remain, both on the pruned branch and the tree as a whole, offering negligible impact on the tree's photosynthetic ability. As a minimal volume of photosynthetic material is proposed for removal, and based off the species characteristics, vigorous regrowth is not expected, reducing a requirement for residual works.

- 6.9. Based on this assessment, the proposal is not expected to be detrimental to the tree's health.

Impact on amenity value of the tree

- 6.10. The tree is situated on the verge at the intersection of the Northampton Road and North Lane and therefore is a prominent landmark feature for those travelling through the village; indeed, it is the cover picture of the Weston on the Green Conservation Area Appraisal published in June 2009.
- 6.11. The tree is a large veteran tree which stands higher than the other trees in the street scene at this point. That said, it is not uniform in the shape or spread of its canopy.
- 6.12. The proposal to lift the lowest portion of the trees crown, specifically the low south west limb only, would have an impact on amenity. However, due to the small volume of branch structure to be pruned, off a single branch, the level of amenity lost is not expected to detract from the tree's amenity as a whole.
- 6.13 Irrespective of the reasons behind or for this application, an assessment must be made on the basis of the proposal itself. For the reasons set out above it is considered that the proposed works would not detract from the amenity value of the tree.

## **7. CONCLUSION**

- 7.1. The proposed works would not adversely impact the tree's health or its amenity value and are therefore acceptable.

## **8. RECOMMENDATION**

### **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW.**

#### **Time limit**

1. The works hereby permitted must be completed within two years of the date of this consent.

Reason: In accordance with the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012.

#### **Works to British Standards**

2. All tree works shall be carried out in accordance with British Standard 3998: Recommendations for Tree Works and undertaken by suitably qualified and insured arboricultural contractors.

Reason: In the interests of good arboricultural practice.

#### **Agreed extent of pruning**

3. Before any pruning work is carried out, the work shall be agreed on site between the appointed tree surgeon and the Local Planning Authority. The work shall thereafter be carried out in accordance with the details agreed on site and as confirmed in writing by the Local Planning Authority. The works shall not involve any works to branches not mentioned within this proposal, or the removal of any branch of which any part is more than 50 mm.

Reason: To ensure that the tree surgeon is fully aware of the extent of lopping granted consent.

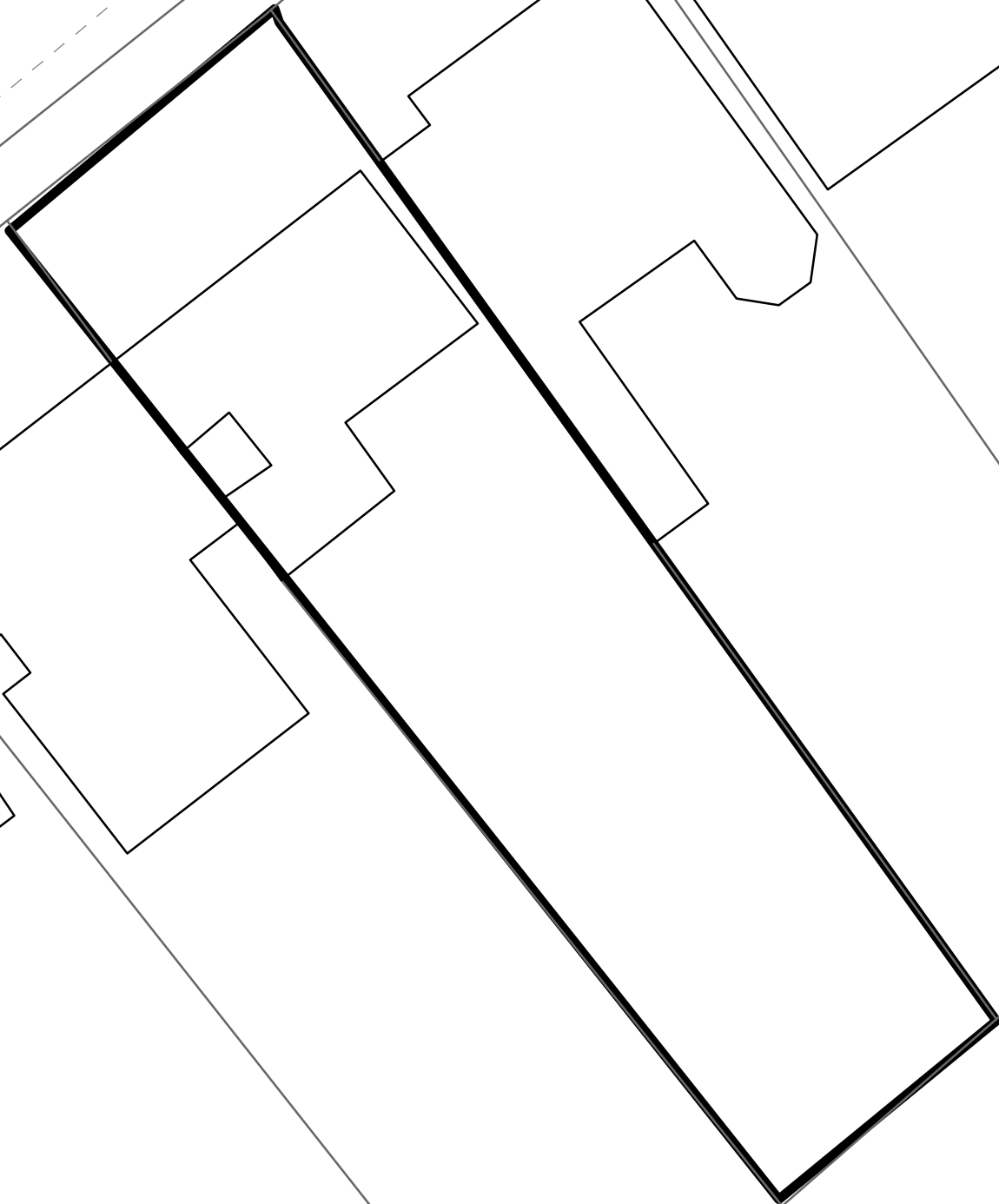
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**Kidlington**  
**Oxfordshire**  
**OX5 1BN**



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**Kidlington**  
**Oxfordshire**  
**OX5 1BN**



