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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 16 June 2022
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lynn Pratt
Councillor Dorothy Walker
Councillor Barry Wood

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Hugo Brown
Councillor Ian Corkin
Councillor Simon Holland
Councillor Richard Mould
Councillor Les Sibley
Councillor Amanda Watkins
Councillor Sean Woodcock

Substitutes

Councillor Mike Bishop
Councillor Gemma Coton
Councillor Donna Ford
Councillor Matt Hodgson
Councillor Adam Nell
Councillor Douglas Webb

Councillor Colin Clarke
Councillor Andrew Crichton
Councillor David Hingley
Councillor Ian Middleton
Councillor Dr Chukwudi Okeke
Councillor Fraser Webster

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. Addresses can be made virtually or in person.

4. **Minutes** (Pages 5 - 33)

To confirm as a correct record the Minutes of the meeting of the Committee held on 19 May 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.

8. **Development Brief for Local Plan Partial Review site PR7a - Land at South East Kidlington** (Pages 34 - 146)

Report of Assistant Director - Planning and Development

Purpose of report

To seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR7a – Land at South East Kidlington.

Recommendations

The meeting is recommended:

- 1.1 To approve the Development Brief for site PR7a (Land at South East Kidlington) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report.
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

Planning Applications

9. **Axis J9 Phase 3 Howes Lane Bicester** (Pages 149 - 208) **21/03177/F**
10. **94 The Moors Kidlington Oxfordshire OX5 2AG** (Pages 209 - 224) **22/00539/F**
11. **Land North East Of Fringford Study Centre Adjoining Rectory Lane, Fringford** (Pages 225 - 240) **22/00998/F**
12. **Land Adjacent to the Oxford Canal Spiceball Park Road Banbury** (Pages 241 - 246) **22/00584/DISC**

Review and Monitoring Reports

13. **Appeals Progress Report** (Pages 247 - 256)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

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

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

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

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest

available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 8 June 2022

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 19 May 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Hugo Brown
Councillor Fiona Mawson
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Barry Wood

Substitute Members:

Councillor Matt Hodgson (In place of Councillor Sean Woodcock)

Apologies for absence:

Councillor Jean Conway
Councillor Ian Corkin
Councillor Ian Harwood
Councillor Simon Holland
Councillor Amanda Watkins
Councillor Sean Woodcock

Officers:

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

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Declarations of Interest

8. Land West of Foxden Way, Great Bourton, OX17 1QY.

Councillor George Reynolds, Declaration as local ward member he had called in the application for consideration by Planning Committee and whilst his

comments on the 'Call In' did not necessarily relate to the updated application, he would remain in the meeting as Chairman for the item but would not make any proposal or vote on the application..

9. Land North West of Launton Road Roundabout Adjoining Skimmingdish Lane, Caversfield.

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

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

12. Former Buzz Bingo, Bolton Road, Banbury, OX16 5UL.

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

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

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

15. 2, 4 and 6 Priory Mews, Old Place Yard, Bicester, OX26 6AU.

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

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

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

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

4 Requests to Address the Meeting

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

5 Minutes

The Minutes of the meetings held on 7 April 2022 and 18 May 2022 were agreed as a correct record and signed by the Chairman.

6 **Chairman's Announcements**

There were no Chairman's Announcements.

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

There were no proposed pre-Committee site visits.

8 **Urgent Business**

There were no items of urgent business.

9 **Land West of Foxden Way, Great Bourton, OX17 1QY**

The Committee considered application 21/00922/OUT, an outline application with all matters reserved save for access for up to 9 First Homes at Land West of Foxden Way, Great Bourton, OX17 1QY for Mr Russell Crow.

Councillor Phil Chapman, Local Ward Member, addressed the committee in objection to the application.

Sue Upton and Tim Brooks, representing local residents, addressed the committee in objection to the application.

Russell Crow, the applicant, addressed the committee in support of the application.

It was proposed by Councillor Wood and seconded by Councillor Brown that application 21/00922/OUT be refused, contrary to the officer recommendation, due to landscape impact and an unsustainable location.

In reaching its decision the committee considered the officers' report and presentation, the written updates and addresses of the local ward member and public speakers.

Resolved

- (1) That application 21/00922/OUT be refused contrary to officer recommendations due to landscape impact and an unsustainable location with the exact wording of the reasons for refusal delegated to the Assistant Director for Planning and Development.

(Councillor Reynolds requested that his abstention from the vote be recorded in the minutes.)

10 **Land North West of Launton Road Roundabout Adjoining Skimmingdish Lane, Caversfield**

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

In reaching its decision the committee considered the officers' report and presentation and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning to grant permission for application 21/02286/F subject to:
- i) The Environment Agency removing their 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 (and any amendments as deemed necessary):
 - Off-site Highway Works (a to provide footway/cycleway access to the development from the existing facilities on the A4421 as shown on drawing 4364SK-06 D) – TBC
 - OCC S106 Monitoring fee – TBC
 - iii) The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

Travel Plan
Flood risk assessment and additional supporting information
Drainage Strategy
Ecological report and additional supporting information
Archaeological and heritage assessment
Noise Assessment
Site investigation report and non-intrusive desk study
Climate Change and Sustainability Policy Matrix, and Bicester
Greggs Drive Thru – Commentary on Energy Policy Prepared by
Martin Thornley - Thornley & Lumb Partnership Ltd Issue 01 –
04.11.21
Drawing number 15987-100 Rev C – Location Plan
Drawing number 15987-101 Rev A – Existing Site Plan
Drawing number 15987-105 Rev P – Proposed Site Plan
Drawing number 15987-106 Rev C – Proposed Elevations, GA &
Roof Plans
Drawing number 15987-107 – Proposed Cycle Details
Drawing number 15987-108 – Proposed Refuse Details
Drawing number 15987-109 Rev C – Proposed Master Plan
Drawing number 15987-VL-L01 Rev C – Landscape Plan
Drawing number 15987-VL-L02 – Landscape and Ecological
Enhancement Plan

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

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

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

4. Details of all external lighting including the design, position, orientation, illumination and its intensity together with any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed, operated, and retained in accordance with the approved scheme at all times thereafter. No other external lighting shall be erected within the

site without the prior written consent of the Local Planning Authority.

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

5. Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner). 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 and to ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity, in accordance with Policies ESD10 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

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

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

8. Prior to the development being brought in to use the cycle and vehicle parking facilities as shown on drawing 15987-105 Rev P shall be completed in all respects and thereafter maintained available for use for the duration of the development.

Reason – In the interests of highway safety and to encourage sustainable transport modes.

9. The development shall be operated in accordance with the submitted Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason – In order to promote sustainable modes of travel.

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

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

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

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

12. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and

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

13. 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.

14. 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 1 996 and Section 15 of the National Planning Policy Framework.

- (2) That it further be agreed that if the statutory determination period for application 21/02286/F expired on 15 February 2022 and if the Section 106 agreement/undertaking was not completed and the permission was not able to be issued by 14 February 2022 and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director of Planning and Development to refuse application 21/02286/F for the following reason:

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

The Committee considered application 21/03639/F for a replan of the western part of the residential development permitted through Reserved Matters application 19/00895/REM for the delivery of 107 dwellings at OS Parcels 6741 and 5426 West Cricket Field, North Wykham Lane, Bodicote for Miss Olivia Morris.

Tom Hockaday, a local resident, addressed the committee in objection to the application.

Sam Silcocks, agent, addressed the committee in support of the application.

In reaching its decision the committee considered the officers' report and presentation 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 21/03639/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, (and any amendments as deemed necessary):

S106 HEADS OF TERMS

- Provision of and commuted sum for burial ground provision
- Provision of additional allotment provision to serve the additional units
- Off-site outdoor sports facilities capital provision – to serve the additional units.
- On-site sports provision contribution for additional maintenance towards the existing facility to be provided on site of £15,349.97 (plus indexation)
- Off-site indoor sports facilities – towards indoor tennis centre and/or improvements of leisure centre provision in the locality
- Community hall facilities – in respect of the additional units
- Contribution to bins
- Affordable housing provision on site
- Monitoring fee contribution towards the Council's (both district and county) costs of monitoring compliance with the agreement or undertaking
- Public transport contribution to serve the additional units towards bus services through the site
- Public transport infrastructure uplift in accordance with the original obligation to serve the additional units
- Secondary education capacity contribution and contribution towards the expansion of BGN secondary school

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

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. Notwithstanding the landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: (i) details of 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.(ii) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and any steps etc. 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 adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

4. Prior to the commencement of any development above slab level, a material plan shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the materials plan submitted, all materials of construction relating to

(i) all access roads, driveways, parking courts, parking areas and footpaths (ii) all dwellings, garages and other buildings and structures (iii) shall be in accordance with the use of materials already agreed under 18/00895/REM, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved materials plan.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031. The Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

5. If alternative materials to those in condition 4 above are proposed, prior to the commencement of any dwelling or garage above slab level, samples of any alternative roofing materials and sample panels (minimum size 1m²) of the alternative bricks/natural ironstone shall be constructed on site to be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the relevant dwellings, garages and boundary walls shall be constructed in accordance with the approved sample panels. The sample panels shall be retained on site for the duration of the construction of the development.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

6. No dwellings shall be constructed above slab level until details of a site-wide biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of habitat boxes/bricks for bats, swifts and other birds; the provision of hedgehog passages; the provision of boundary treatments to facilitate the movement of wildlife; and a timetable for the enhancements to take place. The development shall be carried out in accordance with the approved details and timetable and thereafter maintained in accordance with this condition.

Reason: To enhance biodiversity in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

7. Prior to commencing any works in respect of landscaping, final details, locations, specifications and construction methods for all purpose-built tree pits and above ground features, to include the installation of below ground, load bearing cell structured root

trenches, rot barriers, irrigation systems and a stated volume of suitable growing medium to promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and specifications.

Reason: In the interests of the visual amenities of the development, the long-term survival of the trees, to ensure the creation of a pleasant environment, and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. Prior to the first occupation of any dwelling on the site, a Travel Plan. Prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and its subsequent amendments. shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Government guidance within the National Planning Policy Framework.

9. No development shall be occupied until confirmation has been provided that either:- (i) Foul Water Capacity exists off-site to serve the development; or (ii) A Development and Infrastructure Phasing Plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or (iii) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

10. No development shall be occupied until confirmation has been provided that either:- (i) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or (ii) 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.

11. The drainage strategy for the site shall be carried out in accordance with the drainage report dated 25.03,2022 and drawing number 957-00-001 Rev A.

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

12. Prior to the commencement of any development hereby approved, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how each dwelling hereby approved, will achieve a 19% reduction in carbon emissions above 2013 Building regulations and a water efficiency of not more than 110 litres/person/day. The development shall thereafter be carried out in accordance with the approved energy strategy.

Reason: In the interests of creating sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD£, ESD4 and ESD5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. That prior to the occupation of any dwelling, it shall be provided with an electric vehicle charging point.

Reason: in the interests of sustainability and reducing carbon footprints and to accord with Policy ESD3 of the adopted Cherwell Local Plan 2011-32031 and Government guidance within the National Planning Policy Framework.

14. Notwithstanding the information shown on the approved plans, all casement windows to be installed on the dwellings and garages within the development shall be side hung, balanced casements of equal proportions unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of

the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

15. All windows and doors to be installed within the development shall be recessed a minimum of 75mm within the window and door surrounds, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

16. All dwellings and garages shall be constructed using simple mortared edges to roof edges and no overhang, and clipped eaves and gutters fitted tight to the walls or brackets or sprockets, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

17. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, wall, fence or other means of enclosure shall be erected or constructed or placed between any dwelling and the highway or within the curtilages of dwellings if forward of a principal elevation without the prior express consent of the Local Planning Authority.

Reason: To retain the character and appearance of the development and in the interests of highway safety, to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning policy Framework.

18. Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments the garages, car ports and drive-throughs serving parking areas shown on the approved plans shall be retained and maintained for the parking and manoeuvring of vehicles and storage of cycles at all times and shall not be converted to provide additional living accommodation without the express planning permission of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for parking and access, and the parking of safe undercover storage of cycles clear of the highway, in accordance with Government guidance within the National Planning Policy Framework.

- (2) That it further be agreed that if the Section 106 Agreement/undertaking was not completed and the permission was not able to be issued, and, no extension of time be agreed between the parties, authority be delegated to The Assistant Director for Planning and Development to refuse application 21/03639/F 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 infrastructure 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 INF 1 of the adopted Cherwell Local Plan 2011-2031, Government guidance within the NFFF and CDC Planning Obligations SPD 2018.

12 **Unit 5B, Oxford Technology Park, Langford Lane, Kidlington**

The Committee considered application 21/03913/F for the development within Use Classes E (g) (i) and/or (ii), and/or (ii), and/or B2 and/or B8 and associated works including access and parking at Units 5A & 5B, Oxford Technology Park, Langford Lane, Kidlington, OX5 1GN for Oxford Technology Park Limited.

Richard Cutler of Oxford Technology Park address the committee in support of the application.

In reaching its decision the committee considered the officers' report and presentation and the written updates and the address of the public speaker.

Resolved

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/03913/F subject to:
 - i) a suitable provision being in place to secure the following (and any amendments as deemed necessary):
 - Travel Plan Monitoring Fee
 - ii) the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

2613-01-PL2 – Site Block Plan
2613-02-PL1 – Site Location Plan
2613-10-PL2 – Ground Floor Plan
2613-11-PL2 – First Floor Plan
2613-12-PL1 – Roof Plan
2613-14-PL1 – South & West Elevations
2613-15-PL2 – North & East Elevations
2613-16-PL1 – Sectional Elevations
2613-100-PL2 – Cycle Locations
2613-101-PL1 – Bin Storage & Recycling
2613-1-2-PL2 – Fence Plan
2613-05-PL2 – Proposed Hard Landscaping Plan
Planning & Economic Statement by Savills, received by the Local Planning Authority on 22 November 2021
Design & Access Statement by Garrett McKee Architects, received by the Local Planning Authority on 22 November 2021
Transport Statement, Ref: 33231058 Rev1, by Stantec, dated November 2021 and received by the Local Planning Authority on 2 December 2021

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

3. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

4. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country

Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. The CTMP should follow Oxfordshire County Council's template, if possible. This should identify:
 - a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certified banksman;
 - b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network);
 - c) Details of wheel cleaning/wash facilities to prevent mud, etc., from migrating on to the adjacent highway;
 - d) Contact details for the Site Supervisor responsible for on-site works;
 - e) Travel initiatives for site related worker vehicles;
 - f) Parking provision for site related worker vehicles;
 - g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
 - h) Engagement with local residents.

Thereafter, the approved CTMP shall be implemented and operated in 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.

6. The vehicle parking layout shown on plans 2613-01-PL2 and 2613-05-PL2 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning and manoeuvring.

Reason: In the interests of highway safety.

7. Before the development is occupied 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 parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

8. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage strategy should demonstrate:

- Surface water run-off generated up to and including 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event;
- Surface water runoff will be managed so that it does not contaminate controlled waters.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

9. Prior to the first occupation of the development hereby approved, 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:
 - As built plans in both .pdf and .shp file format;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2015 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.

10. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

11. Notwithstanding the hard landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for soft landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: (i) details of 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.) (ii) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and any steps etc. 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 adopted Cherwell Local Plan 2015 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

12. Notwithstanding the details of the recycling areas shown on drawing no. 2613-101 PL1 submitted with the application, no development shall commencement until a detailed plan showing the proposed bin and recycling storage to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

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

13. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2015, 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, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

16. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing 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 and Saved Policy C28 of the Cherwell Local Plan 1996.

17. Prior to first occupation a Framework Travel Plan for the wider site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport.

13 **Former Buzz Bingo, Bolton Road, Banbury, OX16 5UL**

The Committee considered application 21/04202/F for a redevelopment for 80 retirement living apartments including communal facilities, access, car parking and landscaping at Former Buzz Bingo, Bolton Road, Banbury, OX16 5UL for Churchill Retirement Living.

In reaching its decision the committee considered the officers' report and presentation and the written updates.

Resolved

- (1) That the committee resolved to confirm that, had the power to determine application 21/04202/F continued to rest with them, application 21/04202/F would be refused for the following reasons:
1. The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact (less than substantial) upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore, the development by virtue of its form and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The benefit of bringing the site back into use and making efficient use of the land would not outweigh the harm caused to the heritage assets. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within paragraphs 199, 202 and 206 of the National Planning Policy Framework.
 2. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
 3. 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 infrastructure contributions 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 Policies BSC3, BSC10, BSC11 and INF 1 of the Cherwell Local Plan 2015 and Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.
 4. The application proposal which seeks permission on only part of the Policy Banbury 8 allocation, and more crucially fails to include the adjacent tyre depot fails to provide a coherent and integrated development on the part of Policy Banbury 8 site, resulting in an inappropriate and potentially harmful piecemeal development. As such the application is not in accordance with Policy Banbury 8 of the adopted Cherwell Local Plan 2011 – 2031 and Government guidance within the National Planning Policy Framework.

The Committee considered application 21/04216/F for the development of a new accommodation houseblock, new office/administration building, new workshop building, extension to existing medical office, new 'programmes/multifaith' building, and extension to existing physical recreation building; associated demolition works; extension to the prison car park; associated landscaping at HM Prison Bullingdon, Patrick Haugh Road, Upper Arcott, Bicester, OX25 1PZ for Her Majesty's Prison & Probation Service.

Chris Hays, agent for the applicant, addressed the committee in support of the application.

In reaching its decision the committee considered the officers' report and presentation and the written updates and the address of the public speaker.

Resolved

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/04216/F subject to:
 - i) the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991 to secure the following (and any amendments as deemed necessary):
 - £125,000 towards public transport services
 - Monitoring fees – TBC
 - ii) the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans 535804-BHK-ZZZ-ZZ-DR-A-001-S4-D0100_P02, 535804-BHK-ZZZ-ZZ-DR-A-020-S4-D0100_P03, 535804-BHK-ZZZ-ZZ-DR-A-021-S4-D0100_P03, 535804-BHK-ZZZ-ZZ-DR-A-100-S4-D0100_P07, DR-A-1200_P01, DR-A-1201_P01, DR-A-1202_P01, DR-A-1203_P01, DR-A-1204_P01, DR-A-1205_P01, DR-A-3920_P01, DR-A-4000_P01, DR-A-4001_P01, DR-A-4002_P01, DR-A-4003_P01, DR-A-4004_P01, DR-A-4005_P01, DR-A-4006_P01, DR-A-3100_P01, DR-A-3101_P01, DR-A-30206_P01, DR-A-3100_P01, 535804-6462-BHK-051-ZZ-DR-A-0700-S4-D0100_P01, 535804-6462-

BHK-051-ZZ-DR-A-0120-S4-D0100_P03, 535804-6462-BHK-051-GF-DR-A-0100-S4-D0100_P04, 535804-6462-BHK-051-MZ-DR-A-0102-S4-D0100_P02, 535804-6462-BHK-051-ZZ-DR-A-0110-S4-D0100_P03, 535804-6462-BHK-051-R1-DR-A-0101-S4-D0100_P04, 535804-6462-BHK-050-ZZ-DR-A-0120-S4-D0100_P02, 535804-6462-BHK-050-GF-DR-A-0100-S4-D0100_P03, 535804-6462-BHK-050-R1-DR-A-0101-S4-D0100_P03, 535804-6462-BHK-050-ZZ-DR-A-0110-S4-D0100_P02, 535804-6462-BHK-053-ZZ-DR-A-0700-S4-D0100_P01, 535804-6462-BHK-053-ZZ-DR-A-0120-S4-D0100_P03, 535804-6462-BHK-053-ZZ-DR-A-0110-S4-D0100_P03, 535804-6462-BHK-053-GF-DR-A-0100-S4-D0100_P05, 535804-6462-BHK-053-01-DR-A-0101-S4-D0100_P05, 535804-6462-BHK-053-02-DR-A-0103-S4-D0100_P02, 535804-6462-BHK-053-R1-DR-A-0102-S4-D0100_P04, 535804-6462-BHK-024-ZZ-DR-A-0700-S4-D0100_P01, 535804-6462-BHK-024-ZZ-DR-A-0120-S4-D0100_P03, 535804-6462-BHK-024-GF-DR-A-0100-S4-D0100_P04, 535804-6462-BHK-024-01-DR-A-0101-S4-D0100_P04, 535804-6462-BHK-024-MZ-DR-A-0103-S4-D0100_P02, 535804-6462-BHK-024-R1-DR-A-0102-S4-D0100_P04, 535804-6462-BHK-024-ZZ-DR-A-0110-S4-D0100_P03, 535804-6462-BHK-055-ZZ-DR-A-0700-S4-D0100_P01, 535804-6462-BHK-055-ZZ-DR-A-0120-S4-D0100_P03, 535804-6462-BHK-055-ZZ-DR-A-0100-S4-D0100_P04, 535804-6462-BHK-055-02-DR-A-0102-S4-D0100_P02, 535804-6462-BHK-055-R1-DR-A-0101-S4-D0100_P04, 535804-6462-BHK-055-ZZ-DR-A-0110-S4-D0100_P03, 535804-6462-BHK-026-ZZ-DR-A-0700-S4-D0100_P01, 535804-6462-BHK-026-ZZ-DR-A-0120-S4-D0100_P03, 535804-6462-BHK-026-GF-DR-A-0001-S4-D0100_P02, 535804-6462-BHK-026-GF-DR-A-0100-S4-D0100_P05, 535804-6462-BHK-026-01-DR-A-0002-S4-D0100_P02, 535804-6462-BHK-026-01-DR-A-0101-S4-D0100_P04, 535804-6462-BHK-026-R1-DR-A-0102-S4-D0100_P04, 535804-6462-BHK-026-ZZ-DR-A-0110-S4-D0100_P03, 535804-6462-BHK-052-00-DR-A-0100-S4-D0100_P03, 535804-6462-BHK-ZZZ-ZZ-SK-C-4200-S4-D0100_P01, 535804-6462-BHK-ZZZ-ZZ-SK-C-4201-S4-D0100_P01 received 20/12/2021 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 be occupied until confirmation has been provided that either:- (i) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) 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.

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in Ecological Appraisal of the HMP Prison Bullingdon by Bioscan (UK) Ltd dated November 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

5. The development shall proceed in accordance with the Flood Risk Assessment reference 20305-HYD-XX-XX-FP-FR-0005 prepared by Hydrock received 20/12/2021 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government advice in Section 14 of the National Planning Policy Framework.

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

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

7. The proposed extension to the car park shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The additional parking shall thereafter be retained for use in connection with the development for those purposes only.

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

8. 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.

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

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

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

10. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments (and a Travel Plan Statement setting out how this phase will contribute to the overall site wide Travel Plan), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, 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.

11. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15 **94 The Moors, Kidlington, Oxfordshire, OX5 2AG**

The Committee considered application 22/00539/F for the demolition of an existing dwellinghouse, garage and outbuilding and the erection of 2 x 5-bed detached dwelling houses (Use Class C3). Car parking, and alterations to access and landscaping at 94 The Moors Kidlington Oxfordshire OX5 2AG for Henaud Developments This was a resubmission of application 21/03017/F.

It was proposed by Councillor Billingham and seconded by Councillor Walker that application 22/00539/F be deferred for a site visit as the considered it imperative that Members see the development site in context with the surrounding buildings to understand any possible implications on them.

Resolved

- (1) That consideration of application 22/00539/F be deferred for a site visit to take place prior to the meeting at which application 22/00539/F, 94 The Moors Kidlington Oxfordshire OX5 2AG would be considered by the Planning Committee.

16 **2, 4 and 6 Priory Mews, Old Place Yard, Bicester, OX26 6AU**

The Committee considered application 22/00601/CDC a retrospective application for the adaptation to eastern boundary to improve privacy for both residents and neighbours. The existing boundary consisted of two limestone walls that sit either side of a taller timber fence. The proposal sought to retain the existing limestone walls but to increase the height of these by attaching new, higher quality timber panels together with the removal and replacement of the existing fence section to match at 2, 4 and 6 Priory Mews, Old Place Yard, Bicester, OX26 6AU for Miss Kim Swallowe.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 22/00601/CDC subject to:
- i) no new material planning considerations being raised before the expiry of the consultation period
 - ii) the following conditions (and any amendment to those conditions deemed necessary):

CONDITIONS

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the information contained within the application form and the following approved plans: Site Location Plan received by the Council on 16 March 2022, Site Plan – extent of Boundary received by the Council on 14 March 2022 and drawing number 012/21 Rev B (Proposed Site Plan/ Elevations).

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

2. The fence shall be stained to match that of the existing front boundary fence and in accordance with the proposed fence treatment picture within drawing number 012/21 Rev B.

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.

17 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.50 pm

Chairman:

Date:

Agenda Item 8

Cherwell District Council

Planning Committee

16 June 2022

Development Brief for Local Plan Partial Review site PR7a – Land at South East Kidlington

Report of Assistant Director - Planning and Development

This report is public.

Purpose of report

To seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR7a – Land at South East Kidlington.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Development Brief for site PR7a (Land at South East Kidlington) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report.
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

2.0 Introduction

- 2.1 The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was adopted on 7 September 2020, effectively as a supplement or addendum to the adopted Cherwell Local Plan 2011-2031, and forms part of the statutory Development Plan for the district.
- 2.2 The Partial Review Plan provides a vision for how Oxford's unmet housing needs will be met within Cherwell, which seeks to respond to the key issues faced by Oxford in providing new homes, in addressing the unaffordability of housing, in supporting economic growth and in dealing with its land supply constraints.
- 2.3 The Partial Review Plan allocates land to deliver 4400 houses across six sites:
 1. Land East of Oxford Road, North Oxford (policy PR6a) - Gosford and Water Eaton Parish
 2. Land West of Oxford Road, North Oxford (policy PR6b) - Gosford and Water Eaton Parish

3. Land at South East Kidlington (policy PR7a) - Gosford and Water Eaton Parish
 4. Land at Stratfield Farm Kidlington (policy PR7b) - Kidlington Parish
 5. Land East of the A44 at Begbroke/Yarnton (policy PR8) - Yarnton and Begbroke Parishes (small area in Kidlington Parish)
 6. Land West of the A44 at Yarnton (policy PR9) - Yarnton and Begbroke Parishes
- 2.4 For each of the six sites, the Local Plan policy includes a requirement for the application to *“be supported by, and prepared in accordance with, a comprehensive Development Brief for the entire site to be jointly prepared and agreed in advance between the appointed representative(s) of the landowner(s) and Cherwell District Council”*. It further states, *“The Development Brief shall be prepared in consultation with Oxfordshire County Council and Oxford City Council”*.
- 2.5 The development brief will then be a material consideration in the determination of any future planning applications for the site to which it relates. They will inform developers in progressing their proposals and this committee in determining future planning applications.
- 2.6 Further to the Partial Review Plan’s requirement, Development Briefs are being prepared for each of the six sites. The first two, relating to sites PR7b and PR9, were approved by Planning Committee in December 2021. The third, here presented, relates to site PR7a.
- 2.7 Design consultants appointed by the Council have prepared the brief working with officers and with the benefit of input from technical consultees, stakeholders (including Oxford City Council) and public consultation. This report presents the proposed, final brief for approval and in doing so explains how it meets the objectives and policy requirements of the Partial Review Plan.
- 2.8 The Development Brief has been the subject of public consultation, for six weeks from 26 January to 8 March 2022. This report summarises the representations received and explains what changes have been made in response.

3.0 Report Details

- 3.1 Policy PR7a of the Partial Review of the Local Plan relates to land to the south eastern edge of Kidlington, bounded by Oxford Road (A4165) to the south-west, the A34 to the east, Water Eaton Lane to the north-east and Bicester Road to the west. The site is currently in agricultural use, comprising two pastoral fields and two arable fields, with established hedgerows and occasional trees along the field boundaries. The site’s central field is indented by a cemetery and includes a small car park with vehicular access off Bicester Road. To the south-west of the site, on the western side of the Oxford Road, lies the Stratfield Brake recreation ground containing playing fields.
- 3.2 The site is allocated for 430 homes on 21 hectares of land, of which 50% is required to be affordable housing. There are policy requirements for an extension to Kidlington Cemetery on 0.7 hectares of land within the developable area, 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt, provision for play areas and allotments to

adopted standards within the developable area; and contributions towards community facilities.

3.3 The Development Brief sets out its background, purpose and status, its structure and the community involvement that has taken place (Chapter 1); the strategic vision and context, the role of the site, its economic relationships and movement corridors (Chapter 2); the planning policy context, spatial context and the site's attributes (Chapter 3); a site appraisal including opportunities and requirements (Chapter 4); the vision and objectives for the site (Chapter 5); then the development principles (Chapter 6); and closes with a section on delivery and monitoring (Chapter 7).

3.4 Preparation of the Development Brief included review of baseline information and the planning policy context, preparation and agreement of the scope for the Brief, identification of opportunities and constraints, workshops to establish the vision, the principles concerning movement, water management, landscape, biodiversity, heritage and archaeology, and subsequent workshops and one to one engagements with technical consultees including the preparation of parameter plans, review of early drafts of the Brief and discussion with the site promoters.

3.5 The vision for Land at South East Kidlington, set out in Chapter 5 of the Brief, is as follows:

'The development site will become an extension to Kidlington that will be fully integrated and connected with the surrounding built environment. It will provide an attractive residential neighbourhood, with high quality, publicly accessible and well-connected green infrastructure and a modern, highly functioning outdoor sports facility. The development will maximise opportunities for walking, cycling and wheelchair use and will connect to sustainable movement routes towards Oxford Parkway Station, Kidlington, Oxford and Begbroke and existing footpaths.'

3.6 Each Partial Review policy sets out a detailed list of required elements for the Development Brief. There are common elements to each site, for example:

- A scheme and outline layout for the delivery of the required land uses and associated infrastructure,
- Protection and connection of existing public rights of way (where applicable) and an outline scheme for pedestrian and cycle access to the surrounding countryside,
- Design principles which seek to deliver a connected and integrated extension to the adjacent built settlement,
- Outline measures for securing net biodiversity gains informed by a Biodiversity Impact Assessment, and
- An outline scheme for vehicular access by the emergency services.

3.7 Policy PR7a sets out the following particular requirements for inclusion in the Development Brief:

- The site for the cemetery extension
- Points of vehicular access and egress from and to existing highways
- An outline scheme for public vehicular, cycle, pedestrian and wheelchair connectivity within the site, to the built environment of Kidlington, to Oxford Parkway Railway Station and Water Eaton Park and Ride, to enable the crossing

of Bicester Road, to achieve public accessibility between the residential development and the land for formal sports, and to existing or potential public transport services

- Design principles which seek to deliver a connected and integrated extension to Kidlington while being sensitive to the historic development pattern of Water Eaton Lane
- An enhanced area of woodland along the south-eastern boundary of the site and the establishment
- The maintenance and enhancement of tree lines and hedgerows.

- 3.8 The Development Brief for PR7a sets the development framework for the site. The parameters for the brief are established by the Local Plan. The brief is intended to provide additional detail to help implement the Local Plan policy and guide the preparation and consideration of applications for planning permission. The brief comprises guidance and not new policy.
- 3.9 The Brief provides a scheme and outline layout for delivery of the required land uses and associated infrastructure. There is no material change in the extent of the residential area between the policy map for the site (page 112 of the Partial Review Plan) and the development framework plan (page 24 of the draft Development Brief). There is no change to the site area.
- 3.10 In common with all Partial Review site policies, Policy PR7a allows for the consideration of minor variations in the location of specific land uses where evidence is available. That said, there are no such variations in this Development Brief.
- 3.11 The Development Brief for PR7a provides an outline scheme for vehicular, cycle, pedestrian and wheelchair connectivity within the site, for pedestrian and cycle access to the surrounding countryside, and for vehicular access by the emergency services. The Brief identifies two vehicular access points to/from Bicester Road, three separate pedestrian/cycle crossing points over the Bicester Road and one additional bus stop. It also provides outline measures for securing net biodiversity gains, provides for the maintenance and enhancement of existing tree lines and hedgerows. It also sets out the requirement for three equipped areas of play across the development – one combined local equipped area of play (LEAP) / neighbourhood area of play (NEAP) / multi use games area (MUGA) in the southern part of the developable area, one combined local area of play (LAP) / LEAP) in the central part of the site and an additional LAP at the very northern edge of the developable area near Beagles Close.
- 3.12 The Development Brief for PR7a sets the design principles for the site, which seek to deliver a connected and integrated extension to Kidlington while being sensitive to the historic development pattern of Water Eaton Lane.
- 3.13 The Brief requires the majority of the built form to be 2 - 2.5 storey houses. “2.5 storeys” means a two-storey eaves with accommodation in the roof, achieved through a combination of dormers and rooflights. This is distinct from the 2 - 3 storeys which is permitted on plots fronting the main roads through the site and plots fronting the Bicester Road (except for the block immediately south of the cemetery). The outline layout for the site sets out the positions of key frontages for buildings. These are labelled ‘indicative’ but importantly show no frontages facing towards existing

properties on Water Eaton Lane or Beagles Close – development adjacent to these neighbours will need to be ‘side-on’ or gardens to new dwellings.

- 3.14 The Development Brief also sets out development principles in relation to green spaces and community uses, including the cemetery extension, allotments towards the southern end of the developable area, and the new public park which will front Bicester Road in the central/southern part of the site.

Consultation

- 3.15 The brief was published for public consultation from 26 January to 8 March 2022 by way of advertisement on the Council’s website, emails directly to parish councils and technical consultees, and invitations to parish councils to a virtual meeting to raise or seek or clarification on particular matters. A total of 12 representations were received. The representations have been made publicly available alongside this report and a schedule containing a summary of each and officer responses is provided at Appendix 2. A precis is provided below.

SUMMARY OF REPRESENTATIONS

Gosford and Water Eaton Parish Council

- 3.16 The comments raised from Gosford and Water Eaton Parish Council are summarised as follows:
- Buildings backing onto Water Eaton and Beagles Close should be two storeys to match the character of the housing on these roads. Would like the distance of the new housing to be as far back away from the boundaries of existing dwellings as possible so they are not overlooked, lose privacy or lose light.
 - Would like to see solar panels on properties with south facing roofs and place taller buildings to the north of the lower building to increase the light on properties.
 - Facilitate safer passage for walkers and cyclists to cemetery from inside development and leisure area must be able to be used for all residents not just for sports users.

Kidlington Parish Council

- 3.17 The comments raised by Kidlington Parish Council are summarised as follows:
- Would prefer cemetery extension to be sited to the east and to have the cemetery open to the residential road passing north south. Concerns on how site will be left and on existing trees and access routes in relation to surrounding development and existing cemetery.
 - Believes emphasis is required on the importance of effective drainage over the site. Experience shows water levels can be high in winter so would like assurances that any proposal will be robust in dealing with drainage and avoid any impact on properties in Water Eaton Lane and Beagles Close.
 - Advised that temporary allotments abandoned due to waterlogging. Would prefer allotments to be integrated into the area near the sports pitches within the developable area. Would strongly object to attempt to move allotments out of developable area and into the Green belt because this would reduce the

attractions of the remaining Green Belt area, as a vital residue of the Kidlington gap.

- Wants clear links between green spaces throughout the site
- Would like to see a pelican crossing on the Bicester Road and would like to see a wider proposal of 20mph speed limit in all primarily residential roads across Kidlington.
- Considers there is a need for an artificial pitch and this may be a suitable location.
- Only minimal text provided on affordable housing and believes this should be emphasised more in accordance with the principles set out in the Partial Review.

Members of the Public

3.18 The comments raised from members of the public are summarised as follows:

- Increase in NO2 emissions along the Bicester Road and additional traffic along local roads. Also damage to environment through extra traffic and car park for formal sports ground with addition to possible Stratfield Brake development
- Flooding issues at Cemetery and Beagles Close and site close to flood plain and River Cherwell. Are any flooding mitigation and drainage issues to be implemented?
- Pedestrian links required from PR7A to PR6 where primary school is proposed to encourage walking school run instead of using a car.
- Pressure created on local facilities like schools, doctors and hospitals
- Improve cycling and walking provision for Kidlington-Summertown-Oxford route and have completely separate walking and cycling infrastructure.

Site Promoter Pegasus on behalf of Barwood

3.25 The comments raised by Barwood on the consultation version of the development brief are as follows:

- Allotment location – Barwood has advised it wishes the land to the south of the allocation site which is within green belt to be the location for the allotments. The Brief mentions existing allotment provision to east of cemetery; however, these no longer exist
- Cemetery extension land – agreement between Barwood and Hill (promoter of northern part of site) that the cemetery extension land required by policy is accommodated in land controlled by Hill
- Planning application strategy & securing comprehensive development – the Brief could go further in recognising and acknowledging that the site will be subject to two planning applications from each of the respective landowners
- Biodiversity net gain – requests removal of the reference to 10% net gain as the legal requirement is not yet in place.
- Environmental Impact Assessment (EIA) – the Brief should be updated to show that a Screening Opinion has been issued by Secretary of State on 11 October 2021 that confirms the proposal is not EIA development

- Playing pitch provision - It is not the responsibility of the developers of PR7a to meet existing sports pitch deficiencies, and whilst they are willing to make land available to address this need, the provision will need to be funded externally. The Development Brief should provide flexibility on this issue
- Disagrees with the level of playing pitch provision set out in the development brief
- Would like the blue infrastructure requirements (section 6.5.3) to include the words “wherever possible”

Environment Agency

- 3.26 No comments provided as the brief itself would not form part of the statutory development plan.

Avison Young on behalf of Oxford Aviation Services Ltd (Owner of Oxford Airport)

- 3.27 Would prefer that the development brief sites were not developed for noise sensitive uses like residential. Onus on developers to ensure that suitable noise conditions are created for future occupiers that accounts for the existing noise constraints associated with aircraft movements. Recommends planning permission is subject to Section 106 obligations that require developer(s) to formally notify future purchasers in writing of the existence of flight paths that cross the sites.

Scottish and Southern Electricity Networks

- 3.28 No comments; had already commented in 2019 at the time of the Cherwell Local Plan Partial Review.

Summertown and St Margaret’s Neighbourhood Forum

- 3.29 The comments raised from Summertown and St Margaret’s Neighbourhood Forum are summarised as follows:
- Disappointed the Brief does not seem to take the opportunity to provide a 21st century development in terms of high-quality design and low carbon development
 - Due to proximity of all development brief sites, the Forum suggests there should be an overarching planning framework to ensure the sites are developed in coordination with clear timescales, phasing, and infrastructure provision (for example traffic, public transport, cycling and pedestrian planning) to secure an integrated approach
 - New developments should provide adequate compensation in terms of development quality and environmental protection in and around these sites to reflect the scale of loss of the green belt
 - Opportunity to create an innovative delivery mechanism - a public/private partnership to deliver these schemes and capture land value, comprising opportunities for community land trusts and community participation in protecting and managing the environment.

Oxfordshire County Council

3.30 The County Council's comments are:

- Since production of the draft development brief a proposal has been put to the County Council as landowner for Stratfield Brake by Oxford United Football Club to consider the potential to lease the land at Stratfield Brake. Response sent prior to cabinet meeting on making decision but they advise that this should be brought to the attention of the Planning Committee when making a decision on the development brief.
- Development Brief should set out enhancement and beneficial use of the Green Belt land in the allocation will be achieved.
- Advises as to certain additions to the text and outlines some typographical errors and advised of certain additions and amendments to the text of the development brief regarding strategic planning, transport development control, education and lead local flood authority sections

Berkshire Buckinghamshire Oxfordshire Wildlife Trust ('BBOWT')

3.31 BBOWT's comments are:

- Concerns that there is no natural green space proposed for the development as all of it will be formal sports facilities and informal parkland. Believes believe that an area of around 16 ha of green space should be provided within site 7a, some of which should be natural green space managed for wildlife.
- There should not be public access across the entire area of the green infrastructure to achieve a net gain in biodiversity. There should therefore be informal recreation along a network of paths and openly accessible spaces included within a mosaic of areas that are closed off by appropriate use of hedgerows, screens, fencing and ditches.
- Scale of development proposed should be matched by large-scale habitat restoration and enhancement and concerns as to the impacts of the developments on wildlife.
- Welcomes submission of a Biodiversity Impact Assessment to be submitted as part of planning applications.

Officer Response to Representations

3.32 Responses to the representations made are included in the summary schedule at Appendix 2. Several comments relate to matters which either relate to the principle of development – which has already been set in the adoption of the Local Plan – or to matters relevant to the planning application. Where this is the case it has been noted as such in Appendix 2. In certain cases, specific comments have been made by respondents which are not been taken forward in the final Development Brief – where this is the case explanation is provided in the summary schedule at Appendix 2 and further coverage is provided in the paragraphs following this one. Officers are pleased to recommend to planning committee that some minor changes are made to the text of the Development Brief as set out later in this report.

3.33 In response to comments by London Oxford Airport:

- We note the comment that development of the Partial Review sites will introduce new receptors into a potentially noisy environment and that in accordance with 'agent of change' principles the existing airport use must not be prejudiced by this. However, the site has been allocated in the Development Plan for residential development.
- The need for detailed noise surveys and associated assessment work will be a relevant matter for planning applications for the site
- There is a need for consistency across the development briefs and those for PR7b and PR9 did not include reference to the need for developers to formally notify future purchasers in writing of the existence of flight paths that cross the sites. Nevertheless, insofar as this is a relevant point it will be picked up at the planning application stage.

3.34 In response to comments by BBOWT:

- Parts 10-12 of Policy PR7a set out the detailed biodiversity requirements for the site
- We note the comment regarding the potential for light pollution and the need to consider lighting strategically and to manage and mitigate the effects of potential light pollution arising from the development. This will be an important consideration for planning application proposals.
- In relation to the management of green infrastructure and an endowment fund, it is important there is consistency across the development briefs and this text was not included for PR7b and PR9.
- Matters relating to the impact of development on protected species of wildlife and to off-site compensation (also raised by Summertown and St Margaret's Neighbourhood Forum) will be relevant considerations for the planning applications but do not require amendment of the Development Brief
- We note the points made in relation to zoning and a hierarchy of access levels of the green areas. The Partial Review identifies other sites where nature conservation is the priority but for PR7a the allocation is for formal sports and green infrastructure. It may be that the BIA and BIMP may lead to areas needing to be protected to meet the requirements of Policy PR7a but this information has not been available to inform preparation of the brief, and would need to be determined at the planning application stage.
- We also note the points made in relation to biodiversity features, green roofs, wildlife connectivity and raising community awareness. With regard to green roofs, they are mentioned at Section 6.0 ("The scheme is to include provision of in-built bird and bat boxes, wildlife connectivity between gardens and the provision of designated green walls and roofs where viable") and further text is not considered necessary.
- Given that the PR7a site is 32 hectares and that 21ha is allocated for residential development it wouldn't be possible for 16ha of green space to be provided at the site. The remaining 11ha will be for provision of "formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt".

3.35 In response to comments by Gosford and Water Eaton Parish Council:

- The detailed siting of solar PV panels and the extent to which they are provided will be a relevant consideration for planning applications at the site
- The 11ha for non-residential development is required by Policy PR7a to be provided for green infrastructure in addition to formal sports facilities, i.e. within the 11ha area both elements will need to be provided. At page 47, it is stated that 4ha of the 11ha will be formal sports facilities, with the other 7ha comprising an enhanced area of woodland, new woodland planting and informal public parkland.
- With regard to the distance between new housing on PR7a and the boundaries of existing houses on Water Eaton Lane and Beagles Close, separation distances are required to be at least 22 metres. It would be appropriate to seek greater distances given the extent of the change that neighbours would experience, and where there is a difference in height between proposed buildings and the neighbours (e.g. 4 additional metres per storey difference), but in some instances it may not be possible to insist on greater distances.
- We note the comment regarding the increased land value realised by landowners through allocation of these sites and the need to mitigate the impacts of development on existing land users, neighbours and infrastructure. The Summertown and St Margaret's Neighbourhood Forum has made the same point. This will be a matter for detailed consideration at the planning application stage and Appendix 4 of the Local Plan Partial Review ('LPPR') sets out infrastructure requirements.
- We note the comment regarding the need to maintain the green infrastructure separate from the formal sports provision, the need to maintain the gap between Oxford and Gosford/Kidlington, and regarding retention of all existing hedgerows and trees, but don't consider there to be a requirement for the Development Brief to be amended in these regards.
- The need for development to safeguard the amenities of neighbouring residents is noted and will be a matter for detailed consideration at the planning application or Reserved Matters stage.

3.36 In response to comments by Summertown and St Margaret's Neighbourhood Forum:

- We note the request to be consulted on the progress of the development briefs and on future planning applications at the site.
- We note the comment regarding the opportunity for the site to be of high quality design and a low carbon development. The objectives of the Development Brief include to provide comprehensive development of the site, to require high quality design, and to require traffic calmed safe neighbourhoods. Each Development Brief sets out a vision for the respective site.
- We note the comment regarding the need for an overarching planning framework to ensure the sites are developed in coordination with clear timescales, phasing and infrastructure provision to secure an integrated approach. This is one of the roles of the development briefs, i.e. to hold each development to the same standards. In addition, Appendix 4 of the LPPR sets out the infrastructure requirements for all of the sites.