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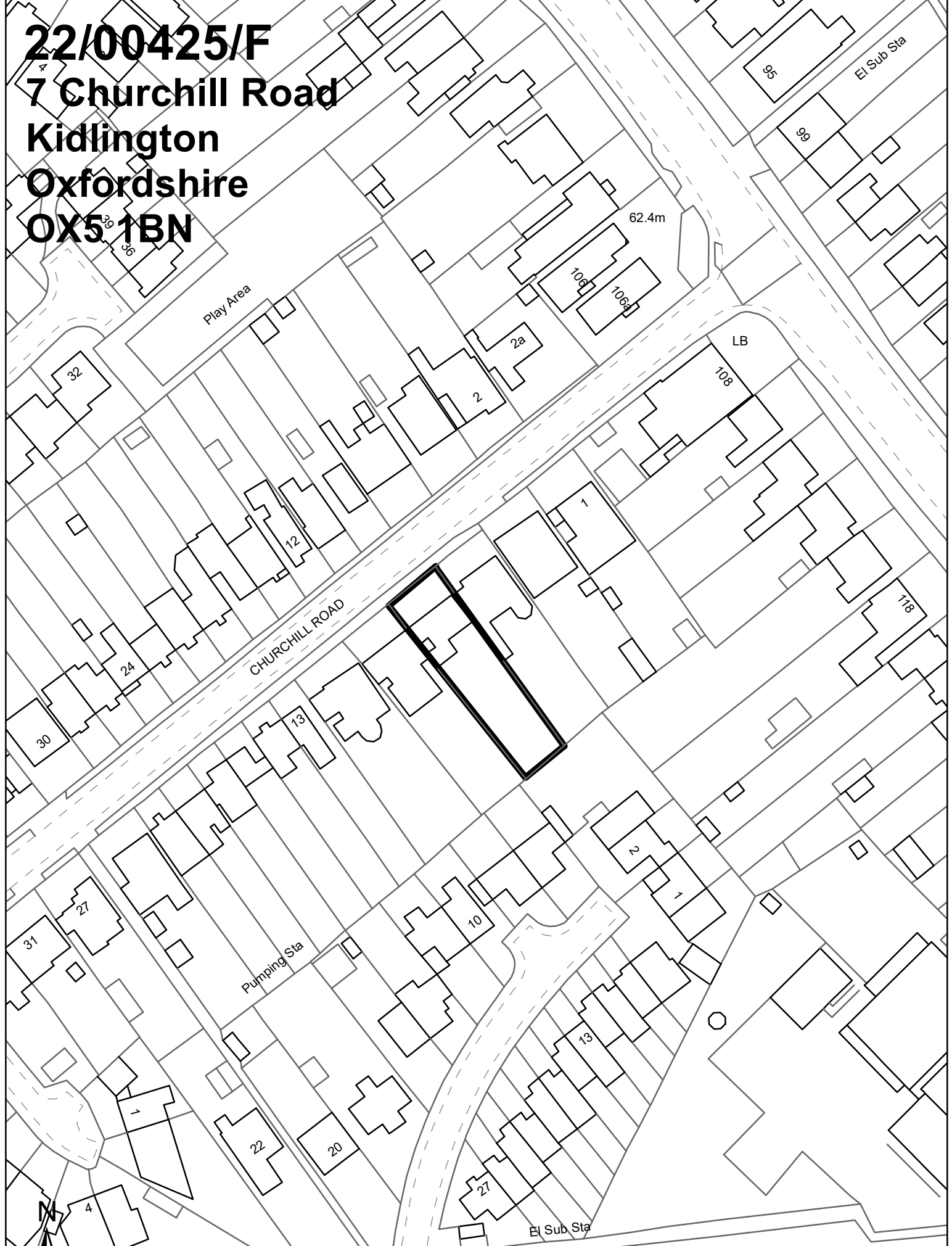
22/00425/F

7 Churchill Road

Kidlington

Oxfordshire

OX5 1BN



1:1,000

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St Thomas More



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Case Officer:** Sarah Greenall

**Applicant:** Mr Jack Piccaver

**Proposal:** Demolition of existing single level dwelling - Class C3(a) - and erection of 4no flats in a single, 1.5 storey building - Class C3(a)

**Ward:** Kidlington East

**Councillors:** Councillor Billington, Councillor Griffiths, and Councillor Middleton

**Reason for Referral:** Called in by Councillor Middleton for the following reasons: Committee should have an opportunity to re-examine the revised proposal following previous refusal.

**Expiry Date:** 14 April 2022

**Committee Date:** 7 April 2022

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

### **1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located within the built-up form of Kidlington within an established residential area to the south of the main village High Street. The site is bound by other residential properties, and St Thomas Moore Roman Catholic School and West Kidlington Primary School are situated further to the south east of the site. Churchill Road itself is characterised with a varied street scene featuring a mixture of single and two storey dwellings that are set back from the road with large driveways/front garden areas and finished in mostly light-coloured rendering.

### **2. CONSTRAINTS**

2.1. The site lies within an area where the West European Hedgehog have been identified; however, other than this the site is considered to be relatively unconstrained. It does not lie within a Conservation Area or within close proximity to any Listed Buildings. The site is situated within Flood Zone 1 and is considered to be at low risk of flooding.

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

3.1. The application relates to the demolition of the existing bungalow and erection of 3no. 2 bedroom apartments and 1no. 1 bedroom apartment at 7 Churchill Road, Kidlington. The building would be 1.5 storeys in height and consist of a double gable design on the front elevation finished in white render with anthracite UPVC fenestrations. The proposals include the provision of 4 off street parking spaces at the front of the property that set it back from the road, and shared amenity space, secured and covered bicycle parking and recycling and refuse storage to the rear of the property. The cycle parking provision is located within the allocated amenity space for the individual units to the rear.



- 3.2. The plans have been amended since the previous application (ref: 21/03444/F), which includes adapting the rear of the building to pull the depth away from the boundaries, reduction and step in detail to the rear at the boundary of number 9 Churchill Road, a reduction in the height to be in line with number 9 and other neighbour, internal alterations including the reduction of bedrooms in the top floor rear flat to provide 1 bedroom instead of 2 and the removal of the office to apartment 1 to alleviate the risk of the space being utilised as a bedroom in the future.

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

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

21/01212/F: Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 5 x flats in single, two level building - Class C3(a). *Application Withdrawn.*

21/03444/F: Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 4 No. flats in single, two level building - Class C3(a) (resubmission of 21/01212/F). *Application Withdrawn.*

- 4.2. The first application was withdrawn over concerns with the design, impact on residential amenity and highway issues. The second application was refused on the grounds that the development would have an overbearing impact on number 9 Churchill Road that would be detrimental to the living conditions of the neighbouring occupier through loss of light and outlook.