- Loss of Green Belt - The principle of development has been established through the adoption of the Plan. Appendix 4 of the LPPR sets out the infrastructure requirements across the PR sites; these would be funded by the site developers. Housing - 50% must be Affordable Housing; green belt land has been released for housing on the basis of meeting Oxford's unmet need; Policy BSC4 of the Local Plan requires an appropriate housing mix and provision on sites of this size for extra care, and encourages the provision of specialist housing for older and/or disabled people and those with mental health needs. Impacts re traffic, trees, biodiversity, etc. - this will be a matter for the planning application assessment.
- We note the comment that leaving design, sustainability and infrastructure requirements to Section 106 agreements alone brings risk. However, Section 106 agreements will take precedence over and have more weight than the development brief. Development of the site will be required to conform to the LPPR requirements. The development briefs are intended to guide landowners/developers as to how the site(s) should be developed.
- We note the comment made in relation to self-build and their success at Graven Hill. However, there is no planning policy requirement for the provision of self-build as part of the development.

3.37 In response to comments raised by members of the public:

- The objectives of segregating traffic are captured in the development brief. It will be a matter for the planning application assessment to ensure these objectives have been met with the proposed development.
- The comments regarding the design of the Kidlington roundabout are noted; however, this is beyond the remit of the development brief as it falls outside the site. The development brief is not able to require more than the Local Plan policy.
- In relation to comments made concerning the vehicular access points, the overall amount of traffic generated by this development would be the same irrespective of whether there are one or two accesses. It is a better urban design and highway solution to have two accesses, and this is a requirement of the policy for the site.
- We note the comments in relation to the traffic impacts of the development and increased nitrous oxide emissions along Bicester Road. Beyond matters relating to the principle of development which has been set by the allocation of the site in the Development Plan, any necessary mitigation will be a matter for the planning application.
- The routes taken by construction traffic will be a matter for consideration at the planning application stage.
- We note the comments regarding the proposed provision of a car park for users of the formal sports facilities. Although alternative modes of transport will be encouraged and promoted, one can expect a proportion of uses to arrive by car. It would be better to accommodate car parking in a safe way rather than it become ad hoc through the residential part of the development and on surrounding roads.
- Any detailed flood risk mitigation necessary will be a matter for the planning application(s) and, if and when applications are approved, for monitoring and enforcement.
- Appendix 4 of the LPPR sets out the infrastructure requirements for all of the sites

3.38 In response to comments raised by Barwood:

- It does not seem imperative to state that there will be two (or four) applications. The requirements of paragraph 7.2 will apply irrespective of the number of parcels, landowners and/or applications. Para 3.2.1 notes that there are two land promoters.
- The comments regarding 10% biodiversity net gain are noted. However, the statements at para 47 are factual and do not in themselves stipulate a requirement, and there is no need for the development brief to be amended in this regard.
- Infrastructure requirements are set out in Appendix 4 of the LPPR. The Playing Pitch Strategy identifies the need as 4ha of pitch provision. The strategy is currently being updated, with completion scheduled for November. There is no justification at the present time for the development brief to be amended.
- Whilst the current requirement exceeds the adopted standards for provision this is consistent with the approach to other Partial Review sites, with significant green infrastructure provision being required in part as compensatory improvements to the Green Belt (environmental, quality and accessibility) following Green Belt release. The provision on PR7a is also in part meeting the needs arising from the other PR sites - we agree that necessary and proportionate contributions will need to be sought
- We have discussed with the local highway authority the comment regarding a secondary emergency access point for the Barwood site in the event it comes forward before the Hill development. The LHA agrees but does not consider the development brief requires amendment in this regard.
- It is considered that in the context of the green infrastructure requirements it is appropriate to encourage and aspire to the provision of green walls and roofs.
- In relation to blue infrastructure, the addition of the words “wherever possible” would remove the teeth of the requirement.

3.39 In response to comments raised by Kidlington Parish Council:

- We note the comments made in relation to drainage, the layout of the cemetery extension and detailed proposals for access, as well as public transport links, and speed limits within the development. Beyond what is already included in the development brief in this regard, these will be matters relevant to consideration of planning applications for the site and do not require changes to be made to the development brief.
- We note the concerns regarding connectivity re the green link around Kidlington but upon detailed review it is considered these concerns are addressed in the Development Brief as written
- We also note the comments regarding the detailed design of pedestrian crossing of the Bicester Road. This will be relevant to consideration of planning applications for the site and does not require change to be made to the development brief.
- We note the comments regarding an astro turf pitch and provision of the pavilion; the Council’s communities infrastructure team advises there is no evidence of need for an ATP surface at the site. The requirement as set out in Appendix 4 of the LPPR is for 2x 3G football pitches and 1x cricket ground. CDC will project

manage the construction of new pitches and pavilion in conjunction with local stakeholders.

- We note the comments made in relation to affordable housing provision. We consider this not to be a matter for the development brief but for detailed consideration as part of the assessment and determination of future planning applications for the site.

3.40 In response to comments made by OCC:

- The Development Plan requirement for specialist housing stands irrespective of whether it is reiterated in the development brief.
- The Stratfield Brake proposals do not form part of the Development Plan and at the present time no application for planning permission has been received. It can therefore not be a consideration in the preparation of the Brief.
- With regard to digital infrastructure, innovation, sustainable construction, future transport modes and also the Local Transport and Connectivity Plan, the requested text was not included for PR7b and PR9 and it is important there is consistency across the development briefs.
- For the same reasons the requested changes re car parking provision, cycle parking and the Oxfordshire Street Design Guide have not been made.
- Comments made in relation to education, vehicular access points, drainage attenuation and biodiversity are all noted, but are considered not to require further amendment of the development brief.

Summary of Changes

3.41 In response to a comment by Berks, Bucks and Oxfordshire Wildlife Trust, the biodiversity requirements set out on page 50 of the Brief have been amended to emphasise the importance of wildlife connectivity.

3.42 In response to comments by Gosford and Water Eaton Parish Council,

- Figure 17 and other diagrams have been amended to show the connection into the cycle way on the eastern side, and to reference an entrance to the cemetery from within the development; the text at 6.4.3 has been amended to reference the proposed connection
- The position of the northern LAP has been moved northward/north-westward, north of the area at risk of flooding, with Figure 13 and other amended accordingly
- While the text already notes that smaller trees should be planted where overshadowing needs to be minimized, the 5th bullet point on page 50 has been amended to include reference to planting larger trees where overshadowing will not impact on properties
- Officers agree with the comments made about the development block adjacent Water Eaton Lane; figure 15 has been amended to show 2-2.5 storeys immediately adjacent to Water Eaton Lane; the 4th bullet point at paragraph 6.3.2 has been amended to reference the requirement for 2-2.5 storeys adjacent to Water Eaton Lane where existing plots are shallower
- Officers agree with the principle of placing taller buildings to the north of the lower buildings to increase light and warmth from sunlight to all properties, but consider

it not appropriate to make this a stipulation given the potential impact on dwelling numbers and other development principles

- The 11ha of land for non-residential development is to provide formal sports facilities and green infrastructure; 4ha will be for formal sports facilities, with the other 7ha comprising an enhanced area of woodland, new woodland planting and informal public parkland

3.43 In response to comments by Kidlington Parish Council,

- officers agree that the allotments should be in the developable area as required by Policy PR7a and, noting the comments made by the parish council regarding the waterlogging of the temporary allotments at the rear of the cemetery, the allotments provision has been relocated towards the southern edge of the developable area; figure 13 and others have been amended to indicate allotments to the north of the sports pitches; residential development shown on land to the south of the existing allotments; the text of report at sections 6.3.1, 6.4.2, 6.4.6, 6.5 has been changed to reflect new proposed location for allotments

3.44 In response to comments by Pegasus on behalf of Barwood,

- The allotments did benefit from temporary consent but we note they are no longer in operation for the reasons given both by Pegasus and Kidlington Parish Council, and references to existing allotments have been changed to former allotments throughout the Brief
- Policy PR7a requires the allotments to be provided within the developable area and therefore it would not be appropriate to locate them in the 11ha required for formal sports facilities and green infrastructure; they have instead been placed immediately to the north of the latter in the southern end of the developable area
- Figure 13 and others have been amended to show the cemetery expansion to the north of the existing cemetery, and the text throughout the Brief has been amended to reflect the northern location
- The text at page 50, 4th bullet from the end, has been changed from “to be agreed with OCC” to “to be agreed by Cherwell District Council in consultation with OCC”
- We note the comment re the purposes of the sports clubhouse and the text of section 6.5.2 and 6.6 has been amended to identify that the sports pavilion may also be put to community use, and that the club room to have a joint community meeting room function - with the caveat that such use does not preclude the sports provision need from being met
- Section 7.1, page 59 has been amended to reflect the fact that the screening opinion has been issued, confirming that development of this site is not EIA development.

3.45 In response to comments by Oxfordshire County Council,

- The text of section 6.5 has been amended, but reference to land outside the allocated boundary has not been included as this is outside the remit of the development brief
- Reference to the aggregate rail depot has been added to figures 9 and 11, section 3.2.4 and 4.1

- The text at 3.1.1 has been amended to refer to the timing of provision of supporting infrastructure and facilities
- Various minor edits have been made to the text, including in relation to the promotion of health and wellbeing, cycle parking, cycle route connectivity, and the lead local flood authority.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Overall, officers are happy to conclude that the Development Brief for the site accords with Policy PR7a and the vision and objectives for the site, and that it provides an appropriate framework for the development of the site – adherence to the Brief will be important in achieving an acceptable form of development.
- 4.2 It is recommended that the planning committee approves this Development Brief as a framework for the development and delivery of site PR7a - Land at South East Kidlington and that it will be a material consideration in the determination of any future planning applications for the site.

5.0 Consultation

Councillor Colin Clarke - Lead Member for Planning (briefing only)
Councillor George Reynolds, Chairman – Planning Committee (briefing only)

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to endorse the Development Brief. Since Policy PR7a requires the planning application for the site to be supported by and prepared in accordance with a Development Brief, this option would require a new Brief to be prepared, adding significant expense for the Council and delaying delivery of the development.

Option 2: To request further significant changes to the Development Brief. Officers consider that the final brief presented to Members represents an appropriate response to Local Plan policy and will assist in achieving high quality development. This option would also delay the determination of any planning application and may require further public consultation, thereby creating uncertainty.

7.0 Implications

Financial and Resource Implications

- 7.1 External work on the development briefs is being funded by the respective site promoters through Planning Performance Agreements but controlled directly by Council officers. Costs for internal work are included in existing budgets.

Comments checked by:

Janet du Preez, Finance Business Partner – Finance & Procurement

Tel. 01295 221606

Janet.du-Preez@cherwell-dc.gov.uk

Legal Implications

- 7.2 The purpose of the development brief for site PR7a is to identify how national and local policy requirements and guidance will be applied to achieve high quality sustainable development at this location. Once approved by the Council the brief will be a material consideration in the determination of future planning applications at the site.

Comments checked by:
Donna Lee, Planning Solicitor
Tel. 01295 221586
Donna.Lee@cherwell-dc.gov.uk

Risk Implications

- 7.3 The relevant Local Plan policy requires a Development Brief to be produced. Whilst not a reason for approval, not approving the brief may require re-consideration of the Planning Performance Agreement with the respective promoter. This and any other arising risks are monitored through the service operational risk and will be escalated to the Leadership Risk Register as and when required.

Comments checked by:
Celia Prado-Teeling, Assistant Director – Customer Focus
Tel. 01295 221556
Celia.Prado-Teeling@cherwell-dc.gov.uk

Equality & Diversity Implications

- 7.4 The proposed brief supports Local Plan policy that has been the subject of Equalities Impact Assessment and has been reviewed in line with this report. As there are no new impacts arising from this report, no new mitigations are required.

Comments checked by:
Celia Prado-Teeling, Assistant Director – Customer Focus
Tel. 01295 221556
Celia.Prado-Teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Kidlington East

Other wards affected by Partial Review sites: Kidlington West

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

Document Information

Appendix 1: Development Brief – Land at South East Kidlington

Appendix 2: Summary of representations and officer responses

Background papers

Cherwell Local Plan 2011-2031 Partial Review:

<https://www.cherwell.gov.uk/info/83/local-plans/215/adopted-cherwell-local-plan-2011-2031-part-1-partial-review---oxfords-unmet-housing-need>

Report Author and contact details

Nathanael Stock, General Developments Team Leader

01295 221886

Nathanael.Stock@cherwell-dc.gov.uk

PR7a Land South East of Kidlington
Development Brief
Cherwell District Council
June 2022



Alan Baxter



PR7a Land South East of Kidlington Development Brief Cherwell District Council June 2022

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Executive summary

The Cherwell Local Plan 2011-2031 (Part 1) Partial Review (LPPR), which provides for Cherwell's share of Oxford City's unmet housing needs, identifies Land South East of Kidlington as one of six strategic housing sites. A comprehensive Development Brief is required as guidance for future planning applications.

This Development Brief has been jointly prepared between Cherwell District Council, Oxfordshire County Council, landowners and key stakeholders.

It is a material planning consideration in the determination of any future planning applications for the site.

The Development Brief includes a review of the site's context including the LPPR strategic vision and spatial strategy and the site specific development constraints and opportunities. Based on this analysis it goes on to provide a site specific vision and comprehensive development principles addressing land use, character, layout, green infrastructure, movement, utilities, healthy place making and sustainable design.

Site location

The site comprises 32 hectares of land to the south eastern edge of the settlement of Kidlington and Gosford, north of Oxford. The site is bounded by Oxford Road (A4165) to the south west, the A34 to the east, Water Eaton Lane to the north east and Bicester Road to the west. It is generally flat and in agricultural use. The central part of the site is adjacent to a cemetery and former allotments, while residential properties are located to the north and north east. The site is located in close proximity to Oxford Parkway Station, the Park & Ride, Sainsbury's supermarket and Stratfield Brake recreation ground. The site is accessed from Bicester Road.

Vision and development framework

The site specific vision for Land South East of Kidlington is as follows and is explored in Chapter 5 of the Development Brief:

The development site will become an extension to Kidlington that will be fully integrated and connected with the surrounding built environment. It will provide an attractive residential neighbourhood, with high quality, publicly accessible and well-connected green infrastructure and a modern, highly functioning outdoor sports facility. The development will maximise opportunities for walking, cycling and wheelchair use and will connect to sustainable movement routes towards Oxford Parkway Station, Kidlington, Oxford and Begbroke and existing footpaths.

Policy PR7a of the LPPR sets out the policy requirements for the site which include:

- Residential development
 - 430 net dwellings on 21 hectares of land
 - 50% affordable housing
- An extension to Kidlington Cemetery on 0.7 hectares of land within the developable area.
- 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
- Provision for required emergency services infrastructure.
- Play areas and allotments within the developable area.
- Contributions towards community facilities.

The Development Framework plan (overleaf) reflects the vision and the requirements of Policy PR7a. Detailed design requirements which underpin the delivery of this development framework are set out in the Chapter 6 of the Development Brief. Chapter 7 lists the information which will be required to accompany a planning application.



Fig. 1: Development framework

* subject to highway testing

- Site Boundary
- Site Boundary of adjoining sites
- Cherwell Local Plan Partial Review allocations
- Residential
- New public green space/park
- Development brief proposals and existing features
- Proposed green spaces within developable area
- Informal public parkland, habitat creation and woodland planting
- Area for expansion of cemetery
- Woodland planting and habitat creation
- Zone to contain formal sports facilities
- Sports pavilion and car park (indicative location)
- Priority Habitat Inventory
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- New hedgerows
- Indicative location for noise attenuation bund (to be confirmed through detailed assessment)
- Ditch retained and buffered by public open space, and integrated into site drainage
- Indicative SuDS feature
- Standing water
- Drainage attenuation features (indicative location)
- Play area (indicative location)
- Allotments (indicative location)
- Vehicular access*
- Vehicular access to allotments and sports pavilion
- Existing Public Rights of Way
- Strategic cycle route
- New public walking and cycle routes

1.0 Introduction

1.1 Background

The Cherwell Local Plan 2011-2031 (Part 1)¹ which was adopted in July 2015 (“The 2015 Plan”) committed the Council to work jointly with other Oxfordshire councils to assess the extent of the housing need that could not be met elsewhere in the Oxfordshire Housing Market Area. In particular, it was understood that there could be a need arising from Oxford that could not be met by Oxford City Council due to its tight administrative boundaries and its limited supply of land. Cherwell District Council’s commitment was to consider the extent of the need and, if necessary to ‘partially review’ its Local Plan.

The Council has now undertaken this ‘partial review’ with the adoption of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need in September 2020 (LPPR)².

The Partial Review which is effectively a supplement or addendum to the 2015 Plan, provides a vision, objectives and specific policies for delivering additional development to help meet Oxford’s housing needs. It seeks to do this in a way that will best serve Oxford’s needs and provide benefits for existing communities in Cherwell and adjoining areas.

The LPPR provides for the development of a total of 6 strategic housing sites that will best achieve the Council’s vision and objectives and deliver sustainable development of, in total, 4,400 new homes to meet Oxford’s needs together with supporting infrastructure. The LPPR requires single comprehensive, outline schemes for the entirety of each strategic site.

Each of the site allocations has a policy which sets out its key delivery requirements and place shaping principles, and each allocation is supported by a Policies Map.



¹ Local Plan Part 1 ² Local Plan Partial Review Sep 2020

Each of the site allocation policies requires planning application(s) for the site to be in accordance with a Development Brief for the site which has been jointly prepared by the landowner(s), Cherwell District Council, Oxfordshire County Council and other stakeholders, including Oxford City as appropriate. The site allocation policy also sets out a series of requirements that the Development Brief should address.

This is the development brief to guide the development of Land South East of Kidlington, PR7a. The Development Brief has been prepared in accordance with policy requirements, the site allocation policy and the Policies Map. As well as including the required detail, the Development Brief also reflects the detailed key delivery requirements and place shaping principles as set out in the policy.

Site	Housing allocation		
North Oxford			
Policy PR6a – Land East of Oxford Road	690	N.B. Site allocation PR6c shown on Fig 1 is the allocation of Land at Frieze Farm which is reserved for the potential construction of a golf course should this be required as a result of the development of Land West of Oxford Road under Policy PR6b.	
Policy PR6b – Land West of Oxford Road	670		
Kidlington			
Policy PR7a – Land South East of Kidlington	430		
Policy PR7b – Land at Stratfield Farm	120		
Begbroke			
Policy PR8 – Land East of the A44	1950		
Yarnton			
Policy PR9 – Land West of Yarnton	540		
	Total	4400	

Housing allocations (LPPR)

-  Allocation site boundaries
-  Key sustainable movement routes (public transport and/or walking/cycling)

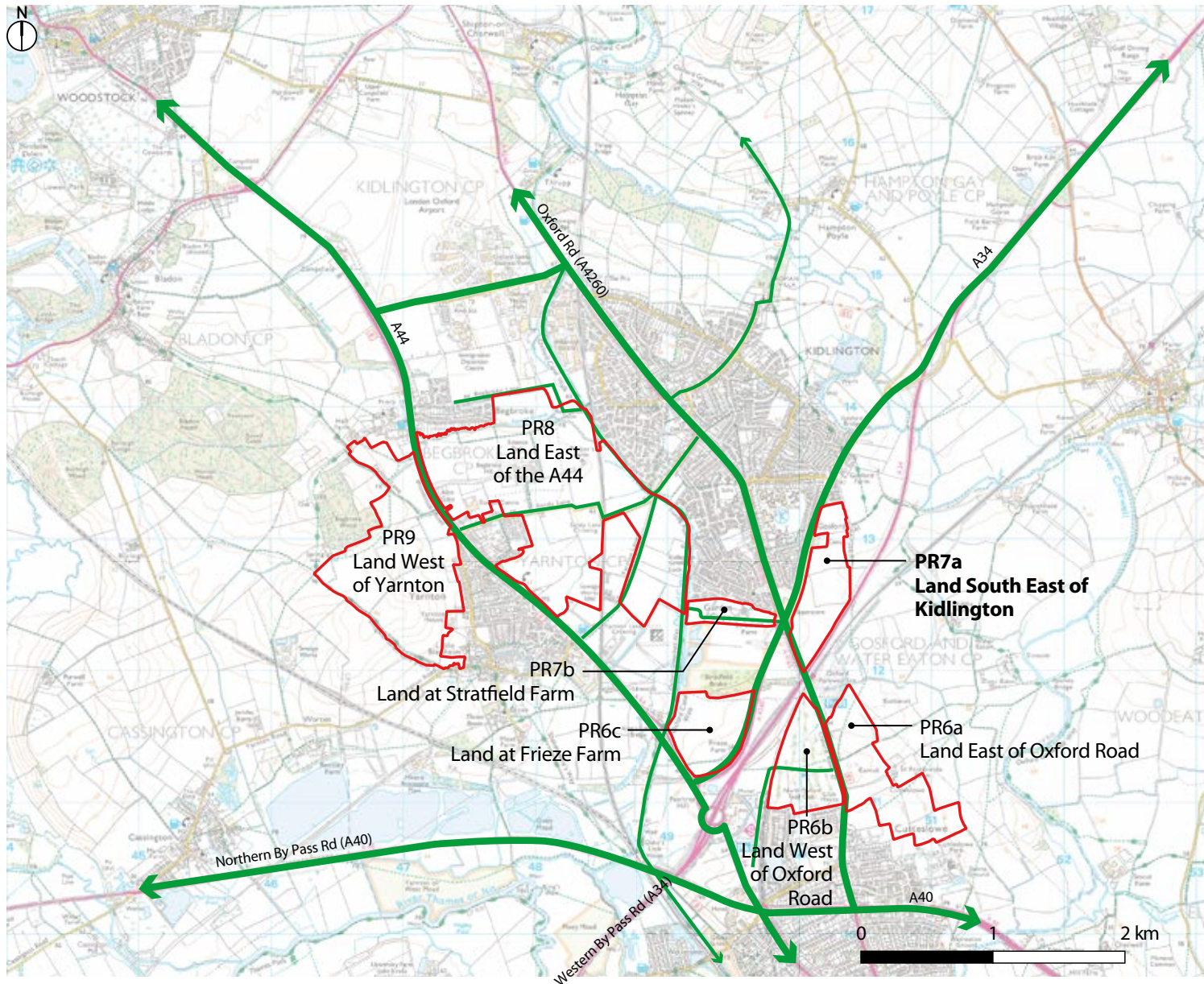


Fig. 2: Local Plan Partial Review Site Allocations Location

1.2 Purpose and status of the Development Brief

1.2.1 Purpose

The Development Brief has 4 main objectives:

- To create a site specific vision to guide future site development in a manner which supports the wider aims of the LPPR spatial strategy for North Oxford, Kidlington and the A44/A4260 Corridors
- To provide a development framework and a clear set of site specific development principles to inform the submission and determination of planning applications and achieve comprehensive and holistic development in accordance with the LPPR site policy
- To improve the efficiency of the planning and development process by reducing uncertainty and setting a framework for development that provides landowners, developers and the wider community with clear guidance on what is expected from development
- To raise the standard of design and to create exemplary places which are functional, beautiful and which engender a sense of community.

The Development Brief, where necessary and appropriate, proposes or reflects solutions and proposals outside the individual site boundary to help facilitate a joined up approach to development.

The Development Brief should be read in conjunction with relevant Development Plan policies, national planning policy and guidance and the Council's adopted Supplementary Planning Documents ("SPD"). Particular attention is drawn to the Council's design policies and guidance including Policy ESD15: The Character of the Built and Historic Environment, and the Cherwell Design Guide SPD which provides design guidance relevant to the District as a whole. Further information on relevant Policy and guidance is provided in chapter 3 and throughout the Development Brief.

1.2.2 Status

The Development Brief has been endorsed by Cherwell District Council's Planning Committee. It will be used as a material planning consideration in the determination of any planning applications for the site.

For the avoidance of doubt, the Development Brief does not have the status of a Supplementary Planning Document and does not introduce new planning policy.

1.3 Structure of the Development Brief

The structure of the Brief is as follows:

Chapters 1 to 3 provide contextual information relating to the site and the Development Brief process, including the strategic vision and spatial strategy for the North Oxford, Kidlington and A44 corridor

Chapter 4 provides a synthesis of policy context and important site constraints and opportunities which are to be reflected in the site's development. This builds on the LPPR Evidence Base

Chapter 5 describes the site specific vision and development objectives

Chapter 6 contains a comprehensive set of design and development principles for the site which respond to the site opportunities, constraints and context set out in the preceding chapters and which are to be reflected in planning applications

Chapter 7 lists the information which will be required to accompany a planning application.

1.4 Consultation and stakeholder engagement

The Development Brief has been jointly prepared by Cherwell District Council and the site owners and their representatives and in consultation with Oxfordshire County Council and Oxford City Council.

Throughout the process there has been engagement and consultation with the following stakeholders in addition to those mentioned above:

- Parish Councils
- Thames Valley Police
- Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)
- Thames Water
- Environment Agency
- Scottish and Southern Electric (SSE)
- Network Rail
- Natural England
- Sport England

This has included collaborative workshops focussing on key stages during the preparation of the Development Brief:

- Baseline review and analysis
- Vision and development principles

These collaborative workshops with specialist stakeholders, were preceded by a joint workshop in October 2018 with Parish Councils, landowners and their representatives and stakeholders. This workshop introduced the Development Brief process, provided an opportunity for site promoters and stakeholders to introduce themselves, and enabled Parish Councils to explain their aspirations/ requirements for the Development Briefs.

Technical information and emerging design work provided by the landowners and their representatives has been considered by the Council in preparing the Development Brief.

1.4.1 Community Engagement

Public consultation on the Draft Development Brief took place between 26 January 2022 and 8 March 2022.

Comments received have informed the final Development Brief.



Aerial view of site PR7a

2.0 The Strategic Vision and Context

2.1 Local Plan Partial Review Vision

The LPPR vision across all sites is:

To provide new development that meets Oxford's agreed, identified housing needs, supports the city's world-class economy, universities and its local employment base, and ensures that people have convenient, affordable and sustainable travel opportunities to the city's places of work, study and recreation, and to its services and facilities. This development will be provided so that it:

- i. creates balanced and sustainable communities
- ii. is well connected to Oxford
- iii. is of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context
- iv. is supported by necessary infrastructure
- v. provides for a range of household types and incomes reflecting Oxford's diverse needs
- vi. contributes to improving health and well-being, and
- vii. seeks to conserve and enhance the natural environment.

LPPR Vision for Meeting Oxford's Unmet Housing Needs in Cherwell

To deliver this vision, the LPPR identifies sites for new homes in locations which have the strongest socio-economic connections to Oxford, and which can deliver the necessary social, movement and green infrastructure to support the health and wellbeing of the population.

The sites are located at the edge of existing communities to the north of Oxford and will be fully integrated with them to share the benefits of new facilities and support existing local centres, in particular Kidlington village centre.

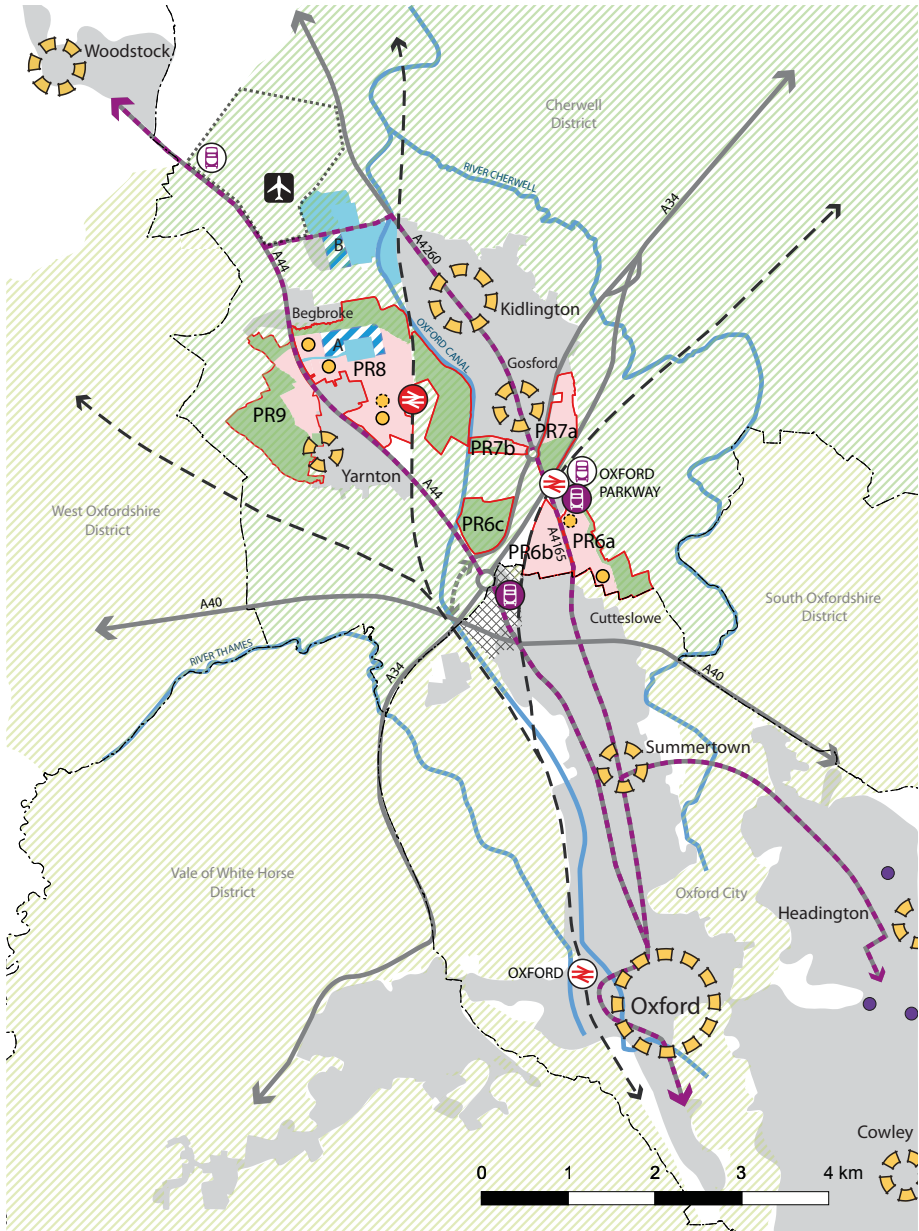
2.1.1 The Role of Individual Sites

Each site plays a role in delivering the vision and objectives of the LPPR, in a joined-up and holistic manner as shown on the LPPR key diagram Fig. 3 overleaf, and thematic figures 3-7 which follow. Full details of each site's role are contained with LPPR policies.

The role of the land south east of Kidlington site (PR7a)

Site PR7a is located on the south eastern edge of Kidlington and Gosford and will be a village extension, integrated with the existing settlement, with easy access to existing shops and local facilities and to Oxford Parkway station. Planned improvements to public transport, walking and cycling on Oxford Road will enhance the already excellent access from this site by bus into Kidlington village centre and south into Oxford.

Land in the south west of the site will form part of a strategic green infrastructure corridor, maintaining a protected green gap between Kidlington and Oxford. The GI corridor provides a walking and cycling connection to the Oxford Canal, Stratfield Brake recreation grounds and beyond to site PR8, creates new areas of wildlife habitat and formal sports provision to meet identified local needs.



- Allocation site boundaries
- District boundaries
- Green Belt
- Existing settlement
- Proposed residential development
- Proposed green infrastructure and formal recreation provision
- Existing centres
- Proposed local centres
- Proposed schools
- Existing hospitals
- Existing employment area
- Proposed employment area
A: land reserved for extension to Science Park
B: permission granted for Technology Park
- Oxford City proposed Northern Gateway development
- Sustainable movement corridors
- Rail lines
- Existing rail station
- Potential new rail station
- London Oxford Airport
- Existing Park & Ride
- New or expanded Park & Ride
- County Council proposed link road

N.B The location of schools and local centres shown here as in the LPPR has, in some cases, been reviewed through the Development Brief process.

Fig. 3: LPPR key diagram - for illustrative purposes only

2.1.2 Economic relationships

The sites are located in close proximity to local centres, key employment sites and sites which have an important economic relationship with Oxford and form part of Oxfordshire’s ‘Knowledge Spine’. These include existing locations within Cherwell (Oxford Parkway Railway Station, London-Oxford Airport, Langford Lane commercial area in Kidlington and Begbroke Science Park) and within the city of Oxford (the Oxford Northern Gateway site – also known as Oxford North), which will be a key driver of employment growth.

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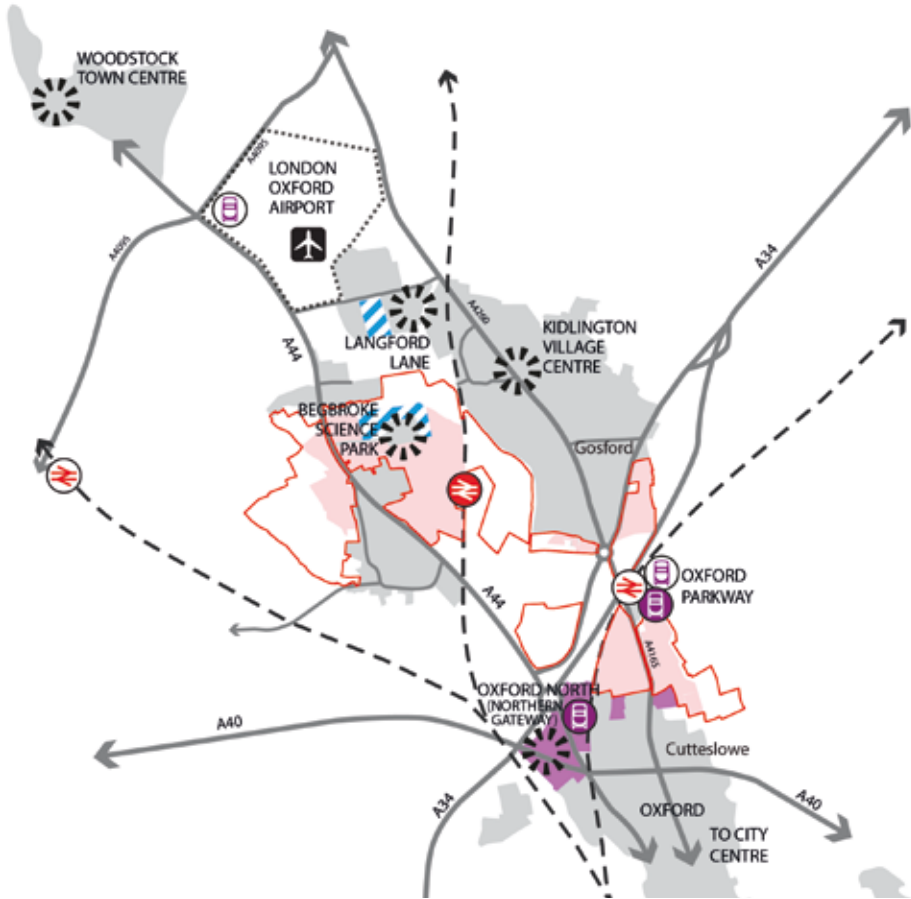


Fig. 4: Economic links

- Allocation site boundaries
- Proposed employment area
- P Existing Park & Ride
- Proposed growth
- P New or expanded Park & Ride
- Oxford City Council allocated sites
- ☀ Employment centres
- 🚂 Existing rail station
- 🚂+ Potential new station

2.1.3 Sustainable movement corridors

All sites are located on the major public transport routes of the A44 and A4260/ A4165 connecting southern Cherwell to Oxford City and Oxford Parkway station. Significant enhancements to public transport and walking and cycling provision are to be delivered on these routes through the County Council’s Local Transport Plan and its strategy for Park & Ride and Rapid Transit. Additional walking and cycling routes are to be created through corridors of green infrastructure including the Oxford Canal corridor.

The emphasis on sustainable modes of travel enables less ‘car-centric’ movement patterns, promotes active and healthy travel choices and supports inclusion through the provision of convenient, accessible and affordable travel to places of work, recreation and community services.

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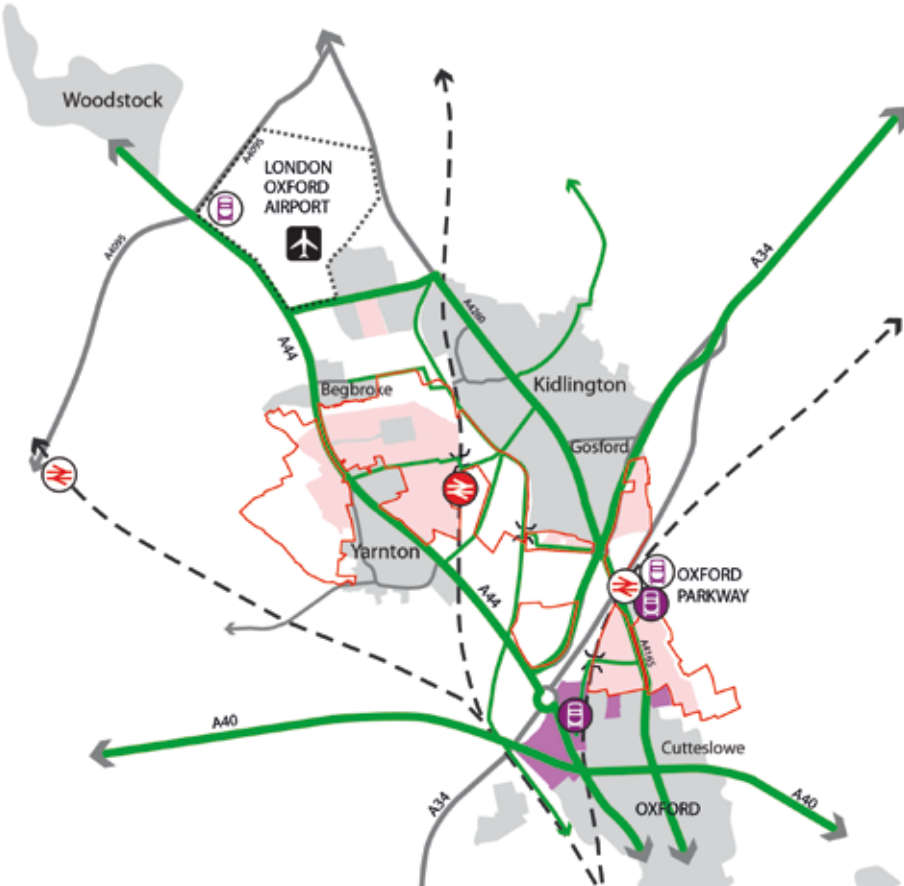
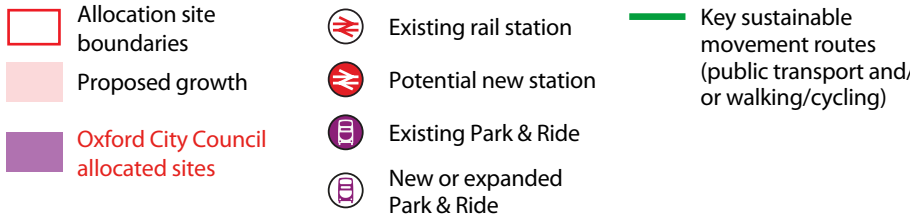


Fig. 5: Sustainable movement routes



2.1.4 Strategic green infrastructure corridors

The sites deliver significant areas of new publicly accessible green infrastructure (GI) and new areas of wildlife habitat which form part of strategic GI corridors:

- ① to the west of Yarnton, Begbroke and Oxford
- ② along the Oxford Canal
- ③ to the east of Oxford and Kidlington/Gosford
- ④ between Kidlington/Gosford and Oxford

The corridors provide an attractive setting for development and have multiple benefits. They help to maintain separation and distinction between individual settlements; create an appropriate edge and access to the countryside; protect and enhance natural, historic and biodiversity assets; provide corridors for wildlife; and provide leisure and recreation opportunities and walking/ cycling routes which encourage health and wellbeing in the existing and new population. Further details of the strategic GI corridors are shown in Appendix 6 of the LPPR.

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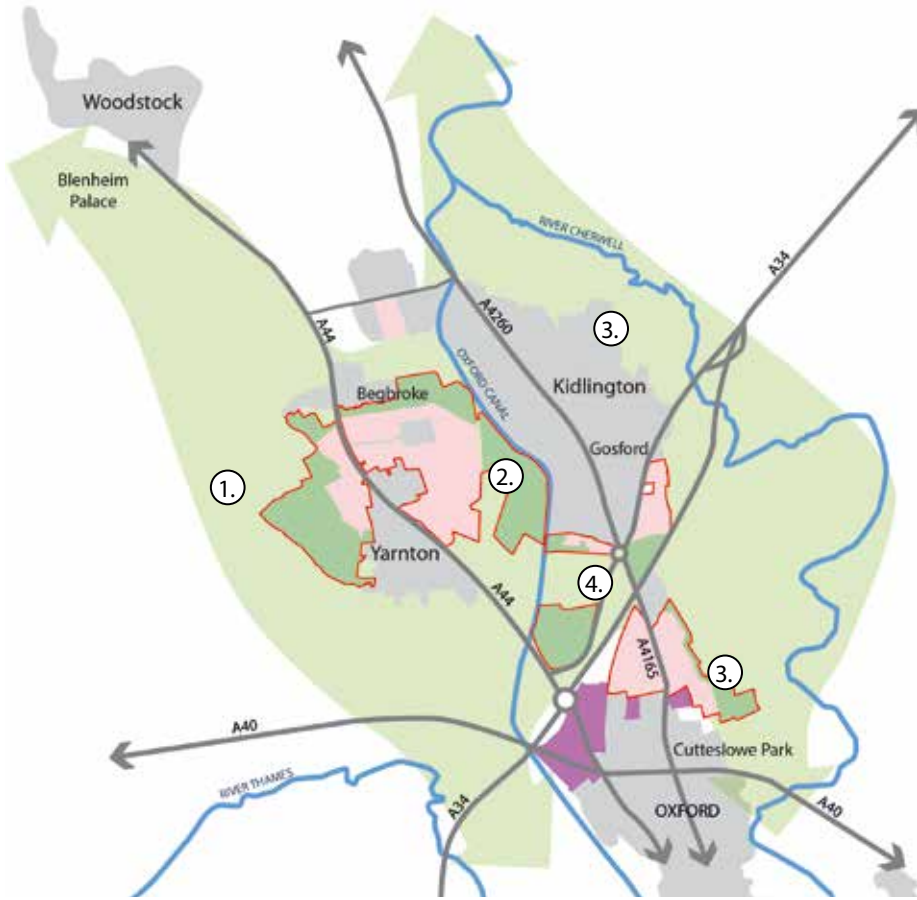
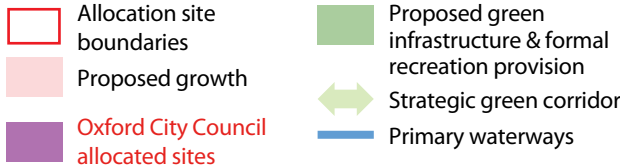


Fig. 6: GI corridors



2.1.5 Community services

The planned local provision, through the new housing development, of schools (a primary school in North Oxford and two primary schools and a secondary school at Begbroke), new local centre facilities (in North Oxford and Begbroke) and formal sports/play areas, provides new facilities which benefit the existing and new population.

Locating facilities within the sites in accessible locations will further support and enhance the potential for widespread uptake of walking and cycling for local trips. The location of schools and local centres shown here as in the LPPR has, in some cases, been reviewed through the Development Brief process.

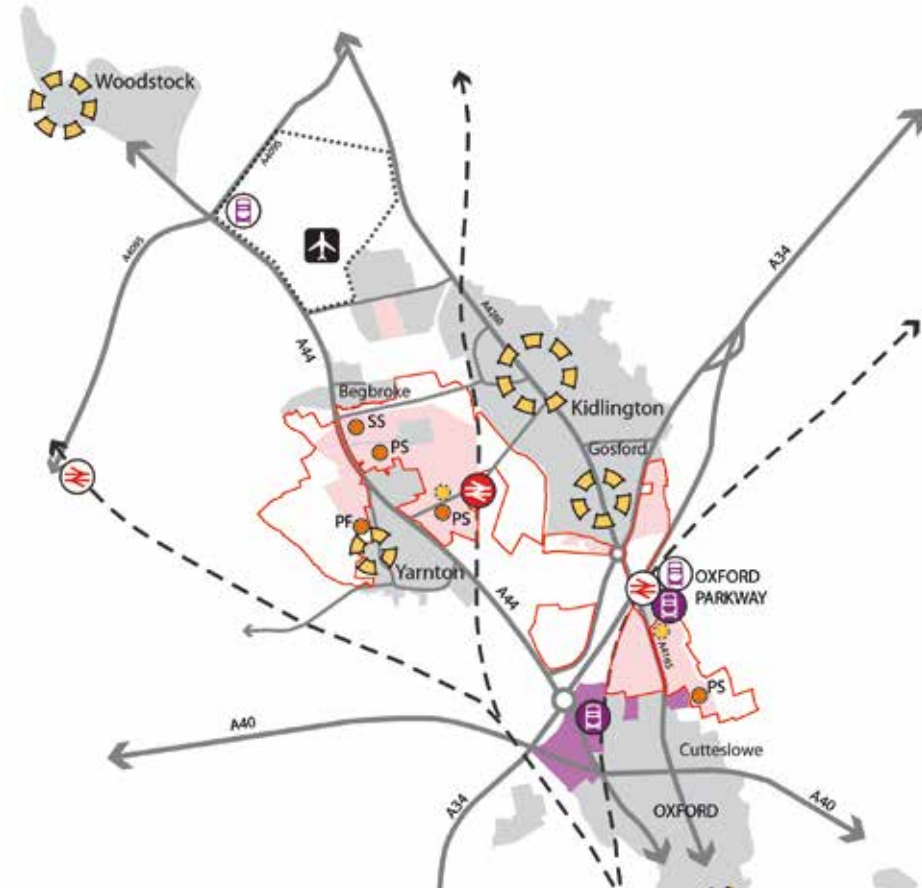















Fig. 7: Local centres and schools

- | | | | | | |
|---|-------------------------------------|---|-----------------------------|---|--------------------------------------|
|  | Allocation site boundaries |  | Existing rail station |  | Indicative school location |
|  | Proposed growth |  | Potential new station |  | PS - Primary School |
|  | Oxford City Council allocated sites |  | Existing Park & Ride |  | SS - Secondary School |
| | |  | New or expanded Park & Ride |  | PF - Playing Fields |
| | | | |  | Existing local centre |
| | | | |  | Indicative new local centre location |

3.0 Context

3.1 The Planning Policy Context

The site subject to this Development Brief - Land South East of Kidlington – is guided by Policy PR7a of the LPPR and its associated Policies Map. In addition to the individual site allocation policy (PR7a) the LPPR also contains a number of policies which seek to guide the development of each of the sites and ensure they deliver the homes that are needed, supported by the necessary infrastructure.

Where appropriate, these policies have influenced the content of the Development Brief. In other cases they will need to be followed when planning application(s) are submitted to the Council and all planning applications will be assessed against these policies.

3.1.1 Policy PR7a - Land use Requirements

An extension to Kidlington on 32 hectares of land to the east of Bicester Road with the following land use requirements:

- Residential development
 - 430 net dwellings on 21 hectares of land
 - 50% affordable housing
- An extension to Kidlington Cemetery on 0.7 hectares of land within the developable area.
- 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
- Provision for required emergency services infrastructure.
- Play areas and allotments within the developable area.
- Contributions towards community facilities.

The land use requirements have been included in the brief for reference only.

Development is to be phased in accordance with the timing of provision of supporting infrastructure and facilities.

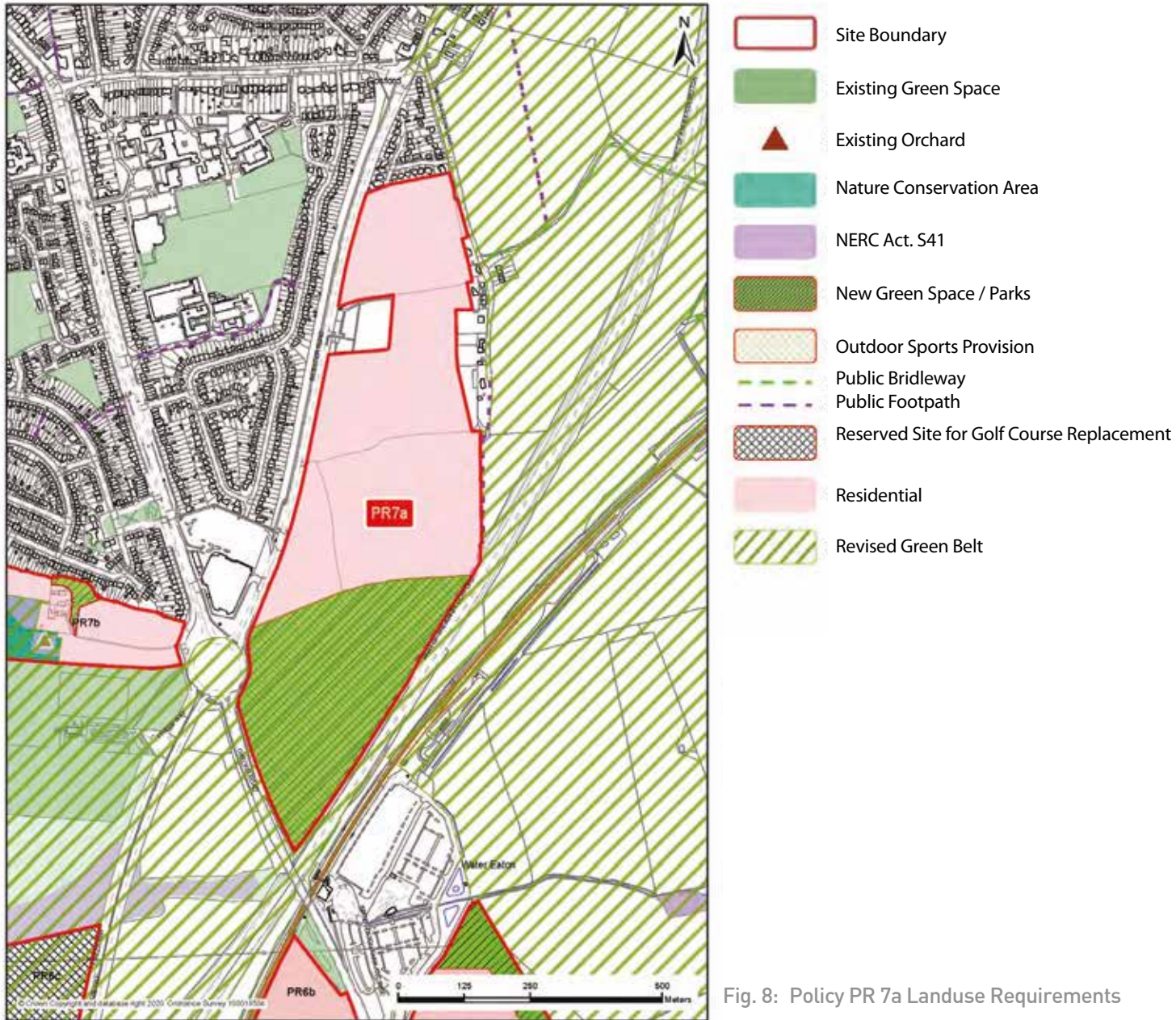


Fig. 8: Policy PR 7a Landuse Requirements

3.1.2 Submission of Planning Applications

Applications for planning permission for housing in Cherwell to meet Oxford's unmet housing needs will be considered having regard to the policies of the Development Plan and other material considerations such as the National Planning Policy Framework and Planning Practice Guidance.

The Council will need to assess whether or not development proposals meet the vision, objectives and policies of the LPPR and any other relevant policies from other parts of the Development Plan. This Development Brief is a material planning consideration. See Section 1.2 which explains the status of the Development Brief.

Other material considerations will include relevant Supplementary Planning Documents (SPDs). A list of relevant policy and guidance that has informed this Development Brief is provided at Appendix A.

Further guidance on the submission of planning applications is given in section 7.0 of this Development Brief.

3.2 The Site Context

This section provides a brief overview of the development site PR7a and its context.

3.2.1 Location and Size

- 32 hectares of land to the south eastern edge of the settlement of Kidlington. Bounded by Oxford Road (A4165) to the south west, the A34 to the east, Water Eaton Lane to the north east and Bicester Road to the west.
- Part of the site lies within the Oxford Green Belt. The Green Belt boundary is shown in Fig. 9.
- The northern part of the site is being promoted by Hill Residential Ltd and the southern part by Barwood Development Securities Ltd. The control of the land is shown in Fig. 10.

3.2.2 Topography

- Generally, the site is relatively flat, with a gentle 6m fall from the west to east of the site. This is over a distance of approximately 500m.

3.2.3 Existing Land Uses and Services/Facilities

- The site is currently in agricultural use. It comprises two pastoral fields and two arable fields, with established hedgerows and occasional trees along the field boundaries. The site's central field is indented by a recently constructed cemetery **and former allotments**, and includes a small car park with vehicular access off Bicester Road.
- The site is in close proximity to the Sainsbury's supermarket and petrol filling station to the west of Bicester Road.
- To the south west of the site lies the Stratfield Brake recreation ground containing playing fields.
- Residential properties to the west of the site back onto Bicester Road.

Properties on Water Eaton Lane and Beagles Close back onto the site's eastern and northern boundaries.

3.2.4 Existing Access and Movement Network

- The site is accessed from Bicester Road in the west and via Water Eaton Lane in the north east.
- A public right of way runs along the south eastern boundary and provides access to the wider countryside to the north east of the site. This public footpath joins the Oxford Green Belt Way, forming a wider circular recreational route around Kidlington and to Oxford.
- A signalised pedestrian crossing point is located near Sainsbury's supermarket on Bicester Road to the west of the site.
- National Cycle Network Route 51 runs along the Oxford Road.
- Bus stops on Oxford Road and Bicester Road are served by frequent bus routes towards Kidlington, Oxford, Woodstock, Banbury and Bicester. Bus stop locations are shown on Fig. 9.
- Oxford Parkway rail station and Park & Ride are located to the south east with good train services to Oxford and London and, starting from 2024, new services to Milton Keynes and Bedford. Services to Cambridge are expected from 2028.
- **Land on the eastern side of the A34 and railway line, is a safeguarded aggregate rail depot under Policy M9 of the Minerals and Waste Core Strategy. This is operated by Hanson.**

3.2.5 Development Proposals in Surrounding Areas

- Land west of Oxford Road (PR7b) lies to the western side of the site on the other side of Kidlington Roundabout.
- Land East of Oxford Road (PR6a) and Land West of Oxford Road (PR6b) are located to the south on Oxford Road beyond the railway line and the A34.

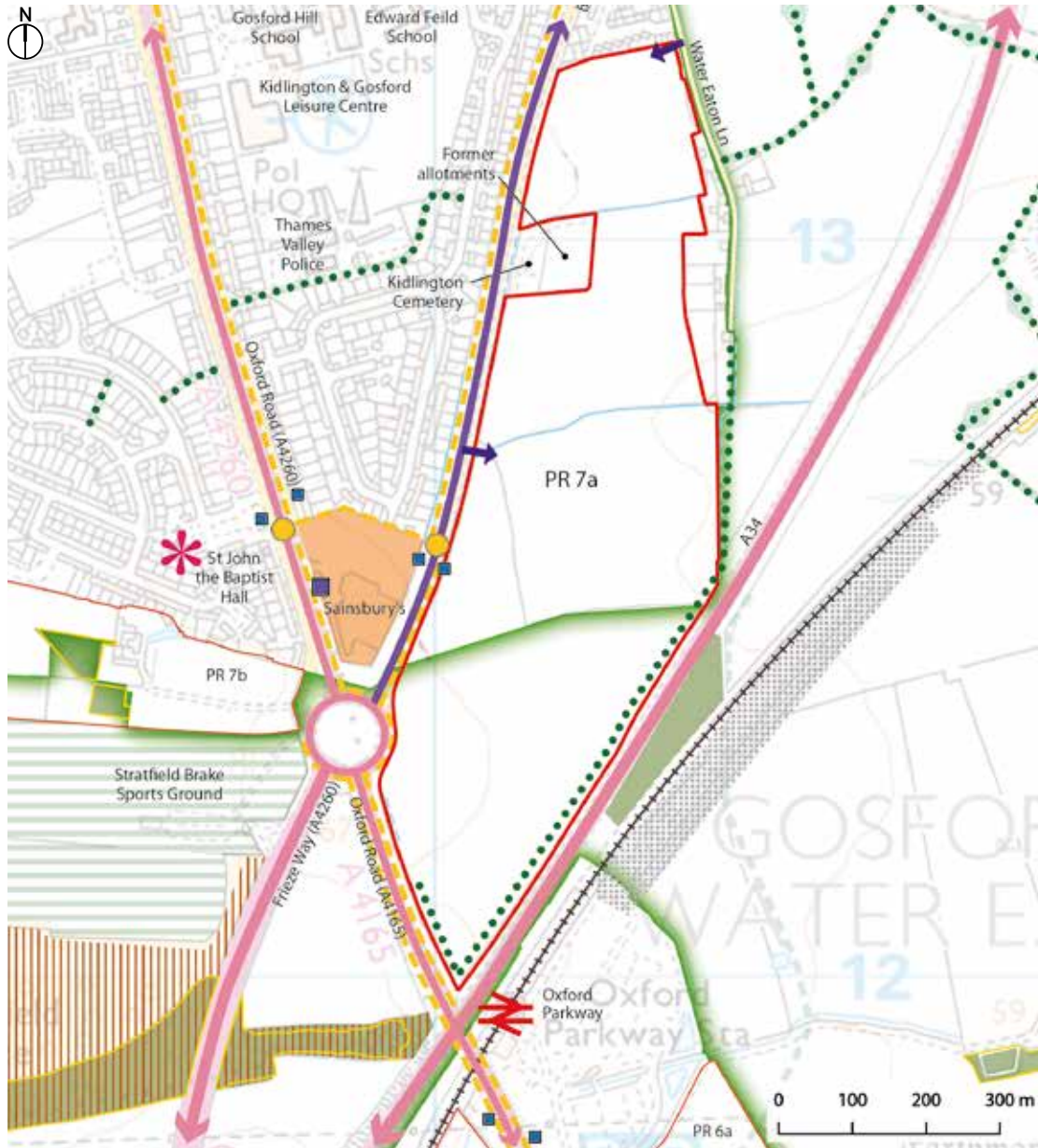


Fig. 9: Site context

- Site boundary
- - - Site boundary of adjoining sites
- Green Belt
- Priority Habitat inventory
- NERC Act S41 Habitat
- District Wildlife Site
- Stratfield Brake Sports Ground
- Safeguarded aggregate rail depot
- Watercourse
- - - Ditch
- - - - Railway Line
- A-road
- B-road
- Existing access
- Public Rights of way
- Cycle/pedestrian route
- Signalised crossing points
- Bus stop
- Petrol filling station

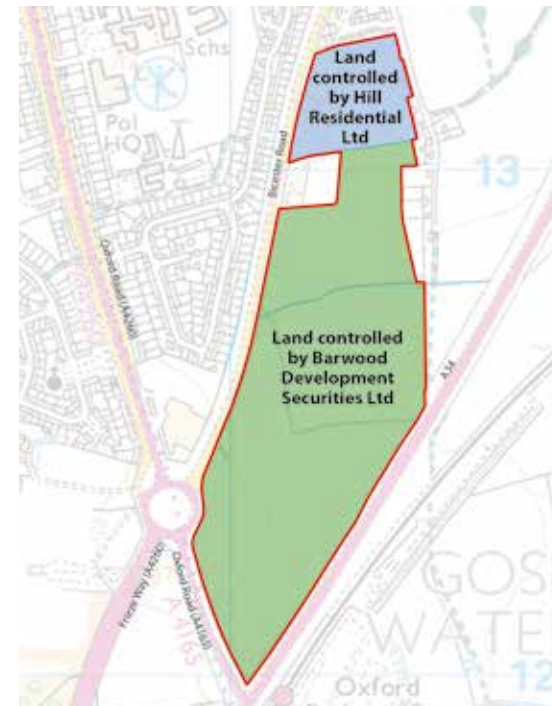
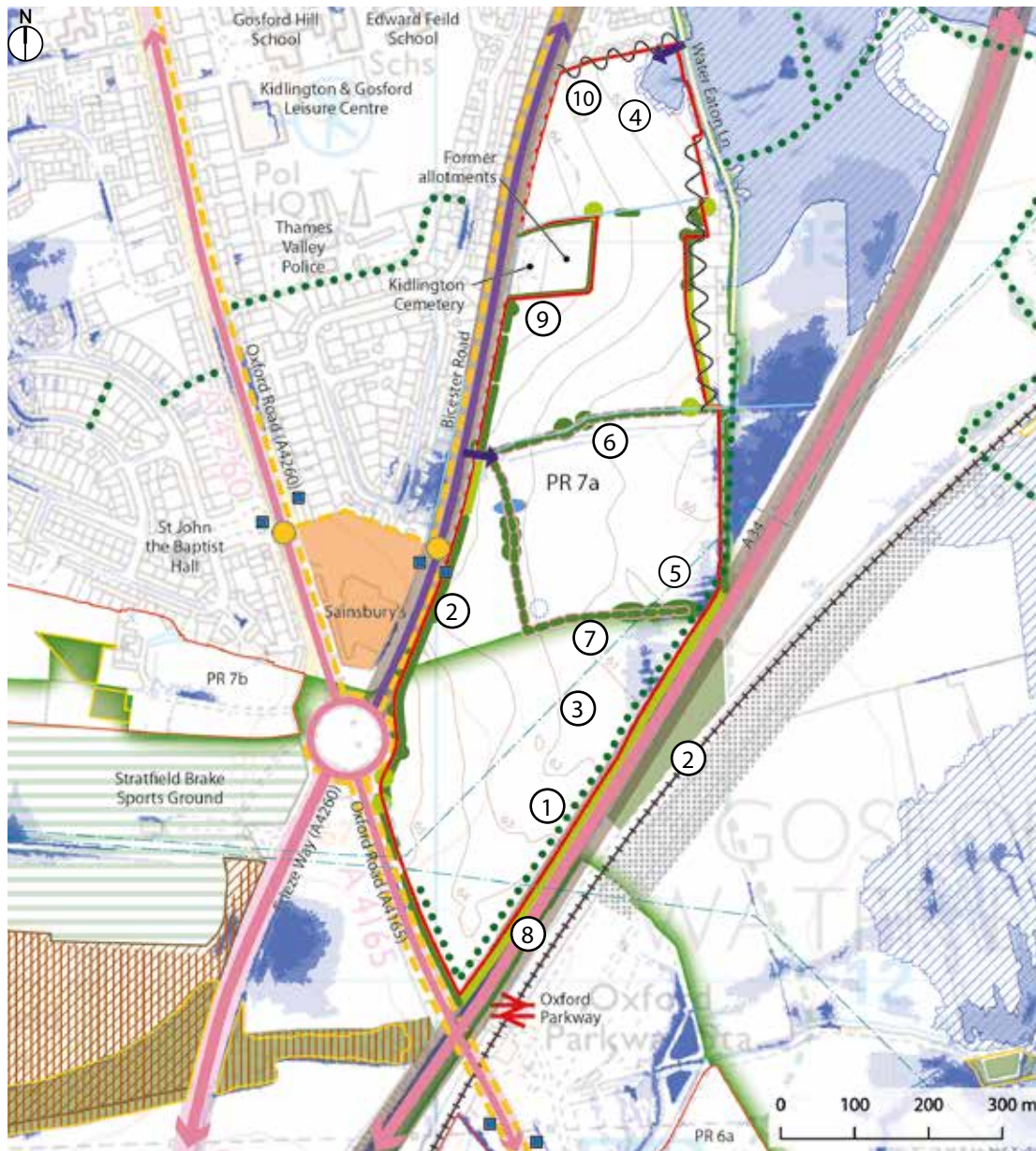


Fig. 10: Land ownership

4.0 Site Appraisal

4.1 Site Constraints

- There is public right of way passing through the site that joins the Oxford Green Belt Way. ①
- The noise arising from the railway line, A34, Bicester Road and the aggregate rail depot to the east of the A34 will potentially have an impact on the site. ②
- The site is close to an Air Quality Management Zone.
- The site is crossed by 33kV overhead power lines. ③
- The site is located within an area of known archaeological potential with prehistoric and Roman finds. There is moderate potential for agricultural post-medieval archaeology.
- There are ridge and furrow earthworks between Kidlington Cemetery and former allotments.
- The site is separated from Kidlington Conservation Area and the nearest listed buildings by modern development. However, older properties on Water Eaton Lane could be non-designated heritage assets.
- No problematic ground conditions or contamination issues have been identified to date.
- The site falls predominantly within Flood Zone 1 (low probability of flooding). The north eastern corner of the site lies within Flood Zone 2 and 3. ④
- Patches of land in the east and middle part of the site are at moderate to high risk for surface water flooding. Surface water flooding has also been reported at the cemetery. ⑤
- There are a number of ponds and ditches and surface water drainage routes on the site. ⑥
- The site contains historic hedgerows dating back to at least 1884. ⑦
- There are a few moderate quality trees and groups of trees which are situated along the site boundaries. ⑧
- The site is visually well-contained with few public views into the site, however there is sensitivity in relation to views into the cemetery from the site. ⑨
- Rear gardens abut part of the site to the north and north east. Otherwise the site edges are well defined by hedgerows, shrubs and trees. ⑩



- Site boundary
- Site Boundary of adjoining sites
- Green Belt
- Priority Habitat inventory
- NERC Act S41 Habitat
- Woodland Trust Sites
- District Wildlife Site
- Stratfield Brake Sports Ground
- Safeguarded aggregate rail depot
- Historic hedgerow
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- EA Flood Zone 2
- EA Flood Zone 3
- 1 in 30 Surface Water Floodrisk
- 1 in 100 Surface Water Floodrisk
- 1 in 1000 Surface Water Floodrisk
- Watercourse
- Ditch
- Standing water
- Pooling water
- Railway Line
- A-road
- B-road
- Existing access
- Public Rights of way
- Cycle/pedestrian route
- Signalled crossing points
- Bus stop
- EHV 33kv overhead line
- Contour line
- Housing backs
- Noise pollution requiring mitigation

Fig. 11: Site constraints

4.2 Site Opportunities

The detailed requirements for this site are set out in Policy PR7a of the LPPR. In addition to these requirements the following opportunities have been identified.

4.2.1 Place Shaping

- Opportunity to create an integrated extension to Kidlington that provides an appropriate edge to the village and maximises walking and cycling links and provides well connected green infrastructure.
- Layout to enable a high degree of integration and connectivity between the proposed development and the existing, particularly to Kidlington where local amenities are accessed including Stratfield Brake Sports Ground.

4.2.2 Heritage and Townscape Character

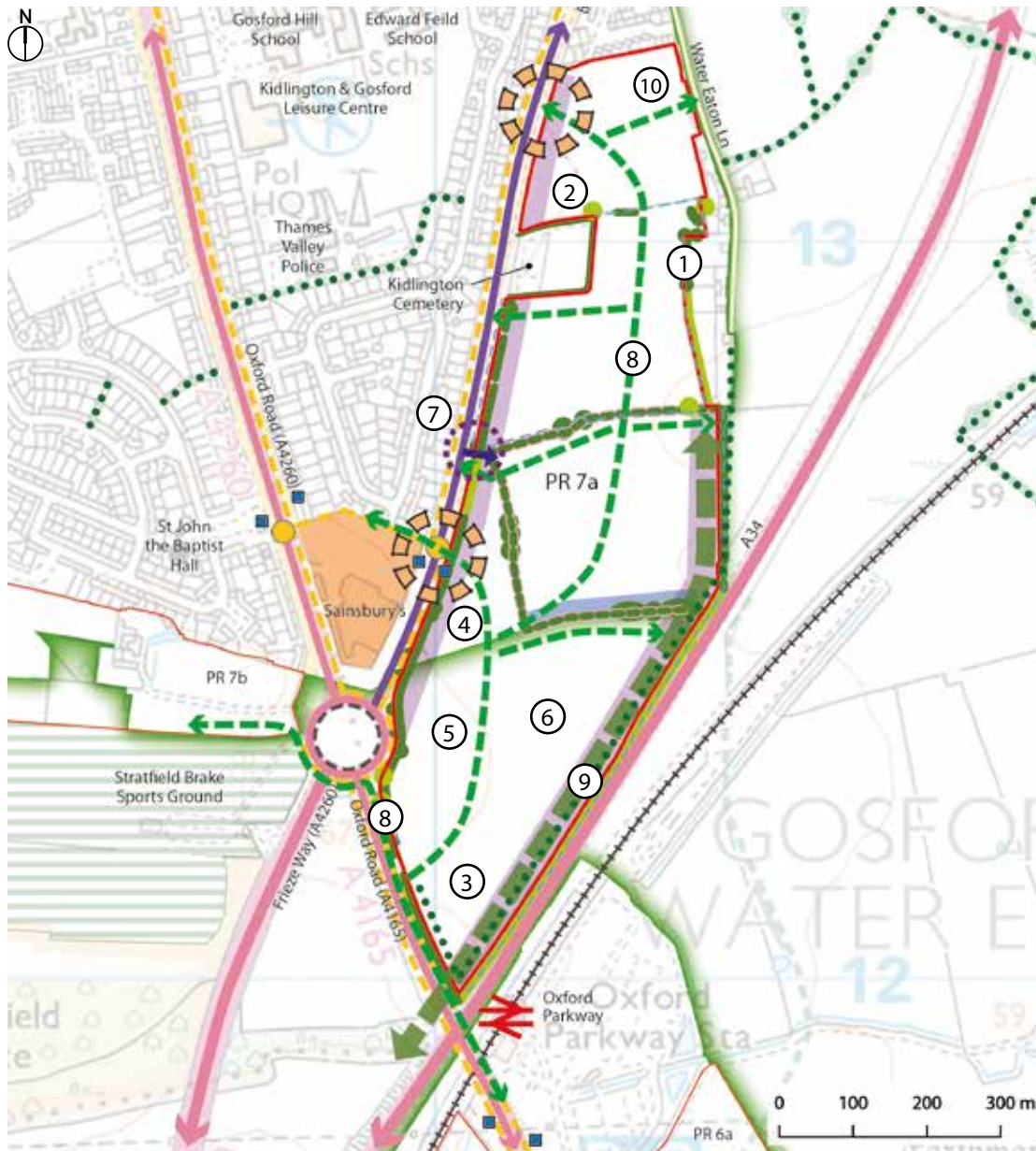
- Opportunity to create a distinctive neighbourhood but at the same time respond appropriately to the landscape, settlement patterns, building typologies and traditional materials of the local area (See Cherwell Design Guide section 2.3).
- Development should be sensitive to the historic development pattern of Water Eaton Lane. ①
- Opportunity to create frontage to proposed public open space and sports facilities.
- Design to consider appropriate building heights and character relating to the existing residential character of the surrounding area.
- Opportunity to provide the cemetery extension within the new development and create an appropriate edge between the cemetery and residential properties. ②

4.2.3 Views and Sightlines

- Layout to be sensitive to views from property rears on Water Eaton Lane and Beagles Close.
- Layout to consider limiting views into the cemetery recognising the need for privacy.

4.2.4 Landscape Character

- Opportunity to provide an enhanced area of woodland along the south-eastern boundary of the site and establish a new area of woodland planting to screen the site from highways/rail infrastructure. ③
- Opportunity to protect, restore or enhance existing hedgerows and trees. ④
- Opportunity to protect and enhance the existing wildlife corridors and provide a connected corridor of green infrastructure across the site, joining with Stratfield Brake District Wildlife Site, NERC Act S41 Habitat and PR7b.
- Opportunity to retain existing ponds and ditches within the landscape design of the site as part of the Sustainable Drainage System.
- Opportunities to retain and enhance existing habitats and achieve a net gain in biodiversity through the creation of new/improved habitats.
- Opportunity to provide formal sports facilities for the development and the wider community within the Green Belt. ⑤
- Opportunity to retain the open landscape character in the southern part of the site to maintain the sense of separation between Kidlington and Oxford. ⑥



Site Context

- Site boundary
- - - Site Boundary of adjoining sites
- Green Belt
- Railway Line
- Historic hedgerow
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- ➔ A-road
- ➔ B-road
- ➔ Existing access
- Public Rights of way
- - - Cycle/pedestrian route
- Signalled crossing points
- Bus stop

Site Opportunities

- ➔ Green corridor forming link
- ➔ Legible pedestrian/cycle connection
- Kidlington Roundabout improvements
- Important pedestrian/cycle connection node
- Create frontage overlooking public open space
- Improvements to existing junction to enable access
- Ditch to retain
- Opportunity for noise and air pollution mitigation

Fig. 12: Site Opportunities

4.2.5 Movement and Access

- Opportunity for new vehicle access from Bicester Road including potential to make use of existing access point from Bicester Road to the south of Kidlington Cemetery. (7)
- Opportunity to promote sustainable modes of transport and create a high quality walking and cycling network across the site and off site, responding to desire lines especially towards Oxford Parkway Station / Park & Ride, Oxford Road and Bicester Road bus stops, local shops, and connecting with Stratfield Brake and the PR7b/PR8 green link. Regard should be had to published guidance including the Oxford and Kidlington Local Cycling and Walking Infrastructure Plans. (8)
- Opportunity to improve the existing right of way leading to the surrounding countryside and PR6a, ensure that it provides for pedestrians and cyclists, linking it into wider footpath and cycle network. (9)
- Opportunity to provide well-designed connections between the Bicester Road, residential development, the sports facilities and the existing public right of way.
- Opportunity to create a direct pedestrian/cycle link to the north of the development onto the existing Water Eaton Lane. (10)
- Opportunity for new bus stops on Bicester Road to facilitate enhanced public transport access to Oxford and Bicester.
- Opportunity to connect with active and public transport enhancements to Oxford Road and Kidlington Roundabout (to be delivered by OCC) and National Cycle Route 51.
- Opportunity to contribute towards enhancement of pedestrian and cycle links between the Kidlington roundabout and the Cutteslowe roundabout.



View south west along Bicester Road adjacent to Sainsbury's supermarket. The hedge on the left of the image is the site boundary.



View in the southern part of the site looking west across the site towards Sainsbury's.



View from the southern corner of the site looking north east. The public footpath is visible on the right of the image.

5.0 Vision and objectives

5.1 Vision

In response to the site's local surrounding context and constraints, the vision for Land South East of Kidlington has gradually evolved to affirm the design opportunities available to meet the objectives of the LPPR and is described below. The vision is further developed by the Design Principles contained in this document which set out the detailed requirements.

The development site will become an extension to Kidlington that will be fully integrated and connected with the surrounding built environment. It will provide an attractive residential neighbourhood, with high quality, publicly accessible and well-connected green infrastructure and a modern, highly functioning outdoor sports facility. The development will maximise opportunities for walking, cycling and wheelchair use and will connect to sustainable movement routes towards Oxford Parkway Station, Kidlington, Oxford and Begbroke and existing footpaths.

The land south east of Kidlington is to be developed following the guidance contained within this document and in line with the policies of the Adopted Cherwell Local Plan 2011-2031 (Part 1), Cherwell Local Plan Partial Review 2011-2031 (Part 1) Partial Review – Oxford's Unmet Needs, guidance in the Cherwell Residential Design Guidance (2018) and other relevant national and local policy and guidance. Key relevant local policies and guidance are listed at the end of each section of this chapter and the Development Principles chapter (Chapter 6) although all relevant policies, including those not listed, should be responded to. In particular, the development should meet the requirements set out in Partial Review Plan Policy PR7a (see chapter 3.0 for details).

In summary, key delivery requirements under Policy PR7a are:

- 430 homes on 21 hectares of land
- 0.7 hectares of land for an extension to Kidlington Cemetery
- 11 hectares of land for green infrastructure including formal sports facilities
- Land for play areas and allotments within the developable area.

Fig. 13 illustrates the development framework for the site reflecting the vision and the requirements of Policy PR7a. Detailed design requirements which underpin the delivery of this development framework are set out in the next chapter.



Fig. 13: Development framework

* subject to highway testing

- Site Boundary
- Site Boundary of adjoining sites
- Cherwell Local Plan
Partial Review allocations
- Residential
- New public green space/park
- Development brief proposals and existing features
- Proposed green spaces within developable area
- Informal public parkland, habitat creation and woodland planting
- Area for expansion of cemetery
- Woodland planting and habitat creation
- Zone to contain formal sports facilities
- Sports pavilion and car park (indicative location)
- Priority Habitat Inventory
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- New hedgerows
- Indicative location for noise attenuation bund (to be confirmed through detailed assessment)
- Ditch retained and buffered by public open space, and integrated into site drainage
- Indicative SuDS feature
- Standing water
- Drainage attenuation features (indicative location)
- Play area (indicative location)
- Allotments (indicative location)
- Vehicular access*
- Vehicular access to allotments and sports pavilion
- Existing Public Rights of Way
- Strategic cycle route
- New public walking and cycle routes

6.0 Development Principles

6.1 Sustainable Construction and Energy Efficiency

The development is to comply with and where possible exceed the local and national standards for sustainable development. This includes mitigating and adapting to climate change, increasing local resource efficiency, minimising carbon emissions, promoting decentralised and renewable or low carbon energy and ensuring that the risk of flooding is not increased.

The detailed layout of the development will need to encourage the sustainable and safe management of waste in each individual household while minimising visual and pollution impacts. The use of recycled materials in the construction of the development and consideration of the Circular Economy is supported.

Construction Exclusion Zones and haulage routes are to be incorporated into the build programme in order to protect the site's green infrastructure and topsoil resource. Topsoil is to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009 (CCoP) published by the Department of Environment, Food and Rural Affairs (Defra).

Electric vehicle charging is to be provided in accordance with the most recently adopted policy.

Refer to the following policies for detailed requirements.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy ESD 1: Mitigating and Adapting to Climate Change
 Policy ESD 2: Energy Hierarchy and Allowable Solutions
 Policy ESD 3: Sustainable Construction
 Policy ESD 4: Decentralised Energy Systems
 Policy ESD 5: Renewable Energy
 Policy ESD 6: Sustainable Flood Risk Management
 Policy ESD 7: Sustainable Drainage Systems
 Policy ESD 8: Water Resources
 Policy ESD 15: The Character of the Built and Historic Environment

Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 4: Establishing the Structuring Principles
 Chapter 7: Building Elevations and Details
 Chapter 8: Innovation and Sustainability

6.2 Healthy Place Shaping

Healthy place shaping is a strategic priority for both Oxfordshire's Health & Wellbeing Board and the Future Oxfordshire Partnership (formerly the Oxfordshire Growth Board) which is using the Oxfordshire Housing & Growth Deal to embed healthy place shaping in the planning process, especially in light of emerging evidence from local and national experience of Healthy New Towns (including the initiatives at Barton Park and Bicester Healthy New Towns) and the significant positive impact on health and well-being. This is reflected in the guiding principles of the Oxfordshire Strategic Vision.

This early planning and provision of health promoting design and infrastructure, such as community facilities, green spaces and safe and legible walking and cycling routes, has been shown to be important in influencing and establishing positive behaviour, healthier life-style habits and cohesive, connected communities. The site will be developed in a way which contributes to healthy living and the well-being of local residents. It will:

- provide new and enhanced walking, wheelchair and cycling connections which support active lifestyles at any age and which prioritise pedestrians and cyclists over the car
- improve and enhance connectivity to the existing public rights of way, National Cycle Route 51 and existing facilities at Stratfield Brake sports ground, Oxford Parkway Rail Station and Park & Ride
- provide connections with strategic cycling and walking routes on Oxford Road connecting north and south to Kidlington and Oxford, and which join up with the proposed strategic cycling and walking route crossing PR7b towards the Oxford Canal.
- provide new and improved bus stops on Bicester Road
- provide new sports pitches and supporting facilities complementing the existing facilities at Stratfield Brake and linking with these facilities through the provision of improved pedestrian and cycling infrastructure connections.
- create significant areas of new accessible public open space, woodland, food growing opportunities and children's play space

- meet the need for early provision of health promoting infrastructure
- meet high quality design standards as specified in Building for a Healthy Life
- accessibility is to be considered in the design of streets, public realm and properties. For example, in relation to property accessibility for wheelchair users this would include providing private access from the ground floor to flats, accessible parking spaces next to the entrance, and avoiding reliance on lift access to upper floors

The Health Impact Assessment commissioned for the Oxfordshire Authorities has been developed as an HIA proforma/toolkit and methodology to be applied to local plans and major developments in the county to achieve a consistent approach. The toolkit was published in 2021.

The development of the site should comply with policies that promote the creation of healthy communities including those listed below.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy BSC 7: Meeting Education Needs

Policy BSC 8: Securing Health and Well-Being

Policy BSC 9: Public Services and Utilities

Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision

Policy BSC 11: Local Standards of Provision- Outdoor Recreation

Policy ESD15: The Character of the Built and Historic Environment

6.3 Character and Layout

The site is to be developed as an extension of Kidlington with frontage to Bicester Road and connectivity with surrounding streets and footpaths. Retained Green Belt in the south of the site will be enhanced and will include a new outdoor sports facility, habitat and informal parkland. Green corridors 'greenways' will be created running north-south and east-west through the site linking characterful spaces for play and recreation and providing connected walking, cycling and wheelchair user links.

The design of the site is to respond and connect with development proposals in the surrounding area, in particular site PR7b to the west. The development is to follow the design approach set out in the Cherwell Residential Design Guide with site specific requirements detailed below.

Development principles:

- The development is to provide a legible hierarchy of streets and spaces, with urban form and massing varying in response to the proposed character areas and local setting, including the surrounding landscape and proximity to public transport routes. A monotonous suburban layout and highways-led design is to be avoided.
- The layout of the site is to prioritise access for walking and cycling. It is to provide east-west and north-south connections for pedestrians, cyclists and wheelchair users connecting all parts of the development towards Gosford and Kidlington, PR7b and Begbroke, Oxford, the surrounding countryside, sports facility including Stratfield Brake and public transport services including bus stops and Oxford Parkway Station.
- The design is to retain and integrate the existing public right of way along the eastern boundary of the site as part of the scheme.
- The layout and design are to sensitively respond to the historic development pattern of Water Eaton Lane.
- High quality design and architecture will be required which will improve the appearance of the built environment and respond to the locality through the use of materials, building typologies and detailing which are appropriate to the local area as set out in the Cherwell Residential Design Guide.
- A variety of different house types are to be provided in response to the proposed character areas. Individual properties are to be arranged to create enclosure and a well-defined frontage to the street.
- New houses are to front onto and overlook public green spaces and streets. They are to back onto existing rear gardens to create secure rear boundaries. The residential amenity of existing properties is to be protected through appropriate design at boundaries.



- Site Boundary
- Site Boundary of adjoining sites
- Bicester Road frontage character area
- Main street character area
- Green edges character area
- Sports and parkland character area

Fig. 14: Character areas

- Existing high-quality hedgerows, trees and drainage corridors are to be integrated into the overall layout, wherever appropriate, within green infrastructure corridors.
- The southern part of the site is to provide a range of green infrastructure typologies including informal open space, habitat enhancement, native species woodland planting and sports provision.
- Housing is to meet the Nationally Described Space Standards – Technical Standards and CDC’s Developer Contributions SPD.
- The affordable housing tender mix is to be agreed with Cherwell District Council. There is a preference for social rent tenure in line with Oxford City Council policy.

The development will create four complementary areas of character and appearance. Each character area generates a distinctive sense of place in relation to movement corridors, landscape features and the relationship with its surroundings. There are three residential character areas described in this section. Further detail of the fourth character area, Sports and Parkland, is presented in section 6.5.

- Bicester Road frontage character area
- Main street character area
- Green edges area
- Sports and parkland character area

Fig. 14 provides an overview of the development site character areas. Fig. 15 provides further detail on layout, frontages and building heights. Block and street layouts are indicative and provide a general location to be refined through detailed design.



A variety of different house types arranged to create a near-continuous frontage to the street - example from Trumpington Meadows, Cambridge



- Site Boundary
- Site Boundary of adjoining sites
- 2-2.5 storey houses
- 2-3 storey houses or apartments
- ┌ Key frontages (indicative)
- New public green space/park
- Informal public parkland, habitat creation and woodland planting
- Area for expansion of cemetery
- Woodland planting and habitat creation
- Zone to contain formal sports facilities
- Sports pavilion and car park (indicative location)
- Priority Habitat Inventory
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- - - New hedgerows
- Indicative location for noise attenuation bund (to be confirmed through detailed assessment)
- Ditch retained and buffered by public open space, and integrated into site drainage
- - - Indicative SuDS feature
- Standing water
- ✱ Drainage attenuation features (indicative location)
- ★ Play area (indicative location)
- ✱ Allotments (indicative location)
- ↔ Vehicular access*
- ↔ Vehicular access to allotments and sports pavilion
- Existing Public Rights of Way
- ➔ Strategic cycle route
- ➔ New public walking and cycle routes

Fig. 15: Urban design

* subject to highway testing

6.3.1 Bicester Road frontage character area

The character area fronting onto Bicester Road will alternate between built development and green spaces working with the existing hedgerow boundary. New homes will front towards Bicester Road but be set back behind the existing hedgerow which will be retained but selectively thinned out to allow greater visibility to the properties. A shared surface access lane will provide access to property fronts. Kidlington Cemetery and its extension, and a new public green space and community allotments at the southern end of the character area will provide green breaks between the built development. Refer to Fig. 17 for an indicative cross section through the character area.

This character area will provide vehicular access to the development via two junctions onto Bicester Road, connected by the primary street.

Development principles:

Residential uses

- The principles of good acoustic design are to be followed in the layout and internal design to mitigate the noise arising from Bicester Road. The building frontage facing Bicester Road is to be near continuous. Breaks in the frontage are allowed but to be limited.
- The existing hedgerow/wooded edge is to be retained but selectively thinned out and replanted (subject to arboricultural and ecological survey and advice) to provide a more formal setting to the development allowing visibility towards the property frontages.
- Houses are to set back by a minimum 15m from the edge of carriageway, subject to noise and air pollution mitigation assessments and drainage requirements.
- Properties are to be generally 2-3-storeys townhouses or terrace housing typologies. Taller buildings are to be located at the entrance points to emphasise the gateways to the development.

- Vehicle access to the properties in this character area will be provided from the internal street layout, with a shared surface lane provided to property fronts where appropriate. Vehicle access to individual properties direct from Bicester Road will not be permitted.

Green spaces and community uses

- Green spaces are to retain the existing hedgerow/wooded edge and incorporate this into the landscape design of the space.
- **Land to the north of Kidlington Cemetery** is identified to accommodate 0.7 hectares of cemetery extension.
- A new public park is to be created fronting Bicester Road in the central/southern part of the site. The green space is bounded by existing hedgerows which are to be retained, and is to incorporate a NEAP/MUGA play space. The existing pond is to be retained and protected through provision of an ecological buffer.
- **At the southern end of the character area, 0.4 hectares of allotments are to be provided, forming a green corridor between the public park to the north and proposed sports facilities and green infrastructure to the south.**
- The design of the allotments and cemetery extension are to be agreed with CDC and Kidlington Parish Council.
- Direct access is to be provided from these green spaces to the north-south greenway walking and cycling route.

Bicester Road frontage character area location and precedent photos



Location plan



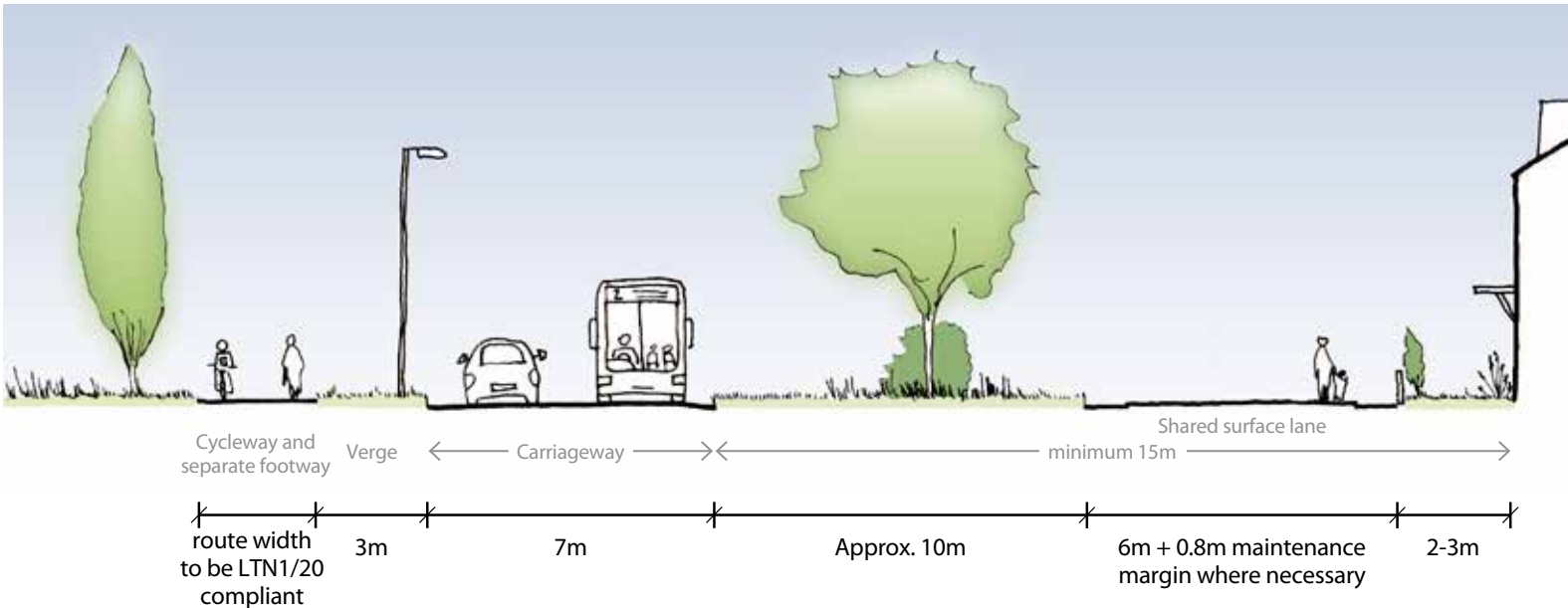
Shared surface lane providing access to properties



Townhouse terrace of 2-3 storeys, Woodstock

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Fig. 16: A-A – indicative, typical Bicester Road section (refer to Fig. 17 for section location)



6.3.2 Main street character area

Running north-south in the middle of the site, this character area follows the main north-south movement route through the centre of the site and will be characterised by a residential urban form which strongly frames the main street and emphasises the importance of the route within the street hierarchy. It comprises two areas: northern and southern. The northern area will follow the primary street route and southern area relates to the secondary street leading to the sports facilities.