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

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

21/02204/PREAPP - The principle of the development was considered to be acceptable; however, it was advised that the scale of the rear element of the proposals should be reduced to allow the proposals to be acceptable.

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **1 April 2022**.

- 6.2. 11 letters of objection have been received, 2 comments have been received and 3 letters of support have been received. The comments raised by third parties are summarised as follows:

- The proposal would be detrimental to the character of the area
- Parking concerns
- Highway safety concerns
- Not enough affordable housing
- Overdevelopment of the site
- Impact on neighbour amenity
- Concerns over drainage and utilities
- Will set a precedent for similar other development

- Existing building needs improving
- Streetscene would not be impacted
- Sufficient parking available
- Well place for bus services and local shops

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. KIDLINGTON PARISH COUNCIL: **Objects** on the grounds of the proposed development being out of keeping with surrounding character, impact on neighbour amenity, insufficient parking provision, and inadequate boundary screening between properties.

### OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No comments received** at the time of writing this report.

7.4. CDC BUILDING CONTROL: **Comments** that the external walls should be located at least one metre from the boundary, and all bedrooms should have means-of-escape windows.

7.5. CDC ECOLOGY: **No comments received** at the time of writing this report.

7.6. CDC ENVIRONMENTAL HEALTH: **No comments received** at the time of writing this report.

7.7. CDC HOUSING STANDARDS: **No comments received** at the time of writing this report.

7.8. CDC LAND DRAINAGE: **No objections.** the site is shown to be in an area of medium surface water flood risk. However, given the previous development history at the site, no objections in principle. Drainage: The applicant proposes to provide a soakaway (of size yet to be specified) for the disposal of surface water. This is very unlikely to be acceptable in principle due to the very high impermeability of the superficial geology. The applicant should be asked to justify this proposal through undertaking BRE 365 testing on the site. If soakaways are found not to be feasible the applicant should be asked to propose an alternative method of surface water disposal, which is likely to be achievable only through a S.106 Water Industry Act agreement with Thames Water to connect to their sewer in Churchill Road.

7.9. CDC WASTE AND RECYCLING: **No comments received** at the time of writing this report.

7.10. THAMES VALLEY POLICE (DESIGN ADVISOR): **No objection** conditions recommended.

## **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
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation

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

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

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Kidlington Framework Masterplan SPD (2016).

## **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 Impacts
- Ecology impact
- Flood Risk
- Other matters

#### Principle of Development

- 9.2. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the CLP 2015, with Kidlington being recognised as a Category A village, one of the most sustainable settlements in the District's rural areas and having

physical characteristics and a range of services to enable it to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.

- 9.3. The application site is located in an established residential area within Kidlington and contains a detached single storey dwelling situated on a generous plot. The application seeks planning permission for the demolition of the dwelling and its replacement with 3no. two bedroom flats and 1no. one bedroom flat.
- 9.4. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5. Paragraph 10 of the NPPF states that, so sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. 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 the NPPF 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 the NPPF 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'. Cherwell's position on five-year housing land supply has recently been reviewed by officers and confirmed by executive on 10 January 2022 for 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 years housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the 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.
- 9.7. However, paragraph 12 of the NPPF advises 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. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that, where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic.

- 9.8. The provision of additional housing within an existing residential area located in a sustainable Category A village weighs in favour of this proposal, which has the potential of increasing the District's housing supply and therefore helps to address the current shortfall. However, any development proposal would need to be assessed against the other policies of the Development Plan.
- 9.9. The proposed development can therefore be considered acceptable in principle, with overall acceptability subject to compliance with the relevant Development Plan policies and the NPPF.

### Design and Impact on the Character of the Area

#### *Legislative and policy context*

- 9.10. 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.*
- 9.11. 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.
- 9.12. 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.
- 9.13. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- 9.14. 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.

#### *Assessment*

- 9.15. The application proposes the demolition of the existing 1930s bungalow and its replacement with a purpose-built building containing 3 x 2-bedroom flats and 1 x 1 bedroom flat. The replacement building would not sit any further forward on the plot than the existing dwelling, although it is noted that it would have a larger overall footprint and the height would be increased from single storey to 1.5 storey. The area is, however, characterised by a varied street scene that has a mixture of single and two storey dwellings. Further to this, several of the nearby bungalows feature dormers on the front elevation which create a perceived feeling of an additional storey. While

objectors raise concerns with regards to the additional storey proposed and its impact, given the above it is not considered that increasing the height of the building would result in any harm to the character of the street scene.

- 9.16. The design of the building does include a prominent double gable on the front elevation; however, it is noted that there are a number of front elevations within the vicinity featuring a gable end design and a double gable also seen on the neighbouring bungalow at number 9. The building is proposed to be finished in a white render and would be set back from the road, which mirrors the character of the neighbouring buildings, and therefore it is not considered that the design of the proposal would result in any material harm to the character or appearance of the area.
- 9.17. The most notable change to the design from the previously refused application (ref: 21/03444/F) is at the rear of the property, where the side elevation closest to the boundary of number 9 Churchill Road would be staggered to pull some sections further away from the boundary. This would be located to the rear of the building and has been designed in to allow for it to not be a prominent feature of the building. It is therefore not considered to result in any harm to the character of the area as a result.
- 9.18. The front of the property is proposed to be utilised as parking which would result in a large area of hardstanding being installed. While this is unfortunate, it is noted that this is a feature added to many of the properties in the area. The street does feature a buffer of grass verges to break up areas of hardstanding, which helps to mitigate the loss of the green area on this property, and on balance it is not considered the addition would result in such a negative impact to the streetscene to warrant a reason for refusal.
- 9.19. The proposals are therefore considered to be in accordance with Policies C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and guidance contained within the NPPF.

### Residential Amenity

#### *Legislative and policy context*

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

#### *Assessment*

- 9.22. The proposed development is considered to provide an appropriate standard of living for any future occupants of the proposed flats in terms of the indoor and outdoor amenity space available.
- 9.23. It was noted by the Council's Building Control team that all bedrooms would need to have windows that have a suitable for means-of-escape in case of fire. Further to this, it was highlighted in the previous application that unit 4 at ground floor level would require two door protection at the entrance to ensure it complied with building regulations.

- 9.24. However, it is considered that this does not amount to a reason to refuse the application on the grounds of living conditions of future occupiers, and that it would need to be dealt with under separate legislation, i.e. these issues could likely be overcome through alternative solutions and an informative note attached to any planning permission given, highlighting the concerns included on the decision notice should the application be approved, would suffice. That said, the reliance of the upper floor flats on rooflights for light to living spaces is an indicator of the somewhat cramped form of development that would result. In 2020 the Government altered the permitted development rights that allow for the conversion of buildings to dwellings, for example Class O which, subject to a prior approval process, allows the conversion of offices to dwellinghouses. The amendment introduced the need to ensure that there was provision of adequate natural light in all habitable rooms of the dwellinghouses created. The General Permitted Development Order does not, however, specify how this should be achieved and does not preclude the use of roof lights to fulfil this function.
- 9.25. It is noted that any windows proposed on the side elevations of the building are either at ground floor level and screened by boundary fencing, or high level rooflights at the first-floor level which ensures that there would be no detrimental impacts on the privacy amenity of neighbouring properties.
- 9.26. The replacement building would be constructed in two sections with the front of the building having a ridge height of approximately 6.28 metres, and a subservient rear section of the building that has a lower ridge height of 5.85 metres. The proposed building would also protrude a further 10.8 metres into the rear garden from the original section of the house, and a further 3 metres to the rear than the existing kitchen extension seen on the building. It is considered that the proposal would not result in loss of privacy or outlook to the neighbours to the north east (No. 5 Churchill Road) given that there are no windows on the side elevation of the building serving habitable room windows, and the windows on the rear elevation of the building appear to accord with the 45-degree angle rule.
- 9.27. However, the other neighbouring property, to the south west (No. 9 Churchill Road) benefits from a ground floor rear-facing window which is positioned close to the boundary of the two properties and, according to floor plans from 2011, this appears to serve bedroom number 3 of the property. It was highlighted by the LPA at the time of the previously refused application that this is the only window serving the third bedroom on No. 9, and officers were concerned that this would result in an overbearing impact that would be detrimental to the light and outlook amenity of this neighbour.
- 9.28. Additional evidence has been submitted with this application, including a sunlight survey of the site. When considering the seasonal data submitted officers agree that the impact on natural light to this window is likely to be minimal, as the positioning of the sun for large portions of the day would result in an extension of number 9 itself causing much of the shadowing. While there would be an impact on the light to bedroom 3, given the changes that have been made to the proposal (see below) this impact is not considered to be so detrimental as to warrant a reason for refusal.
- 9.29. The proposed scheme has been amended since the previous submission, with changes including a reduction in the width of the rear section of the building, a slight reduction to the height of the building, and the creation of a staggered design that increases the distance between the window at number 9 and the proposed development. The idea for this has been taken from previously approved proposals within Kidlington that had a similar relationship with neighbouring properties, including 63 Bicester Road (19/00018/F), 41 Oxford Road (18/00360/F) and 131 Oxford Road (18/01085/F).

- 9.30. While it is noted that the proposed extension would still conflict with the 45-degree line when measured from the midpoint of the window on number 9, taking the extension further away from the boundary allows for less of the extension to be seen over the boundary fence that would be retained between the two properties. The proposals have been designed to reduce the height of this section from the main front part of the dwelling and given it would now be further away from the boundary it is considered to be a less overbearing relationship between the application property and the neighbour at number 9. Considering this together with the previously approved schemes in the area that have a similar relationship between neighbours, on balance it is considered that the impact on the outlook of this neighbour would now not be so severe as to warrant a reason for refusal.
- 9.31. Concern has been raised with regards to the fencing proposed between the application site and the property; however, the existing boundary, which is mostly 1.8-metre-tall timber close boarded fencing with some areas of wall, would be retained. The existing fencing, which is similar to that usually seen separating properties is considered to be acceptable. The applicant has also indicated that fencing to match will be utilised to separate the outdoor amenity space for the individual flat which would be acceptable.
- 9.32. The current proposals are therefore considered on balance to be acceptable in terms of residential amenity, thus compliant with Saved Policy C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance within the NPPF.

#### Highway Impacts

##### *Legislative and policy context*

- 9.33. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe places to live and work in.
- 9.34. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- *safe and suitable access to the site can be achieved for all users; and*
  - *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, paragraph 109 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

##### *Assessment*

- 9.36. Several concerns have been raised with regards to the parking provision proposed at the site, and the potential impact on highway safety. It is noted that the two ground floor flats previously had an additional room labelled as 'office' space that would have had the potential to be used as bedrooms. This scheme has however omitted these rooms from the plans. While this is the case, it is noted that the assessment on highway safety for the previous application, which was deemed acceptable, had taken these potential rooms into account.
- 9.37. The proposals offer 1 off-street parking space per dwelling, which is below the maximum parking standards of 2 per dwelling for urban areas in Cherwell. While the Local Highway Authority (LHA) is yet to comment on the current application, the LHA previously noted that the site benefits from mitigating factors that justify a relaxation of parking standards in this case. The site is in a highly sustainable location, with



frequent bus services within close proximity to the site along Oxford Road. Further to this, a number of nearby amenities are within walking distance to the site, and there are good levels of cycling infrastructure nearby.

- 9.38. Each flat has covered and secured cycle parking provision located within the allocated amenity space to the rear of the building that is easily accessible from the side of the building, which would further promote the use of sustainable forms of travel and conform to policy requirements.
- 9.39. The amended plans do also reduce one of the flats to a one bedroom flat, as well as omitting the previously proposed offices that could have been utilised for bedrooms. This is considered to be an improvement to the previously proposed scheme, which due to its highly sustainable location was previously considered acceptable in this regard. Given the above, it is therefore considered the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.
- 9.40. It is noted that any alterations to the public highway would be at the applicant's expense and would need to be to Oxfordshire County Council's standards and specifications.

### Ecology Impact

#### *Legislative and policy context*

- 9.41. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.42. 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.
- 9.43. 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.
- 9.44. 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*

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

It also states that LPAs can also ask for:

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

9.46. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative note reminding the applicant of their duty to protected species would instead be included on the decision notice should the application be approved and is considered sufficient to address the risk of any residual harm.