Development principles:

Northern area

- The primary street will connect two new junctions from Bicester Road and will have a formal character with street trees and a near continuous building frontage which provides a strong frame to the street.
- Appropriate house types in this area include 2-3-storey townhouses, small apartment buildings and short terraces with occasional semi-detached properties.
- Small front gardens with a formal boundary treatment (such as a wall, hedge or railings) are to be provided to ensure privacy in ground floor rooms and clear definition of the public/private boundary.
- Where the site abuts the rear of properties on Water Eaton Lane, a secure rear or side boundary between old and new is to be provided. **Building heights will be 2-2.5 storeys where existing property plots are shallower and development plots will provide the necessary offset to existing properties in line with section 6.7 of the Cherwell Residential Design Guide.**
- Parking is to be provided on street and on plot utilising a range of parking solutions in line with the guidance provided in the Cherwell Residential Design Guide.

Southern area

- The secondary street branching off to the south of primary street and leading to the sports facilities will have a formal character and a semi-continuous building frontage comprising short runs of terrace properties with some semi-detached houses and occasional detached houses.
- Buildings are to be 2-3-storeys.
- Front gardens of up to 3 metres will be bounded by a wall or hedge.
- Parking is to be provided on street and on plot utilising a range of parking solutions in line with the guidance provided in the Cherwell Residential Design Guide.

Main street character area location and precedent photos



Location plan



South West Bicester townhouses



Small front gardens with formal boundary treatment

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Terrace properties at Elmbrook, Bicester



John Harper Road, Adderbury, arrangement of different house types to create a corner and continuous frontage with archway to rear parking court

6.3.3 Green edges character area

The green edge character area covers leafy residential streets surrounding and close to public open spaces and greenways running across the site. The character area has a less formal and less dense character than the Main Street and Bicester Road frontage character areas.

- Properties are to front onto open green spaces and greenways / green corridors incorporating walking and cycling routes to promote natural surveillance.
 - Existing hedgerows, trees and drainage features are to be incorporated by public open space taking the form of pocket parks and multi-functional, connected greenways.
 - A greater proportion of larger plots and homes will be expected in this character area. Appropriate house types include semi-detached, short runs of terrace and occasional detached properties, within an efficient overall layout. Buildings are to be arranged to form a cohesive overall street frontage, with an informal layout, while avoiding arbitrary variation in building set back and alignment.
 - Building plots will provide a secure rear or side boundary with existing properties on Beagles Close and the necessary offset to existing properties in line with section 6.7 of the Cherwell Residential Design Guide.
 - Building heights should be generally 2-storey with occasional 2.5-storey emphasizing key locations or where stronger enclosure to open space is required.
 - Landscaped front gardens up to 4m deep will provide a soft interface between the building line and street and should be bounded by brick or stone walls, railings or hedge.
- On-plot parking should generally be tucked to the side of properties to retain a sense of enclosure to the street and provide space for planted front gardens. On plot parking to the front of properties is not permitted.
 - The principles of good acoustic design are to be followed in the layout and internal design of properties in the south eastern part of the character area, to mitigate the noise arising from the A34 and railway.
 - It is anticipated that an acoustic bund will be required adjacent to the A34 to provide noise mitigation. The design of the bund is to incorporate appropriate native species planting to minimise the visual impact of the bund, with planting either on the bund itself or in a planted corridor adjacent to the bund, and is to ensure that the existing public right of way is retained or if necessary, rerouted in a well-overlooked alignment. The design is to be agreed with CDC's landscape architect.

Green edges character area location and precedent photos



Location plan



Homes overlooking public green space



Larger, detached property



A mix of house types overlooking green space at Milton Road, Adderbury

6.3.4 Sports and parkland character area

The fourth character area is located to the south of the site and is designated Green Belt. Uses within this character area include publicly accessible informal parkland, a new area of woodland planting and habitat and formal sports facilities.

This zone of green infrastructure provides an important green break between Kidlington and Oxford and forms part of a wider east-west green corridor linking west to Stratfield Brake and the Oxford Canal and eastwards towards the Cherwell Valley.

It is to be kept free from built development apart from a sports pavilion and parking adjacent to the sports pitches.

Development principles relating to green infrastructure within this character area are provided in section 6.5.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

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

Policy ESD 17: Green Infrastructure

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

Cherwell Local Plan 2011-2031- Partial Review (adopted 7 September 2020)

Policy PR7a – Land South East of Kidlington

Policy PR2 – Housing mix, tenure and size

Policy PR5 – Green Infrastructure

Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 4: Establishing the Structuring Principles

Chapter 5: Streets and Spaces

Chapter 6: Building and Plot Arrangements

Chapter 7: Building Elevations and Details

Chapter 8: Innovation and Sustainability

6.4 Movement and Access

6.4.1 General Principles

The layout of the site is to directly connect with the existing street network and create excellent pedestrian, cycle and wheelchair links within the site, to Kidlington and its local services and facilities, to public transport routes and to Oxford Parkway Station and Park & Ride, to allocated site PR7b, sports facilities at Stratfield Brake and to Oxford. In doing so, the layout will encourage movement by walking, cycling and public transport whilst limiting unnecessary car trips.

The design of streets within the site should follow the guidance set out in the Cherwell Residential Design Guide and the Manual for Streets, in a manner which is appropriate to the character and quality of place which is to be created as described below.

A standardised highways-led layout is not acceptable: carriageway space and turning radii are to be limited (in line with adopted guidance).

6.4.2 Vehicle Access

Policy PR7a (9c) requires site vehicular access and egress to be provided from existing highways. Through the development brief process, it has been agreed with OCC that the development will be served from two new junctions onto Bicester Road. The preferred locations for access are described below. These locations are to be refined and tested through detailed design and transport modelling.

Development principles:

- The vehicular access point in the northern part of the site will be provided from Bicester Road by creating a new T-junction in the section between Kidlington Cemetery and the existing housing on Beagles Close.
- The second vehicular access point will be provided in the centre of the site, to the south of Kidlington Cemetery. The new junction will need to be located a minimum of 80m to the north of the existing signalised pedestrian crossing on Bicester Road.
- The southern access will lead to a secondary street providing access to the southern-most part of the development site including the sports facility **and proposed allotments**. OCC has confirmed that a separate additional emergency vehicle access associated with the southern-most part of the site is not required.
- Indicative, general locations for new vehicular access points are shown on Fig. 17. Refined locations for the new northern and southern junctions are to be agreed with Oxfordshire County Council highways.
- A direct, connecting primary route will be created between the north and south access points. The primary street will provide access to the secondary streets network serving all parts of the site and the new sports facilities.

6.4.3 Pedestrian and Cycle Access

To maximise site accessibility for pedestrians, cyclists and wheelchair users access points into the site will be provided on all boundaries (subject to land ownership constraints). North-south and east-west green routes across the site will tie in with the surrounding area and existing walking and cycling routes (see Fig. 17 for indicative general locations).

Development principles:

- At least three access points west onto Bicester Road, connecting with existing and proposed crossing points, bus stops and Kidlington.
- Access onto Oxford Road providing access to cycling infrastructure including any necessary crossings of Bicester Road and Oxford Road towards PR7b and a direct link to Oxford Parkway station and Park & Ride.
- Access points to the east, joining with Water Eaton Lane, the existing public rights of way network and the surrounding countryside.
- An access to the north onto Beagles Close (subject to land ownership).
- **An access into the proposed cemetery expansion on its eastern boundary from the proposed cycleway.**
- Pedestrian and cycle crossing provision and design will be in line with guidance in the Government's Cycle Infrastructure Design LTN 1/20.

6.4.4 Street Hierarchy and Typologies

The street hierarchy for the site is identified on Fig. 17. It follows the street typologies set out in the Cherwell Residential Design Guide SPD. Streets are classified into two typologies:

- Primary – general residential street typology
- Secondary – minor residential street or lane typology

All streets across the site should have a maximum design speed of 20mph, with traffic calming measures integrated into the detailed design of streets in line with section 5.7 of the Cherwell Residential Design Guide.

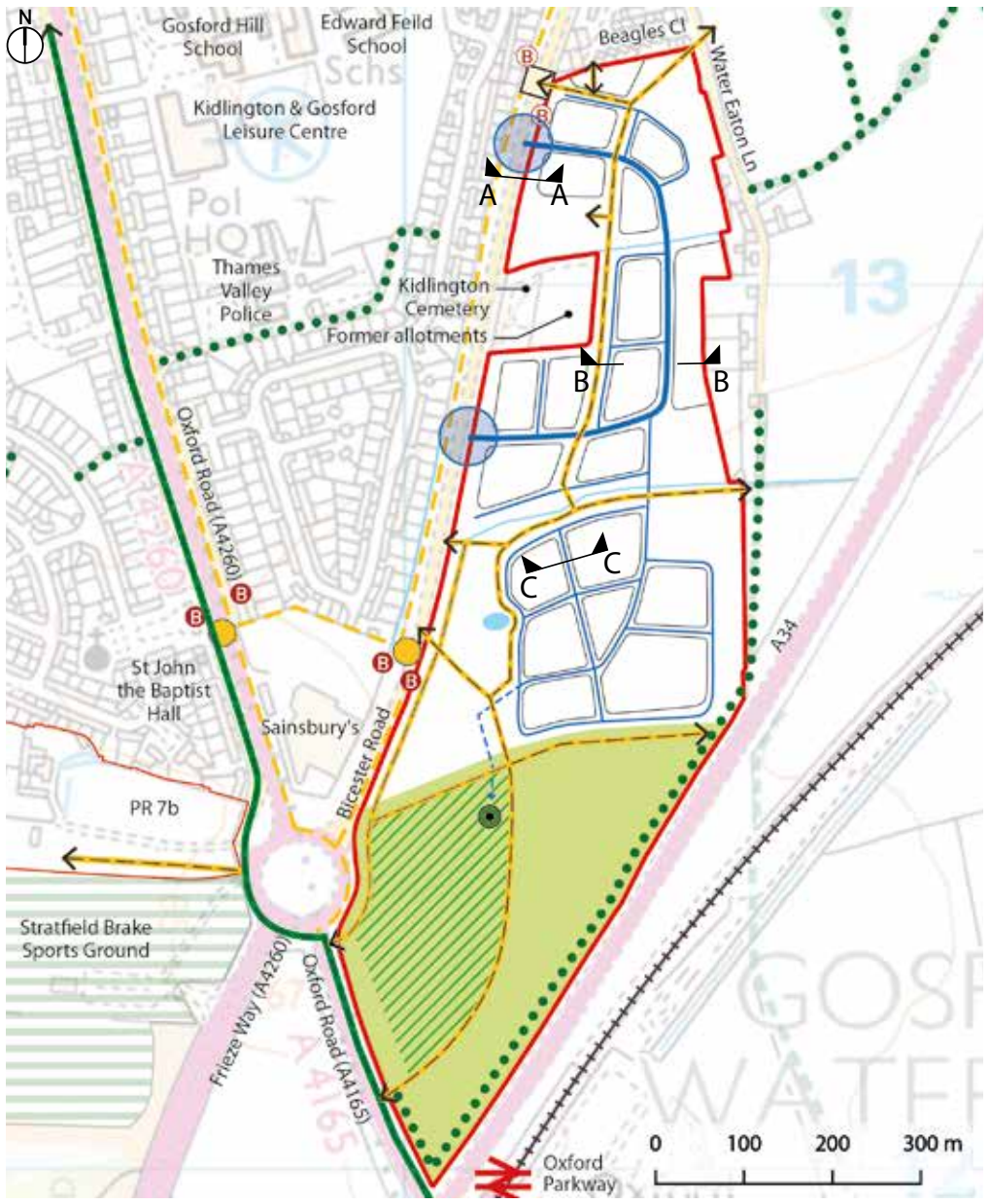


Fig. 17: Movement and access * subject to highway testing

Primary Street

The primary street is to be a through route and provide a north-south connection between two access junctions and allow access to a connected network of secondary streets.

Development principles:

- The primary street is to follow the design guidance for general residential streets set out in chapter 5.0 of the Cherwell Residential Design Guide.
- It is to have a formal character with a near-continuous building frontage and small front gardens.
- Parking is to be provided on street and on plot in line with the guidance set out in section 5.8 of the Cherwell Residential Design Guide.
- The street should have a carriageway of between 5.0 – 5.5m varying to accommodate street trees, opportunities for on-street parking and pinch points for traffic calming (which should also be reflected in the building line).
- The street design and internal junctions are not required to accommodate public bus movements however where necessary they should accommodate occasional use by mini-bus/coach relating to the sports facility and should be designed accordingly.
- The route alignment of the primary street will be subject to pre-application and detailed discussions with OCC which is the local highway authority.



Primary street with a near-continuous building frontage, on street parking and street trees



Fig. 18: B-B – indicative, typical central main street cross section (refer to Fig. 17 for section location)

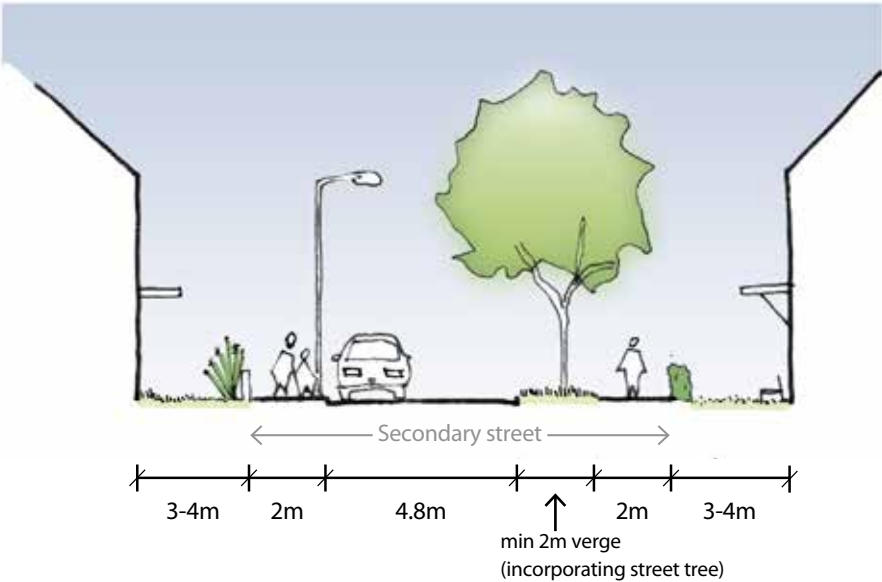


Fig. 19: C-C – indicative, typical secondary street cross section (refer to Fig. 17 for section location)

Secondary Street

Secondary streets run off the primary street and will be provided throughout the development site serving residential blocks and the sports facilities.

Development principles:

- The secondary streets are to follow the design guidance for minor residential streets or lanes set out in chapter 5.0 of the Cherwell Residential Design Guide.
- Streets should generally accommodate a 4.8m carriageway plus footways, noting that this may need to be increased to 5.5m where access for sports team vehicles is to be provided.
- On no through routes, or where streets abut green spaces, the streets may take the form of shared lane of minimum width 6m to allow for a protected pedestrian corridor adjacent to an effective 4.8m road width. On any side where there is no footway, a 800mm maintenance margin is required in addition to this. Unadopted, private routes serving multiple properties should be limited, except where specifically agreed with the Council, in line with section 5.2 of the Residential Design Guide SPD.



Secondary street with verge and street trees

6.4.5 Walking and Cycling Network

The walking and cycling network will consist of the new connected street network, retained public rights of way and new pedestrian and cycle routes integrated into the greenway corridors running north-south and east-west through the site.

- A new walking and cycling route with a generous landscaped corridor will run north-south through the development taking the form of a greenway. It will create a new dedicated, continuous route linking Bicester Road and Water Eaton Lane in the north to the sports pitches and Oxford Road /Oxford Parkway in the south, thereby providing an attractive alternative to Bicester Road for commuting cyclists. It is to be an appropriately lit, off-street route containing a footway and a cycleway, made of high-quality surface material appropriate to the surrounding context. The route width is to be agreed with OCC.
- East-west routes across the site will connect Bicester Road, residential properties on Water Eaton Lane and the public right of way along the eastern boundary.
- The design of pedestrian and cycle routes is to provide a safe and attractive environment for all users. Routes within the developable area should be overlooked by buildings and promote natural surveillance.
- A new formal pedestrian and cycle crossing is to be provided on Bicester Road in order to provide safe crossing and to allow direct access to the bus stops.
- The existing public rights of way along the eastern boundary to be retained and upgraded within the site to accommodate pedestrians and cyclists. Ideally, the connecting section of PRoW to Water Eaton Lane should also be upgraded to accommodate cyclists, but this falls outside the development brief boundary.

- Lighting is to be provided to greenways and PRoW, however this is to be balanced with the impact on wildlife and agreed through the planning application. Refer to MHCLG guidance on light pollution on <https://www.gov.uk/guidance/light-pollution>.
- All new pedestrian and cycling routes are to be designed in accordance with Local Transport Note 1/20: Cycle Infrastructure Design published by the Department for Transport. Detailed designs are to be agreed through the pre-application process with OCC and CDC's Development Management Teams.



Lit off-street route containing footway and cycleway

6.4.6 Parking

Car parking provision and design will be in line with adopted OCC parking standards and the Cherwell Residential Design Guide SPD section 5.8 as well as the good practice recommendations in Manual for Streets.

Cycle parking provision is to be in line with OCC's adopted cycle parking standards.

Development principles:

- A range of parking solutions should be used, appropriate to the street and plot typology.
- Car parking arrangements are to be considered at the outset and in the site masterplan.
- The Council advocates the use of unallocated on-street parking wherever possible, to increase flexibility and reduce the number of spaces required overall. This should be integrated into the street design and clearly defined.
- On plot parking solutions should be in line with section 5.8 of the Cherwell Residential Design Guide.
- Rear parking is generally the least preferred solution, but may be necessary to maintain a continuous street frontage. Where rear parking is necessary it should be clearly related to individual properties, ideally located within rear gardens of properties rather than in a communal parking court and accessed from a secure rear lane.
- Electric charging points should be provided in line with national and local standards either on plot or serving on street parking bays. If on street, the design should consider innovative solutions to limit visual impact e.g. pop-up charging points.
- Public cycle parking is to be provided adjacent to children's play spaces, cemetery expansion, sports pitches and allotments, close to bus stops and at the sports ground.



Public cycle parking

6.4.7 Emergency Access and Refuse Collection

Streets within the development will be designed to allow appropriate access for emergency and refuse vehicles.

Refer to Cherwell Residential Design Guide for the requirements for service access and refuse bin storage design.

6.4.8 Public Transport

There is no requirement for a bus route to run through the site. Instead, as noted above, the layout of the site must provide direct walking routes to the pedestrian crossing points on Bicester Road, to existing and proposed bus stops, Oxford Parkway station and Park & Ride.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy SLE 4: Improved Transport and connections

Policy ESD 1: Mitigating and Adapting to Climate Change

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

Policy ESD 17: Green infrastructure

Cherwell Local Plan 2011-2031- Partial Review (adopted 7 September 2020)

Policy PR4a: Sustainable Transport

Policy PR7a – Land South East of Kidlington

Policy PR5 – Green Infrastructure

Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 4: Establishing the Structuring Principles

Chapter 5: Streets and Spaces

Chapter 8: Innovation and Sustainability

6.5 Green Infrastructure

In line with Policy PR7a the site will retain and enhance a significant area of green infrastructure in the southern part of the site **which is retained as Green Belt. All the Green Belt land within the allocation will be used for Green Belt purposes including sports pitches.**

In addition, the development will provide a green infrastructure network with connected wildlife corridors within the developable area. Together these and other features will form a multi-functional green and blue infrastructure network across the whole development site and will provide a range of ecosystem services. Key features include:

- 11 hectares of community green infrastructure within the Green Belt including
 - 4 hectares of formal sports facilities
 - An enhanced area of woodland along the south eastern boundary of the site and new woodland planting
 - Informal public parkland
- Maintenance and enhancement of existing trees and hedgerows
- 0.7 hectares for an extension to Kidlington Cemetery
- Children's play space and pocket parks within the developable area
- 0.4 hectares of community allotments (in line with adopted standards contained in Local Plan Policy BSC11)
- Retention of existing drainage features and new sustainable drainage features
- Private gardens

Policy PR7a requires a Biodiversity Impact Assessment (BIA) be submitted as part of the planning application for the site and a supporting Biodiversity Improvement and Management Plan (BIMP) to inform detailed measures for securing biodiversity gains. The Government's forthcoming Environment Bill is likely to introduce a mandatory approach to require 10% biodiversity net gain. In recognition of that, in October 2019, the Council's Executive endorsed seeking a minimum of 10% biodiversity net gain through engagement with the planning process. PR7a Policy delivery requirements 10, 11, 12, and 24 indicate measures to be incorporated into the development scheme. These and other outline proposals for biodiversity gains established through the development brief process to date are reflected below.

Development principles:

Sports and Parkland character area

- 11 hectares of land to the south of the residential area within the Sports and Parkland character area is to become a multi-functional, publicly accessible open space comprising informal parkland, woodland and habitat areas, formal sports provision and footpaths and cycleways, which together will retain the sense of openness between Kidlington and Oxford.
- Woodland habitat planting is to be undertaken along the southern and eastern boundaries of the Sports and Parkland character, including planting of any noise attenuation features, to create a habitat corridor towards Stratfield Brake.
- 4 hectares of sports pitches are to be located in the south-western corner of the site, in close proximity to the existing Stratfield Brake Sports Ground. Section 6.3 contains further details of the requirements.
- The remaining green space is to be designed as publicly accessible, informal parkland crossed by footpaths and cycleways. The parkland will include new woodland planting and provide space for informal recreation, kick-about areas, relaxation and natural play.



- Site Boundary
- Site Boundary of adjoining sites
- New public green space/park
- Informal public parkland, habitat creation and woodland planting
- Area for expansion of cemetery
- Woodland planting and habitat creation
- Zone to contain formal sports facilities
- Sports pavilion and car park (indicative location)
- Priority Habitat Inventory
- Woodland Trust Sites
- District Wildlife Site
- Stratfield Brake Sports Ground
- Moderate quality hedgerows and trees
- Other hedgerows and trees
- - - New hedgerows
- Indicative location for noise attenuation bund (to be confirmed through detailed assessment)
- Ditch retained and buffered by public open space, and integrated into site drainage
- Indicative SuDS feature
- Standing water
- ✱ Drainage attenuation features (indicative location)
- ★ Play area (indicative location)
- ✱ Allotments (indicative location)
- ↔ Vehicular access*
- ➔ Vehicular access to allotments and sports pavilion
- - - Existing Public Rights of Way
- ➔ Strategic cycle route
- ➔ New public walking and cycle routes

Fig. 20: Green infrastructure

* subject to highway testing



Location plan



Green infrastructure precedents

Green infrastructure within the developable area

- Green infrastructure within the site is to be designed to create connected corridors 'greenways' for wildlife and walking and cycling, which retain existing linear features including hedgerows and drains and incorporate appropriate buffers within public open space.
- Existing intact species rich and other hedgerows within the site will be retained as far as possible. When the need to cross them occurs, existing gaps will be used wherever possible. A grassland habitat buffer is to be introduced on either side of the hedgerows and is to be public open space with an access route to enable access for maintenance and to clarify the public/private boundary. The width of required green buffer to hedgerows will vary in accordance with design constraints in respect of BS5837 survey and root protection areas, ecological surveys (Phase 1 and subsequent surveys), urban light distribution, and shadow / shade analysis impact on dwelling and gardens and will be determined at Reserved Matters stage, where the aforementioned survey information should be considered.
- Any proposed thinning to hedgerows should be implemented through sound arboricultural and ecological advice.
- Existing watercourses running east-west, other ditches and ponds are to be retained wherever possible and incorporated into the site wide SuDS strategy. A minimum 3m buffer within public open space is required on either side of existing drainage ditches and watercourses for maintenance access and will be subject to detailed design at Outline Planning Stage. Existing individual and groups of moderate quality trees (subject to survey) are to be retained. Appropriate buffer zones are to be provided to avoid root damage in respect of BS5837 survey and root protection areas and should be considered when planning sustainable drainage infrastructure.
- Individual native trees will be planted within habitat buffers, public open spaces, as street trees on all streets and within private gardens. The

overshadowing effect on gardens and windows from proposed trees should be minimised by planting small/medium native trees (i.e. Field Maple). **Larger trees should be planted where overshadowing will not affect properties.** Reference should be made to The Trees and Action Design Group's guidance 'Trees in the Townscape: A Guide for Decision Makers', November 2012. Design of street trees requires collaboration of engineers, arboriculturalists and landscape architects in the earliest stages of the design process to achieve the desired effect.

- Street tree species and details of root protection and canopies in relation to adopted carriageways **to be agreed by Cherwell District Council in consultation with OCC.**
- Where front gardens or privacy strips are provided these are to be planted. Tree and shrub planting should be incorporated into the design of the play area and any rear lanes and parking areas. For the health of the children tree and shrub planting associated with play areas must not be spiny or thorny and be non-toxic.
- Measures are required to minimise light spillage and noise levels on habitats and wildlife corridors.
- **The scheme is to provide exemplary biodiversity in the built environment, including street trees with large canopies, wildflower road verges, wildlife connectivity between gardens, provision of designated green walls and roofs, and bird and bat boxes integrated into buildings.** Refer to the UK Green Building Council's Biodiversity and the Built Environment report (2009) for recommendations on establishing wildlife habitat in buildings.

Cemetery and allotment provision

- An indicative 0.7 ha area for the expansion of Kidlington Cemetery is shown on Fig. 20 to the north of the existing cemetery.
- An indicative location for the provision of 0.4 ha of community allotments is shown on Fig. 20 to the north of the proposed sports pitches, to the east of Bicester Road. This creates a continuous green corridor between the main area of green infrastructure to the south and the park to the north of the allotments. Vehicle access will be from an access road serving both the allotments and the sports facilities to the south. Consideration should be given to the opportunity for shared facilities including car parking for the allotments and the sports pitches. Alternative locations for the allotments within the developable area of the site may be considered subject to justification.
- The arrangement and design of the allotments and of the cemetery extension within the identified areas are to be agreed with CDC, Kidlington Parish Council and Gosford and Water Eaton Parish Council.
- Details of the cemetery drainage strategy are to be provided as part of the planning application. The expansion of the cemetery northwards enables drainage into the recently improved drain on the northern boundary of the existing cemetery.
- The cemetery and proposed allotments are to be located close to the north-south greenway to enable walking and cycling access to these uses.



Community allotments

6.5.1 Play Spaces

Three different types of equipped play areas are to be provided within the site in safe, accessible locations. Potential locations of public play spaces are shown on Fig. 20, but alternative locations would be considered. Proposals for play space outside the residential developable area would be subject to agreement with CDC Policy Team.

The following play spaces are to be provided within the PR7a site and are subject to the following principles.

Development principles:

- **One Local Area for Play (LAP)** for 2 to 6-year old children, which could potentially be located in the north eastern corner of the developable area, subject to flood risk:
 - Minimum 100 sq. m (10m x 10m) equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 6.
 - The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.
 - A minimum of 3 individual items of play equipment of an urban (steel frame) character suitable for a range of play experiences and/or single multi-functional play units.
 - The equipped activity zone should be located a minimum of 5m from the nearest dwelling boundary. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
- **One combined LAP and Local Equipped Area for Play (LEAP)** to be provided for 2 to 8-year old children, situated towards the centre of the site:
 - Minimum 500 sq. m for a combined LAP/LEAP equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 8. The size of the equipped activity zone should be a minimum of 10m x 10m in respect of the LAP element and 20m x 20m in respect of the LEAP element.
 - The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.
 - A minimum of 8 individual items of play equipment for a range of different play experiences and/or a number of multi-functional play units, depending on the design layout of the play space.
 - The equipped activity zone within the landscaped area should be located a minimum of 10 m from the nearest dwelling boundary and 20m from the nearest habitable room façade. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
- **Combined LEAP, Neighbourhood Equipped Area for Play (NEAP) and Multi-use Games Area (MUGA)** for 4 to 16-year-old children indicated in the new park fronting Bicester Road, subject to noise and air pollution survey and avoiding protected hedgerows and ponds:
 - Minimum 2400 sq. m combined LEAP/NEAP + MUGA/teenage facilities equipped activity zone comprising an area of play equipment and structures, and a hard-surfaced area of at least 465 sq. m, set within a landscaped area designed to provide a safe area for alternative play for children aged 4 to 16. The size of the equipped activity zone should be a minimum of 20m x 20m in respect of the LEAP element, 31.6m x 31.6m in respect of the NEAP element and 40m x 25m in respect of the MUGA element.
 - The size of the landscaped area (incorporating the equipped activity

zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.

- A minimum of 13 individual items of play equipment for a range of different play experiences and/or single multi-functional play units. The design should incorporate both urban (steel) and natural (timber) elements.
- The equipped activity zone within the landscaped area should be located a minimum of 10 m from the nearest dwelling boundary and 20m from the nearest habitable room façade in respect of the LEAP element and a minimum of 30m from the nearest dwelling boundary in respect of the NEAP and MUGA elements. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
- Play areas are to be well overlooked and located close to pedestrian and cycling routes so that all new homes are within a 400m walking distance of a play area.
- In respect of Health and Safety public play space and play equipment are to be designed to the most current safest standards possible, to minimise the risks for children. Refer to Play Safety Forum: Managing Risk in Play and RoSPA.
- The location and design of play areas is to consider the risks to children's safety in relation to any areas of water including features forming part of the SuDS system and the existing pond (see 6.5.3).
- All play surfaces and gate openings are to be accessible for disabled children, parents and carers with limited mobility. Each public play space should accommodate play equipment specifically designed for disabled children.
- Play areas are to be constructed from robust and durable materials to last into the future. Full construction details are required for planning approval under reserved matters. Valid suppliers' guarantees for play equipment, furniture and safer surfaces should be provided.
- There is to be no underground or above ground utilities for play areas given the potential disruption to children's physical and social development when a play area has to be closed for essential maintenance and refurbishment of such utilities.
- The public play space locations are not to be used for constructor's compounds, contractor parking, or storage of building materials. This is to prevent the contamination and compaction of topsoil and subsoil, resulting in a health risk for children.



6.5.2 Sports

In line with Policy PR7a and local needs assessment, 4 hectares of sports pitches are to be provided in the south-western corner of the site within the Green Belt. In addition to this area, sufficient land for a clubhouse pavilion and car park is to be provided.

Development principles

- Outdoor sports facilities are to be located within the broad area indicated on Fig. 20. The area shown is bigger than 4.0 hectares and is to accommodate sports pitches, car park and clubhouse pavilion, and allows flexibility in the detailed design for the most effective layout. Remaining land not required for sports pitches and associated facilities should be incorporated into the wider parkland.
- The pitches will be designed as a football facility with a variety of sized pitches within the 4 hectares, including at least one artificial pitch with floodlights (subject to impact assessment). Football pitches should be generally north-south aligned, in line with Football Association guidance.
- The clubhouse gross internal floor area (GIFA) is expected to be approximately 250 sqm to accommodate 4 team changing rooms with a separate officials' changing, kitchen and club room. **The clubhouse may also be put to community use and include a joint community meeting room subject to the sports provision need being met.**
- The clubhouse is to be located perpendicular to the direction of play on long side of the main pitch. The optimum location is to the North West of the pitch looking South East to make best use of daylight afternoon sunshine and views of the game. The clubhouse could be raised above field of play to improve views of the match.
- Car parking to be located close to the clubhouse, away from the pitch to avoid ball strike damage to vehicles. **The potential for car parking to serve both the sports facilities and the allotments should be considered.**



6.5.3 Blue Infrastructure

Sustainable Drainage Systems (SuDS) within the development site is to be designed in line with the principles provided in CIRIA SuDS Manual (C753), the Cherwell Residential Design Guide section 4.7 and the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (2018).

Development principles:

- It is expected that the site will drain towards the east side of the site, reflecting the topography of the site, with drainage attenuation features broadly in the locations indicated on Fig. 20 and to be agreed in detail with Oxfordshire County Council as Lead Local Flood Authority and with Cherwell District Council's Drainage Team.
- Existing watercourses and ditches are to be retained and incorporated into overall drainage strategy. A minimum of 3m landscape buffer is to be provided on either side of the existing watercourses and ditches. The buffer should be publicly accessible open space to ensure continued maintenance and access.
- An appropriate green infrastructure buffer zone is to be provided around the existing pond to protect its habitats. This should be designed to provide protection to limit opportunities for anti-social behaviour, for example through fencing combined with bramble or thicket planting.
- Existing and retained drainage features are to be designed as an integral element of public open spaces and streets, creating environments for informal recreation and habitat creation.
- Open drainage systems including ponds and swales should be used wherever possible, rather than crates.
- Groundworks associated with drainage must avoid damage to existing trees and hedgerows and their root protection zones.



Landscaped attenuation basin

6.5.4 Definition and Treatment of Green Belt Boundary

The site will be developed in a way that respects its edge of Green Belt location and does not harm the Green Belt's visual amenities.

The new Green Belt boundary will be clearly defined within the site by protection of the existing hedgerow and the replanting of a historic hedge line in the western part of the site along the northern edge of the sports and parkland character area.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision

Policy BSC 11: Local Standards of Provision- Outdoor Recreation

Policy ESD 3: Sustainable Construction

Policy ESD 5: Renewable Energy

Policy ESD 6: Sustainable Flood Risk Management

Policy ESD 7: Sustainable Drainage Systems (SuDS)

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

Policy ESD 11: Conservation Target Areas

Policy ESD 13: Local Landscape Protection and Enhancement

Policy ESD 14: Oxford Green Belt

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

Policy ESD 17: Green Infrastructure

Cherwell Local Plan 2011-2031 – Partial Review (adopted 7 September 2020)

Policy PR3: The Oxford Green Belt

Policy PR5: Green Infrastructure

Policy PR7a: Land South East of Kidlington

Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 4: Establishing the Structuring Principles

Chapter 5: Streets and Spaces

Chapter 8: Innovation and Sustainability

Reference should also be made to:

Biodiversity and the built environment, UK Green Building Council, 2009

6.6 Community infrastructure

In line with Policy PR7a the development site is to provide a cemetery extension on 0.7 hectares of land and community facilities for sports pitches.

A sports clubhouse is to be provided serving the sports pitches and is to include a joint community meeting room subject to the sports provision need being met.

Refer to section 6.3 regarding the cemetery extension and section 6.5.2 regarding sports facilities.

6.7 Heritage and Archaeology

As noted in section 4.1 the site sits within an area of known archaeological potential and Roman finds have been recorded on site. There is moderate potential for agricultural archaeology.

Planning applications for development on the site will need to include an archaeological desk-based assessment and appropriate mitigation strategy.

A programme of archaeological evaluation ahead of the determination of a planning application will be required.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

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

Policy ESD 17: Green Infrastructure

Cherwell Local Plan 2011-2031 – Partial Review (adopted 7 September 2020)

Policy PR7a: Land South East of Kidlington

Policy PR5: Green Infrastructure

Reference should also be made to:

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), Historic England 2017

6.8 Utilities and Infrastructure

In addition to the movement and blue/green infrastructure requirements set out in earlier sections, design principles for utilities and infrastructure are as follows:

Development principles:

- A coordinated approach to utilities planning should ensure that utilities are provided from the outset and integrated into utilities corridors. The street layout is to be organised to minimise utilities diversions wherever possible.
- The existing power lines are to be appropriately reflected in the site layout or rerouted/undergrounded in agreement with utilities providers.
- Noise pollution arising from the Bicester Road should be mitigated by following the principles of good acoustic design. For example, it is assumed that houses at the western boundary of the site should face onto the source of the noise to shield gardens and provide mitigation to rest of the development site (see Fig. 15).
- Necessary acoustic mitigation measures, potentially including an acoustic bund along the eastern boundary are to be provided (subject to assessment and survey) to provide mitigation from noise pollution arising from the A34 for properties and public amenity spaces.
- General requirements for infrastructure provision are set out in the LPPR Infrastructure Schedule (Appendix 4).

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy BSC 9: Public Services and Utilities
Policy INF 1: Infrastructure

Cherwell Local Plan 2011-2031 – Partial Review (adopted 7 September 2020)

Policy PR7a: Land South East of Kidlington
Policy PR11: Infrastructure Delivery
Policy PR5: Green Infrastructure

Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 5: Streets and Spaces

7.0 Delivery and Monitoring

7.1 Information to Accompany Planning Applications

In accordance with Policy PR7a a single comprehensive, outline scheme shall be submitted for the entire site.

The check list below provides an indication of documents required at application stage. It is recommended that pre-application discussions are undertaken with Cherwell District Council prior to the submission of planning applications to agree the scope of the documentation to be provided.

- Delivery and Phasing Plan
- Planning Statement
- Housing Mix and Affordable Housing Provision
- Design and Access Statement
- Topographical Surveys
- Masterplan and Parameter Plans
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Transport Assessment and Framework Travel Plan
- Parking Principles (where not covered in the Brief)
- Public right of way statement
- Flood Risk Assessment and Drainage Assessment (foul and surface water drainage) including Water Infrastructure Capacity
- Air Quality Assessment
- Contamination Assessment
- Noise and Vibration Assessment
- Archaeological Surveys
- Ecological surveys including a Habitat Suitability Index survey for great crested newts
- Biodiversity Impact Assessment

- Biodiversity Improvement and Management Plan
- Landscape and Ecological Management Plan
- Energy Strategy/ Sustainability Principles
- Employment, Skills and Training Plan
- Health Impact Assessment
- Community Involvement Statement
- Management Plan for the appropriate re-use and improvement of soils
- Services and Utilities
- Management and Maintenance Strategy for all Public Open Space
- S106 Draft Heads of Terms

In relation to Environmental Impact Assessment (EIA), the Secretary of State has issued a screening opinion in relation to this site (Ref: PCU/EIASCR/C3105/3282999) on the 11th October 2021 confirming that the proposal is not EIA development.

Any detailed planning applications or reserved matter applications should also include:

- Materials Schedule
- Boundary Treatment Plan
- Soft and Hard Landscape Plan
- Parking Plan
- Services and Utilities Plan
- Waste and Recycling Plan including bin storage and bin collection points

The use of conditions to secure this additional detail will not generally be supported by the local planning authority.

7.2 Securing comprehensive development

It is essential that the site is developed in a comprehensive manner to deliver the site-specific requirements in Policy PR7a and support the wider aims of the LPPR spatial strategy.

Where land, services or infrastructure within the site is designed to serve wider Cherwell Local Plan Partial Review developments, planning applications will demonstrate how this can be co-ordinated and delivered effectively through site masterplanning and S106 agreements.

Any infrastructure links or open space networks that are common to more than one Cherwell Local Plan Partial Review development site will be either constructed to the site boundary or in such a way as to facilitate connection, where required, between development sites with access to residents/public provided so as to avoid a 'ransom' position being established which prejudices the effective delivery of this common infrastructure and/or its long-term community benefit.

The development brief's site-specific vision, development principles and 'parameter plans' have been prepared to ensure a comprehensive development in compliance with Plan policies.

The Delivery and Phasing Plan accompanying the planning application is expected to demonstrate how the implementation and phasing of the development shall be secured comprehensively and how individual development parcels, including the provision of supporting infrastructure, will be delivered.

Obligations are to be secured via a planning agreement, entered into under section 106 of the Town and Country Planning Act 1990. Consistent with national planning policy and practice guidance and the Cherwell Developer Contributions SPD (February 2018), the allocation of S106 costs required to serve the development is to be agreed with the applicant to secure appropriate financial contributions and/or in-kind works under a direct delivery obligation. Subject to statutory tests, these shall provide for "on site" and/or "offsite" facilities and infrastructure as required.

In preparing a draft Head of Terms, it is recommended that proposals applicants should have regard to matters including the LPPR Infrastructure schedule. Where facilities and infrastructure are required to be provided on land outside the site, these are to be secured by way of proportionate planning obligations and/or through the pooling of contributions as appropriate, in accordance with the Community Infrastructure Levy Regulations 2010, as amended.

It is recommended that pre-application discussions are undertaken with Cherwell District Council ahead of submitting the draft Head of Terms for developer contributions. In preparing a draft Head of Terms, it is recommended that proposals have regard to matters including the LPPR Infrastructure schedule and should consider in discussions with infrastructure providers whether infrastructure issues will require the phasing of development to ensure that necessary services, facilities or apparatus are provided in advance if needed.

Further guidance is contained in the Cherwell Developer Contributions SPD (February 2018).

7.3 Monitoring

Monitoring will be undertaken in accordance with Policy PR13 -Monitoring and Securing Delivery. The delivery of LPPR proposals will be monitored through the Council's Annual Monitoring Report process.

Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy INF 1: Infrastructure

Cherwell Local Plan 2011-2031 – Partial Review (adopted 7 September 2020)

Policy PR7a – Land South East of Kidlington

Policy PR11 – Infrastructure Delivery

PR12a - Delivering Sites and Maintaining Housing Supply

Policy PR13 – Monitoring and Securing Delivery

Appendix 3 – Housing Trajectory

Appendix 4 – Infrastructure Schedule

Cherwell Developer Contributions SPD (adopted February 2018)

Appendix A: Relevant Development Plan Policies & Supplementary Planning Documents

Cherwell Local Plan 2011-2031 (Part 1) Partial Review, the “LPPR”:

- PR1 – Achieving Sustainable Development for Oxford’s Needs
- PR2 – Housing Mix, Tenure and Size
- PR3 – The Oxford Green Belt
- PR4a – Sustainable Transport
- PR4b – Kidlington Centre
- PR5 – Green Infrastructure
- Policy PR7a – Land South East of Kidlington
- PR11 – Infrastructure Delivery
- PR12a – Delivering Sites and Maintaining Housing Supply
- PR12b – Sites Not Allocated in the Partial Review
- PR13 – Monitoring and Securing Delivery

Cherwell Local Plan 2011-2031 “The 2015 Plan”:

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 - Improved Transport and Connections
- BSC2 – The Effective and Efficient Use of Land, Brownfield Land and Housing Density
- BSC 3 – Affordable Housing
- BSC4 – Housing Mix Policy
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD9 – Protection of Oxford Meadows SAC
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 – Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- INF1 – Infrastructure

Adopted Cherwell Local Plan 1996

- GB2 - Change of use of land within the Green Belt
- TR1 - Transportation Funding
- TR11 – Oxford Canal
- TR22 - Roads
- C5 – Ecological Value of Features
- C14 – Trees and Landscaping
- C18 – Development proposals affecting a listed building
- C21 – Re-Use of Listed Buildings
- C23 – Conservation Areas
- C25 – Scheduled Ancient Monument
- C28 – Design Quality
- C29 – Design and The Oxford Canal
- C30 – Design Control
- C31 - Amenity
- C32 – Disabled Access
- ENV1 – Environmental Pollution
- ENV10 – Hazardous Installations
- ENV12 – Contaminated Land

Adopted SPD

- Cherwell Residential Design Guide (July 2018)
- Developer Contributions (February 2018)
- Kidlington Masterplan (December 2016)

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Page 22 Alan Baxter

Prepared by Clare Coats and Gina Simonavice

Reviewed by Clare Coats

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75 Cowcross Street
London EC1M 6EL

tel 020 7250 1555

email aba@alanbaxter.co.uk

web alanbaxter.co.uk

Appendix 2

Commenter	Comment	CDC officer response	Edit needed to Development Brief	Response
London Oxford Airport	Along with PR6a and PR6b, the site is located under the flight path to/from LOA and therefore subject to noise associated with arriving/departing aircraft. The development of these sites will introduce new receptors into a potentially noisy environment. In accordance with 'agent of change' principles, the existing airport use must not be prejudiced by this. As a matter of principle OASL would prefer that these sites were not developed for noise sensitive uses like residential.	We note the point made, particularly in relation to the agent of change principle. The sites have been allocated in the Local Plan for residential development.	None	n/a
London Oxford Airport	The onus must be on the developer(s) of these sites to ensure that suitable noise conditions are created for future occupiers that accounts for the existing noise constraints associated with aircraft movements. Future planning applications should be informed by thorough noise survey and assessment work with appropriate mitigation embedded into the scheme(s) from the outset in terms of design and building specification. This should account for the full extent of aircraft movements allowed by the s106 agreement (not just the current level of activity).	We note the point made - this will be relevant for planning applications for the site.	None	n/a
London Oxford Airport	We recommend that the planning permission(s) for the development of these sites are subject to s.106 obligations requiring the developer(s) to formally notify future purchasers in writing of the existence of flight paths that cross the sites. This is necessary (in line with agent of change principles) in order to avoid the risk of the airport use being prejudiced in the future. We recommend that the draft briefs are updated to account for this and recommend early applicant consultation with OASL as part of pre-application discussions.	There is a need for consistency across the development briefs; those for PR7b and PR9 didn't include this. Nevertheless, we note the point made - this will be relevant for planning applications for the site.	None	n/a
SSE	Refers us back to submissions they made in 2019 during the local plan policy formation	SSE's comments have been weighed in the formulation of the LPPR.	None	n/a
BBOWT	The scale of development (across all six sites) will inevitably have a major impact in terms of vehicles and vehicle movements. If the Council is minded to proceed with the allocation of these sites for development then there are several aspects which will need to be required of developers to minimise the impact on wildlife	The principle of development has been established through the adoption of LPPR.	None	n/a
BBOWT	The large scale of development should be matched by large-scale habitat restoration and enhancement (paras 175 and 179 of the NPPF).	Part 10-12 of Policy PR7a sets out the detailed biodiversity requirements for the site	None	n/a
BBOWT	Welcomes the requirement for a Biodiversity Impact Assessment to be submitted as part of the planning application and a supporting Biodiversity Improvement and Management Plan	Noted	None	n/a

BBOWT	Concerned that despite mitigation measures there may still be significant light pollution arising from the developments, both static lighting as well as lights from vehicles. There is an opportunity to consider lighting strategically to make this area an exemplar in terms of minimising light pollution in terms of the type of lighting used, how much is used and where it is used, as well as design of routes to avoid light pollution into wildlife-rich areas of the sites. A key principle will be to keep dark corridors where bats are using lines of trees and hedgerows as flight paths. Lighting will have to be managed carefully to ensure it is of low spill variety.	These comments are noted and it will be an important consideration for planning application proposals	None	n/a
BBOWT	In order to provide the requisite wildlife benefits, to achieve the biodiversity net gain, there should not be public access across the entire area of green infrastructure. Zoning, and a 'hierarchy' of access levels of the combination of all green areas should be carefully planned, including consideration of main paths/cycle routes/desire lines. There should be informal recreation along a network of paths and openly accessible spaces included within a mosaic of areas that are closed off by appropriate use of hedgerows, screens, fences and ditches. Broad zones might help keep some larger restricted access nature conservation blocks 'quiet' rather than fragmenting areas too much - would be simpler for residents and visitors to understand and will allow wildlife to thrive and be observed from paths, in areas defined as 'nature reserves' with interpretation to the public to explain their value	We note the points made. The Partial Review identifies other sites where nature conservation is the priority but for PR7a the allocation is for formal sports and green infrastructure. It may be that the BIA and BIMP may lead to areas needing to be protected to meet the requirements of Policy PR7a but this information has not been available to inform preparation of the brief, and would need to be determined at the planning application stage.	None	n/a
BBOWT	It is important that details are provided for how green infrastructure will be managed in the long term (i.e. forever). Once developed it can be reasonably assumed that the developed land will have buildings on forever. Therefore the GI should be retained forever and with an endowment fund to pay for its management forever.	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
BBOWT	The GI including wildlife habitats should be managed forever and proposals should recognise this. Long term management plans and effective, sensitive management will be needed for the site. Ideally, there would be a funded officer role to coordinate and oversee this, which could be alongside or sharing a role as a community engagement officer; this role could be delivered by an officer in an external organisation with appropriate experience.	Noted	None	n/a
BBOWT	The wording "The scheme is to include provision of in-built bird and bat boxes, wildlife connectivity between gardens and the provision of designated green walls and roofs where appropriate/viable" should be amended to: "A scheme for the provision of exemplary biodiversity in the built environment, including street trees with large canopies, wildflower road verges, wildlife connectivity between gardens, provision of designated green walls and roofs, and bird and bat boxes integrated into buildings." The order is important and the current order suggests that bird and bat boxes are more important than wildlife connectivity. The reality is that the provision of natural wildlife habitat, including within the built environment, is much more valuable for wildlife than bird and bat boxes.	The point is very much noted, including the order of the sentence	The development brief will be amended accordingly	Page 50 amended.

BBOWT	The development should be exemplary in terms of integrating biodiversity features. The Development Brief should require the development to maximise the provision of green rooves and install solar panels on rooves which are not green rooves. Wildlife connectivity between gardens can be achieved by allowing gaps in fencing and walls for hedgehogs and other small animals to roam. This can be used to raise community awareness of wildlife.	These points are very much noted. With regard to green rooves, they are mentioned at Section 6.0 ("The scheme is to include provision of in-built bird and bat boxes, wildlife connectivity between gardens and the provision of designated green walls and roofs where viable") and further text is not considered necessary	None	n/a
BBOWT	Expects that wildlife-rich areas will be protected during construction and afterwards/during occupation. This will require long-term monitoring and sensitive management to a plan with developer-funded oversight. We welcome the requirement to retain mature trees and manage these sensitively.	We note the point made - this will be relevant for planning applications for the site.	None	n/a
BBOWT	Any future planning application would need to be judged robustly against the biodiversity and green space elements of the Cherwell Local Plan and the NPPF. The impact on protected species, designated sites and any Species and Habitats of Principal Importance for Conservation in England (as listed under Section 41 of NERC Act (2006)) that may be affected will need to be assessed in relation to any planning applications on these sites. A full suite of habitat and species surveys should be carried out. The species surveys should address priority and notable species in addition to protected species. Surveys should include breeding bird surveys and, on the arable land, surveys for arable plants.	We note the point made - this will be relevant for planning applications for the site.	None	n/a
BBOWT	Off-site compensation should be provided for farmland birds where these are impacted (and on-site compensation where this is possible – substantial nature reserves areas with zoning to control public access would be needed in this case since many of these species are not suited to built-up areas or disturbance by people, dogs and cats) to ensure that populations are maintained in line with the above quoted legislation. Such compensation is commonly required within Cherwell District, as evidenced for example by the NW Bicester Eco-Town development.	We note the point made - this will be relevant for planning applications for the site.	None	n/a
BBOWT	We are very concerned that there is no natural green space proposed for this development, as all of it will be formal sports facilities and informal parkland. Even if our suggested 50ha nature reserve at site 6a were to be implemented this would not be easily accessible for residents of site 7a. Therefore, an area of c. 16ha of green space should be provided at site 7a, some of which should be natural green space managed for wildlife.	The site is 32ha; the Local Plan policy for the site states that residential development will comprise 21ha and the remaining 11ha will be for provision of "formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt". In this context it will not be possible to provide an area of 16ha of green space within the site.	None	n/a

BBOWT	In order to provide the substantial benefits for wildlife that will be needed to achieve a net gain in biodiversity that is focused primarily on site then there should not be public access across the entire area of the green infrastructure but instead there should be informal recreation along a network of paths and openly accessible spaces included within a mosaic of areas that are closed off by appropriate use of hedgerows, screens, fencing and ditches.	This is noted above	None	n/a
Gosford & Water Eaton PC	Place the taller buildings to the north of the lower (south facing) buildings to increase the light and warmth from sunlight to all properties. This applies to the proposed properties on the north side of PR7a the side as well as to those on the south side, near the Kidlington roundabout.	Having regard to the layout shown at Figure 15 this should be achievable in certain places across the site, but it would not seem appropriate to make this a stipulation given the potential impact on dwelling numbers and other development principles	None	n/a
Gosford & Water Eaton PC	Use the south facing rooves, over the living areas of the properties for electricity generating panels to assist with lowering the heating costs for these properties.	We note the point made - this will be relevant for planning applications for the site.	None	n/a
Gosford & Water Eaton PC	Suggest an entrance into the cemetery from inside the housing estate to facilitate safer passage for cyclists and walkers.	This seems sensible and could/should be added to the Development Brief	The development brief will be amended accordingly	Fig 17 and other diagrams amended to show connection into cycleway on eastern side. Text at 6.4.3 amended to reference proposed connection.
Gosford & Water Eaton PC	Where that play area is, on the Water Eaton lane side, its very wet and boggy, not sure this area will be able to house a play area.	Noted	Move the northern red asterisk more northward/north-westward towards the new walking/cycling route	Figure 13 and others amended to show play area to the north of the area at risk of flooding.
Gosford & Water Eaton PC	Do not plant the proposed larger trees and hedges at the south of the housing, these will only block sunlight and warmth. These can be planted on the sides of the busy roads to help reduce the noise and pollution.	This seems sensible and could/should be added to the Development Brief		5th bullet point on page 50 amended to include reference to planting larger trees where overshadowing will not impact on properties. The text already notes that smaller trees should be planted where overshadowing needs to be minimised. Also, due to the relocation of the proposed allotments, the proposed new hedgerow is no longer to the south of properties.

Gosford & Water Eaton PC	The formal sports facilities MUST NOT take over the whole of the area set aside for public parkland. This leisure area must remain for use for all residents, not only for sports lovers.	The 11ha for non-resi is to be provided for formal sports facilities and green infrastructure, i.e. within the 11ha area both elements will need to be provided. At page 47, it is stated that 4ha of the 11ha will be formal sports facilities, with the other 7ha comprising an enhanced area of woodland, new woodland planting and informal public parkland	None	n/a
Gosford & Water Eaton PC	The development brief envisages some housing of 2-3 storeys and some of 2-2.5 storeys. Housing backing onto Water Eaton Lane and Beagles Close properties should be limited to no more than 2 storeys or at the very most 2 2 ½ storeys. The character of the housing on Water Eaton Lane and Beagles Close is 2 storey. There are no 3 storey houses. There are a few properties with rooflights set into their roofs but these properties are only 2 storey in overall height because any extra living space is in the roof space.	The development backing onto Beagles Close would not exceed 2-2.5 storeys. At the moment there is a 2-3 storey block in the centre of the site which backs onto Water Eaton Lane. There is generally more than sufficient separation distance to properties on Water Eaton Lane to make 3 storey development acceptable in some instances. Where the development block is deeper, and the Water Eaton Lane residential properties shallower, there would be more justification for the heights to be restricted to 2-2.5 storeys	The development brief will be amended accordingly	Figure 15 amended to show 2-2.5 storeys immediately adjacent to Water Eaton Lane. Text at 6.3.2 4th bullet amended to reference 2-2.5 storeys adjacent to Water Eaton Lane where existing plots are shallower.
Gosford & Water Eaton PC	On page 19 of the development brief under '4.2.2 Heritage and Townscape Character', it states that 'development should be sensitive to the historic development pattern of Water Eaton Lane' and that design should 'consider appropriate building heights and character relating to the existing residential character of the surrounding area.' Therefore, housing backing onto or overlooking properties on Water Eaton Lane and Beagles Close should be limited to no more than 2 storeys (even if it has rooflights) or, at the absolute maximum, 2.5 storeys. Also, developers must be held rigorously to any limits set. No semantic wriggling to squeeze in an extra half storey should be allowed. Please press for these limits on height for buildings in the new development. A 3 storey building overlooking our houses and gardens would lead to considerable loss of privacy and amenity.	As per above. An appropriate solution for this development block may be to permit 3 storeys fronting the spine road through the site and limit the height to 2-2.5 storeys on rear elevations / elevations facing Water Eaton Lane	The development brief will be amended accordingly	Amended, as above
Gosford & Water Eaton PC	The new housing on PR7a should be set as far back away from the boundaries of existing housing on Water Eaton Lane and Beagles Close as possible and certainly to be of greater distance than the minimum required. Some of the new housing is shown as right up against the boundaries of the last five properties at the southern end of Water Eaton Lane and some of the properties on Beagles Close. The housing backing onto the properties at the end of Water Eaton Lane is envisaged to be 2-3 storeys, that by Beagles Close 2-2.5. The existing houses and gardens at the southern end of Water Eaton Lane and some of the properties on Beagles Close are going to be uncomfortably overlooked, losing privacy, quiet, light, pleasing views and amenity.	Separation distances are required to be at least 22 metres. It would be appropriate to seek greater distances given the extent of the change that neighbours would experience, and where there is a difference in height between proposed buildings and the neighbours (e.g. 4 additional metres per storey difference), but in some instances it may not be possible to insist on greater distances.	None	n/a

Gosford & Water Eaton PC	The planners should bear in mind that release of the green belt has given the developers of the PR7a site and other similar sites a substantial windfall and that such developers should therefore be required to mitigate the ill effects that will be imposed on the owners of existing properties.	Noted	None	n/a
Gosford & Water Eaton PC	It must be noted that this development is in Gosford and Water Eaton Parish not Kidlington Parish.	Noted	None	n/a
Gosford & Water Eaton PC	The land designated as green infrastructure must be maintained as a public open space separate from the formal sports provision to maintain the green gap between Oxford and Gosford/Kidlington.	Noted	None	n/a
Gosford & Water Eaton PC	Retention of all existing hedgerows and trees is vital to retain existing green infrastructure	Noted	None	n/a
Gosford & Water Eaton PC	Careful consideration must be given to the development phase and its affect on adjacent houses	We note the point made - this will be relevant for planning applications for the site.	None	n/a
Gosford & Water Eaton PC	Play area specification must include provision for maintenance. The design of the sports provision must be agreed with the parish council.	We note the point made - this will be relevant for planning applications for the site.	None	n/a
Summertown and St Margaret's Neighbourhood Forum (SSMNF)	Wishes to register a request to be consulted on the progress of the development briefs and any development proposals at every stage	Noted	None	n/a
SSMNF	Together with PR6a and PR6b the site comprises a gateway into Oxford and is of great importance that their development reflects this importance and takes the opportunity to provide a genuinely 21st century development in terms of high quality design and low carbon development	Noted	None	n/a
SSMNF	It is thus disappointing that these briefs do not suggest this level of imaginative planning and do not reflect contemporary public concerns about quality of development and design, climate change and sustainability/ regeneration including a commitment to passive house standards, and best practice in traffic calmed safe neighbourhoods. Rather, they reflect a piecemeal approach, and lack of holistic vision.	The objectives of the Development Brief include to provide comprehensive development of the site, to require high quality design, and to require traffic calmed safe neighbourhoods. Each Development Brief sets out a vision for the respective site.	None	n/a

SSMNF	Nor do the briefs suggest the ambition made possible by the very large increase in land value that will arise from the development of these three greenfield sites. This uplift to landowners and developers gives Cherwell District Council significant leverage to secure an exceptional development, but this ambition does not appear to be recognized in the three development briefs. Nor is there any recognition of the need to have an overage scheme in place to allow for increases in planning gains as land values and houses prices rise over the long timescales of these developments.	It is important that there is consistency across the six development briefs, and the briefs for PR7b and PR9 don't include text in this regard. In addition, Appendix 4 of the LPPR sets out the infrastructure requirements for all of the sites	None	n/a
SSMNF	Furthermore, the proximity of the sites to each other strongly suggests to the Forum that there should be an overarching planning framework to ensure the sites are developed in coordination with clear timescales, phasing, and infrastructure provision (for example traffic, public transport, cycling and pedestrian planning) to secure an integrated approach	Appendix 4 of the LPPR sets out the infrastructure requirements for all of the sites	None	n/a
SSMNF	The development of these sites and others in the Kidlington area will significantly reduce the size and quality of the Green Belt and therefore it is of great importance that new development provides adequate compensation in terms of development quality and environmental protection in and around these sites to reflect the scale of this loss. Moreover, there is a need to make a significant, specific and tangible commitment to increase biodiversity.	Noted	None	n/a
SSMNF	Development of the PR sites will have significant implications for our area: <ul style="list-style-type: none"> •The loss of high quality Green Belt •The implications of increased demand for public services (such as GPs, pharmacies, schools, libraries, social care, policing) in Summertown and North Oxford – who is to provide/fund these additional services? •The implications for water and sewage provision given the appalling overflows currently taking place •The lack of clarity about exactly who the new housing will be for? For example what does 'affordable' housing mean? How much housing will there be for the elderly and disabled and for those with special housing needs? Is the housing goes to be at passive house standards or above? •How will the increase in traffic through our neighbourhood? What safety by design measures are to be taken for pedestrians and cyclists? •The precise impact of development on landscape, trees, biodiversity, and public access particularly to the east of PR6A is unclear. Any changes to landscape and trees should be strictly phased and evolutionary, mitigating any damage to the environment 	Loss of Green Belt - The principle of development has been established through the adoption. Appendix 4 of the LPPR sets out the infrastructure requirements across the PR sites; these would be funded by the site developers. Housing - 50% must be Affordable Housing; green belt land has been released for housing on the basis of meeting Oxford's unmet need; Policy BSC4 of the Local Plan requires an appropriate housing mix and provision on sites of this size for extra care, and encourages the provision of specialist housing for older and/or disabled people and those with mental health needs. Impacts re traffic, trees, biodiversity, etc. - this will be a matter for the planning application assessment	None	n/a

SSMNF	We note there is much in the development briefs about sustainability but little about the mechanism that will ensure high design standards of sustainability, and high levels of service provision that these Gateway sites deserve. Leaving it to section 106 agreements alone is highly risky. The danger is that the failures of the Oxford North scheme, which the Forum objected to due to loss of affordable housing provision, will be repeated again with the community losing out due to the use of 'viability' arguments when planning applications are submitted – unless the terms of the planning briefs are as precise and exacting as they need to be.	Section 106 agreements will take precedence over and have more weight than the development brief. Development of the site will be required to conform to the LPPR requirements. The development briefs are intended to guide landowners/developers as to how the site(s) should be developed.	None	n/a
SSMNF	We believe there is an opportunity to create an innovative delivery mechanism - a public/ private partnership to deliver these schemes and capture land value, comprising opportunities for community land trusts and community participation in protecting and managing the environment.	Noted	None	n/a
SSMNF	There is opportunity for CDC to promote a community self-build scheme for the PR sites as they have so successfully at Graven Hill in Bicester	There is no planning policy requirement for the provision of self-build as part of the development	None	n/a
Mark Fransham	Emphasises the importance of seizing the opportunity to dramatically improve cycling and walking provision for the Kidlington-Summertown-Oxford route. References the 8th Feb 2022 fatality. Would like to see the development briefs adopt a 'Vision Zero' approach to reduce pedestrian and cycling deaths to zero. Central to this is the provision of segregated routes, separating pedestrians from cyclists from motor vehicles, reduction in speeds and safe road design, and must be design for the convenience of pedestrians and cyclists, deprioritising the convenience and speed of motor vehicles	The objectives of segregating traffic are captured in the development brief. It will be a matter for the planning application assessment to ensure these objectives have been met with the proposed development	None	n/a
Mark Fransham	Fast, priority, segregated and direct routes for cyclists and pedestrians on the Kidlington-Summertown-Oxford route are essential	Noted	None	n/a
Mark Fransham	Would like to see the development briefs incorporate a complete redesign of the Kidlington roundabout. The current sketches for a redesigned roundabout are car-centred and unfit for purpose, designed like a motorway junction and regular site of accidents. 11th Feb 2022 a car came off Kidlington roundabout and hit a tree; on 8th March 2022 a HGV hit a car.	Very much noted, but this is beyond the remit of the development brief as it falls outside the site. The development brief is not able to require more than the Local Plan policy	None	n/a

Mark Fransham	The development briefs should include unambiguous instructions that cycle paths have to be LTN1/20 compliant and that shared paths on this site are unacceptable; the north-south cycle and walking route cannot be a shared path; any new cycle/walking crossings cannot be shared. The existing Bicester Rd shared path must be converted into a LTN1/20 compliant cycleway with a separate footway; developing PR7a has to be conditional on safe, segregated, direct and priority access to Kidlington and Summertown for cyclists and pedestrians.	This is captured in the Development Brief, e.g. Page 32 / Figure 16.	None	n/a
David Peddy	This is an unwarranted intrusion into green belt land with damage to flora & fauna; valuable recreational facilities and creating congestion for which no provision is being made Housing will create unacceptable pressure on road, medical, hospital and school facilities	This relates to the principle of development, which has been set through the adoption of the LPPR	None	n/a
Patricia Newman	Two extra vehicular access points are proposed in the draft plan. There are already two access roads that open onto the Bicester road (Water Eaton Lane junction and the Cemetery entrance and exit). Adding two more vehicular access points along the Bicester Road will result in additional congestion along the Road. One extra access point rather than two would prevent extra congestion along the Road. Extra congestion will also be compounded by the extra bus stops to the North of Bicester road.	The last sentence relates to the principle of development. The overall amount of traffic generated by this development would be the same irrespective of whether there are one or two accesses. It is a better urban design and highway solution to have two accesses, and this is a requirement of the policy for the site	None	n/a
Patricia Newman	The extra traffic from the additional housing will increase the NO2 emissions along the Bicester road. The NO2 levels were previously above national standards and the NO2 emissions are not now currently monitored at the Watereaton junction, despite many large lorries and vehicles using the road as a "rat run" to avoid Peartree Roundabout. What measures will be in place to mitigate the increased NO2 levels along the Bicester road with increased car use? Will the NO2 levels be monitored?	This is noted, and will be a matter for the planning application	None	n/a
Patricia Newman	Also, the increased vehicle use along the Bicester road from the additional housing will add to the extra traffic from the additional housing at the PR6a and PR6b sites. There will also be additional traffic along the Oxford Road via the Kidlington Roundabout from the new homes proposed at Stratfield Break.	This relates to the principle of development, which has been set through the adoption of the LPPR	None	n/a
Patricia Newman	Will the council consider preventing lorries and large vehicles from using the Bicester Road? Currently, large transport vehicles frequently use the Bicester Road as a rat run rather than using Pear Tree Roundabout or the A 34.	This is noted, and will be a matter for the planning application	None	n/a

Patricia Newman	The draft plan proposes a formal sports ground towards the roundabout and it includes a car park. How can this be environmentally sustainable when there is an existing train station, Park and Ride and bus service very close to the proposed site? A cycle park would be more appropriate to discourage car use. If the proposed Stratford Break proposals go ahead, there will be additional sports and parking facilities either side of Frieze Way.	Although alternative modes of transport will be encouraged and promoted, one can expect a proportion of uses to arrive by car. It would be better to accommodate car parking in a safe way rather than it become ad hoc through the residential part of the development and on surrounding roads.	None	n/a
Patricia Newman	The PR7a site currently has flooding issues at the Cemetery and in the field by Beagles Close. The site is also very close to the flood plain and river Cherwell. How carefully are the flood risk mitigation issues and drainage issues going to be implemented at a time of climate change/crisis, on a low-lying site that floods, and is close to the river? What responsibility will the council take to prevent flooding in this area?	This will be a matter for the planning application and, if and when applications are approved, for monitoring and enforcement.	None	n/a
Patricia Newman	Will there be a pedestrian link from the PR7a housing site to the proposed primary school on the PR6 site, to discourage car use for the school run?	Yes	None	n/a
Patricia Newman	What extra food and health care facilities will be provided for the proposed three new sites that will discourage car use?	Appendix 4 of the LPPR sets out the infrastructure requirements for all of the sites	None	n/a
Keith Fenwick (land promoter)	There are numerous references throughout the development brief to there being existing allotment provision to the east of the cemetery. Those allotments no longer exist, were only ever temporary in nature, and were never authorised through any planning permission. They existed as a temporary use of the land supported by Kidlington Parish Council to occupy land acquired by the Parish Council for the purpose of an extension to the existing cemetery. Understands from conversations with Kidlington Parish Council that their success as an allotment site was limited due to the inadequacy of the soils present as a growing medium. The site has now ceased to be used as an allotment site. Please remove all references in the development brief to this land as allotments. The perceived benefit of locating new allotments adjacent to those allotments is misplaced.	The allotments did benefit from a temporary consent (ref. 12/00291/F). Policy PR7a requires the allotments to be provided within the developable area of the site. It would not be appropriate for the Development Brief to stray from this. However, noting the parish council's comment re waterlogging, consideration will be given to an alternative location within the developable area.	The allotments to be relocated towards the southern edge of the developable area	References to existing allotments changed throughout to former allotments; figure 13 and others amended to indicate allotments to the north of the sports pitches; residential development shown on land to the south of the existing allotments; text of report at sections 6.3.1, 6.4.2, 6.4.6, 6.5 changed to reflect new proposed location for allotments.

Keith Fenwick (land promoter)	<p>The allotments should be located within the Green Belt in the land to the south of the site. There is a much more logical and coherent design solution in locating the proposed allotments within the land to the South of the site, in the Green Belt, adjacent to the other outdoor recreational uses proposed in the form of playing pitches. Here allotment holders will be able to gain access and make use of the community clubhouse building and, for example, it may also be appropriate to accommodate both a water supply and any necessary equipment building for the management of the allotments in conjunction with the clubhouse. Moreover, being located here would enable allotment holders to benefit from the shared use of the proposed car park related to the other community uses, representing a more sustainable and efficient use of land, than creating 2 separate carpark areas in the site which could not benefit from shared use. Para 149 of the NPPF confirms that allotments are an appropriate use in the Green Belt.</p>	<p>Policy PR7a requires the allotments to be provided within the developable area of the site. It would not be appropriate for the Development Brief to stray from this. However, noting the parish council's comment re waterlogging, consideration will be given to an alternative location within the developable area.</p>	See above	Amended, as above
Keith Fenwick (land promoter)	<p>The two landowners have worked closely to ensure their respective proposals are consistent with each other and meet the objectives of the development brief in providing a comprehensive redevelopment of the site. To this end, they have reached agreement that the cemetery extension land required by policy PR7a should be accommodated to the north of the existing cemetery within the land controlled by Hill. Barwood expect this to be confirmed in Hill's own response to this Brief. The development brief can be amended to remove any uncertainty as to the cemetery extension location</p>	<p>Hill has not submitted a response to the development brief. Officers have contacted them to seek clarification. Should they confirm as Barwood indicate, then the development brief could or should be amended to clarify that the cemetery expansion will be to the north of the existing cemetery and the allotment expansion will be to the south.</p>	<p>Amend the development brief to clarify that the cemetery expansion will be to the north of the existing cemetery and the allotment expansion will be to the south</p>	<p>Figure 13 and others amended to show cemetery expansion to the north of existing cemetery. Text throughout amended to reflect the northern location.</p>
Keith Fenwick (land promoter)	<p>Agrees with the need identified at para 7.2 of the development brief that the site should be developed in a comprehensive manner to secure delivery of the policy PR7a requirements; the Brief establishes clear design and delivery parameters, but could go further in recognising and acknowledging that the site will be subject to two planning applications from each of the respective landowners. Barwood will be submitting an outline planning application in early 2022 and it is expected Hill will submit a full planning application later this year. The landowners are committed to delivering proportionate contributions in terms of planning gain commensurate with their own development areas. Whilst there is nothing within section 7.2 of the development brief which mitigates against such a planning application strategy, given the certainty that this is the strategy being followed at this time, it is considered that the Brief might be strengthened by a specific acknowledgement and acceptance of that approach.</p>	<p>It does not seem imperative to state that there will be two (or four) applications. The requirements of paragraph 7.2 will apply irrespective of the number of parcels, landowners and/or applications. Para 3.2.1 notes that there are two land promoters.</p>	None	n/a

Keith Fenwick (land promoter)	Policy PR7a 9(g) requires the site to deliver biodiversity net gain. Section 4.2.4 of the development brief sets out how this net gain might be achieved. Section 1.2.2 of the development brief confirms that the Brief's status will be a material consideration endorsed by Council Members but will not be a SPD nor will it introduce new planning policy. At this time the legal requirement for a 10% net gain is not yet in place and so the reference in the Brief to 10% should be removed. If it becomes mandated by the Act, prior to any application's determination, then it will need to be addressed in the context of that legislation at that time. At present, however, there is no legal or policy basis to support reference to the 10% figure in the Brief	The point is noted. However, the statements at para 47 are factual and do not in themselves stipulate a requirement.	None	n/a
Keith Fenwick (land promoter)	Ref 7.1, the Brief references the need for submission of an EIA screening request at application stage. The Secretary of State has issued a screening opinion in relation to this site (Ref: PCU/EIASCRC3105/3282999) on the 11th October 2021 confirming that the proposal is not EIA development. The Brief should be updated to reflect this.	This is noted; the need for consistency across all of the development briefs needs to be balanced against the fact that in this instance the SoS has issued a screening opinion	Text to be added/amended to refer to the fact that the screening opinion has been issued, confirming that development of this site is not EIA development.	Section 7.1, page 59 amended to reflect the screening opinion.
Keith Fenwick (land promoter)	The development brief has extended the playing pitch requirement established by the evidence of the playing pitch strategy presented to the LPPR examination. The evidence presented to the Hearings identified a pre-existing shortage of 1 AGP (Artificial Grass Pitch) in Kidlington, rising to 2 by 2031. Priority sites were identified for the delivery of the AGPs at Stratfield Brake and Kidlington and Gosford Leisure Centre. The requirement for Grass Pitches at PR7a, is between 1ha and 4ha dependent on whether those 2 No. AGP are provided in accordance with the identified priority locations. If the 2 No. AGP are provided the requirement at PR7a, is only for 1ha of Grass Pitch provision. The Development Brief (6.5.2) now proposes 4ha of playing pitches, including at least one artificial (AGP) pitch. This level of provision is not supported by Policy, nor by the Council's Playing Pitch Strategy as evidenced at the Examination into the Partial Review.	4 ha of pitch provision is the need identified in the Playing Pitch Strategy 2018. The strategy is currently being updated, with completion scheduled for November. There is no justification at the present time for the development brief to be amended	None	n/a

Keith Fenwick (land promoter)	<p>In determining the need for additional playing pitches, it is firstly necessary to understand what commitment there is to deliver the two AGPs identified by the Playing Pitch strategy for Stratfield Brake and the Leisure Centre. It is noted that the Partial Review Appendix 4 (point 65), establishes an expectation that all the PR sites will make a financial contribution to enhanced AGP provision at the Leisure Centre. If the AGP's are not being provided, then there is an expectation that PR7a will provide 4ha of grass playing pitches. However, this need will have arisen in part to address pre-existing deficiencies. It is not the responsibility of the developers of PR7a to meet existing sports pitch deficiencies, and whilst they are willing to make land available to address this need, the provision will need to be funded externally. It is also clear that provision on the PR7a site is in part, meeting needs arising from PR7b, and it will therefore be necessary for the Council to ensure that necessary and proportionate contributions from the PR7b site and indeed from Hill as developers of the northern part of PR7a, will be made available to aid delivery of onsite provision at PR7a.</p>	<p>The requirement is set out in the policy for the site and in Appendix 4 of the LPPR such that no change is necessary. Whilst the requirement exceeds the adopted standards for provision this is consistent with the approach to other Partial Review sites, with significant green infrastructure provision being required in part as compensatory improvements to the Green Belt (environmental, quality and accessibility) following Green Belt release. The provision on PR7a is also in part meeting the needs arising from the other PR sites - we agree that necessary and proportionate contributions will need to be sought</p>	None	n/a
Keith Fenwick (land promoter)	<p>The Development Brief should either provide flexibility based around these options or justify a singular preferred option. However, there is no evidential basis to support the provision requirement as currently of 4ha of grass playing pitch incorporating 1 AGP. These observations were made to the draft Development Brief in 2020, and it is disappointing that the text remains unaltered with no additional explanation or evidential basis to justify its retention.</p>	See above	None	n/a
Keith Fenwick (land promoter)	<p>6.4.2 - It is noted that the Development Principles indicate that an emergency access is not required for the site. However, recognising the different land ownerships, the Brief ought to acknowledge that the Barwood site, if it were to come forward in advance of the Hill land, would require a secondary emergency access point. Barwood propose such an access, at a point where there is a desire line for a combined Pedestrian/Cycle access to tie into the signalised crossing by the Sainsbury foodstore. Agreement has been reached between the parties for the precise setting out and location of the crossover of the Primary Street between the two land holdings. If it would be of assistance to the Council in finalising the Brief the detailed coordinates for the crossing point can be provided to its author, Alan Baxter Associates.</p>	Noted	None	n/a

Keith Fenwick (land promoter)	Section 6.5: Green Infrastructure Reference to street tree species (page 50) being 'agreed by OCC' should be amended to 'agreed by Cherwell District Council in consultation with OCC', to reflect that CDC are the determining authority for any planning application or Reserved Matters submission.	Agreed	Page 50, 4th bullet from the end, change "to be agreed with OCC" to "to be agreed by Cherwell District Council in consultation with OCC"	page 50, 4th bullet from the end, changed "to be agreed with occ" to "to be agreed by cherwell district council in consultation with occ"
Keith Fenwick (land promoter)	It is not clear where the provision of Green Walls or Roofs is expected within the site. As a residential site, with all the example residential typologies referencing traditional construction with pitched roofs, it is unclear where the need for green walls or roofs would arise on site. It is suggested that this reference is removed.	It is considered that in the context of the green infrastructure requirements it is appropriate to encourage and aspire to the provision of green walls and roofs.	None	n/a
Keith Fenwick (land promoter)	Section 6.5.2: Sports The reference to the sports clubhouse, could usefully identify the need for this to be for community use, and for the club room to have a joint community meeting room function. This would address a specific need of the Water Eaton and Gosford Parish Council to secure a permanent meeting room location in their Parish. This could also be referenced in section 6.6, under the heading of Community Infrastructure.	Noted. The adopted standards for sports provision require changing facilities to accompany pitch provision where appropriate. Some community use seems sensible provided it does not compete with the sports provision. The Partial Review Plan indicates all sites contributing to provision of formal sports facilities at PR7a.	Text to be amended accordingly, to identify that the sports pavilion may also be put to community use - and that the club room to have a joint community meeting room function - with the caveat that such use does not preclude the sports provision need from being met.	Text of section 6.5.2 and 6.6 amended.
Keith Fenwick (land promoter)	Section 6.5.3: Blue Infrastructure The requirement to retain existing water courses, other ditches and ponds, should include a 'wherever possible' caveat. There may be legitimate drainage engineering reasons for not retaining all features where they currently exist, in order to deliver a site wide sustainable drainage solution. It is not clear why there is a necessity for a 3m easement either side of existing drainage ditches. Dependent upon size of ditches, it may be acceptable for features such as shared drives, to sit within these zones.	The words 'wherever possible' would remove the teeth of the requirement. It may be appropriate instead to add the words "unless in particular instances it can be satisfactorily demonstrated that this is not possible" but there is also a need for consistency across the development briefs and no such caveat was added to the briefs for PR7b or PR9	None	n/a
Kidlington Parish Council	Cemetery extension - The cemetery extension is shown located to the north or south side of the existing site. We would have preferred that this be sited to the east and to have the cemetery open to the residential road passing north-south. This will give generally a more open aspect to the development. We are not convinced about having residential development backing onto the cemetery. If it cannot be on the east side of the existing cemetery we would prefer the north side, as we understand the drainage will be easier. If this is the case there will need to be adequate road crossing of the existing ditch provided by the developer.	There may be a more open aspect within the PR7a development if the cemetery was sited east of the existing site, but as experienced from the Bicester Road the converse is true. The layout for the site shows development facing the cemetery, separated from the cemetery by a new public walking & cycling route and a service road to new dwellings. In light of Barwoods' response to the consultation, and subject to Hill's confirmation, the cemetery expansion will be confirmed as being to the north	As per above	Amended, as above

Kidlington Parish Council	<p>We are concerned as to whether any investigation has been carried out to assess whether the chosen site for the cemetery was suitable for burials and would gain the approval of the Environment Agency. Bearing in mind the extensive problems with the existing cemetery site we would like to see a comprehensive drainage system implemented by the developer to drain the extension to the cemetery and be satisfied that the drainage to the existing site is not affected in anyway. Such drainage system should form part of the overall drainage strategy for the whole development. We will need to know how the cemetery will be laid out and the details of access arrangement.</p> <p>We are concerned how the site will be left e.g. turfed, levelled off or fully laid out. We are also concerned about the existing trees and access routes in relation to surrounding development and existing cemetery. KPC wish to be consulted on all these aspects.</p>	No such investigation has been carried out. Other comments here are duly noted.	None	n/a
Kidlington Parish Council	<p>Drainage - We understand that the surface water drainage will incorporate sustainable drainage however we note the nature of green infrastructure, including the cemetery extension. We think it is necessary to emphasis the importance of effective drainage over the site, for example the need for specifics with the design of SUDS.</p> <p>From our experience in developing the cemetery site we understand that ground water levels in winter can be very high and we would like assurances that any proposal will be robust in dealing with drainage and avoid any impact on properties in Water Eaton Lane and Beagles Close.</p>	We note the point made - this will be relevant for planning applications for the site.	None	n/a
Kidlington Parish Council	<p>Allotments - It should be noted that the temporary allotments at the rear of the cemetery site were abandoned due to waterlogging preventing many plots being cultivated. Detailed investigations will be required to establish the level of drainage required for any allotment site. The siting of allotments is shown by the cemetery. We would prefer that the allotments are integrated into the area near the sports pitches within the developable area.</p> <p>We would strongly object to any attempt by the developers to move the allotments out of the developable area and into the Green Belt, because this would reduce the attractions of the remaining Green Belt area, as a vital residue of the Kidlington gap.</p> <p>If they are to be sited close to the cemetery then it will be important that the allotments are properly screened from the cemetery and do not use the access to the cemetery as we do not want allotment holders passing through the cemetery. This has caused problems when the rear of the existing cemetery was used for temporary allotments.</p>	We would agree that the allotments should be in the developable area as required by Policy PR7a. We note the point re the temporary site east of the cemetery. It seems appropriate for the location of the allotments to be amended in line with the parish council's comments.	The allotments to be relocated towards the southern edge of the developable area	Amended, as above

Kidlington Parish Council	Connectivity - We want to see clear links between green spaces throughout the site, which shows clear connectivity for walkers, and cyclist to access the green ring proposed by Kidlington PC	Noted	None	n/a
Kidlington Parish Council	Pedestrian Crossing of the Bicester Road - We were told that any additional crossing of the Bicester Road would be a normal Zebra crossing. Bearing in mind the speed with which traffic passes down Bicester Road we would want to see Pelican crossings only	Noted	None	n/a
Kidlington Parish Council	Public Transport P6 - Good bus links into Kidlington. Please note this has changed with the reduction in services in recent months, major changes to the 2 service and the cessation of the 500 serving Woodstock and the Oxford Parkway Park and Ride	Noted	None	n/a
Kidlington Parish Council	Green Ring P15 - Oxford Green Belt Way: we need greater clarity on the continuity of the green link around Kidlington through this site?	The concerns regarding connectivity are noted, and are addressed in the development brief	None	n/a
Kidlington Parish Council	20mph P39 Page 39 indicates that there should be a maximum design speed of 20mph for roads – this should be linked into a wider proposal for 20mph speed limit in all primarily residential roads across Kidlington and GWE plus main road section between Yarnton Road and Lyne Road	Noted	None	n/a
Kidlington Parish Council	Open Space and Sports Facilities P54 4 hectares of playing field for football are included in the brief. There is no reference to include an ATP . We feel that there is a need for an ATP and this may be a suitable location. This should refer to the sports this is to be directed towards and if the ATP to have floodlighting (normally the case to maximise hours of use). Is the pavilion to be provided by the developer?	Our communities infrastructure team advises there is no evidence of need for an ATP surface at the site. The requirement as set out in Appendix 4 of the LPPR is for 2x 3G football pitches and 1x cricket ground. CDC will project manage the construction of new pitches and pavilion in conjunction with local stakeholders.	None	n/a
Kidlington Parish Council	Affordable housing provision – only minimal reference in the text, which should give greater clarity. We consider that this should be emphasised in accordance with the principles set out in the Partial Review of the local plan	We note the point made - this will be relevant for planning applications for the site.	None	n/a

OCC	<p>Green Belt - The development brief should clearly set out how enhancement and beneficial use of the Green Belt land within the allocation will be achieved or conditioned upon an application for development.</p> <p>In addition, if any land outside of the allocation is included in an application, that land would be Green Belt, therefore it would be appropriate to indicate in the development brief how that land should be used. We suggest a new initial paragraph at the start of 6.5 which is headed 'Green infrastructure' as follows:</p> <p>'Some 11 hectares of the land allocated and contained in this development brief is retained as Green Belt. Figure 9 shows the location of the Green Belt land. All the Green Belt land within the allocation will be used for Green Belt purposes, including sports pitches. All of the land to the east of the allocated site is Green Belt and if any of that is included in the development site, it will need to be identified for Green Belt purposes.'</p>	We have had regard to the positive use of the Green Belt in putting these allocations/policies together, and have identified in each case provision for open space and biodiversity etc.	The section early in the DB on green belt to be added to	Text of section 6.5 amended. Reference to land outside the allocated boundary has not been included as this is outside the remit of the development brief.
OCC	<p>Specialist Housing</p> <p>Policy BSC 4 of the Cherwell Local Plan Part 1 (adopted July 2015) requires housing sites such as this to 'provide a minimum of 45 self-contained extra care dwellings as part of the overall mix' and includes some flexibility on the requirement. Policy BSC 4 envisages Land Use Class C3 uses. The development brief should be amended to make it clear that provision for specialist housing is expected on this site. The County Council has a particular interest in affordable extra care housing, and it may be that the extra care dwellings on this site could be part of the affordable housing provided on this site.</p> <p>We suggest adding a new paragraph under 5.1 on page 23 following the paragraph which details the requirements of Policy PR7a as follows:</p> <p>'A minimum of 45 self-contained extra care dwellings are required as part of the overall mix of the 430 homes in accordance with Policy BSC 4 of the Cherwell Local Plan Part 1. Whether extra care dwellings are part of the affordable housing requirement on the site will be determined through the planning application process.'</p>	This is correct but not imperative for the development brief to state this under 5.1. It may be appropriate for para 7.1 to be amended, but is also important for there to be consistency across the briefs. The Local Plan policy requirement stands irrespective of whether it is reiterated in the development brief.	None	n/a
OCC	<p>Safeguarded Aggregate Rail Depot</p> <p>Adjacent to the allocation site, on the eastern side of the A34 and railway line, there is a safeguarded aggregate rail depot under Policy M9 of the Minerals and Waste Core Strategy. This is operated by Hanson. The aggregate rail depot should be shown in Figure 9 and Figure 11 and it would also benefit from being included in Section 3.2.4 of the development brief and referenced in 4.1 under 'site constraints'.</p> <p>Although we expect that the depot is not a significant constraint for this site, given the closer noise from the A34, it should nevertheless be highlighted in the development brief.</p>	Noted	The development brief will be amended accordingly	Reference to aggregate rail depot added to figures 9 and 11, section 3.2.4 and 4.1.