### Flood Risk

#### *Legislative and policy context*

9.47. Policy ESD 6 of the CLP 2015 states that site specific flood risk assessments will be required to accompany development proposals in the following situations:

- All development proposals located in flood zones 2 or 3
- Development proposals of 1 hectare or more located in flood zone 1
- Development sites located in an area known to have experienced flooding problems
- Development sites located within 9m of any watercourses.

9.48. The Policy goes on to state that *development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*

#### *Assessment*

9.49. The site is situated within a Flood Zone 1 area and is not at significant risk of flooding. The proposal is situated on previously developed land and would be less than 1 hectare in size, nor is it located within 9 metres of any watercourses. It is therefore considered sufficient for the structure to be built in accordance with Approved Document H of the Building Regulations. The application is therefore considered to comply with Policy ESD 6 of the CLP 2015.

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

10.1. For the reasons set out in this report the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 11. RECOMMENDATION

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

#### 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 application form and the following plans and documents:
  - Proposed Floor Plans
  - Proposed Roof Plan
  - Proposed Main Elevations
  - Proposed Side Elevations
  - Proposed Site Plan
  - Proposed Block & Location Plan
  - Proposed Drainage Plan
  - Proposed Landscape Plan
  - 3.1 - Local Amenities Plan
  - 3.2 - Parking Survey Spaces
  - Accompanying Information Revision B dated 31st January 2022

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. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

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

4. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 2.5 Proposed Site Plan) demarcated and constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

5. No dwelling shall be occupied until cycle parking has been provided on site in accordance with Drawing No. 2.5 Proposed Site Plan for 2 bicycles spaces per unit, and those spaces shall thereafter be kept available for the parking of bicycles.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development the bin storage shall be provided on site in accordance with the approved drawing No. 2.5 Proposed Site Plan and shall be retained as such thereafter.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The development hereby approved shall not be occupied unless the appropriate number of refuse bins required in relation to the dwellings have been provided and the said refuse bin provision shall remain available for use as such thereafter.

Reason – In the interests of visual and residential amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the flats hereby permitted the electric vehicle charging shall be provided on site in accordance with the approved plan Drawing No. 2.5 Proposed Site Plan and shall be retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the 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

9. 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.

#### INFORMATIVES

1. In the event of a fire in the open plan kitchen/living room, there is a risk that occupiers could become trapped in bedrooms. It is recommended that all bedrooms have an alternative means of escape i.e. an emergency egress window. Additional fire safety measures such as misting systems in the kitchen/living room would also be recommended.

2. Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact – 08453101111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).
3. 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 3900.

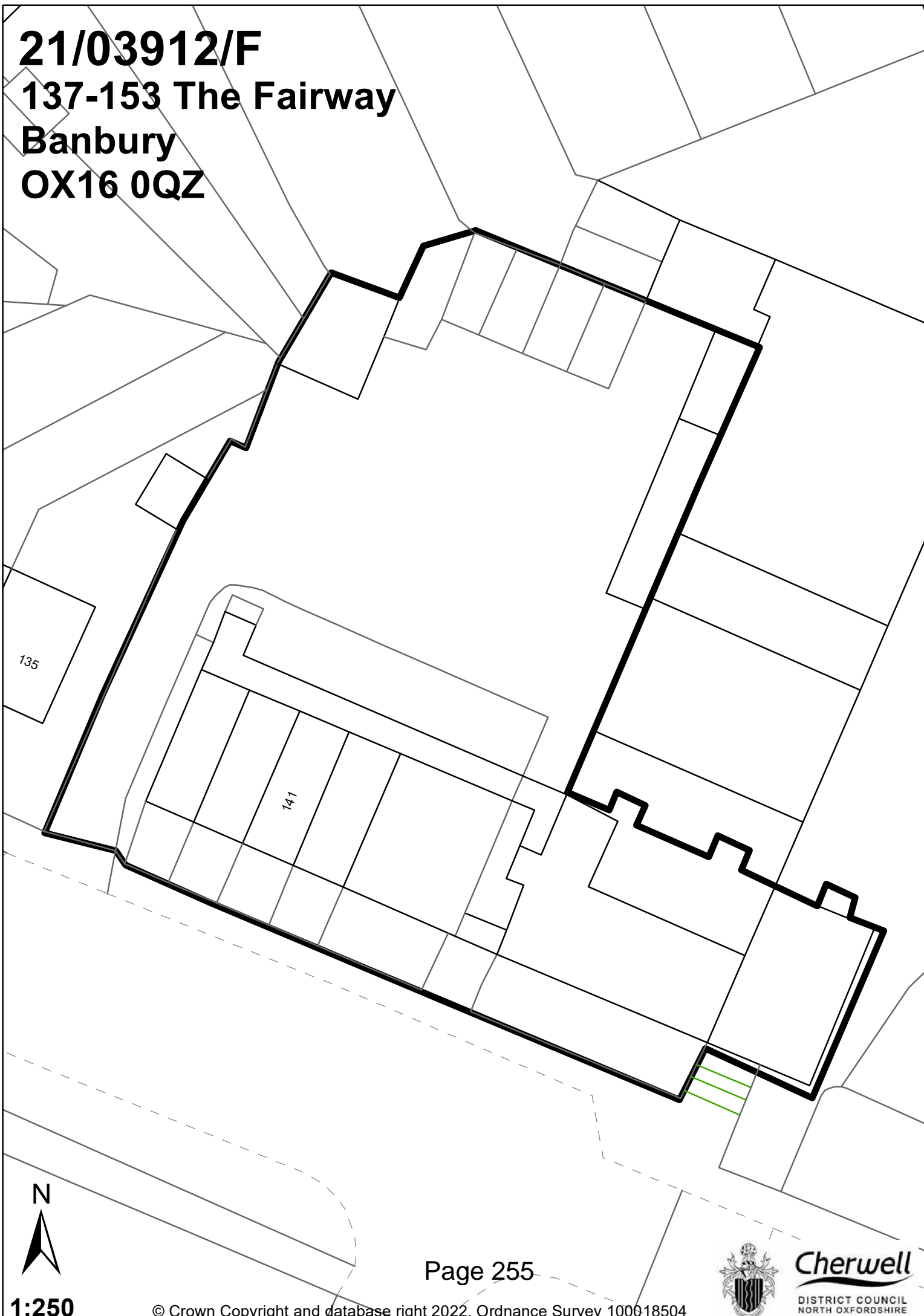


**21/03912/F**

**137-153 The Fairway**

**Banbury**

**OX16 0QZ**



135

141



**1:250**

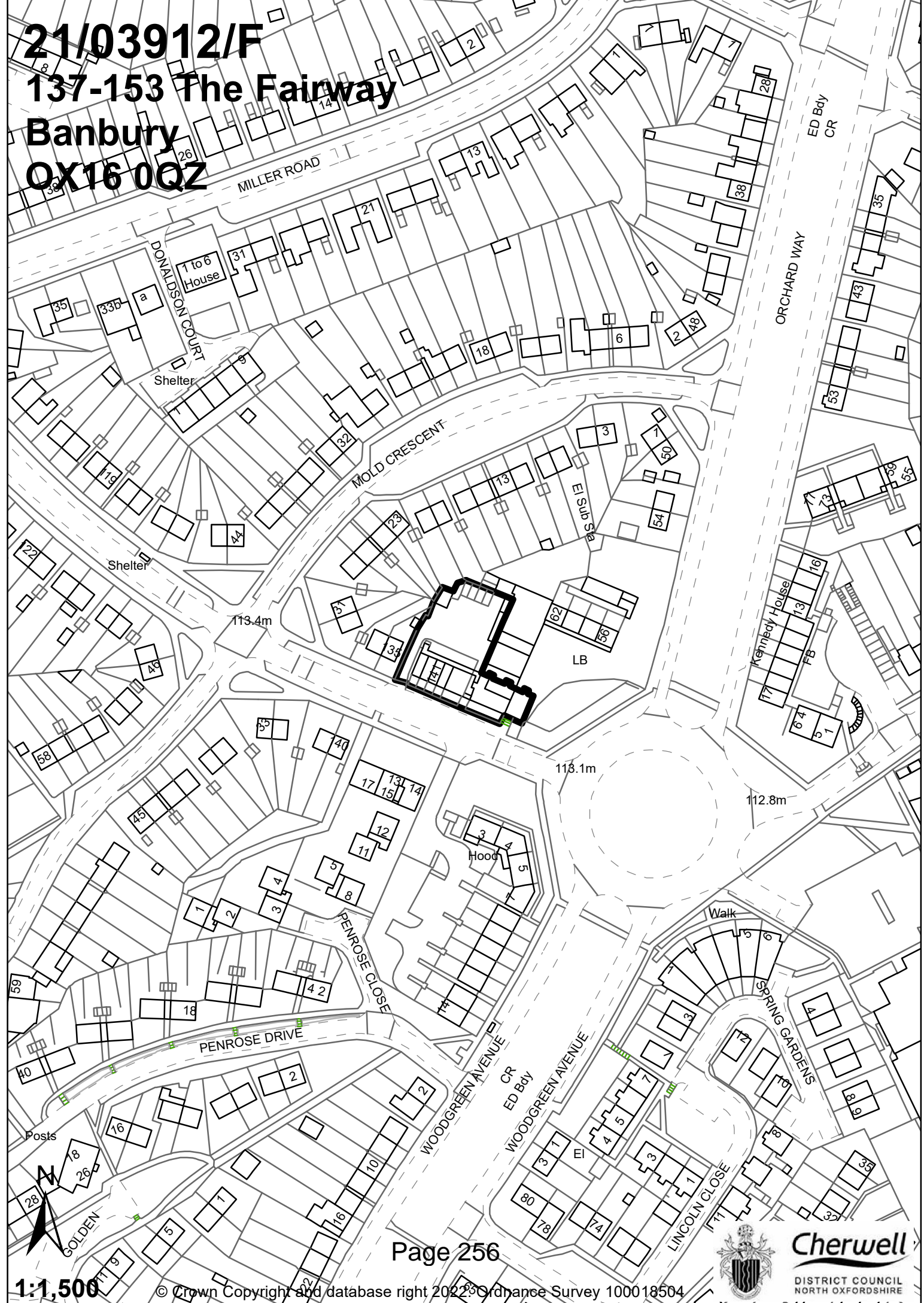
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**21/03912/F**  
**137-153 The Fairway**  
**Banbury**  
**OX16 0QZ**



**1:1,500**





**Case Officer:** Sarfaraz Khan

**Applicant:** Build Team

**Proposal:** External and internal refurbishment to the flats

**Ward:** Banbury Ruscote

**Councillors:** Councillor Cherry, Councillor Richards, and Councillor Woodcock

**Reason for Referral:** The application affects Council's own land and/or the Council is the applicant

**Expiry Date:** 17 January 2022

**Committee Date:** 7 April 2022

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

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site is located close to the roundabout linking Orchard Way and The Fairway, within the Bretch Hill residential area of Banbury. The site comprises a linear, two storey building forming nine flats, along with an area of hardstanding and part of a shopping precinct including a takeaway, a bookmakers and a hair salon.
- 1.2. One side of the flats faces south west towards The Fairway, while the rear of the flats looks towards the shopping precinct. The exterior of the flats is in buff and blue engineering brickwork and has a pitched roof in plain tiles. There are panels to some of the elevations in white uPVC, with windows and doors to match, also in white uPVC.

**2. CONSTRAINTS**

- 2.1. The application site is within an area of naturally occurring elevated levels of arsenic, and Swifts (a protected species) have been recorded in the vicinity.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application seeks permission for external refurbishment to the building comprising of residential flats located between 137 – 153 The Fairway, Banbury. Internal alterations are also proposed but these do not require planning consent.
- 3.2. The intention behind the proposals is to improve the appearance and quality of the building, to reduce energy loss and to reduce energy consumption for the building and to contribute to the regeneration of the wider area.
- 3.3. The positions of all windows would remain as existing, as would the blue engineering brick pier features to the front elevation and the brickwork to the chimneys at roof level.

3.4. The proposed repair works to the external of the building would involve the following works:

- The majority of the exterior of the building would be refurbished and upgraded;
- All of the exterior walls, the main roof and windows would be upgraded;
- The walls at both ground and first floor would have new insulation applied externally;
- The walls at both ground and first floor would be clad in a combination of Fintry stone render and slate grey cedral panels;
- The exterior finish of the building would mostly be in render;
- The cedral cladding would be used as a feature, and would be seen on the front façade at first floor and would wrap slightly around the gable ends at each side;
- The existing external stores to the rear would be clad, also at first floor only, in the cedral cladding;
- The main pitched roof would have new insulation applied to a new roof structure and would be finished in modern concrete interlocking smooth grey tiles;
- The flat roof at the rear, over the upper level walkway and stair, would be replaced with a new dark grey roofing felt finish;
- All of the existing rainwater goods and fascias would be replaced, and be finished black;
- At the rear the balcony railings would be replaced with a new grey finish aluminium handrail, with red aluminium balustrade panels;
- The existing structural posts seen at the rear would remain and be painted in high quality external grey metallic paint, to ensure durability.
- The hard standing around the flats and the stairwell would be cleaned up to improve their appearance.
- The lights to the undercroft (outside the café) would be replaced so that they are in full working order following the refurbishment.