OCC	<p>Digital Infrastructure</p> <p>We suggest adding a new paragraph under 6.8 'utilities and infrastructure' on page 58 to address the importance of digital infrastructure and need for full fibre installation at the build phase. 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Consideration should be given to the fact that any new homes or commercial premises planned to be built have 21st century digital infrastructure installed at the build phase. Developers should be required to engage with a telecommunications network provider to provide a full fibre connection to each residential/business premise. This will help mitigate environmental impacts of any proposed development as people will be better able to work from home, reducing unnecessary journeys. Moreover, digital infrastructure provides the backbone for building a low carbon economy.'</p>	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	<p>Oxford United Proposal at Stratfield Brake</p> <p>Since the production of this draft development brief, there has been a proposal put to Oxfordshire County Council as landowner by Oxford United to consider the potential to lease land at Stratfield Brake. Following a report to Oxfordshire County Council's Cabinet on 18th January 2022, a public consultation was held, and a further report prepared for Cabinet on 15th March 2022. As this response is being sent in advance of the Cabinet meeting, no decision has been made at the time of writing. We recommend this is brought to the attention of the Planning Committee when making a decision on this development brief, as it may be that text should be added to the development brief to reflect whatever decisions are made.</p> <p>Site PR7b adjoins Stratfield Brake and PR7a is very close across Kidlington Roundabout. The PR7a development brief should better identify the relationship of the proposed sports grounds on the PR7a site to the Stratfield Brake site and the proposed route for walking between the two locations. At the very least, the current pedestrian access into Stratfield Brake from the Kidlington Roundabout slip road should be identified on the figures.</p>	The development brief covers connectivity between the site and the existing facilities at Stratfield Brake	None	n/a

OCC	<p>Transport - The County Council has a range of existing documents which should be referred to such as our cycling and walking design standards and active healthy travel strategy and our November 2021 street design guide. We appreciate that reference has been included to the March 2021 Oxfordshire Electric Vehicle Infrastructure Strategy in section 6.1. Forthcoming documents should also be referenced, such as the Local Transport and Connectivity Plan.</p>	<p>It is important that there is consistency across the development briefs; the changes made to PR7b and PR9 briefs have been made to this development brief but in the interests of consistency further changes would not be made</p>	None	n/a
OCC	<p>Phasing - Developer contributions will be sought towards the delivery of various on-site measures and off-site highways mitigation schemes, including improvements to pedestrian and cycle routes and crossing facilities. Given that the site may come forward with two separate planning applications we seek specific inclusion of the following at the end of 3.1.1: ‘Development is to be phased in accordance with the timing of provision of supporting infrastructure and facilities.’</p>	Agreed	The development brief will be amended accordingly	3.1.1 text amended
OCC	<p>Pedestrian and cycle routes - Pedestrian and Cycle Routes We support the indications in the development brief of a comprehensive network of pedestrian and cycle routes. This is a matter that we expect to seek further detail on as part of the development process. There are good opportunities for active travel routes given the public right of way network, and potential for connections to facilities. Nearby facilities include the Sainsbury’s supermarket and local shops, Stratfield Brake and the Oxford Parkway railway station. However, as with PR7b, it is a site further from Kidlington centre than any other part of Kidlington, probably a half hour’s walk. The development of PR6a would be linked to the PR7a site via the public right of way network which includes pedestrian and cycle bridges over the railway and A34. The Kidlington Local Cycling and Walking Infrastructure Plan, which was approved in January 2022 following consultation which closed in November 2021, should be referred to in the development brief, along with the Oxford Local Cycling and Walking Infrastructure Plan, approved in March 20205.</p>	Noted	None	n/a

OCC	<p>We seek amendment to the second bullet point under 4.2.5 as follows: ‘Opportunity to promote sustainable modes of transport and create a high quality walking and cycling network across the site and off site, responding to desire lines especially towards Oxford Parkway Station / Park & Ride, Oxford Road and Bicester Road bus stops, local shops, and connecting with Stratfield Brake and the PR7b/PR8 green link. Regard should be had to published guidance including the Oxford and Kidlington Local Cycling and Walking Infrastructure Plans.’</p> <p>We seek an additional point at the end of 6.4.5: ‘Contribution towards enhancement of pedestrian and cycle links between the Kidlington roundabout and the Cutteslowe roundabout.’</p>	Noted	The development brief will be amended accordingly	Text has been amended as requested.
OCC	<p>Bus Routes - The existing bus stops near the signalised pedestrian crossing are shown on Figure 9. There are also bus stops to the north of Water Eaton Lane. At this stage we have not identified a need for further bus stops or additional bus services. Consideration will be given to the need to improve bus stops as part of the development process.</p>	Noted	None	n/a
OCC	<p>Car Parking and Cycle Parking - Oxfordshire County Council’s parking standards are currently being updated and are likely to be adopted prior to determination of the planning application. It is expected these will lower the maximum car parking levels from the current parking standards and increase the cycle parking requirements. The parking study will also look at the need for controlled parking zones to avoid indiscriminate on-street parking.</p> <p>We seek that the text in 6.4.6 be amended as follows: ‘Car parking provision and design will be in line with the adopted OCC parking standards and low-car principles and therefore limited. Regard should be had to the Cherwell Residential Design Guide SPD Section 5.8 as well as the good practice recommendations in Manual for Streets. Cycle parking will need to be provided generously to encourage and facilitate cycle use. provision is to be in line with OCC’s adopted cycle parking standards.</p> <p>At the time of producing this development brief, Oxfordshire County Council’s standards for car parking and cycle parking are being reviewed. It is expected that the car parking requirements will be lower in this area than currently, and the cycle parking requirements higher. These revised standards are likely to be available when an application on this site is determined, and therefore will need to be followed. To avoid indiscriminate on-street parking, possibly by commuters, a controlled parking zone is likely to be needed on the site.’</p>	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a

OCC	<p>The brief should refer to the newly adopted Oxfordshire Street Design Guide. The document provides guidance relating to parking, including rear parking courts which OCC discourages.</p> <p>We seek amendment to 6.3.2 (repeated twice): ‘Parking is to be provided on street (unallocated) and on plot utilising a range of parking solutions in line with the guidance provided in the Cherwell Residential Design Guide and will be in line with the Oxfordshire Street Design Guide.’</p> <p>We seek amendment to 6.3.3: On-plot parking should generally be tucked to the side of properties to retain a sense of enclosure to the street and provide space for planted front gardens in line with the Oxfordshire Street Design Guide. On plot parking to the front of properties is not permitted.</p>	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	<p>Vehicle Access Points - The development brief as shown on Figures 13 and 15 shows two access points onto the Bicester Road, which appear to be appropriate. The design of access points and speed restrictions on Bicester Road will require detailed consideration during the development process.</p>	Noted	None	n/a
OCC	<p>Education - No new school is anticipated on the PR7a or PR7b site. Parents of primary school children would most likely seek places at the Edward Feild Primary School, and we anticipate that funding for expansion of that will be required. Secondary school children would most likely seek places at Gosford Hill School.</p> <p>We expect that consideration will be given to how to best walk to the schools from this development site as part of the development process. Given that there is currently no through route between Bicester Road and Cromwell Way, pupils would currently need to walk north and cross the road for the primary school – and therefore we support the proposal for an additional pedestrian/cycle crossing at the northern end of the site. Pupils would either take that same route north to get to the secondary school or walk south and cross at the existing signalised pedestrian crossing to the footpath between Sainsbury’s and the A4260.</p>	Noted	None	n/a

OCC	<p>There is an incorrect reference to the 'Oxfordshire County Council Drainage Team' in 6.5.3. Oxfordshire County Council has a statutory role as Lead Local Flood Authority, while the Districts have other responsibilities for drainage. In addition, there is an incorrect reference to Figure 19, which is about movement and access and does not show drainage features. Therefore, please change the text as follows:</p> <p>'It is expected that the site will drain towards the east side of the site, reflecting the topography of the site, with drainage attenuation features broadly in the locations indicated on Fig. 20 and to be agreed in detail with Oxfordshire County Council as Lead Local Flood Authority and with Cherwell District Council's Drainage Team.'</p>	Agreed	The development brief will be amended accordingly	Text amended as requested
OCC	<p>It is noted that other figures for the development framework identify 'drainage attenuation features (indicative location)', and 'indicative SuDS feature'. At this stage, the location of SuDS and drainage attenuation has not been the subject of detailed consideration, therefore the figures are indeed only indicative. In line with paragraphs 160 and 161 of the NPPF, we will expect a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change.</p>	Noted	None	n/a
OCC	<p>Biodiversity - It is welcomed that outline measures for biodiversity are identified in the development briefs.</p> <p>We query the reference under 4.1 that 'Ecology reports are in the process of being updated and will be reported here when available' as it is not clear whether this change will be made before the development brief is finalised.</p>	Noted	None	n/a
OCC	<p>It is noted that the development briefs indicate that Biodiversity Impact Assessments (BIA) will be undertaken at application stage. However, the District Council may wish to consider the benefits of undertaking the BIA at this stage, to inform the development briefs, as is indicated in LPPR policies for these sites.</p>	Noted	None	n/a
OCC	<p>A Biodiversity Impact Assessment, including application of the Biodiversity Metric 3.0, provides a robust tool to understand the losses and gains to biodiversity associated with different designs and layouts. The information it provides can help inform design evolution, the extent of the site that will be needed to provide on-site biodiversity gains, as well as any need for off-site delivery of biodiversity net gains.</p>	Noted	None	n/a

OCC	Whilst Biodiversity Metric 3.0 would usually be informed by field survey of habitats within the development area, at earlier stages of a project where detailed survey data may not be available, it is possible to compile a dataset and use a range of assumptions to test the potential biodiversity losses and gains associated with different layouts. More detailed assessments would then be required to support the planning applications.	Noted	None	n/a
OCC	Innovation - Reference should be included in the development briefs to the County Council's Innovation Framework which will be finalised shortly following consultation as part of the Local Transport and Connectivity Plan	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	Although we have not prepared alternative text, we would welcome the District Council further considering the text in 6.1 'sustainable construction and energy efficiency'. For example this should reference smart energy solutions, battery storage and travel planning for construction which aims to use local materials to minimise the need for long-distance transportation of materials.	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	The text in 6.3 'character and layout' insufficiently addresses future trends. There should be flexibility in the design to allow adaptation to changing needs over time. For example, reference could be made to the potential for connected and automated vehicles, and e-bike and e-scooter hire schemes.	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	The text in 6.4.1 'movement and access – general principles' should include a general principle to cater for future modes of transport set to become mainstream.	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a
OCC	The second paragraph in 6.4.6 'parking' should be amended as set out in our transport development control comments earlier, to reflect innovations.	It is important that there is consistency across the development briefs and this text was not included for PR7b or PR9	None	n/a

OCC	The text in 6.5 'green infrastructure' should refer to the potential for green roofs and green walls.	The development brief refers to these at page 50 (6.0 Development Principles)	None	n/a
OCC	The text in 7.1 sets out the information to accompany planning applications, but it is noted that the list is only an indication as requirements may change over time. For strategic scale developments such as these, an Innovation Plan may be needed.	Noted	None	n/a
OCC	Pages 7, 11 - make clear if this is the proposed school location as per indicative plan in the LPPR or adjust to reflect brief for PR6a	Noted	The development brief will be amended accordingly	Note added to Page 7 and 11 "The location of schools and local centres shown here as in the LPPR has, in some cases, been reviewed through the Development Brief process."
OCC	Pages 8, 9, 10, 11 - update purple key to refer to 'Oxford City allocated sites', also include the St Frideswide Farm site allocation	Noted	The development brief will be amended accordingly	Figures 4, 5, 6,7 key updated as requested and other OCC sites added to drawing

CHERWELL DISTRICT COUNCIL

Planning Committee - 16 June 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
9	Axis J9 Phase 3 Howes Lane Bicester	21/03177/F	Bicester North and Caversfield / marginally Bicester West	*Grant Permission	Caroline Ford
10	94 The Moors Kidlington Oxfordshire OX5 2AG	22/00539/F	Kidlington West	*Grant Permission	Sarah Greenall
11	Land North East of Fringford Study Centre adjoining Rectory Lane, Fringford	22/00998/F	Fringford and Heyfords	*Grant Permission	Emma Whitley
12	Land Adjacent to the Oxford Canal Spiceball Park Road Banbury	22/00584/DISC	Banbury Cross & Neithrop	*Grant Permission	Samantha Taylor

*Subject to conditions

21/03177/F

Axis J9 Phase 3

Howes Lane

Bicester



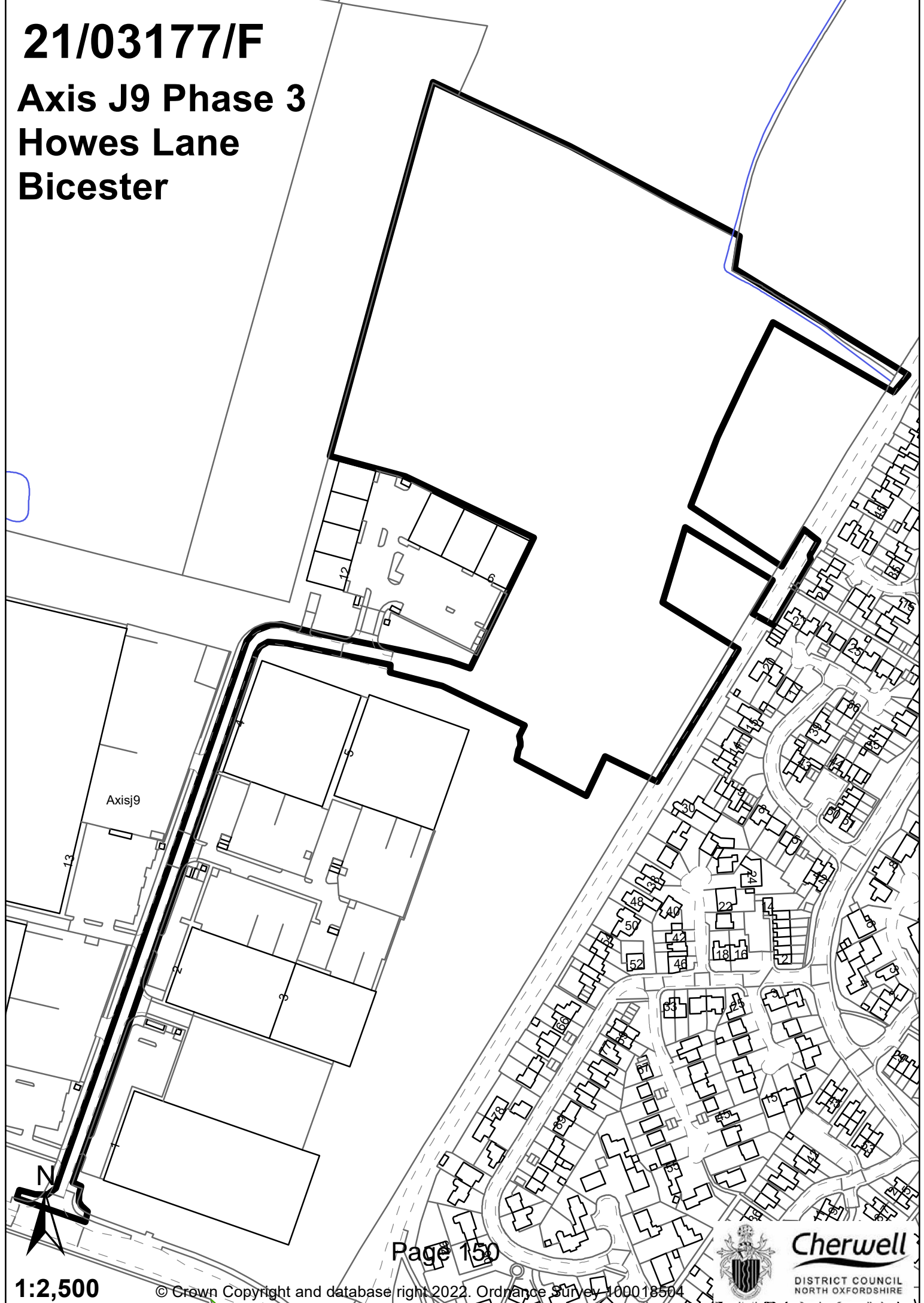
Axisj9



1:3,500

21/03177/F

Axis J9 Phase 3 Howes Lane Bicester

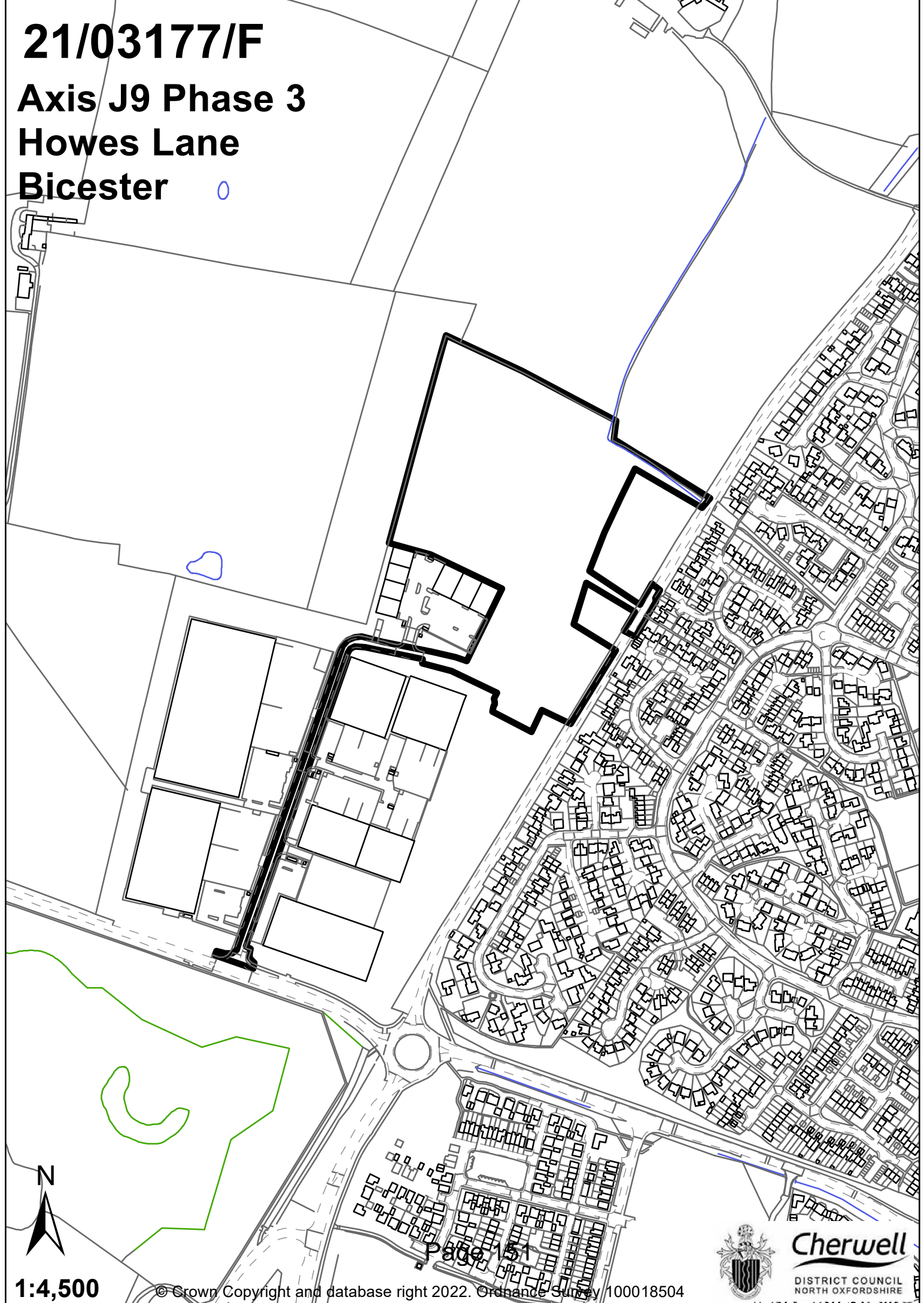


21/03177/F

Axis J9 Phase 3

Howes Lane

Bicester



1:4,500

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Caroline Ford

Applicant: Albion Land

Proposal: Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Ward: Bicester North and Caversfield / marginally Bicester West

Councillors: Councillors Mawer, Pratt, Slaymaker (Bicester North and Caversfield)
Councillors Broad, Sibley, Webster (Bicester West)

Reason for Referral: Major development

Expiry Date: 29 July 2022

Committee Date: 16 June 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO THE REMOVAL OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION, CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the west of Bicester and sits within the land allocated for a new zero carbon, mixed-use development by Policy Bicester 1 of the Cherwell Local Plan 2011-2031 (Part 1). The site is at the southern end of the allocated site, close to the Middleton Stoney Road/ Howes Lane roundabout and is directly adjacent (to the north) of the new employment site known as Axis J9.
- 1.2. To the east of the site, a parcel of land exists which forms part of the NW Bicester site, with the existing Howes Lane beyond this and then the existing residential area to the west of Bicester (Bure Park). To the south is the Axis J9 site, with the Middleton Stoney Road and then Bignell Park beyond. To the west, a block of trees/ vegetation is present and to the north a hedgerow. To the west and north beyond these natural features is land allocated for development via Policy Bicester 1.
- 1.3. The site is relatively level with a high point of approximately 85mAOD to the northwest corner and a low point around 82mAOD to the northeast corner and is generally bound by natural vegetation. The land was last in use as agricultural land but has not been actively farmed for a number of years, at least since the commercial development to the south was implemented.

2. CONSTRAINTS

- 2.1. As mentioned above, the site has natural constraints including the natural boundary features and nearby vegetation. The site is in flood zone 1. There are no heritage assets on the site although there are Grade II listed buildings at Himey Farm to the west of the site. The site has some potential to be contaminated and a public right of way is in proximity to the east of the site (running from Wansbeck Drive towards Howes Lane).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application has been amended since its initial submission following concerns raised by Officers relating to the design of the development proposed on the eastern parcel of land. This element was subsequently removed.
- 3.2. In its amended form, the application proposes three buildings, one of which is subdivided into 3 units giving 5 units in total, with a floor area of 14,835sqm GEA. Units 1-3 (in one building) have their rear elevation to the south with units 8-14 (now addressed 6-12 Empire Road, Bicester) beyond with a landscaped bund of 1.5-2.5m height proposed between. To the north of units 1-3 are their associated service yards with an access road, then two further service yards serving units 4 and 5 which then sit to the north. Landscaped bunds ranging from 1-3m high are also proposed to the west and north. The proposal seeks to create development plateaus for the proposed buildings at around 84.200mAOD – 84.400mAOD.
- 3.3. Units 1-3 are contained within one building which measures 13.6m in height (taken from a finished floor level of 84.200mAOD) and they are smaller units with floorspaces of between 1,867sqm GEA to 2,054sqm GEA. Unit 4 measures 15.15m in height (finished floor level of 84.400mAOD) with a floorspace of 4,956sqm GEA and Unit 5 measures 15.15m in height (finished floor level of 84.200mAOD) with a floorspace of 4,030sqm GEA. As well as service yards for each building, car parking is proposed.
- 3.4. The design of the buildings generally follows the design approach adopted on the Axis J9 site to the south with a similar materials palette, projecting fin detailing, and solar panels situated on the southern facing roof slopes.
- 3.5. Over 40% Green Infrastructure is proposed as well as the retention of the trees and hedgerows along the site boundaries. 10m buffers, in accordance with the SPD requirements are also provided to each hedgerow but the proposed bunds and service are proposed within this area. A net biodiversity gain of 5.5% is proposed. Sustainable drainage systems and landscaping is also proposed.
- 3.6. The buildings are designed to meet BREEAM Very Good level and to meet True Zero Carbon requirements with the buildings being built to high environmental standards and with the use of PV panels and air source heat pumps. Electric Vehicle Charging points are also proposed.
- 3.7. Access is proposed to the site from Empire Road (the Axis J9 site), from the south from the Middleton Stoney Road. This access route is a temporary arrangement in the same way that the current access to 6-12 Empire Road is temporary until such time that the strategic road, as currently approved, is implemented. At that point, access would be taken from the strategic road. The site does however propose permanent road infrastructure including the provision of part of the realigned Howes Lane comprising a 7.3m wide road, right turn lanes, swale and verges, footpaths and segregated cycleways on both sides of the road. Car and cycle parking is also proposed as well as electric vehicle charging infrastructure.
- 3.8. The site is proposed to be operational for 24 hours a day.
- 3.9. The applicant has submitted a letter from Brita Water Filter Systems Ltd which explains that they have agreed letting terms of the largest proposed unit (unit 4). They are looking to expand their operations in Bicester and require the new facility to be completed ready for operations to commence in mid-2023.

4. RELEVANT PLANNING HISTORY

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

14/01675/OUT

OUTLINE - Erection of up to 53,000sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

Application Refused/but Allowed at appeal

17/00455/HYBRID

Hybrid (part full & part outline) application for: (1) Full - construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development, including landscaping, public open space, vehicular and pedestrian access.

Application Permitted

17/01090/OUT

Development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways

Application Permitted

19/00349/REM

Reserved Matters to 14/01675/OUT - layout, scale, appearance and landscaping details for Phase 1 of the employment development (21,684sqm flexible B1c/B2/ B8 floorspace) and earthworks for Phase 2 of the employment development (pursuant to the Amended Appeal Consent)

Permitted

19/00347/OUT

Minor material amendment to planning permission 14/01675/OUT to vary conditions 6, 7, 8, 9 and 10 to refer to updated parameter plans and temporary access plan; variation of condition 14 to enable delivery of employment development in full in advance of strategic link road; and amendment of condition 20 to reflect removal of temporary access onto Howes Lane (Outline reference number 14/01675/OUT, granted at Appeal - Ref: APP/C3105/W/16/3163551 for the erection of up to 53,000sqm of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure)

Permitted

20/02454/REM

Reserved Matters application to 19/00347/OUT - layout, scale, appearance and landscaping details for Phase 2 of the employment development (23,226sqm flexible B1c and/or B2 and/or B8 floorspace), associated utilities and infrastructure and swale (SuDS) and strategic green infrastructure landscaping.

Permitted

20/03199/OUT

Variation of condition 13 (extent of employment development usage) of 19/00347/OUT – to enable up to 85% of the commercial site to be occupied for Use Class B8 in respect of the site

Permitted

- 4.2 The two submissions for reserved matters permission for Phase 1 and 2 (19/00349/REM and 20/02454/REM) allowed 44,810sqm of floorspace which represented 84.5% of the original floorspace consent (up to 53,000sqm).
- 4.3 Various discharge of condition and obligation applications have been made against the outline and reserved matters applications which have enabled Phases 1 and 2 to be implemented.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **21 May 2022**.
- 6.2. 29 representations have been received. The comments raised by third parties are summarised as follows:

FLOODING

- There have been increased flooding events in local streets including Beckdale Close in recent years and since Axis J9 was constructed. This should be reviewed for all local roads.
- More units on massive concrete slabs will only cause even more regular flooding.
- Enhanced safety factors/measures and sufficient/adequate flood prevention measurements must be given serious and careful consideration concerning the higher risk factors now directly effecting residents with properties close to or immediately backing onto Howes Lane.
- The risk of flooding has impacted residents' insurance premiums.
- The realignment of Howes Lane will help but this does not alleviate the worries local residents hold.

HIGHWAY SAFETY/HOWES LANE RE-ALIGNMENT

- Howes Lane cannot support more HGV traffic.
- Warehouses should be placed away from residential areas and closer to the motorway junctions, which would help highway issues.

- The plans originally proposed housing to support growth and this was a reason given for the warehouses being built where they were (commercial development is needed close to where populations will grow).
- No additional building work should occur until Howes Lane is realigned to help support traffic. This would mitigate the noise and air pollution and route traffic away from existing residential areas.
- The road infrastructure will not be able to support all the approved planning permissions locally without changes. Local roads are already used as cut-throughs when it is busy elsewhere, which puts residents at risk.
- There are concerns about the safety of residents that back onto Howes Lane if a lorry were to leave the highway.
- Local residents were promised the realignment of the road and for residential homes, green spaces and schools. Not overbearing warehouses.

AMENITY/NOISE/FUMES

- There are already noise concerns in the local area from traffic noise.
- There are concerns with health and wellbeing for residents and local wildlife.
- There will be additional light pollution on top of what is experienced from the current warehouses.
- What are the proposed operating hours? They should not be 24/7 operations.
- Concerns over the noise levels set out in the reports.
- Concerns over noise from the construction phase and then HGV movements at all hours. Noise from the existing units already causes problems.
- Concerned about air pollution.
- This will bring additional disruption to an established residential area.
- Residents cannot enjoy their gardens due to the volume of traffic, noise and pollution.

VISUAL/ RESIDENTIAL AMENITY

- The height of the units will tower over existing residential properties and this will affect privacy, views, wellbeing, access to natural light and increase disruption.
- The units are too close to existing residential units.
- More residential dwellings are needed not empty warehouses. Gardens will be overlooked by soulless buildings towering over them.
- Residents don't want to have such eye sores when looking out of their windows.
- The proposal will ruin the Bicester landscape. The existing warehouses are an eyesore during autumn and winter months.
- The proposals will block out evening sun for nearby residential properties opposite.
- Views of fields and greenery would be spoilt by the development.
- The site should be developed aesthetically.
- The proposals would devalue properties nearby.
- New estates are segregating Bicester and causing a loss of its sense of community.
- The cost of living would remove local warehouse workers so they would have to commute into the town to support these warehouses.

ECOLOGY/BIO-DIVERSITY

- There should be measures included to shield/ buffer properties from the warehouses.

- Guidance in 'Biodiversity in the Built Environment should be followed.
- Biodiversity features should be incorporated.

UNSUITABLE/CHANGE TO PLANS

- Residential properties should be provided here as planned. This is what residents expect. It is morally wrong to change this.
- Residential development of 2-3 stories would be less detrimental to the surroundings and residents than 11m warehouses.
- The town would benefit from more housing and the accompanying green space, and other services.
- Green spaces in and around Bicester need to be protected.
- Warehouses are incompatible with the vision for a garden town.
- Affordable housing is needed.

AMENDED PLANS

- The latest plans do not go far enough.
- The letter from Brita should not be given weight as this could apply in the future for the eastern parcels with other interest.
- Green Infrastructure on Howes Lane should not be relied upon as this could be back-tracked on later.
- The money ear-marked to Howes Lane has been given away and this should be completed as a priority before any further development is allowed.
- Traffic modelling cannot convey the impact of increased traffic, pollution and noise from large nearby planned developments.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. **BICESTER TOWN COUNCIL: Strongly object.** Originally the proposal was to provide housing provision. Mass and scale of the buildings need to be considered and not dominate the skyline. Howes Lane is already experiencing an increase in traffic movement due to cumulative developments in Bicester. The proposal is premature and contrary to the NW Bicester Masterplan and the Cherwell Local Plan. The site has been zoned for 150 residential units as part of the 6,000 home Eco- Development at NW Bicester. There would be an adverse impact on the character and appearance of the area. The proposal would result in the loss of green infrastructure and have an adverse impact on the Local Walking, Cycling Infrastructure Plan. There would be an adverse impact on the secondary school site, the school sport pitches and the retail shops and on the local road network. There have been examples of flooding in nearby residential properties in recent years. No further planning applications are allowed on the NW Bicester site other than those applications which have already been approved by the Local Planning Authority until the new realigned Howes Lane has been constructed.

- 7.3. BUCKNELL PARISH COUNCIL: No comments received.
- 7.4. CHESTERTON PARISH COUNCIL (first response): No problems with this planning application.
- 7.5. CHESTERTON PARISH COUNCIL (second response): **No objection**, but concerns over the traffic issues on Howes Lane and extra noise.
- 7.6. MIDDLETON STONEY PARISH COUNCIL: **Object in the strongest terms**. It seeks to cancel the requirement to build 150 dwellings and to build in its place an industrial/storage facility. Particular concern is the increase in HGV traffic that such a development will create on a road system already under severe stress. Whilst the proposal states that it would not have a significant increase in traffic, what about the cumulative effects. Middleton Stoney is vulnerable is narrow to safely accommodate HGVs without endangering pedestrians. Routing agreements are often not policed or enforced. Given the regular news regarding an acute shortage of housing, it is important that more housing be built.

CONSULTEES

- 7.7. CDC ARBORICULTURE: No comments received.
- 7.8. CDC BUILDING CONTROL: Fire service access must be in accordance with Approved document B Volume 2 Section H5.
- 7.9. CDC ECOLOGY (first response): The ecological survey data is acceptable and updated appropriately. A CEMP for biodiversity and a detailed habitat and landscape plan (LEMP) should be sought by condition. The applicants propose to contribute to the specific site wide off-site mitigation scheme for farmland birds, the amount and timescale need to be secured. The biodiversity metric demonstrates that there will be a net gain on site however for habitats, the gain is very minimal and this is not likely to be meaningful and leave no room for contingency so are equivalent to no net loss. A higher level of net gain for biodiversity should be secured.
- 7.10. CDC ECOLOGY (second response): The whole metric ought to be provided but the submission does give a score of 5.5% which although falls short of the 10% we seek, it's broadly acceptable in policy terms. Some concerns regarding the conditions that it is proposed some of the habitats could reach. The LEMP for the site will need to contain review periods by an Ecologist to ensure that the habitats have reached the conditions specified and make adjustments if not to ensure a net gain is achieved in the long term.
- 7.11. CDC ECONOMIC DEVELOPMENT: The proposed development should create facilities that would contribute towards the economic growth aims of the Council. The proposed modern premises would be suitable for a range of business activity to assist the advancement of local employers and inward investors. It would also assist the development of supply chains and the creation of employment opportunities, complementing the evolution of the local economy and increasing resident population. From an economic growth point of view, the proposal is supported. They would be of particular benefit to small and medium-sized employers. The Market Report confirms the Officers understanding of the level of recent and on-going demand for commercial premises. The zero carbon ambition of the proposal is welcomed but a higher BREEAM standard should be sought as the commercial occupier market has ever-increasing expectations of quality accommodation. The proposed development would create significant local job opportunities and apprenticeships during the construction phase. The creation of a Training and Employment Plan is welcomed.

7.12. CDC ENVIRONMENTAL HEALTH (first response):

- Noise: Having considered the report provided with the EIA, the findings are satisfactory and agree the noise limits suggested for plant on site in the operational phase. Conditions are recommended.
- Contaminated land: The phased contaminated land conditions are recommended.
- Air Quality: A condition is recommended to require a detailed air quality impact assessment to consider the impact of the development on local air quality. A condition is also recommended with regard to EV charging infrastructure.
- Odour: No comments.
- Lighting: A condition is recommended to require details of any external lighting for the site.

Officer comment: Upon querying the proposed condition for lighting (on the basis of a plan submitted) and contaminated land (based upon the conclusions of the Inspector relating to the site to the south), it has been confirmed that a condition requiring a lighting scheme is not required and that a condition relating to unexpected contamination would be sufficient.

7.13. CDC ENVIRONMENTAL HEALTH (second response): The comments above continue to apply.

7.14. CDC LANDSCAPE (first responses):

- The Landscape Management Plan is acceptable, however detailed hard and soft landscape proposals and the tree pit detail should be appended to it. Advice is provided as to what should be included in detailed landscape proposals.
- The LVIA is considered to be generally acceptable.
- With regard to the screening and visual mitigation of the buildings indicated on the planting strategy drawing, the proposals were generally considered acceptable but concerns were raised regarding the northern site boundaries existing hedgerow which would not provide sufficient screening or buffering of the 16m high unit and additional space could be introduced to enable large native trees to be provided to benefit the scheme.
- Comments were made on specific species proposed as well as the required information to be demonstrated on detailed soft landscape proposed.
- With regard to the Landscape Management Plan, comments were made relating to the maintenance period which is lower than Phase 2 and that it would need to explain various parts of the proposal.

7.15. CDC LANDSCAPE (second response):

- The trees alongside the strategic link road cycleway should be positioned so that they prevent structural damage to the cycleway by tree roots.
- Additional native trees should be planted on the northern boundary to supplement the hedgerow and provide the necessary visual mitigation of the proposed development parcels. Are swales proposed in this area?
- The Landscape Management Plan will need to be updated to include the consented detailed landscape proposal once available. The submitted plan and its planting typologies do not provide sufficient detail. Comments also continue to be made with regard to the maintenance period.

- Detailed hard and soft landscape proposals are required as well as tree pit details.

7.16. CDC PLANNING POLICY: No comments received.

7.17. CDC PUBLIC ART: Based upon the newly proposed floorspace of 16,942sqm for commercial use, an additional contribution towards public art of £24,181.26 should be provided. This figure is based on rates applied to the previous stages of the development where £75,646.74 was agreed for the initial 53,000sqm. This should be index linked from the same date of the original agreement. The contribution is to be used towards offsite and support cultural wellbeing in the area through participatory and public art features.

Officer note: The contribution request would need to be revised to reflect the reduced floorspace proposed through the amended scheme.

7.18. CDC BICESTER DELIVERY TEAM: No comments received.

7.19. CDC LAND DRAINAGE: (First Response) – the LLFA will need to comment. The site will drain to an attenuation basin that has at least in part already been constructed to serve an adjacent completed building. The basin drains to the minor ordinary watercourse known locally as the Gowell Brook, which flows only seasonably. This water course is also proposed to serve other NW Bicester, so it is critical to the drainage infrastructure locally. It flows through a culvert under Howes Lane which is known to be partly obstructed, which has caused internal flooding to several residential properties locally. This obstruction should be removed to ensure that there is no further increase in risk to affected properties.

7.20. CDC LAND DRAINAGE (Second Response): The proposed strategy directs surface water away from the Gowell Brook and existing development to a linear sequence of swales that serve the Axis J9 Phases 1 and 2. This is acceptable, as it would remove any increased risk of flooding to the existing development to the east and potentially reduce it. The LLFA should comment and should note that the land does not currently contribute to the catchment to which Phases 1 and 2 drain and the system of outfall pipes and ditches beyond the site boundaries has not been surveyed or proven to be capable of discharging the attenuated flows from the site.

7.21. CDC LAND DRAINAGE (third response): No further comments.

7.22. CDC LAND DRAINAGE (fourth response): No further comments. The surface water drainage is proposed to discharge to the existing site infrastructure which has been designed to accommodate Phase 3. No further comments on the site-specific infrastructure for Phase 3.

7.23. CDC LAND DRAINAGE (CLARIFICATION):

- Previous comments about the partially blocked culvert under Howes Lane should be disregarded when considering this application. The proposal for this phase is to pass through the already installed drainage for phases 1 and 2 and not through the Howes Lane culvert.
- The blocked culvert under Howes Lane connects to the piped system north of Beckdale Close. *Officer note – it is understood it is this that has caused recent flooding.*
- The culvert to the south which is planned to take drainage from Axis J9 and other sites has some trees growing in it which could cause blockages and flood risk. This will need to be monitored closely.

7.24. BIOREGIONAL (SUSTAINABILITY ADVISORS TO CDC): Key points summarised as:

- No carbon management plan is provided.
- Conditions should be used to secure a staged process to demonstrate BREEAM compliance.
- Energy monitoring and real time information display systems should be required.
- No water cycle study has been provided.
- The suggestions to reduce greenhouse gas emissions is positive.
- The proposal meets the definition of net zero carbon (taking into account regulated and unregulated emissions) via the buildings being designed to be highly efficient and the integration of PV panels and air source heat pumps for the office spaces. Additional clarification is sought regarding the reduction of carbon emissions achieved for each unit (and site wide) following the addition of PV.
- It is not confirmed if locally sourced materials, recycled or modular construction will be used.
- A condition should be used to ensure analysis and compliance relating to overheating using CIBSE TM52.
- Further details of safe walking and cycling routes should be demonstrated. Further detail on active travel should be provided. Confirmation of the provision of EV charging points should be provided.
- The drainage strategy has been designed for a 100 year + 40% climate change allowance. The drainage strategy includes SuDS.
- Further information should be provided with regard to green space for recreation.
- The proposal should be reconsidered to demonstrate a 10% net biodiversity gain.
- A condition to ensure efficient water consumption is suggested.
- Additional information should be sought around allowable solutions, the glazing u-values (although other u-values such as for building fabric are good) and confirmation of the renewable energy technologies considered.

7.25. OXFORDSHIRE COUNTY COUNCIL (MEMBER COMMENTS – CLLRS SIBLEY, WAINE AND FORD):

- High level of public interest and concern and Bicester Town Council strongly objects.
- This is a speculative proposal, is premature and contrary to the NW Bicester Masterplan and Policy Bicester 1 of the adopted Cherwell Local Plan.
- No further planning applications are allowed on the NW Bicester site other than those which already have approval until the realigned Howes Lane has been constructed. This is critical and should be the key priority without delay.
- The scale and height of the 11 warehouse buildings that range from 8-12m in height will have an unacceptable landscape impact and will impact on the amenity of existing and new residents. There would be adverse impacts on the character and appearance of the area, and it would dominate the street scene and blight the skyline.
- The proposals are contrary to Policy SLE1 which states that careful consideration should be given to locating employment and housing in close proximity as unacceptable adverse effects on the amenity of residential properties will not be permitted.
- The development would be built on land at high risk of flooding. Local residents have suffered flooding in the past few years.

- The proposal would result in the loss of Green Infrastructure and would impact on the Local Walking and Cycling Infrastructure Plan and the internal bus network throughout NW Bicester.
- The proposal would have an adverse impact on the secondary school site, sport pitches, shops, health and community centres by marginalising them from the residential development. Concerns for the safety of school children and parents having to use an industrial business park as part of the route to school.
- Adverse impacts on the road network by traffic congestion, noise, air and light pollution.
- The proposal to build storage and distribution units on a site zoned for housing is unacceptable and would unnecessarily and unjustifiably erode the ambitions of the Local Plan.

7.26. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (First response): Objection:

- The application does not adequately demonstrate that the traffic impact of the development will not be severe. The application assumes the strategic link road diversion will be in place in 2024 and argues that there is sufficient capacity in the local road network for the development to be occupied before this is open. However, this is not accepted. There is uncertainty of delivery of the SLR and therefore a resultant severe congestion impact could last many years.
- Cycle facilities on the west of the strategic road do not appear to be segregated. Whilst this is in line with the permitted layout for the link road, policy has changed since that permission was granted and a segregated, LTN1/20 compliant facility would be required.
- The development does not provide adequate pedestrian and cycle connectivity to existing residential areas meaning that it does not provide a range of sustainable transport options. This is also an unacceptable safety risk.
- The amount of cycle parking appears to be insufficient for the size of the development, again meaning that the development does not adequately provide for a range of sustainable transport options.
- The proposed cycle facilities are not considered to be compliant with current guidance.
- S106 and conditions are recommended.

Officer note, the contribution requests would, in some cases, need to be revised to reflect the reduced floorspace proposed through the amended scheme.

7.27. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (second response): Objection:

- The applicant is proposing that development on the western parcel is restricted to B8 prior to the opening of the strategic road infrastructure. However, there are some anomalies in the assessment of traffic impact.
- A pedestrian connection to and a signalised crossing over Howes Lane has been included in the proposals.
- Segregated Cycle facilities on the strategic link road have been included but improvements are required to cycle connectivity and cycle parking in the interests of promoting sustainable travel.
- Car parking provision for the warehousing units is too generous and should be reduced in the interests of promoting sustainable travel.

7.28. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (third response): Objection:

- Improvements are still required to the cycle connectivity on the strategic link road (in terms of the width of the provision and the inclusion of a buffer which would improve user experience and result in beneficial changes to the priority crossing of the access) and cycle parking.
- The application has been amended to remove the eastern parcel from the application and proposes that the western parcel is used for entirely flexible uses. The footway/ cycleway remains connecting the site to a proposed new signalised crossing of Howes Lane, with onward connection to the public footpath leading to Wansbeck Drive.
- The route leading to the signalised crossing is 3m in width. As this is an interim route only, the applicant considers this to be sufficient. OCC consider that this should serve cyclists as well as pedestrians given the strong sustainable transport policy. A barrier chicane as proposed is not supported.
- Full details of the signalised crossing should be requested by condition.
- Continued concerns raised regarding the proposals for routes to the cycle parking within the HGV areas.
- The predicted peak hour trip generation has been revised in accordance with the reduction in floor area and is based upon industrial rather than warehousing which represents a worst case. This has been tested in the Bicester Transport Model using a reference case for 2026 without the A4095 realignment. This shows a modest impact of 4 vehicle movements at the Howes Lane/ Bucknell Road/ Lords Lane junction. Although the junction is predicted to be over capacity this level of additional vehicle movements could not be considered severe. This objection is therefore removed. A condition to restrict occupation of the development until the strategic link road is in place is not recommended. This is subject to a routing agreement requiring HGVs to leave the site to the south using Vendee Drive and the A41.
- The return to a flexible use rather than B8 only removes the previous objection on the basis of over-provision of parking.

7.29. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (fourth response): No objection subject to S106 requirements and planning conditions.

- A technical note relating to the proposed cycling infrastructure has addressed the previous comments.
 - The amended site plan shows a segregated cycleway on the western side of the future A4095 realignment and the Axis J9 phase 1 has been widened on that part of the link for which no constraints exist;
 - The western footway/ cycleway along the A4095 realignment has been set back behind a 1m verge;
 - The link between the future A4095 and Howes Lane (to the signalised crossing) is a 3m shared use route which is acceptable on a temporary basis as most cyclists in the future would use the realigned A4095;
 - The crossing works on Howes Land will be subject to technical audit;
 - There will need to be a requirement to agree technical details of the access road with OCC prior to construction as it forms part of the future A4095 alignment. The cycle link will be offered for adoption in the future so OCC must agree its details.
 - Cycle parking for the units has been moved from the goods in/ out area to the car parking area.

- 7.30. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (first response): Objection:
- A detailed surface water management strategy should be submitted in line with local standards and as the proposal is a full application, a definite proposal of all SUDs that will be installed as part of the scheme is required.
- 7.31. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (second response): Objection:
- Various detailed queries raised with regard to the proposed scheme and the information provided.
- 7.32. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (third response): Objection as no additional information has been received.
- 7.33. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (fourth response): Objection due to missing information (this was due to an error in the information being made available).
- 7.34. ENVIRONMENT AGENCY: No objection. Advice is provided for future occupiers relating to potential polluting activities and on their regulatory role in issuing other legally required consents, permits or licences for various activities.
- 7.35. NATURAL ENGLAND (first response): No objection as the proposed development will not have significant adverse impacts on designated sites. Natural England considers that the proposed development will not damage or destroy the interest features of nearby SSSIs.
- 7.36. NATURAL ENGLAND (second response): previous advice continues to apply. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 7.37. NATIONAL HIGHWAYS: No objection. The Transport Assessment has been reviewed and it is acknowledged that the proposals shall produce a lower development trip impact than that of the previously consented residential development which National Highways had no objection to. National Highways confirmed this position to a re-consultation based upon the amended scheme that reduced the scale of the development.
- 7.38. NATIONAL PLANNING CASEWORK UNIT: No comments received.
- 7.39. THAMES WATER: (First response):
- Thames Water has been unable to determine the foul water infrastructure water needs of the development. A planning condition is recommended.
 - The application indicates that surface water will not be discharged to the public network and so Thames Water has no objection.
 - Thames Water recognises that this catchment has high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and so there is no objection, however care needs to be taken to ensure flooding is not caused.
 - Thames Water have no objection with regard to water network and water treatment infrastructure capacity. An informative should be added relating to water pressure.

7.40. THAMES WATER (second response):

- Thames Water recognises that the catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the development does not materially affect the sewer network and there is therefore no objection.
- The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy. As the application demonstrates that surface water will not be discharged to the public network then there is no objection.
- No objection with regard to foul water sewerage network infrastructure capacity.

7.41. BBOWT: No comments received.

7.42. CPRE: Concerns as follows:

- Concerned that this will conflict with the emerging vision from the Oxfordshire Plan 2050 for Oxfordshire to be an attractive place to live in, particularly given nearby residents' views.
- The development which includes provision for B8 and building over 11m high will result in overbearing massing and industrialisation inappropriate to residential areas.
- The proposal is at odds with Policy Bicester 1 which states use classes B1 with limited B2 and B8. Taking into account what has been built, this would not be limited. B1 employment should be sought here if the site is to be allocated for employment which would be more appropriate to a residential area in terms of amenity and scale. A broader range of uses would better fulfil the eco town aims and there is plenty of logistic employment already.
- Concerned that the A4095 strategic link road will not be ready until 2024. This is causing concern to local residents on a number of grounds. This is not adequately addressed in the Environmental Statement.
- The proposal does not achieve the required 10% biodiversity net gain. Concerns over the long-term maintenance programme to ensure the required gain. The calculator used is dated.
- Concern regarding other biodiversity species due to erosion of their habitat. Why have surveys not been provided in the ES? Policy ESD10 states that developments should provide surveys of the brown hairstreak butterfly but that is not provided.
- Further detail on the scheme to offset farmland birds should be provided. Otherwise, this is pushing the issue down the road. CDC is committed to nature recovery through its Community Nature Plan then the Council should seek further detail.
- There are a number of objection letters relating to flooding given recent flooding incidents locally. The response from the CDC Land Drainage Officer is noted relating to the obstructed culvert which may have caused flooding.
- Concerned that the development will be a net contributor to greenhouse gas emissions. This is concerning given the site is part of the eco town strategy whose main purpose is to reduce carbon emissions. CDC has set a target of carbon neutrality by 2030. This will require significant reductions in vehicle use. Logistics are already well provided for, and this may lead to staff travelling further to the site increasing car usage and emissions. The types of vehicles required will also increase emissions.
- The proposal is likely to fall short of being a carbon neutral development.
- This proposal will run counter to Policy Bicester 1 and be inappropriate adjoining local residences. CPRE are not opposed to development on the land but a rethink

on the development is required to minimise the impacts on residential amenity and the environment.

7.43. STAGECOACH: Support the proposal in their revised form.

- Stagecoach do not believe that the release of the site for employment uses would be prejudicial to the achievement of the Local Plan nor the SPD taking into account activity across the site. There also appears to be clear demand for the additional employment from the uptake of space across the town. This is a welcome rebalancing of the town that has historically been a residential satellite of Oxford. Rebalancing employment with large scale housing development is inherently sustainable, reducing the distances to travel and helping to make sustainable modes more attractive. This accords with the spatial strategy of the Local Plan and National Policy.
- Land within the redline will accommodate vehicular access to the proposals and will future proof and partly deliver a section of the strategic link road. A shadow right turn lane into the scheme at the south (the permanent arrangement) should be made.
- There should be the ability to future proof the route to the west (linking through to the Himley Village site) for a pair of bus stops to provide safe and convenient public transport access to the proposals in the future.

7.44. THAMES VALLEY POLICE DESIGN ADVISOR: No objection but comments are made to meet the requirements of the NPPF:

- The design and access statement does not adequately address crime and disorder.
- Comments are predominately related to building security.
- There are concerns that the fire escape routes are located in vulnerable, isolated areas lacking surveillance.

7.45. ELMSBROOK COMMUNITY ORGANISATION: Object because it will cause too much obstruction. Further comments to the amended scheme were as follows:

- The proposal should not deviate from the original plans for housing on the land. Additional warehouses would not provide sufficient employment per sqft and is not the correct type of employment for the current eco town demographic. Offices should be proposed if the land is to change from residential to commercial. This would be more suitable for an eco-development and would provide more employment opportunities.
- Air pollution levels in Bicester exceed the World Health Organisation guidelines.
- Warehouses are serviced by a high number of HGVs. This will add to air pollution which will have a severe impact on the health and wellbeing of residents.
- There are other warehouses proposed near to J10 of the M40 and close to the proposed Oxfordshire Strategic Rail Freight Interchange. On this basis there is no reason to support an application or more warehouses in this inappropriate location.

7.46. BICESTER BIKE USERS GROUP: There are some serious issues with the highway design for cyclists so BBUG Object for the following reasons (but the issues should be overcome relatively easily):

- The western side of the strategic road should be provided with segregated provision for pedestrians and cyclists link to the eastern side to comply with LTN1/20 and the Oxfordshire Cycle Design Standards. This should be continued into the estate to avoid unnecessary transitions.

- Priority crossings should be proposed on the minor road access pointed on the western side and to the estates on the current access road. Corner radii should be reduced to minimise vehicle speeds as well as the road distance that pedestrians need to cross. Provision of mid-point refuges might be advisable.
- There should be a disability compliant way for cyclists and pedestrians to cross the stub of Howes Lane until the wider road is completed. Dropped kerbs should be provided.
- Cycle bypasses should be provided to the rear of the location of any planned bus stops to avoid conflict.
- The crossing in the mid-point of Howes Lane shows a shared area to the east merging into a cycle only lane with no transitions. This will need to be redesigned, especially if active travel on the western side becomes segregated provision. A parallel crossing might be suitable bearing in mind the likely future traffic on Howes Lane.
- Ghost islands can reduce accessibility for users of the minor roads and post a greater road safety risk as well as taking up highway space so they should be considered for removal.
- Active travel routes to the site should be improved as per LTN1/20. Active travel access to the proposed development across the Middleton Stoney Road roundabout is poor as it has uncontrolled crossings over high speed, wide, crossings. This makes walking and cycling access limited. A contribution towards segregated parallel crossing should be provided.
- The level of cycle storage appears to be below that which would be required according to LTN1/20 and in the wrong locations. Storage should be immediately adjacent to the entrance to each unit to ensure greater protection for bicycles, especially more valuable e-bikes.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Policy Bicester 1: North West Bicester Eco Town
- Policy Bicester 7: Open Space
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR10: Heavy Goods Vehicles
- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- North West Bicester SPD (February 2016)
- The Habitats and Species Regulations 2017

9. APPRAISAL

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

- Environmental Statement
- Principle of development
- Transport
- Landscape and Visual Impacts
- Design, and Impact on the character of the area
- Residential amenity
- Ecology impact
- Drainage
- Eco Town Standards
- Other matters

Environmental Statement

9.2. The application is accompanied by an Environmental Statement. The aim of an Environmental Impact Assessment is to protect the environment by ensuring that a Local Planning Authority, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and therefore can take this into account in the decision-making process.

9.3. The scope of the Environmental Statement (ES) accompanying this application predicts the environmental effects of construction activities and once the development is complete and operational. It covers the following topics: the construction process,

socio-economic impacts, transport, noise, biodiversity and climate change and greenhouse gas impacts. Landscape and visual impacts are assessed within an appendix to the ES. It also considers the effect interactions and cumulative impacts within each chapter. Officers are satisfied with the scope of the submitted ES. The ES considers the scheme as originally submitted (i.e., a larger scheme than now being considered). It has not been updated to reflect the amended scheme but, it is considered that the impacts of the scheme in its amended form continue to be adequately assessed. On this basis, it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable in this case.

- 9.4. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.5. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 9.6. The ES identifies mitigation and this, should the proposal be approved, would need to be secured through conditions and/or legal agreements. The following report assesses the submitted planning documents and the content of the Environmental Statement in order to reach a balanced and informed recommendation to Members.

Principle of Development

Policy Context

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 (Part 1), the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need, the saved policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans.
- 9.8. Policy SLE1 of the Cherwell Local Plan Part 1 (2011-2031) sets out that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy. The Plan has an urban focus to development, with allocated employment sites focussed predominantly at Banbury and Bicester.
- 9.9. The adopted Cherwell Local Plan 2011-2031 Part 1 includes strategic allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The policy is comprehensive in its requirements and this, alongside the other relevant policies of the Development Plan are relevant to the consideration of this application. The application site forms part of the land allocated by Policy Bicester 1.
- 9.10. Policy Bicester 1 identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area. A Masterplan has been produced for NW Bicester and this has been

embedded within the North West Bicester SPD, adopted in February 2016. The SPD amplifies the Local Plan policy and provides guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.

9.11. Policy Bicester 1 sets out various requirements for the site and for employment, it requires as follows:

- Land Area – a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road, employment space in the local centre hubs and as part of mixed used development;
- Jobs created –At least 3,000 jobs (approximately 1,000 jobs on B use class land on the site) within the plan period;
- Use classes – B1, with limited B2 and B8 uses;
- It is anticipated that the business park at the Southeast corner of the allocation will generate between 700 and 1,000 jobs in use classes B1, B2 and B8 early in the Plan period;
- A Carbon Management Plan shall be produced to support all applications for employment developments;
- An economic strategy to be produced to support the planning applications for eco-town proposals demonstrating how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
- Mixed use local centre hubs to include employment (B1(a), A1, A2, A3, A4, A5, C1, D1 and D2);
- New non-residential buildings will be BREEAM Very Good with the capability of achieving BREEAM Excellent.

9.12. The NW Bicester Masterplan incorporated within the SPD identifies the land that is now Axis J9 for commercial/ business development uses and the land to the north (subject to this application) and east for residential/ green infrastructure uses. The SPD includes Development Principle 4, which identifies that employment opportunities play a part in ensuring that unsustainable commuter trips are kept to a minimum and that larger scale commercial development on the land shown would provide business space for offices, workshops, factories and warehousing for target sectors including high value logistics, manufacturing and low carbon companies.

9.13. As described by the planning history above, the land to the north and east benefits from outline planning permission for residential development for up to 150 dwellings. The implemented outline permission would require a reserved matters application to be made for the land by 19 December 2022, otherwise the outline permission for the land will lapse. In addition, there is a Grampian condition imposed on the outline permission which means that no residential development and no more than a specified floorspace limit of E(g)(iii) or B2 uses could be occupied until the work to realign Howes Lane and Lords Lane has been completed and the road opened to vehicular traffic.

9.14. The NPPF identifies that significant weight should be placed on the need to support economic growth and productivity. Planning policies and decisions should also help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 sets out 4 criteria that planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

9.15. The applicant refers to Paragraph 122 of the NPPF, which refers to the need for planning policies and decisions needing to reflect changes in the demand for land. It goes on to state that where a Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, that *b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

Assessment

- 9.16. Policy Bicester 1 allows for employment development as part of the mixed-use site area and in line with the Masterplan for the site. The existing J9 site area extends to approximately 14ha, which exceeds the minimum land area referred to by Policy Bicester 1 for the site in the southeast corner (Howes Lane/ Middleton Stoney Road). The Policy also anticipates commercial uses in the local centre hubs and as part of mixed-use development.
- 9.17. As well as the Policy not necessarily anticipating further commercial development in this area, the Masterplan identifies the land use in this area for residential/ green infrastructure uses. In this respect, the proposal changes the Masterplan and proposes an alternative form of development on the land. There are two main issues to consider in this respect. Firstly, the loss of the land for residential uses and secondly, whether proposals for additional commercial development can be justified and how these might comply, or otherwise, with planning policy.

Loss of land for residential purposes

- 9.18. The land subject to this application, as summarised above was originally identified for residential uses and the site benefits from an extant outline permission for residential development currently. With respect to residential uses, the NPPF sets out that the Government's objective is to significantly boost the supply of homes and it requires that housing delivery is maintained and delivered. This is partly by requiring that Local Planning Authorities maintain a minimum of five years' worth of deliverable housing land provided against their housing requirements. The Council's most recent annual monitoring report demonstrates that the Authority can currently demonstrate only a 3.5-year housing land supply for the period 2022-2027 (commencing 1 April 2022).
- 9.19. The loss of land for 150 dwellings would not assist the Council in improving its housing land supply position. However, it is relevant to note that these 150 dwellings are not shown as being deliverable within the current five-year period in any event due to current restrictions on their occupation prior to the required strategic infrastructure at NW Bicester (which as explained below is uncertain). Retaining the land for residential uses would not therefore improve the current five-year land supply situation and in any event, there is no guarantee that the site would ever be brought forward by a developer for residential uses. In addition, outline permission for residential uses is due to expire later in 2022 and if a new application were not made, the land would sit dormant. Nevertheless, the proposal to introduce commercial uses to this land would change the Masterplan and therefore it is necessary to consider the applicant's alternative proposals carefully.

9.20. It is also relevant to note that elsewhere across the site planning applications have been made for higher residential numbers than previously anticipated. Whilst Officers are not in a position to make recommendations on those yet, therefore there is no certainty that higher numbers will or will not be provided across the site, Officers are reasonably confident that it may well be possible to make up 150 dwellings elsewhere (by for example increased density) such that overall, the ability to meet the number of dwellings across the site allocated by Policy Bicester 1 could still be achieved.

Use of the land for commercial purposes

9.21. Policy Bicester 1 in respect of employment uses identifies a minimum of 10ha of land at the southeast corner of the site. Increasing the quantum of land for employment uses in this area would not therefore be in conflict with this element of the Policy. Indeed Policy Bicester 1 seeks to achieve at least 3,000 jobs within the Plan period (the Policy anticipates the delivery of 3,293 of the 6000 homes to be delivered within the Plan period) as well as proposals to demonstrate how access to work will be achieved to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport. This is to support the ambitions of the site in being a sustainable new community with various targets to achieve this including to achieve high modal shift targets to reduce private car use.

9.22. Whilst it is likely that additional employment opportunities would arise across the rest of the site in smaller employment areas and local centres, the principle of employment development increasing job opportunities would assist in the site as a whole meeting sustainability standards for employment opportunities and access to them.

9.23. The applicant has developed out phases 1 and 2 of Axis J9 and has advised that all units are fully let and that there is strong and evidenced market need for additional flexible employment floorspace in this location. They have also noted other developments around Bicester which have similarly been successful in attracting occupiers. Their market advice is that demand is such that further development would likely result in a similarly quick response rate from national and international companies in the manufacturing and logistics sector, with pre-lets likely prior to construction completing.

9.24. Phases 1 and 2 have attracted a mix of local, national and international businesses in a diverse range of uses including traditional storage, light industrial and specialist technology-based manufacturing. Local businesses such as React Industrial Solutions and Pursuit Racing have a presence at the site as well as new occupiers to Bicester such as Arrival and Origin Doors. It is also noted that the high environmental targets at the site make the units attractive to modern businesses.

9.25. The applicant's Market advice is that the size of the proposed units (those retained in the application – the mid-sized units of 1,783sqm to 4,756sqm) are in particularly low supply in Bicester and across the Cherwell region and therefore would likely appeal to regional and national companies in the logistic and manufacturing sectors.

9.26. The demand for additional employment development is a material consideration. The applicant, in support of their position has provided a letter of support from Brita Water Filter Systems Ltd who confirm that they have agreed letting terms for proposed Unit 4, which they require to support their expansion plans in Bicester (this would be in addition to their existing UK HQ premises on Granville Way). They require this building to be ready for operations in mid-2023 and intend that the building would enable new production lines to be established, potentially resulting in a substantial increase in employee numbers.

- 9.27. The Council's Annual Monitoring Report demonstrates that there has been a considerable gain in employment floorspace over the past two years with that delivered at Bicester being mostly in use classes B1/B2 and B8 (B1 uses now fall within use Class E(g) (i-iii)) indicating that there is demand for such floorspace. The Council's Economic Development Officer has confirmed that the applicant's submission confirms their understanding of the level of recent and on-going demand for commercial premises
- 9.28. The proposed land uses also require further consideration. Fully flexible uses are proposed within use classes E (g)(iii), B2 and B8 with all of the units in the amended scheme benefiting from a small amount of supporting office (E(g)(iii)) space on a mezzanine at first floor level. The units are of varying sizes being suitable for general and light industrial, manufacturing, processing and/ or storage/ distribution uses but they are generally smaller units than units 1-7 on Phase 1 and 2.
- 9.29. The applicant indicates that the current proposal could accommodate around 255-720 jobs although given that there is likely to be a range of occupiers, that the most likely number of jobs would be within the 300-400 number range. The proposed numbers would likely be slightly less than this now given that the smaller units are no longer part of the scheme and the uses most likely within such smaller units (i.e., B2 rather than B8) tend to have greater job densities. The exact number of jobs the scheme could generate cannot be provided at this stage. However, the proposal would generate jobs within a range of job types, and this would contribute to the Policy requirements in this respect beyond those from Phases 1 and 2. This is assessed as a moderate beneficial effect at the local scale in the Socio-economic chapter of the ES.

Conclusion

- 9.30. Policy ESD1 confirms that in mitigating the impact of development within the District on climate change, that growth will be distributed to the most sustainable locations as defined by the Local Plan. Bicester is one such location. Land at NW Bicester is allocated by Policy Bicester 1 for a mixed use zero carbon development with employment uses allowed for, partly to enable job opportunities to be provided within proximity to new residential uses and therefore be easily reached by sustainable modes.
- 9.31. Policy Bicester 1 refers to a minimum of 10ha of employment land focussed at Howes Lane and Middleton Stoney Road. The existing employment site exceeds this, and the current proposal would provide for further employment land. The land proposed for the development is identified as for residential and green infrastructure uses. Whilst the SPD is not Policy and its aim is to provide further detail to the policy and a means of implementing the strategic allocation, Policy Bicester 1 does refer to the need for planning permission to be granted only in accordance with a comprehensive Masterplan for the whole area to be approved by the Council as part of a NW Bicester SPD. In addition, the land uses proposed would include just small areas of Class E(g)(i) (office space) with the uses proposed as a flexible mix of uses between classes E(g)(iii), B2 and B8. For these reasons there is some conflict with Policy Bicester 1.
- 9.32. However, the proposal for additional commercial development would result in the provision of additional job opportunities within a sustainable location close to areas of the site allocated for residential uses and this would therefore support the aims of the Eco Town. In addition, the use classes proposed would be complementary to the uses allowed on Phases 1 and 2 to the south and the size of the units being generally smaller would provide for an additional type of space.
- 9.33. The applicant's submission demonstrates that there has been excellent take up of the units on the first phases and that demand continues for this type of employment space

and in this location. Their advice considers that pre-lets are likely given the demand. This position is confirmed as being the understanding of the Council's Economic Development Team. The NPPF confirms that planning policies should be flexible enough to accommodate needs not anticipated in the Plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

- 9.34. It is acknowledged that the proposal would result in the loss of land for residential uses. Officers are not convinced that it could defend a reason for refusal which sought to protect the residential land in principle. This is because the number of residential dwellings allowed for on this site is relatively modest and there is a reasonable prospect that those numbers could be accommodated elsewhere across the wider allocated site. In addition, whilst the site currently benefits from outline permission for residential uses, this does not preclude the developer applying for an alternative proposal which must be considered on its merits.
- 9.35. As considered above, whilst the proposal for employment uses would create some conflict with Planning Policy, it would also bring some benefits that must be given weight in the planning balance. Officers therefore consider that it may be possible to conclude that the scheme is acceptable in principle subject to the consideration of all other matters.

Transport

Policy Context

- 9.36. The NPPF confirms 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. Development proposals should promote sustainable transport, ensure safe and suitable access can be achieved and mitigate any significant impacts to an acceptable degree.
- 9.37. Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. At NW Bicester, and as confirmed by Policy Bicester 1 and the NW Bicester SPD through a series of development principles, the achievement of modal shift, infrastructure to support sustainable transport and for development to facilitate the provision of new strategic infrastructure (including contributions towards it) are clear requirements.

Appraisal

- 9.38. Policy Bicester 1 identifies that changes and improvements to Howes Lane and Lords Lane are required to facilitate the integration of new development with the town. The NW Bicester SPD identifies a re-aligned route for the A4095 further to the west from its current alignment. The SPD explains that this proposal would provide for a strategic route, allow for improved walking and cycling opportunities, be designed into the development and, alongside a new vehicular bridge (already installed) would result in a solution to the heavily constrained Howes Lane/ Bucknell Road/ Lords Lane junction.
- 9.39. Oxfordshire County Council have historically and consistently advised the District Council that the Howes Lane/ Bucknell Road/ Lords Lane junction does not have capacity for development at NW Bicester past a certain level of development until the realignment to the A4095 is completed and opened to vehicular traffic. In 2014 the performance of the existing junction was modelled, and this predicted a level of trips that could be accommodated in advance of the strategic infrastructure being provided

(which was used to work out development thresholds – 900 dwellings (including 393 at the Exemplar phase) and proportionate employment).

- 9.40. Until the end of 2021, Officers had relied upon this work as a reasonable indication of transport impact because there was a level of certainty that the realigned Howes Lane would be provided within a reasonable timescale. This was based upon the fact that when A2 Dominion advised the Councils that they were no longer able to progress the strategic infrastructure project, Oxfordshire County Council stepped in. This resulted in the delivery of two structures under the railway line (a pedestrian underpass and a road bridge) utilising forward funding and, following the delivery of these features, continuing work to progress the design of the road infrastructure with the intention to deliver the project using Oxfordshire Growth Funding. In the circumstances, Officers have therefore recommended Grampian planning conditions to restrict development beyond certain defined points until the road is provided and opened to vehicular traffic. The Planning Practice Guidance provides guidance on the use of Grampian planning conditions. It advises that such conditions (which prohibit development or a certain trigger point of a development happening (i.e., occupation) until a specified action has been completed (i.e., the provision of supporting infrastructure) should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission.
- 9.41. At the end of 2021, recommendations were made to the Future Oxfordshire Partnership to re-allocate the Oxfordshire Growth Deal funding from this project to elsewhere in Oxfordshire due to concerns around the level and timing of housing delivery and the required timescales to spend the funding. The OCC Cabinet endorsed the recommendation, and the funding has been re-allocated.
- 9.42. In this situation, where there is now no certainty of the delivery of the strategic infrastructure, OCC have advised in relation to this application that the original work from 2014 to establish potential capacity in advance of the strategic infrastructure cannot be relied upon given it is over six years old and was based upon a traffic model that did not include development at Upper Heyford. It also means that it would not be reasonable to impose a Grampian condition in the current circumstances.
- 9.43. The original outline permission which has been implemented for the Albion Land site (14/01675/OUT) includes a Grampian planning condition which (in its amended form, having been agreed via an application made under S73 of the Town and Country Planning Act 1990 (as amended)), allows for all of the commercial development to be occupied (but with restrictions relating to floorspaces used for certain use classes) but it restricts the occupation of any of the approved residential development until the realignment of the A4095 has been completed and opened to vehicular traffic. As explained earlier, the land benefiting from outline permission for residential uses is the land subject to this application (partly in its amended form).
- 9.44. The applicant's original submission (relating to the whole site, prior to the site plan being amended) included a transport assessment (TA) which, assessed the impact of the development for the future year 2031, using a 2018 scenario of the Bicester Transport Model. The scenario included most committed development including that at Upper Heyford and assumed that the re-aligned strategic infrastructure would be in place. The impact was then used against the 2014 work which, as explained above, established a potential capacity in advance of the road infrastructure to conclude that, in summary, the development could be completed and occupied prior to the opening of the strategic infrastructure, as it could utilise available highway capacity due to other developments across NW Bicester not having come forward.
- 9.45. As well as the fact that there is no certainty over the realigned strategic infrastructure, OCC objected to the proposal on the grounds that there would be severe congestion

at the junction of Howes Lane/ Bucknell Road/ Lords Lane. They also raised some other concerns with the 2031 assessment including that traffic from the approved Great Wolf resort at Chesterton was not included. There was acknowledgement that the proposal would generate less traffic than the permitted residential development but there would be a higher proportion of HGVs. It was also acknowledged that if the proposals were accepted in advance of the road infrastructure, that this would reduce the number of dwellings that could be occupied across the site which would need to be considered in the context of live planning applications for dwellings (albeit as above, the position has now changed in any event).

- 9.46. Initially, the applicant put forward a proposal for a restriction of a certain level of floorspace to be used for B8 warehousing only until the opening of the realigned road. In effect, this would have restricted those units on the western parcel to B8 use only until the road infrastructure were provided. This would have resulted in a much lower number of trips as trip rates associated with B8 uses are much lower than other industrial uses. OCC had a number of queries with the submitted information and the way the impact had been assessed.
- 9.47. Consequently, and responding to Officer comments regarding the design of the development, a further technical addendum was submitted. This used a newer version of the Bicester Transport Model with the removal of the SLR and including only committed development across NW Bicester (in accordance with the AMR, 500 dwellings). This modelled a fully flexible (Use Classes E(g)(iii), B2 or B8) development. This identifies just 4 additional trips in the AM peak and 4 trips in the PM peak through the Bucknell Road/ Howes Lane junction. OCC have verified the detailed submission and agreed that this level of additional trips through the junction would not be severe, and their objection has been removed. They confirm that a Grampian condition would not therefore be required (but as explained above, this would not be possible to impose in any event now).
- 9.48. The application acknowledges that there would be a requirement for HGV site traffic to be routed to the south to avoid the existing Howes Lane/ Bucknell Road/ Lords Lane junction prior to the strategic link road being opened in this respect.
- 9.49. The access proposals for the site are to take vehicular access from the Middleton Stoney Road and Empire Road with part of the strategic link road (re-aligned Howes Lane) (SLR) itself proposed with right turn lanes included. This arrangement is stated to be a temporary arrangement until the route for the strategic road (in its currently approved form) is provided. Once the strategic road is realigned, Empire Road would become a cul-de-sac with access to the current proposed units (and the small units existing on Phase 1) to be taken from the realigned Howes Lane. The proposals would not prejudice the delivery of the rest of the strategic road in its approved form in this area. The land required to the south and west is protected by licence arrangements through the original permissions for the site and OCC have requested that via the S106 for this site, that those arrangements continue to be secured.
- 9.50. The design of the SLR element was subject to discussion with OCC Officers to ensure consistency with the SLR design that was previously being progressed by OCC. Through the application process, OCC have confirmed that the carriageway width and the layout, with right turning lanes would be suitable for the nature of the road. Amendments were also made to the pedestrian/ cycle provision on the west side of the SLR through the application process to provide for a segregated 3m cycleway and 2m footway taking into account guidance in LTN1/20 (the cycleway to the eastern side has also been proposed at 3m wide now).
- 9.51. OCC also raised some detailed points regarding the design of the road infrastructure in terms of pedestrians and cyclists. In most cases these have been resolved,

however a refuge at the western access has not been requested further as it was acknowledged that this could not be accommodated without widening the bellmouth significantly which was not considered to be desirable.

- 9.52. Following the receipt of amended information, OCC have now confirmed that the proposals for access and the design of the section of the SLR is acceptable.
- 9.53. The site is arranged with service yards and parking provided to the front of the proposed buildings. HGV tracking has been undertaken for these and also for the permanent and interim access arrangements. OCC have not raised an objection in this respect.
- 9.54. The TA explains that the site would be linked to the wider network via proposed walking and cycling routes some of which exist following the implementation of the Axis J9 scheme. OCC initially raised concern with the proposals for accessibility, particularly pedestrian and cycle accessibility to the residential area to the west. OCC sought the provision of a crossing of Howes Lane, and this was sought to connect through to the public footpath linking through to Wansbeck Drive which was part of the proposals secured via the residential permission for the site. This has been subsequently proposed via the provision of a signalised toucan crossing of Howes Lane and, following some amendments, has been concluded to be acceptable by OCC. It is understood that detailed matters such as required lighting could be dealt with at the technical highway approval stage.
- 9.55. In the interim period, bus accessibility would be via the Middleton Stoney Road or accessing across Howes Lane to the residential area of Bicester (now that a crossing is proposed). If the strategic link road is built on its approved link, then bus services would be available from that road. OCC raised some comments regarding the position of bus stops to ensure they are taken account of in the design (for example cycle bypasses would be required for the shelter in accordance with LTN1/20). OCC have accepted that the bus stops are likely to be positioned further west rather than there being a need for bus stops on this section of the strategic link road.
- 9.56. Parking provision is provided for each of the proposed commercial units. Whilst OCC initially raised some concern over the levels proposed and the positioning of cycle parking as part of the scheme, through the amended scheme, the proposals have been, latterly, concluded to be acceptable. 10% of parking spaces are proposed to be provided with electric vehicle charging with provisions made to increase this to 25%. OCC state that 25% of spaces should have EV charging facilities so there would need to be a condition to provide this by an agreed date.
- 9.57. A Framework Travel Plan accompanies the application which aims to encourage employees to travel to and from the site via sustainable modes and which aims to therefore support the site meeting the modal shift target of 60% of trips made by non-car modes in the longer term. OCC have made a couple of minor comments regarding the plan including that the mode share targets are not ambitious and that contact details for the interim travel plan co-ordinator are required. It is also set out that Units 4 and 5 would require their own travel plan in line with the framework travel plan. A condition is recommended.
- 9.58. S106 obligations are requested for various mitigation measures, most of which replicate matters secured via the residential permission for the site. These are detailed further and explained in Appendix 1.
- 9.59. The Environmental Statement, using the original TA as summarised above, concludes that during the construction stage, a Construction Traffic Management Plan (sought via condition) would be appropriate mitigation for potential construction traffic impacts

and the impacts then would be modest and negligible. For the operational stage, the ES concludes that the access arrangements would be appropriate, that there would be no need for mitigation in traffic impacts terms and that the development access junctions would operate satisfactorily and would cause no significant effects. Minor beneficial effects are predicted for pedestrians and cyclists due to the facilities proposed.

Conclusion

- 9.60. It is appropriate to note that this proposal does seek to bring forward development in advance of the provision and opening of the strategic infrastructure. However, due to the withdrawal of funding away from that scheme and therefore the limited certainty as to how that will be delivered, the approach to considering the transport impacts at NW Bicester must be considered afresh. At the moment, it would not be appropriate to impose Grampian conditions to restrict development until that infrastructure is delivered and therefore a decision as to whether the impact of the development would be severe in impact terms (as defined by paragraph 111 of the NPPF) must be taken. On the basis that the proposals, as demonstrated through the submitted information and which has been assessed as being acceptable by OCC, would result in 4 trips through the Howes Lane/ Bucknell Road/ Lords Land junction, Officers would agree that this could not result in a conclusion that there would be a severe transport impact.
- 9.61. The other elements of the proposal have been considered in detail including the main access arrangements, the cycling and walking infrastructure proposals and the access to public transport. OCC have raised no objection to the scheme and Officers agree that these measures would contribute towards the site moving towards a modal shift for transport in accordance with the requirements for Policy Bicester 1. Planning conditions and obligations can be used to secure the requirements to mitigate the impact of the development as part of the Masterplan for the site and to secure any required mitigation as set out through the Environmental Statement.

Landscape and Visual impacts

Policy Context

- 9.62. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.63. Policy Bicester 10 of the CLP 2031 Part 1 sets out the requirement for development proposals to be accompanied and influenced by landscape/ visual and heritage impact assessments and it requires structural planting and landscape proposals within the site to include retention of existing trees and hedgerows and to limit the visual impact of new buildings and car parking on the existing character of the site and its surroundings.
- 9.64. Policy Bicester 1 refers to the need for 40% of the total gross site area to comprise Green Infrastructure with at least half to be publicly accessible which is to form a network of well-managed, high-quality green/ open spaces which are linked to the open countryside. As part of the key site-specific design and place shaping principles for the site, the requirement for development to respect landscape setting and to allow for a well designed approach to the urban edge which relates development at the periphery to its rural setting, affords good access to the countryside and which minimises the impact of development when viewed from the surrounding countryside.
- 9.65. The NW Bicester SPD refers to Green Infrastructure and Landscape and sets out again the requirement for 40% Green Infrastructure and gives guidance on tree

planting, development edges and hedgerow and stream corridors (the latter requiring a 20m buffer to retained and reinforced hedgerows – 10m either side).

- 9.66. The National Planning Policy Framework, as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Assessment

- 9.67. The application is accompanied by a Landscape and Visual Assessment as part of the Environmental Statement. This considers the landscape context of the site and how it responds to identified characteristics with reference to its classification within landscape types in National and Local landscape work. The LVIA explains that mitigation for the site has been embedded within the design of the development including the proposed height and location relative to hedgerows, with the proposals for landscaping of the site including the provision of mounds to raise the planting and increase its effectiveness. The landscaping aims to screen, filter and soften views of the development. The Council's Landscape Officer has confirmed that the LVIA is generally acceptable.
- 9.68. The LVIA acknowledges that during the construction phase, the impact on landscape character and visual amenity is likely to be major adverse albeit temporary in nature and mitigation measures (to be outlined within the CEMP) would reduce the impacts. The ES concludes that for the completed development, the site itself would experience substantial landscape effects, albeit it is noted that this is likely from most types of development and the site is allocated for development in principle. For other receptors, the landscape effects would be moderate/ minor adverse, but mitigation is proposed in the form of landscaping. The report finds that with existing development and significant vegetation, that the visual effects of the development would be generally negligible, but it is acknowledged that there would be greater impacts (moderate major adverse impacts) to local residential properties and to the west of Bicester and users of the local rights of way in terms of visual impact. The assessment also concludes that there are likely to be moderate adverse impacts on landscape character and visual amenity due to lighting taking into account mitigation in the form of limiting lighting to where it is necessary, the use of appropriate shrouds, angled fittings and low energy light fittings and the use of planting. Overall, it is concluded that the proposals can be integrated without substantial harm to the character of the landscape and visual context and that effective mitigation can be implemented to reduce effects.
- 9.69. It is notable that the LVIA has not been updated to reflect the amended scheme, although as it relates only to development on the land to the west of SLR alignment, it is considered likely that the impacts would be lessened in terms of receptors to the west of Bicester compared to the conclusions of the LVIA.
- 9.70. A Green Infrastructure Plan accompanies the planning application, and this demonstrates that 44.86% of the site can be delivered as Green Infrastructure. This includes the verges, footways and cycleways and part of the SLR road (which, following this being queried by Officers is explained as that this would effectively be replaced by the existing Howes Lane once the SLR is open and Howes Lane is closed, which seems a reasonable compromise). The Green Infrastructure also includes the areas for landscaping (and bunds) as well as SuDS.
- 9.71. The NW Bicester SPD requires 10m buffers either side of retained hedgerows. The Masterplan uses the existing field boundaries to give the layout of the proposed development structure, and this also recognises their landscape importance and contribution to biodiversity and habitat. The buffers therefore protect these features

and gives space for them to be reinforced and enriched. The development allows for these buffers to existing vegetation to the west and north albeit which the edges of the buildings are further than 10m, bunds and service areas are included. Landscaping is also proposed in these areas.

- 9.72. The Landscape Officer has raised some comments regarding the landscape scheme (assessed below) but as reported above, considered the conclusions of the LVIA to be acceptable. A comment was made regarding the space allowed for at the north of the site and the ability to accommodate sufficient landscaping here. The agent has pointed out that the proposal complies with the previous parameter plan relating to the residential scheme and it allows for the 10m albeit the scale of the development and the built form would be different to a residential proposal. Nevertheless, the Masterplan shows a road and non-residential uses to the north of this site and therefore Officers conclude that sufficient space is allowed for to include landscaping that would soften the scheme until adjacent development is provided for in the future.

Conclusion

- 9.73. On the basis of the above, Officers are content that the proposal would be acceptable from a landscape and visual point of view. The proposals have been designed with mitigation inherent to reduce the impact of the proposals and with a scheme of landscaping, the proposals will be mitigated in an appropriate way. The buildings would be large and have a commercial appearance and this is acknowledged, but taking into account their context, adjacent to existing commercial uses and within an area likely to see significant change given an allocation for a large mixed-use scheme, the proposal is considered to be acceptable in landscape and visual terms and therefore to comply with the above mentioned policies.

Design and Impact on the Character of the Area

Policy Context

- 9.74. Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 sets out that development will be required to meet high design standards and to complement and enhance the character of its context. It has a number of criteria which are used to assess development proposals. Policy Bicester 1 includes a number of key site-specific design and place-shaping principles which, amongst others requires a high-quality exemplary development and design standards, a well-designed approach to the urban edge which relates development to its rural setting and to respect its landscape setting whilst incorporating open space (40% of the site) and landscaping. It also states that there is a need for careful design of the employment units to limit adverse visual impact and ensure compatibility with surrounding development.
- 9.75. The NPPF emphasises 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. The importance of design has been heightened and there is a fundamental role to the planning process in creating high quality, beautiful and sustainable buildings and places.
- 9.76. The NW Bicester SPD includes various development principles, but it also emphasises that sustainability should be a key driver in the design of the eco-town and that proposed development should create a unique image for the eco-town. For the commercial uses at Middleton Stoney Road/ Howes Lane, the SPD confirms that buildings will be in a high-quality landscape setting with high quality offices providing research and development facilities. The height of development in this area of the site is also considered with the need for heights to be carefully considered to recognise the prominence of the location and which should relate to the residential neighbourhood nearby.

Assessment

- 9.77. The design approach generally follows the agreed approach for phases 1 and 2 which helps to create a cohesive scheme. The materials palette which is described as assisting in reducing mass is also consistent with Phases 1 and 2. The buildings are designed to include a simple colour palette as well as some features to create interest such as the rainscreen cladding and project fin 'brise soleil' features which is used on key elevations on Phases 1 and 2. The office elements of the buildings would also be heavily glazed with good natural lighting and natural lighting is also provided to the large workspaces by rooflights. Some minor amendments were made through the application processing to the design of the buildings to increase interest and improve the design of the buildings.
- 9.78. The layout of the development is such that the sides of the units and parking areas are proposed to be positioned adjacent to the strategic road. This follows the layout of Phase 1 to the south albeit would sit closer to the SLR and is less well buffered by landscaping and drainage features. The service yards are set back from the SLR though as car parking is provided which would be less visually inappropriate in the view of Officers. The side of the buildings adjacent to the SLR includes the projecting fin features and the office spaces to generally give activation and interest along this elevation.
- 9.79. The submission explains that the design approach has been to create a legible development that is easily accessible by all modes of transport to the site. The access arrangements are covered elsewhere within this report. The position of SuDS ponds (subject to agreement of the drainage scheme) are located adjacent to the strategic road and this would contribute to the landscape setting of the scheme providing they are appropriately landscaped. The external finishes of the site and materials proposed also generally follow the approved palette for Phases 1 and 2.
- 9.80. Refuse storage is proposed to serve each unit and are positioned within the service yards for each commercial unit. This means they are not prominent within the street scene, especially when viewed from the public domain and in the future. Cycle storage is also proposed for each unit, and these are positioned within the car parking areas and close to the entrance of each building. The cycle shelters are proposed to accommodate high rise stands and cycle hoops with a curved and angled roof arrangement.
- 9.81. PV panels are proposed to be provided on the buildings on the southern elevation of the building (as shown on the roof plan for each building). This is acceptable and their visual presence would be a suitable feature on an eco-town whereby they are relied upon as part of the strategy to achieve true zero carbon. Air Source Heat Pumps are also proposed but these are not demonstrated on the plans with regard to the position or their appearance. Further details can be sought via condition prior to their provision.
- 9.82. Fencing is not shown as being required on the site other than the provision of a 2.5m high acoustic fence to the western side (as required by the noise assessment). Officers anticipate that some form of boundary treatment may be required to secure the service yards and between the yards. A condition is proposed to secure the position of the fencing.
- 9.83. A scheme of landscaping is provided. The Council's Landscape Officer has raised some continuing comments on the landscape scheme. On this basis a condition is recommended to secure an amended landscape scheme with a soft landscape implementation scheme also required. The plan would also need to be labelled to show which plant species are proposed where.

- 9.84. A Landscape Management Plan has been submitted, however there are some outstanding comments made by the Council's Landscape Officer (including the time period for which the Plan lasts for and the need for the latest landscape plan to be appended to it) and therefore a condition is recommended to secure a further Landscape Management Plan.
- 9.85. The Thames Valley Police Design Advisor has raised some comments regarding building security and measures that would be needed for security. It is proposed to include a planning note to draw the applicant's attention to this response to ensure that these detailed matters, some of which are not necessarily a level of detail that the Planning Authority would require (i.e., the type of roof lights, visitor entry systems, roller shutters) can be considered. The point around securing the fire escape routes could be covered by the proposed condition relating to boundary treatments should that be determined as being necessary.

Conclusion

- 9.86. The proposed development is considered acceptable from a design point of view and therefore its impact upon the character of the area. The scheme follows the design approach of Phases 1 and 2 and therefore would be an appropriate addition in the context of this scheme. In this respect, the proposal is considered to comply with the above-mentioned policies.

Residential Amenity

- 9.87. One of the key site-specific design and place shaping principles, as set out by Policy Bicester 1 of the CLP 2031 Part 1, is for proposals to comply with Policy ESD15. Policy ESD15 requires that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space. The NPPF also requires that planning policies and decisions should ensure that developments 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.
- 9.88. In its amended form, the proposed buildings are some way from the closest residential properties which back onto Howes Lane. At its closest point, there is a distance of over 115m from the side of any of the proposed buildings to the edge of Howes Lane on its eastern side (with gardens and then dwellings beyond). Given this distance and the approved parameter plan for this area allowed for heights of up to 16m alongside the strategic road and on the north of the parcel (although height was approved as being no higher than 12m west of this), it is considered that the proposal would have limited impacts upon the residential amenity of existing residential properties to the east. To the north of the site, the Masterplan indicates non-residential uses including education provision as well as community/ retail uses and so the opportunity for unacceptable impacts upon residential amenity is minimal.
- 9.89. Other elements of the scheme including the provision of a section of the strategic infrastructure and pedestrian/ cycle crossing of Howes Lane which is closer to the existing residential properties are also unlikely to cause undue harm to amenity. Impacts upon amenity via environmental considerations such as noise are considered elsewhere within this report.
- 9.90. On the basis of the above, Officers are satisfied that the impact upon the residential amenity of nearby properties is acceptable and Policy ESD15 is complied with in this respect.

Ecology Impact

Policy Context

- 9.91. Policy ESD10 of the CLP Part 1 2031 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco town standards to achieve a net gain and to mitigate and enhance.
- 9.92. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.

Assessment

- 9.93. The Environmental Statement includes a chapter (and associated appendices) on Biodiversity, which considers the surveys and other background work and updates this where appropriate. It concludes that providing mitigation measures in the form of a Construction Environment Management Plan (CEMP) (setting out specific measures for specific species) and a Landscape Ecology Management Plan (LEMP) is put in place as well as tree and hedgerow protection measures, that any impacts during the construction phase can be considered negligible and not significant. For the completed development stage, there are no significant effects predicted given the provision of Green Infrastructure and habitat creation, the provision of hedgerow buffers and its enhancement and management via the LEMP as well as a sensitive lighting scheme and other biodiversity enhancement measures such as bat bricks and boxes and bird nesting boxes. The Council's Ecologist has not raised an objection to the submitted information subject to the imposition of conditions.
- 9.94. As an appendix to the ES, a biodiversity impact assessment calculator is appended. This concluded that very small gains for biodiversity were possible for the scheme, however as reported, the Council's Ecologist advised that the net gain likely would be minimal. It was advised that a higher level of net gain for biodiversity should be secured especially in light of the Council's adopted corporate position to seek a 10% gain for biodiversity.
- 9.95. Subsequently, an updated net gain calculation has been submitted, relating to the amended scheme, which has reconsidered the landscape proposals to maximise their biodiversity benefits, and this sets out that a net gain can be achieved (presented as biodiversity units) which is understood to represent a net gain of around 5.5% that could be achieved. Whilst this falls short of the Council's position to seek a 10% net gain, this position is not required by Planning Policy yet and the requirements of the Environment Bill are not yet mandatory. Policies Bicester 1 and ESD10 refer to a net biodiversity gain only, and, in this respect, the proposal complies with the policy requirements.
- 9.96. The ES acknowledges the conclusions of the Strategic Environmental Report for NW Bicester Ecotown which concluded that the overall adverse effect of the wider ecotown development on farmland bird cannot be mitigated on site with a significant adverse impact likely at the County level. A fund is proposed to secure off-site compensation to mitigate for this impact. The application acknowledges and agrees to make the relevant financial contribution (detailed in appendix 1).