3.5. The proposed repair works to the internal flats would involve the following works:

- Full refurbishment and replacement of kitchens and bathrooms;
- All internal walls and surfaces would be fully redecorated with good quality finishes;
- The mechanical and electrical services would be replaced with new;
- New fire protection would be installed between the flats at first floor;
- All of the windows and doors throughout the flats would be replaced with new double glazed anthracite grey uPVC elements. These new windows and doors would all be within the existing openings, therefore they would be the same size and location as they are existing. They would have slim framing and little divisions;
- There would be openable lights in each flat as well as trickle vents to either side of the building, to allow natural ventilation. Bathrooms would have top lights for easy natural ventilation.

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

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

05/01047/ADV – 1no. illuminated sign board (as amended by plans received 15/07/05) - Permitted - 11 August 2005

09/01776/F - Proposed mixed use development including 4 shops and 33 social housing units - Permitted - 4 August 2010

14/00072/PREAPP - Pre-Application enquiry - Demolition of asbestos garages/store and construction of 6 x 1 Bedroom flats - Detailed Pre-App response sent - 15 April 2014

17/00924/CDC - Improvements to the area in front of the shops - Permitted - 19 June 2017

16/02186/DEM - Demolition of garages - Application Withdrawn - 6 December 2016

17/00176/DEM - Demolition of garages - Prior Approval Not Required - 20 February 2017

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

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

21/02996/PREAPP - Upgrading of the existing flats as follows: Upgrade of the external envelope - insulated panels externally rendered and with cladding, New windows. New doors, New balcony railing to rear, New bathroom suites, New kitchens, New Mechanical and Electrical and Decorated throughout. The proposals would be supported.

#### **6. RESPONSE TO PUBLICITY**

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

6.2. No comments have been raised by third parties.

#### **7. RESPONSE TO CONSULTATION**

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

7.2. BANBURY TOWN COUNCIL: **No objection**

7.3. OCC HIGHWAYS: **No objection**

#### **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)

- Banbury 10: Bretch Hill Regeneration Area
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD15: The Character of the Built and Historic Environment

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

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

- 8.3. Other Material Planning Considerations

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

## **9. APPRAISAL**

- 9.1. In view of their nature and extent, the proposals have no implications for ecology, drainage or highway safety. The key issues for consideration in this case are:

- Principle of Development;
- Impact on Visual Amenity;
- Impact on Neighbour Amenity;
- Sustainable Construction Matters

#### Principle of Development

- 9.2. The proposals are largely being made in order to bring the insulation forwards in-line with modern standard, which would reduce the amount of energy used by the future occupants and would therefore reduce the carbon footprint of the flats. This would be supported by the policies focussed on environmental sustainability in the local plan, namely ESD2 and ESD3. There is also a strong support for minor re-development to improve the housing stock under policy Banbury 10, which washes over the site.
- 9.3. As such, in line with the provisions and aims of the development plan policies identified above, the principle of the proposal is therefore considered acceptable in general sustainability terms. However, the acceptability of the proposed development in this case is also clearly dependent on it not having adverse effects on the character and appearance of the area, impact on neighbour amenity, impact on public and highway safety, ecological impacts, flooding impacts and environmental and other sustainability issues. These issues are discussed below.

#### Impact on Visual Amenity

- 9.4. Policy ESD15 of the CLP 2015 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 9.5. Saved Policy C28 of the CLP 1996 states that control over all new development will be exercised to ensure that standards 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.
- 9.6. These policies reflect government guidance contained within the NPPF requiring good design, which 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. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 9.7. The existing flats are very much of their time but are not architecturally significant. Two of the opposing 'corners' which front the roundabout have been recently re-developed to provide additional housing and increase the density of residential use. These developments have used modern designs and materials to give a more contemporary feel to the wider street scene against which the present site forms a modest but not insignificant part.
- 9.8. The redesigned exteriors of the flats would have balanced and contemporary look and feel, yet not starkly so, with elements such as the cedar lap being reflected back in the design of the housing diagonally opposite across the roundabout in the buildings along Spring Gardens. This redesigned exterior would result in enhancement to the character and of the area and bringing a degree of visual balance to the other nearby developments.
- 9.9. Overall, for the reasons set out above, it is considered that the proposals would be acceptable in regard the character and appearance of the area. The development would therefore comply with Policies ESD15 of the CLP 2015, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF

#### Impact on Neighbour Amenity

- 9.10. Saved Policy C30 of the CLP 1996 requires that new developments provide standards of amenity and privacy acceptable to the local planning authority. Policy ESD15 of the CLP 2015 states that new development should consider the amenity of both existing and future development.
- 9.11. The proposals would not adversely affect the living conditions of the occupiers of the flats or any neighbours to the site and therefore accord with the aforesaid policies in this regard.

#### Sustainable Construction Matters

- 9.12. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. This policy further encourages new developments to incorporate suitable adaptation measures to ensure that new developments are resilient to climate change. Policy ESD2 of the CLP 2015 states that in seeking to achieve emissions reductions Cherwell District Council will promote

an energy hierarchy by seeking to reduce energy use through the use of sustainable design and construction, the supply of efficient and renewable energy and moving away from decentralised energy supply. Policy ESD3 of the CLP 2015 further states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods.

- 9.13. The proposed works seek to improve energy loss and to reduce energy consumption for the existing flats with sustainability as a guiding principle of the development and therefore accord with the general spirit of the principles outlined above.

## **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.

## **11. RECOMMENDATION**

### **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

#### **Time Limit**

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

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
- Drawing Title: Measured Survey Drawing Number: 001
  - Drawing Title: Proposed Plans and Elevations Drawing Number: 002A
  - Drawing Title: Site and Location Plan Drawing Number: 003A
  - Drawing Title: 3D Visuals Drawing Number: 004

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.

## Cherwell District Council

### Planning Committee

7 April 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) 21/02007/F – 15 Heath Close, Milcombe, OX15 4RZ

To complete driveway by replacing breeze block section with block paving to match. Also to complete the dropped kerb to fall in line with the full width of the house. To install either two or three lower trims and one angled trim.  
(resubmission of 21/01238/F)

Officer recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 15.03.2022  
Statement Due: 19.04.2022  
Decision: Awaited  
Appeal reference – 22/00016/REF

##### 3.2 New Enforcement Appeals

None

### 3.3 Appeals in Progress

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

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

Officer recommendation – Refused (Committee)

Method of determination: Hearing – date to be confirmed

Start Date: 08.10.2021

Statement Due: 26.11.2021

Decision: Awaited

Appeal reference – 21/00033/REF

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

Siting of timber cabin for occupation by a rural worker

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – Tuesday 10th May 2022

Start Date: 09.12.2021

Statement due: 113.01.2022

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 date: 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 – Tuesday 14<sup>th</sup> June 2022

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) 21/01403/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

Start Date: 22.02.2022

Statement Due: 29.03.2022

Decision: Awaited

Appeal reference – 22/00015/REF

**m) 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

**n) 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

**o) 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

**p) 21/02346/F – 1 Cranesbill Drive, Bicester, OX26 3WG**

Loft conversion with rooflights to front roof slope and dormer extension to rear roof slope.

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

**q) 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

**r) 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

**b) 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

**3.5 Forthcoming Public Inquiries and Hearings between 8 April 2022 and 19 May 2022**

**a) 20/00180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington**

Siting of timber cabin for occupation by a rural worker

Hearing Date: Tuesday 10<sup>th</sup> May 2022. Start time: 10.00  
Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

**b) 20/02193/F and 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.

Hearing Date: Wednesday 18<sup>th</sup> May 2022 and Thursday 19<sup>th</sup> May. Start time: 10.00  
Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

### 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**

Officer Recommendation – Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference 22/00001/REF

The Inspector identified the main issues of the appeal to be the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of 100 Hazel Crescent, with regard to outlook and natural light.

In respect of the first issue, the Inspector found that the proposed extensions would be proportionate in scale and subservient to the host building and the single storey extensions and porches are common features in the local area and formed part of the established character. Because of this, the Inspector decided that the proposal would not harm the character or appearance of the area.

In respect of the second issue, the Inspector found that there would be a change of outlook for the residents on No 100 and there may be some loss of sunlight however the development would comply with the 45-degree rule set out in Cherwell's Home Extensions & Alterations Design Guide (March 2007) and that the Council has permitted similar front extensions elsewhere on the estate without raising any concerns over the impacts on neighbour amenity. In view of this, the Inspector concluded that the small extension being proposed would not be so significant to warrant a refusal of planning permission.

Based on this assessment, the appeal was allowed.

**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**

Officer Recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Appeal reference 21/00038/REF

The Inspector identified the main issue as being the effect of the proposal on the special interest and setting of the Grade II listed building known as The Ben Jonson Public House and the character and appearance of the Weston on the Green Conservation Area.

It was identified that the special interest and significance of the listed building is informed by its architectural detailing and its history as a coaching inn that continues through to its current use as a public house. The building also has a degree of communal value as it has been used by the local community over many years. The special interest and significance of the listed building is also informed by its setting, including the pub garden, the pub car park and the three separate Grade II listed buildings (former stables, Oxford House and The Cottage). The Inspector considered that the garden and wall provide a gap and sense of enclosure between the listed public house and the modern suburban development along Westlands Avenue, and that they make a positive contribution to the setting of the listed public house and inform its significance and special interest. The Inspector also considered that the garden and wall present a gap and a buffer from Westlands Avenue, clearly marking the edge of the conservation area, and making a positive contribution to the conservation area and its significance. The Inspector did not consider that the lack of specific inclusion within the Neighbourhood Plan as a Local Green Space or an important internal green space diminished the contribution that the garden makes to either designated heritage asset.

The Inspector considered that the dwelling would be much larger and permanent than the existing play equipment, and that it would erode part of the gap and buffer between the public house and Westlands Avenue. Whilst the insertion into the wall for a vehicular driveway and pedestrian access would result in a very limited loss of historic fabric, it would greatly affect the enclosure that the wall provides, exacerbating the erosion of the gap and buffer and reinforcing the negative visual effect that the new dwelling would create. It was considered that the proposal as a whole would cause harm to the significance of the listed building and the conservation area. The harm to the significance of both the listed building and conservation area would be less than substantial, but it would still be important given the positive contribution performed by the wall and garden.

Whilst the development would boost the supply of housing in a district where the Council is current unable to demonstrate a 5-year housing land supply and provide employment in terms of construction work, given that only one dwelling would be delivered the Inspector considered that these public benefits could be afforded no more than moderate weight. The Inspector considered that the public benefits arising from the scheme would be insufficient to outweigh the harm to the significance of either heritage asset.

The inspector concluded that the proposal would not preserve the special interest or setting of the listed Ben Jonson Public House or preserve or enhance the character and appearance of Weston on the Green Conservation Area. It would result in harm to the significance of both heritage assets that would not be outweighed by the public benefits and the appeals were therefore dismissed.

- 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**

Officer Recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Appeal reference 21/00039/REF

Please see appeal decision summary for 3.6 a.

#### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The report provides the current position on planning appeals which Members are invited to note.

#### **5.0 Consultation**

- 5.1 None.

#### **6.0 Alternative Options and Reasons for Rejection**

- 6.1 None. The report is presented for information.

#### **7.0 Implications**

##### **Financial and Resource Implications**

- 7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:  
Janet Du Preez, Service Accountant, 01295 221606  
janet.du-preez@cherwell-dc.gov.uk

##### **Legal Implications**

- 7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:  
Matthew Barrett, Planning Solicitor, 01295 753798  
matthew.barrett@cherwell-dc.gov.uk

##### **Risk Implications**

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

Comments checked by:  
Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786  
louise.tustian@cherwell-dc.gov.uk

## **Equality & Diversity Implications**

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

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707

Emily.Schofield@oxfordshire.gov.uk

## **8.0 Decision Information**

### **Key Decision:**

Financial Threshold Met: No

Community Impact Threshold Met: No

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Business Plan Priorities 2021-2022:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

### **Lead Councillor**

Councillor Colin Clarke, Lead Member for Planning

### **Document Information**

None

### **Background papers**

None

### **Report Author and contact details**

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