Conclusion

- 9.97. The Council's Ecologist is satisfied that subject to the imposition of conditions to secure mitigation and careful working practices, that the proposed development would be acceptable in respect to the impact upon any habitats or protected species and that they would be safeguarded. The Council's duty under the Conservation of Habitats and Species Regulations 2017 is therefore met and has been discharged.
- 9.98. A net biodiversity gain has been demonstrated as being achievable, although the Council's Ecologist does consider that how this is achieved must be considered via the Landscape Ecology Management Plan to ensure that a net gain can be achieved. The contribution towards offsite mitigation towards farmland birds is also relevant in this respect.
- 9.99. On this basis, the proposal is considered acceptable in ecological terms and compliance would be possible with the above-mentioned planning policies.

Drainage and Flood Risk

Policy Context

- 9.100. The NPPF states at paragraph 167 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 169 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.101. Policy Bicester 1 of the CLP 2031 Part 1 requires that proposals should include a flood risk assessment, that development should not be provided in areas of flood risk and sustainable urban drainage should be provided in accordance with ESD7 (the policy acknowledges that SUDs would be part of the Green Infrastructure).
- 9.102. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 9.103. The FRA finds the site to be in Flood Zone 1 and therefore at limited risk of flooding. The drainage proposals are designed for a 100-year event + 40% climate change and therefore is designed for future climate scenarios. The scheme consists of a combination of traditional piped drainage systems and SuDS with swales proposed linked to those already present serving phase 2. Water quality measures (such as a petrol interceptor for each yard area) are included as appropriate. The surface water runoff is controlled to less than greenfield run off rates and then outlet (at a previously agreed rate of 30 seconds/ litre) to an existing ditch adjacent to the roundabout at the junction of Middleton Stoney Road and Howes Lane. Other SuDS measures include permeable paving, petrol interceptors and flow control devices. The FRA sets out that the SuDS measures and restricting outflows from the site to less than greenfield run off rates would ensure impacts elsewhere would be avoided. Indicative proposals are also put forward as a drainage strategy for the SLR. The FRA also includes a management and maintenance plan.
- 9.104. At the time of writing this report, there is an outstanding objection from the Lead Local Flood Authority. A re-consultation is underway in respect to an amended FRA and a response is anticipated prior to Committee and will therefore be reported

through the updates. It is understood that the objection relates to the detailed surface water scheme and that this is likely to be resolvable.

9.105. The Cherwell District Council Land Drainage Engineer has commented on the proposal and is generally satisfied. He has also clarified that as the proposals for surface water drainage are to drain to the south and not through the Howes Lane culvert, which it is understood to be partially blocked, then the risk to adjacent properties from flooding (which has happened over recent years) would not be increased from this development. The ditch to the south which would take the surface water associated with this site has trees within it which may cause blockages and therefore flood risk, therefore this would need to be monitored.

9.106. For foul drainage, flows are to be directed to a new independent gravity system which is to discharge to an existing foul manhole in the northeast corner of the site. Thames Water, through an amended response, have confirmed that there is no need for their originally suggested condition related to sewage infrastructure.

Conclusion

9.107. Whilst it is not possible to confirm that this matter is resolved at the time of writing, it is anticipated that a suitable surface water scheme would be achievable (either the current scheme as submitted and being considered or through an amendment that could be dealt with prior to the determination of the application) and that the above-mentioned Policies would therefore be complied with.

Eco Town Standards

9.108. The Eco Town Standards, which were part of the now cancelled Eco Towns Supplement to PPS1, were incorporated into Policy Bicester 1 and amplified by the NW Bicester SPD. These include several standards higher than other sites to ensure the provision of a sustainable development that responds to the impact of climate change and that is built to true zero carbon standards (defined as 'over a year, the net carbon dioxide emissions from all energy use within the buildings on the development as a whole are zero or below'). Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 are complementary and apply District wide to ensure sustainable development. By meeting the high standards required by Policy Bicester 1, compliance will also be likely with Policies ESD1-5 given that the site is in a sustainable location, it includes features that ensure it is resilient to climate change, it has been provided with transport infrastructure to encourage sustainable options, sustainable drainage features are proposed, and it meets true zero carbon standards.

True zero carbon and climate change adaptation

9.109. A Sustainability Statement has been submitted in support of the application relating to the original proposal (it has not been updated to reflect the amended scheme). This concludes that the scheme achieves true zero carbon development taking into account regulated and unregulated emissions by implementing passive design solutions (increased building fabric efficiency with high levels of insulation and good airtightness), high efficiency air source heat pumps and PV. This, in the same way as for Phases 1 and 2, relies on the warehouse elements of the buildings being unheated, with the office spaces only benefitting from heating and cooling (via air source heat pumps).

9.110. As mentioned above, PV is proposed. This is positioned on the southern aspect of the buildings and does not cover the whole roof slope (Officers have raised a query as to whether the area set aside on the roof plans aligns with what is identified as being required via the Sustainability Strategy, so this is outstanding at the time of writing this report). Policy ESD5 mentions the requirement for significant on-site

renewable energy provision, and this is met by this development in that sufficient PV is provided (subject to confirmation), alongside other energy efficiency measures to meet the true zero carbon requirement. In addition, this is incorporated alongside minimising energy consumption by utilising high building standards and the need to incorporate roof lights which allow natural light to penetrate the buildings and therefore avoid the need for artificial lighting.

- 9.111. The Sustainability Statement considers the Ardley Energy Recovery Facility and notes that there is currently no information that suggests a heat network would be possible, but that service ducts capable of supporting heating mains from the site boundary to the buildings would be provided should this be possible in the future. The submitted information also seeks to target BREEAM 'Very Good' level with the future capability of achieving 'Excellent' in accordance with Policy ESD3 and Policy Bicester 1. A staged condition approach is suggested to ensure this is confirmed within appropriate timescales.
- 9.112. In response to requirements of Policy Bicester 1 relating to real time energy monitoring systems and real time public transport information, the Sustainability Statement identifies that energy metering will be provided and that this will be viewable via a web-based platform that allows for feedback to be provided. Various equipment is stated as being required to enable the system. The information provided appears to be the same system accepted for Phases 1 and 2. Details of real time public transport information can be secured via condition.
- 9.113. Embodied carbon is also mentioned within the Sustainability Statement, and this is part of the BREEAM process. Materials being locally sourced would also be desirable. On the basis that the proposed materials have been assessed and considered acceptable by Officers and they follow those approved on Phases 1 and 2, no further information is sought in this respect.
- 9.114. The DAS explains that the methods introduced to mitigate climate change include using building orientation and solar shading to maximise daylight and control sunlight entering the buildings, reducing water use, the provision of refuse points, car charging points. Landscape proposals and SuDS would also contribute to climate change measures.
- 9.115. It is acknowledged that Bioregional raised a few points and additional information has not necessarily been sought in some respects. This is on the basis that the information submitted is consistent with the information accepted for Phase 1 and 2 and it is proportionate for the development applied for. For example, a query has been raised over u-values, yet these are consistent with those accepted for Phase 1 and 2. Whilst a carbon management plan is not submitted, it is anticipated that the information to be included in such a statement is covered in, for example, the sustainability strategy. A carbon management plan would usually set targets for reducing carbon emissions and set out how carbon emissions would be reduced. This is covered by the sustainability strategy which in itself is agreed to meet the true zero carbon level (subject to confirmation regarding the level of PV) despite the queries raised over the detail of the calculations. Information on allowable solutions is sought but as the site achieves true zero carbon on site, this is not considered to be necessary in this case. Other matters can be secured via condition such as securing BREEAM 'Very Good' level, the requirement for real time information and the need to consider overheating.
- 9.116. The Environmental Statement identifies that Green House Gas would increase and therefore significant impacts would arise (which would likely be true of any development) however it is noted that national policies to decarbonise energy generation and road transport (and the take up of electric vehicles for example), would

reduce impacts. In addition, mitigation measures identified for the site including minimising materials with high embodied carbon, implementing best practice measures for construction as well as constructing the development to BREEAM Very Good rating, implementing Travel Plans and providing for electric vehicle charging and energy efficient design measures and renewable technologies to achieve true zero carbon development would minimise impacts acceptably. Climate change resilience measures are also implemented to ensure the development is adapted to future climate scenarios.

Healthy Lifestyles

9.117. The NW Bicester SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and wellbeing to be considered in the design of proposals. Facilities should be provided which contribute to the wellbeing, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production. The NPPF confirms that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

9.118. The opportunities for a wholly commercial scheme to contribute to healthy lifestyles is somewhat limited, however the proposal would provide for green infrastructure and would provide a network of footways/ cycleways that would allow for suitable connections until the rest of the development comes forward which this would link to. As described above, footway/ cycleways along the strategic link road have been widened in response to feedback from OCC through the application process. This would contribute towards the ability for residents and employees of the commercial units to make healthy and active lifestyle choices.

Local Services

9.119. The NW Bicester SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.

9.120. The Master-planned approach to the NW Bicester site has enabled the distribution of local services to be planned taking into account accessibility to housing. In accordance with the Masterplan, facilities are located to the north of the current site. This would mean that local facilities would be accessible to employees of the proposed employment site. On this basis, the site would be close to local services and therefore could be accessed via sustainable modes.

Water

9.121. Bicester is located within an area already experiencing water stress and one of the key known future climate impacts for Bicester is the potential for further water stress. Development principle 10 of the SPD refers to water and identifies that proposals should aspire to water neutrality and that development proposals are required to be ambitious in terms of water efficiency.

9.122. Bioregional identify that a Water Cycle Study is not provided but this matter is considered in the Sustainability Statement which details that whilst water neutrality would be very difficult, the units would aim to achieve reductions in water consumption via the use of water efficient sanitaryware and fittings, details of which are provided. These features would also be part of the BREEAM assessment in achieving a 'Very Good' rating. A condition can be included to ensure that the proposals to include water efficient measures are implemented. Other matters that a Water Cycle Study would

typically involve (such as water quality) are covered within the Flood Risk Assessment.

Waste

9.123. Development principle 12 of the SPD refers to waste. It sets out that planning applications should include a sustainable waste and resources plan which set targets for residual waste levels and landfill diversion which should ensure that zero waste is sent to landfill from construction, demolition and excavation.

9.124. With regard to the construction phase, the Environmental Statement in Chapter 6 (Construction) identifies that spoil from construction works will be re-used on site for mound construction and landscaping and that there is the intention that in order to achieve the BREEAM 'Very Good' rating, that waste would be minimised, re-used and recycled before any waste is disposed of at landfill. Other factors such as using prefabricated units where possible and utilising working methods such as not over-ordering materials and organising materials to be delivered as they are required amongst other measures would also be implemented. Such matters would be covered in the Construction Management Plan.

9.125. For the operational stage, waste storage is provided for each unit within designed-in storage points.

Community and Governance

9.126. The SPD explains that Community and Governance is a key development principle which would contribute towards the creation of a balanced and mixed community and that an approach is required to ensure the development retains its integrity, continues to meet eco-town standards and to ensure that appropriate Governance structures are in place to achieve this. This is more relevant to proposals for residential development and is therefore not considered further with respect to this commercial proposal.

Cultural Wellbeing

9.127. Policy Bicester 1 refers to the provision of public art to enhance the quality of the place, legibility and identity. The NW Bicester SPD includes Development Principle 14, which relates to cultural wellbeing and this, alongside appendix V, sets out a process whereby developers would be requested to submit a cultural wellbeing statement to embed public art through their scheme but also to complement and support the vision for NW Bicester by drawing on sustainability and the natural environment, to create identity and to be holistic in involving the community (i.e., in events etc). Through the planning appeal relating to the implemented outline permission, a contribution towards public art was secured from both the commercial and residential parts of the site. On this basis, it is recommended that a S106 contribution be secured. This would ensure the sites contribution to the cultural wellbeing aims at the site and to contribute to NW Bicester being a culturally vibrant place.

Other matters

9.128. Within its submitted Economic Statement and the Socio-Economic chapter of the ES, the applicant highlights several expected economic benefits of the proposal which, in summary comprise:

- The provision of construction jobs (approx. 110);
- The provision of permanent employment opportunities in the completed development;

- Support for economic objectives for the Eco-Town;
- High quality, well designed employment space;
- Employment space suitable for local businesses;
- Local skills and training benefits including apprenticeships (which are to be secured via the requirement for a Training and Employment Plan via the S106);
- Uplift in Gross Value added (a measure of the increase in the value of the economy due to the production of goods and services);
- Increase in local spending;
- Increase in business rates (although it must be stated that this benefit should be given limited weight given that there is no direct relationship to making this scheme acceptable in planning terms and Government advice in the PPG states that it is not appropriate to make a planning decision based upon the potential for the development to raise money for a Local Authority or other Government body).

9.129. Officers accept that the development would bring economic benefits and that these should attract moderate weight in the planning balance, although it must be highlighted that some of these economic benefits are not unique to this development alone.

Environmental Considerations

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

9.131. The NPPF includes requirements around conserving and enhancing the natural environment. At paragraph 174, it identifies that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 identifies that decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 185 requires that developments should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.

9.132. The Environmental Protection Officer has considered the submitted information and has recommended a series of conditions to secure further information to ensure that the development does not cause undue harm to the environment.

9.133. Those conditions relating to air quality, to securing noise levels and mitigation to noise and to require a construction management plan are all recommended. Whilst the planning statement refers to the submission of an air quality assessment, this has not been received and assessed.

9.134. The following conditions sought by the Environmental Protection Officer are not recommended for the following reasons:

- A contaminated land assessment is not sought because in considering this matter related to the site to the south, the appeal Inspector accepted that the land conditions meant there was unlikely to be a contamination concern and a condition relating to unexpected contamination was imposed. This is suggested as being a reasonable approach for this application.
- A condition requiring electric vehicle charging infrastructure is not recommended because forthcoming changes to the Building Regulations will mean that this is a requirement under that legislation and there is no need to replicate requirements that apply in any event under other legislation by planning condition.
- A condition to seek a lighting scheme is not recommended because a scheme was submitted with the application, and this has been confirmed as being acceptable. A condition to secure implementation of the scheme is though recommended.

9.135. Impacts by noise are considered in the ES, informed by a Noise Assessment and whilst it is acknowledged that during certain periods of the construction phase, noise may be audible, which could result in temporary moderate adverse effects, the impacts would be temporary and with best practice methods to be implemented as part of a Construction Environment Management Plan, the impacts could be adequately controlled. For the operational phase, the impacts are predicted to be low taking into account the recommended criteria resulting from fixed plant and equipment and road traffic impacts including in cumulation with phase 1 and 2 already constructed. A condition is recommended to secure this. The original report confirmed that this is subject to the implementation of a 4m noise barrier between previously proposed units 10 and 11 and two 2.5m acoustic barriers between unit 3 and 4 and adjacent to the previously proposed unit 6. The amended scheme appears to have removed the noise barriers around units 6, 10 and 11 as they are no longer part of the scheme, but an updated noise assessment has not been submitted to demonstrate that this is justified. This has been queried with the Agent for the application but is a matter that is likely to be resolvable.

9.136. Policy ESD10, in aiming to securing the protection and enhancement of biodiversity and the natural environment, confirms that the protection of trees will be encouraged with the aim to increase the number of trees within the District. An Arboricultural Impact Assessment has been submitted. This confirms that no trees or hedgerows are required to be removed to facilitate the scheme and that no trees protected by a TPO would be affected. It also advises that the proposed bunds which form part of the scheme are constructed outside the Root Protection Areas of the retained trees and hedgerows. The Assessment includes a Tree Protection Plan which shows where protective fencing and exclusion zones are required to protect the existing vegetation. This is predominantly to the east with small sections of the northern boundary proposed to be protected. Whilst the Council's Arboricultural Officer has not provided advice on this proposal, the scheme is therefore accepted as submitted and this should be secured by a planning condition.

9.137. A Statement of Archaeological Completion has been submitted which confirms that an archaeological excavation has been undertaken which found evidence of finds of local importance. The OCC Archaeologist has not commented upon this application but has confirmed that conditions relating to earlier phases were acceptable leading to those conditions being discharged.

Conditions and S106

9.138. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

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

9.139. The table at Appendix 1 sets out the required Heads of Terms and the justification for those requests.

9.140. Planning Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). A list of planning conditions will be drafted and presented in full through the written updates to cover those areas as discussed and identified through this report. Tweaks may also be required to the conditions to reflect queries that have been raised.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises a number of relevant Policies and they are considered up to date for the purpose of considering this proposal.

10.2. The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for development taking, development proposals that accord with an up-to-date development plan should be approved without delay.

10.3. The 'principle' section of this report explains that the proposal conflicts with Policy Bicester 1 in that it proposes an alternative form of development on land that is identified within the Masterplan for the NW Bicester site (embedded within the NW Bicester SPD) for residential uses. Policy Bicester 1 requires planning permission to be granted in accordance with the Masterplan.

10.4. However, it is necessary to consider the merits of the scheme notwithstanding that this would result in the loss of residential land. As set out, the applicant has identified that there is a need for additional employment land due to the demand they have experienced on Phases 1 and 2 and they are confident that this demand is such that the current phase, if approved, would be pre-let prior to the units being completed. The Economic Development Team have confirmed that their applicant's submission on the market need matches their understanding of demand.

10.5. The provision of additional commercial development is not precluded by the wording of Policy Bicester 1 which refers to a minimum floorspace area, the conflict comes

against the Masterplan which seeks to guide development. The provision of additional commercial development would assist in contributing to the job opportunities that Policy Bicester 1 seeks which would contribute to the achievement of sustainable development by providing opportunities within proximity to planned residential development and therefore accessible via sustainable modes. The proposal is complementary to the commercial uses already provided on Phases 1 and 2 in terms of design and use class and would be constructed to BREEAM 'Very Good' standard. The NPPF advises Local Planning Authorities to support economic development, to create the conditions in which businesses can invest, expand and adapt and to be flexible to accommodate needs not anticipated by the Plan and to enable a rapid response to changes in economic circumstances. The Applicant has also identified several other economic benefits which would attract some weight in the planning balance.

- 10.6. The report identifies that the proposal would not be harmful to landscape and visual amenity, could be accommodated without undue harm to the residential amenity of nearby properties, would provide for 40% Green Infrastructure, achieve a net biodiversity gain and to generally meet the eco-town standards including that True Zero Carbon could be achieved.
- 10.7. The proposal provides appropriately for sustainable transport modes by providing for walking and cycling infrastructure including along part of the Strategic Link Road that is proposed to be provided through this application. The proposal would not preclude the delivery of the rest of the SLR and the arrangements previously agreed to secure this would need to continue to apply to this site.
- 10.8. OCC have also confirmed that due to the limited number of trips predicted to travel north through the Howes Lane/ Bucknell Road/ Lords Lane junction, that a severe transport impact would not result such that the proposal could be resisted on transport grounds or that it should be restricted until the new infrastructure is provided and opened to vehicular traffic (which would not be possible anyway as explained in the report).
- 10.9. There are some outstanding points as have been identified in this report and it is hoped that updates can be provided on these matters through the written updates as well as confirmation on the position regarding the surface water drainage scheme from the Lead Local Flood Authority. It is anticipated that these outstanding matters can be resolved through negotiation.
- 10.10. On balance, Officers consider that taking into account the limited harm from the proposals, the ability of the scheme to meet the required standards at the site including true zero carbon and the justification provided to support the applicant's case for additional employment development, that the principle of the development is acceptable in this case. The proposal therefore complies with the above-mentioned policies and is recommended for approval.
- 10.11. Officers are content that subject to the imposition of conditions, the development, as supported by an Environmental Statement would not cause serious harm to the environment and that any environmental impacts could be appropriately mitigated for.

11. RECOMMENDATION

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

- (i) THE REMOVAL OF THE OBJECTION FROM THE LEAD LOCAL FLOOD AUTHORITY,
- (ii) CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND
- (iii) SUBJECT TO 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 INFRASTRUCTURE SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY)

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

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

- 20019-TP-001 Rev F 'Site Location Plan'
- 20019-TP-002 Rev R 'Proposed Site Plan'
- 20019-TP-003 Rev L 'Proposed Site Finishes Plan'
- 20019-TP-005 Rev C 'Units 1-3 Floor Plans'
- 20019-TP-006 'Units 1-3 Roof Plans'
- 20019-TP-007 'Units 1-3 Sections'
- 20019-TP-008 Rev D 'Units 1-3 Elevation'
- 20019-TP-009 Rev C 'Unit 4 Floor Plans'
- 20019-TP-010 'Unit 4 Roof Plan'
- 20019-TP-011 'Unit 4 Sections'
- 20019-TP-012 Rev D 'Unit 4 Elevations'
- 20019-TP-013 Rev B 'Unit 5 Floor Plans'
- 20019-TP-014 'Unit 5 Roof Plan'
- 20019-TP-015 'Unit 5 Sections'
- 20019-TP-016 Rev C 'Unit 5 Elevations'
- 20019-TP-023 'Cycle Shelter Details'
- 20019-TP-024 'Refuse Enclose Details'
- 20019-TP-025 'Entrance Canopy Details'
- 20019-TP-026 'Fencing Details'
- 20019-TP-027 Rev A 'External Finishes Sample Board'
- S1209-PH3-02 Rev F 'SW Drainage Layout'
- S1209-PH3-03 Rev F 'FW Drainage Layout'
- S1209-PH3-04 Rev E 'Phase 3 External Works & Levels'
- S1209-PH3-05 Rev A 'Phase 3 Typical Drainage Details'
- 1746-ESC-00-ZZ-DR-E-2100 Rev P3 'External Lighting Layout'
- 14042-60-GA Rev N 'Access Road General Arrangement'

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

3. The development shall be used for uses falling within Classes E(g)(iii), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments), only and shall be used for no other purposes whatsoever.

Reason – In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE1 and Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

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

8. Condition relating to a noise limit for operational plant as specified in the ES
9. Removal of PD rights for further boundary treatments or enclosures beyond those shown or approved elsewhere
10. Visibility splays to be kept free from obstruction (potential need for details – to be discussed)

PRE-COMMENCEMENT CONDITIONS

11. No development shall take place on any phase, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:
 - The parking of vehicles of site operatives and visitors;
 - The routeing of HGVs to and from the site;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours;
 - Spoil locations
 - Water management
 - The measures covered in the ES in paragraphs ... (TO BE ADDED)

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.

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

- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs

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.

- 13. Condition requiring pre-construction ecological surveys/ checks including measures for GCN, Badgers and Western European Hedgehog unless included in the CEMP for Ecology (above)
- 14. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

- 15. 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.
- 16. Condition relating to details of access/ the crossing of Howes Lane (to be discussed in advance with OCC Transport)
- 17. Potential need for a pre-commencement drainage condition
- 18. Condition to require pre-commencement implementation of the tree protection measures set out in the AMS
- 19. Condition requiring service connections to be approved

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

- 20. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be

installed prior to first occupation and retained and maintained in working order thereafter.

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

21. Details of biodiversity measures and the requirement to implement them
22. Within six months following the commencement of the development, a BREEAM New Construction Fully Fitted Design Stage Certificate and summary score sheet (or such equivalent standard that replaces this) relating to the development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' will be achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031.

23. Notwithstanding the submitted landscape scheme and prior to the implementation of any landscaping, a scheme for landscaping the site shall be submitted for approval. Including details of tree pits
24. Requirement for a Landscape and Ecology Management Plan
25. Requirement to agree position of any required fencing not shown prior to its implementation
26. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. Details of the colour finish of any acoustic screens

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OR AFTER OCCUPATION

28. The requirement to implement the lighting scheme prior to the first occupation of the development
29. Implement EV Charging scheme prior to occupation
30. Implement covered cycle parking prior to occupation
31. Implement acoustic barriers and any other mitigation from the noise report prior to occupation
32. Requirement for details of and implementation of real time information
33. Details of and implement measures to minimise water consumption

34. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

35. Within six months following the occupation of the non-residential development, a BREEAM New Construction Fully Fitted Post Construction Review Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' has been achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031.

36. Notwithstanding the submitted Framework Travel Plan and prior to the occupation of the first non-residential unit, a Framework Travel Plan, prepared in accordance with the Department for Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for the development proposed on the outline site area. The approved Travel Plan shall be implemented in accordance with the details so approved.

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

37. A possible condition to require the closure of the temporary access arrangements once SLR is in place

Planning Notes

1. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Assessment) (Regulations) 2017 (as Amended).
2. Attention is drawn to a Legal Agreement related to this development dated **XXX** which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5. The Environment Agency's response of the 02 November 2021 includes links to various publications relating to the duty to ensure that business activities do not cause or allow pollution. The applicant's attention is drawn to this.
6. The applicant is reminded that the Environment Agency have a regulatory role in issuing legally required consents, permits or licences for various activities. The applicant should ensure that any necessary consent, permit or licence is obtained from the Environment Agency should that be required.
7. The response from the Thames Valley Police Design Advisor of the 05 May 2022 includes some guidance relating to Building Security. The applicant's attention is drawn to this.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Contribution towards Public Art	<p>£24,181 index linked from 2Q17.</p> <p>Lower figure TBC due to the reduced scheme.</p> <p>The contribution would likely be presented as a formula in the same way as that sought on the original permission to secure a level of public art per commercial unit.</p>	TBC but likely Pre-occupation of each commercial unit.	<p>Necessary – The NW Bicester SPD includes cultural wellbeing as one of its key development principles. The payment of a public art contribution would ensure that the development contributes to the creation of a culturally vibrant place at NW Bicester.</p> <p>Directly related – The proposal is part of the NW Bicester development. As per the previous S106, the contribution would be specified to be used towards the provision of public art within the NW Bicester development and therefore it would be directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The contribution is based upon the same rate per sqm of commercial development as was used in the previous S106 relating to the wider site which is considered to be fairly and reasonably related in scale and kind to the scale of development proposed.</p>
Biodiversity offset contribution to mitigated for impacts upon farmland birds	£7,988.24 index linked from 2Q17		Necessary – The Masterplan Strategic Environmental Report identified that it would not be possible to

		<p>compensate for the loss of habitats used by farmland birds as a consequence of the whole development at NW Bicester. It identified that offsite compensation to enhance the value of land for farmland birds would be necessary to mitigate for the impacts. As the development site is part of NW Bicester it is necessary that a contribution is made to account for its proportionate impact upon farmland birds.</p> <p>Directly related – The proposed contribution is directly related to the impacts on farmland birds arising from the development.</p> <p>Fairly and reasonably related in scale and kind – When it was identified that farmland birds could not be mitigated for on site as a consequence of the development, work was undertaken to identify that 200ha of farmland would need to be enhanced for a period of 25 years. An annual cost was proposed and then an additional 15% sum added for staff resource to implement and manage the scheme. This was multiplied by 25 to give a total sum for a 200ha area of land. The contribution was divided by the masterplan site area minus the Exemplar site to give a per hectare figure. This contribution has then been multiplied by the site area in this case of 6ha to give the total amount sought. The contribution sought is therefore fairly and reasonably related in scale and kind to the development.</p>
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<p>Training and Employment Plan to secure 3 apprenticeship starts</p>	<p>Nil</p>	<p>TEP to be submitted for approval prior to the implementation of the development. Arrangements to reflect those within the previous S106 agreements for the site.</p>	<p>Necessary – Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts. Whilst the number of apprenticeships is lower than as required by the SPD, the number is proportionate to the number secured by Phases 1 and 2.</p> <p>Directly related – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p>Fairly and reasonably related in scale and kind – Notwithstanding that the number of apprenticeships starts is lower than that set out by the SPD, the number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
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<p>Requirements to monitor the development through the construction and post occupancy stages</p>	<p>N/A</p>	<p>The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development.</p>	<p>Necessary – In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p>Directly related – The monitoring is directly related to the development itself.</p> <p>Fairly and reasonably related in scale and kind – The monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
<p>Arrangements to link the proposal to the major infrastructure agreements (comprising a legal charge, an access licence and a contribution agreement) (or an arrangement considered suitable by the Council's Solicitors). The arrangement makes provisions for allowances against the proportionate contribution required from this site where the owner delivers part of the SLR themselves and sets out the need for technical approval for this.</p>	<p>TBC</p>		<p>Necessary – The development includes land that is required to deliver a strategic link road based upon its currently planned route as shown on the NW Bicester Masterplan. In the same way that arrangements have been secured in the past related to the wider outline site, those same (or as agreed following advice) arrangements should also apply to this site where relevant to ensure that those elements remain secure. The detail of the element of the strategic link road to be delivered will require technical approval via these agreements to ensure it is constructed to an appropriate standard.</p>

			<p>Directly related – This requirement is directly related to the development because the land forms part of the application site and nearby and as it is required for strategic purposes, the requirement to secure this is directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The proposals would ensure a fair and reasonably related contribution in scale and kind is made towards the major infrastructure, also taking into account any infrastructure which is directly delivered. The other agreements are proportionate because they relate to the land itself.</p>
A public transport contribution towards bus services serving NW Bicester	<p>£134,375 index linked from 2Q17 (RPI-x)</p> <p>Lower figure TBC due to the reduced scheme.</p>	TBC or Delegated Authority is sought to enable Officers to negotiate this	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related – The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level of contribution sought is the same as the instalment of the agreed bus service contribution that is secured upon occupation of the permitted</p>

			residential development that this development would replace.
A public transport infrastructure contribution towards bus stop infrastructure at NW Bicester (unless this is dealt with under S278/ S38)	£19,460 index linked from April 2017 (Baxter)	TBC or Delegated Authority is sought to enable Officers to negotiate this	<p>Necessary – The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related - The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the public transport provision. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level of contribution sought is the same as the instalment of the agreed bus infrastructure contribution that is secured upon occupation of the permitted residential development that this development would replace.</p>
There may be a need for a Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement). This is not clear yet.			

<p>Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans</p>	<p>£5,271 index linked from December 2020 (RPI-x)</p> <p>TBC if a lower figure will apply due to the reduced scheme.</p>	<p>TBC or Delegated Authority is sought to enable Officers to negotiate this</p>	<p>Necessary – The site will require a framework travel plan and individual travel plans for the two largest units. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related – The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options and contributing to the aims of Policy Bicester 1.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Public right of way contribution towards improvements to Bridleway 9 and Bucknell Bridleway 4</p>	<p>£2,846 index linked from April 2017 (Baxter)</p> <p>Lower figure TBC due to the reduced scheme.</p>	<p>TBC or Delegated Authority is sought to enable Officers to negotiate this</p>	<p>Necessary – The contribution is necessary to ensure that the site continues to pay a proportionate contribution to the overall public rights of way improvements required for the NW Bicester policy allocation.</p> <p>Directly related – The overall NW Bicester site would allow greater public access and use of local public rights of way by residents and employees of the development. The contribution is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The contribution is the same as the public rights of</p>

			way contribution that is secured upon occupation of the permitted residential development that this development would replace.
<p>The requirement to enter into a S278 agreement to secure the proposed crossing of Howes Lane with a signalised crossing to the public right of way at Wansbeck Drive</p> <p>This may also include (subject to confirmation from OCC) the identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary.</p>	N/A	<p>The requirement not to implement the development until a S278 has been entered into must be secured by the S106. The trigger by which time S278 works are to be completed (prior to occupation) should also be included in the S106.</p>	<p>Necessary – The proposed offsite highway works are necessary to provide pedestrian and cycle links from the development site to the local area. As the works are necessary to create the opportunities for sustainable travel, their provision must be secured. The requirement is therefore for the S106 to include a process to secure the entering into a S278 prior to the implementation of the development and to include timescales for the works to be completed by.</p> <p>Directly related – The requirement to deliver the offsite highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind – The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and secured as necessary works to make the development acceptable and to provide for a sustainable means of access to the site.</p>
<p>A routing agreement to prevent HGV traffic from using Howes Lane</p>			<p>Necessary – The transport impact of the development assumes a certain number of trips that would route North to the Howes Lane/ Bucknell Road/ Lords Lane junction prior to the opening of a realigned SLR. This would rely on a routing agreement to ensure that any</p>

			<p>HGV traffic routes south in the same way that routing is secured for the existing site. On this basis, the requirement is necessary to mitigate for the transport impacts of the development.</p> <p>Directly related – The requirement is directly related to the scheme as it relates to vehicular movements related to and from the site only.</p> <p>Fairly and reasonably related in scale and kind – The proposal is fairly related in scale and kind to the development as it relates to vehicular movements related to and from the site only.</p>
<p>CDC and OCC Monitoring fee</p>	<p>CDC: £5,500 OCC: TBC</p>	<p>On completion of the S106</p>	<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 10,000-75,000sqm floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £5,000. A registration charge of £500 is also applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.</p>

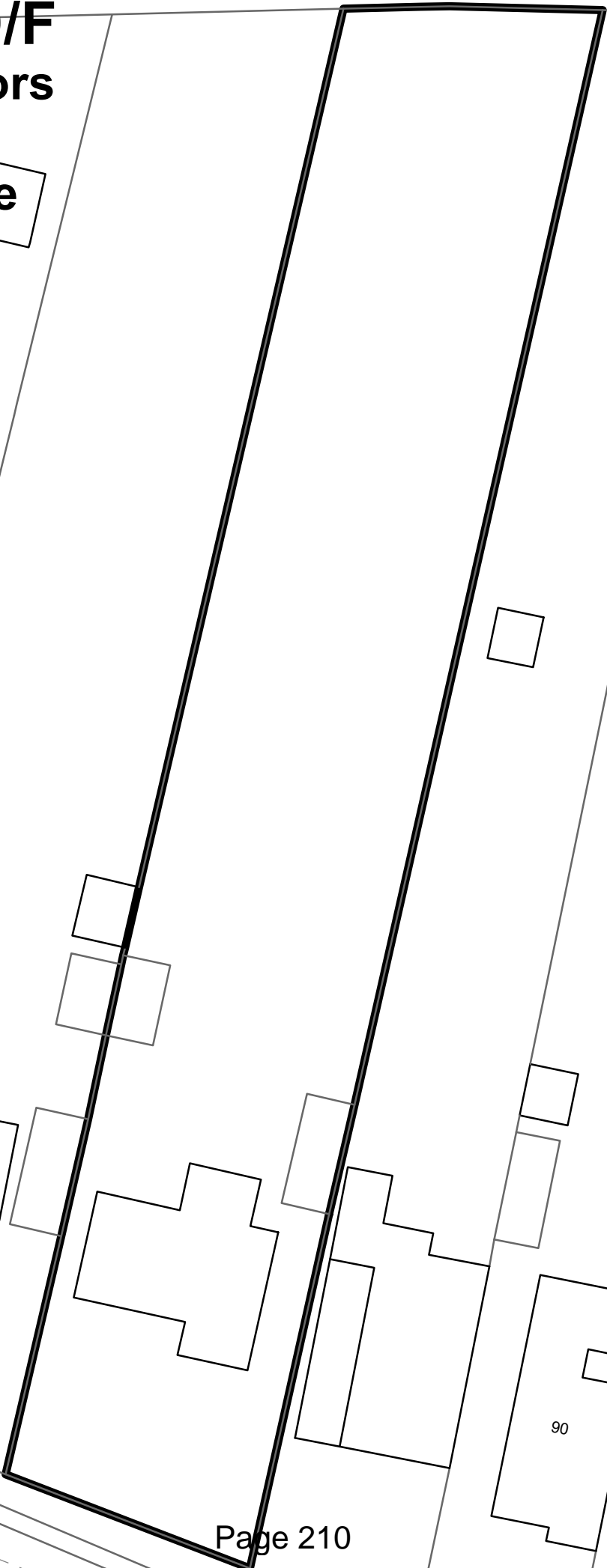
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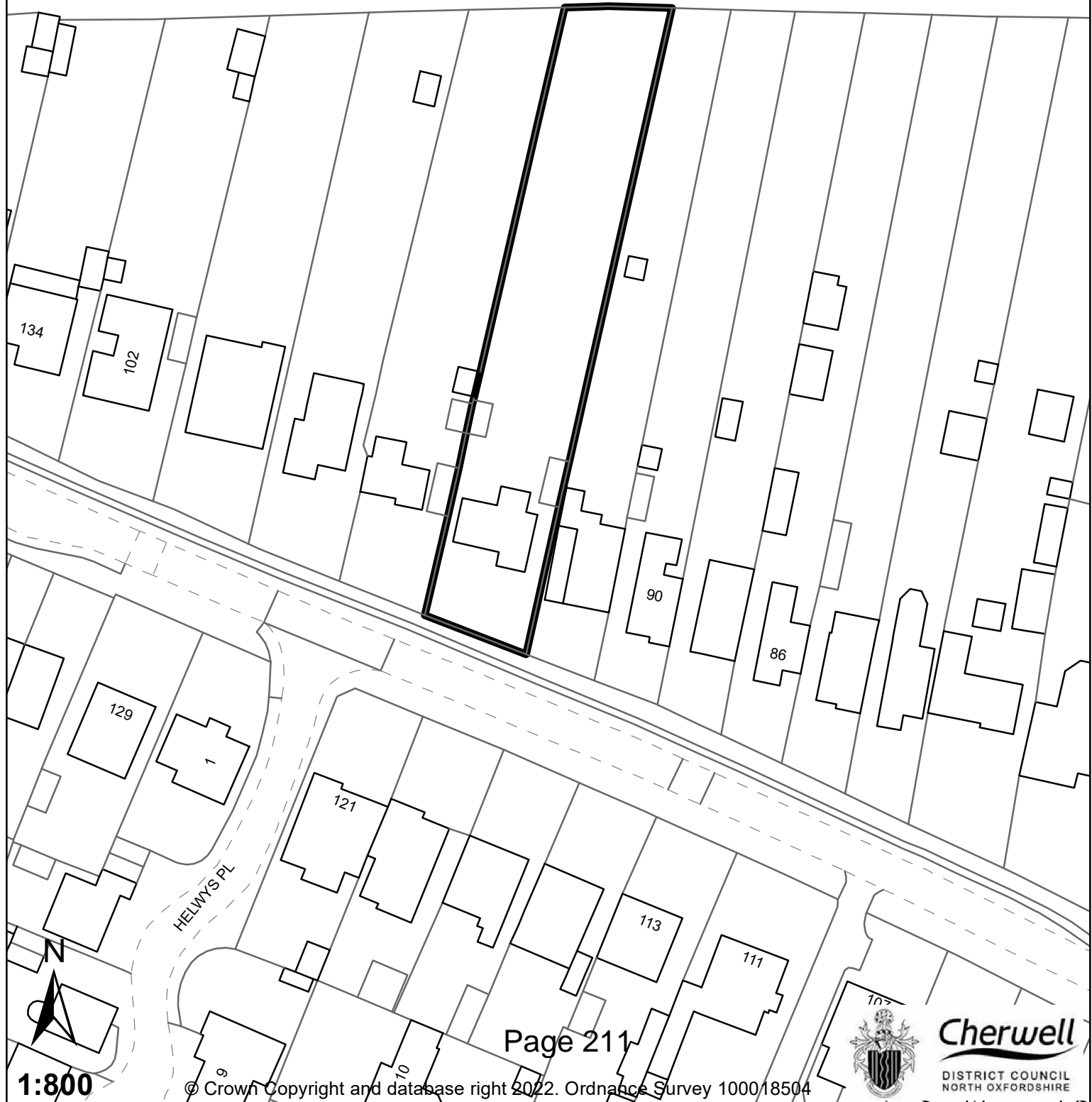
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Case Officer: Sarah Greenall

Applicant: Henaud Developments

Proposal: Demolition of existing dwellinghouse, garage and outbuilding. Erection of 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping. (Resubmission of 21/03017/F)

Ward: Kidlington West

Councillors: Cllr Conway, Cllr Tyson and Cllr Walker

Reason for Referral: Called in by Councillor Billington for the following reasons: (1) The development would represent an overdevelopment of the plot; (2) Significant public interest.

Expiry Date: 19 April 2022

Committee Date: 16 June 2022

UPDATE

This application was deferred at the last meeting to allow for a Committee Site Visit. This is scheduled to take place on Thursday 16 June 2022.

There were no changes detailed in the Committee Update Sheet tabled prior to the May Planning Committee, and there has been no further correspondence or updates that require the report or officer recommendation to be changed.

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the north side of The Moors within the built-up area of Kidlington and contains a detached bungalow externally faced in brick and situated on a generous plot. The existing dwelling benefits from a rear conservatory and a detached single garage to the eastern boundary of the plot with a further outbuilding being located to the rear of the dwelling adjacent to its western boundary. The dwelling benefits from two accesses onto the highway and front of the plot is laid to hardstanding sufficient for the parking of several vehicles. There is open land to the rear of the site, with a two-storey brick dwelling to the east and a bungalow to the west. There is a telegraph pole situated on highway land to the front of the site which would need to be repositioned at the applicant's expense to facilitate the proposed access.
- 1.2. The Moors is characterised by detached dwellings in a range of scales and architectural styles situated on generous plots. The application site forms a point of change in the street scene with larger two storey dwellings being common place to the west of the site and bungalows being the dominant form of development to the east; the established building line shifts further into the plots to the west with the existing dwelling being positioned in the mid-point of this change.

2. CONSTRAINTS

- 2.1. The application site is within Flood Zone 1, the area of least flood risk; however, there is a drainage ditch to the rear of the site that has been known to result in localised drainage issues. The site is not within a conservation area and does not contain or impact on the setting of any listed buildings. There are no protected species or trees identified on the site however there is an oak tree subject to a Tree Protection Order within the curtilage of the adjacent dwelling, no. 94 the Moors.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the demolition of the existing detached bungalow and the erection of two 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping.
- 3.2. Both dwellings would have two parking spaces to the front and access to the rear along the side boundaries. The vehicular accesses to each dwelling would be separated by landscaping and bin stores provided behind hedging. Air source heat pumps would also be installed to the rear of the dwellings.
- 3.3. The dwellings themselves would be in a similar position to the existing bungalow set back from the road in line with the surrounding neighbouring properties. They would be detached and feature a gable end design fronting onto the road and would be finished with a tiled roof, facing brick and render walls and reconstituted stone cills and lintels.

4. RELEVANT PLANNING HISTORY

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

21/03017/F: Demolition of existing dwellinghouse, garage and outbuilding. Erection of 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping. *Application withdrawn.*

- 4.2. The application was withdrawn following Officers raising concern that the development would have a detrimental impact on the character and appearance of the street scene, and that the development would result in oppressive relationship with the neighbouring properties at 92 and 96 The Moors.

5. PRE-APPLICATION DISCUSSIONS

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

21/04279/PREAPP: Demolition of existing dwellinghouse, garage and outbuilding. Erection of 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking and alterations to access and landscaping.

- 5.2. The proposed dwellings were reduced in height and redesigned to create a gable end facing onto the road to allow the eaves on the boundaries of the neighbours to be lowered further. The principle of the development was previously considered acceptable and the amendments were considered to allow the design to be generally acceptable; however, it was advised that the height of number 94 should be reduced to allow for a more suitable relationship with the adjacent bungalow. The impact on neighbour amenity was likely to be considered acceptable and it was highlighted that providing there were no objections from the Local Highway Authority and the

telegraph pole would be relocated at the applicant's expense, it was likely the scheme could be considered acceptable in highways safety terms.

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 **16 April 2022**. There were 6 objections, no submissions of support and no comments received.
- 6.2. The comments raised by third parties are summarised as follows:
- Objections due to concerns about parking provision in the area.
 - Scale of the proposed dwellings would be out of keeping with the surrounding dwellings.
 - Concerns about protected species on the site.
 - Two dwellings would cause strain on sewage.
 - Would constitute overdevelopment of the plot.
 - Impact on light and privacy to neighbouring property.
- 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 impact on the character of the area; adding to parking problems in the area; lack of ecology statement.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** but highlights the need for the applicant to relocate the existing telegraph pole at their own expense.
- 7.4. CDC ARBORICULTURE: **No comments** received at the time of writing this report.
- 7.5. CDC BUILDING CONTROL: **Comments** that a building regulations application will be required and notification of intended demolition will need to be made.
- 7.6. CDC LAND DRAINAGE: No objections to principle of the development; however, notes that the ditch at the northern boundary should be retained.

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
- Villages 1: Village Categorisation
- BSC1: District Wide Housing Distribution
- BSC2: The effective and efficient use of land - brownfield Land and Housing Density
- BSC4: Housing Mix
- SLE4: Improved Transport and Connections
- 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 and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (SPD) 2018
- Kidlington Framework Masterplan 2016
- 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
- Residential amenity
- Highway safety
- Land drainage
- Ecology

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 2no 5-bedroom dwellings.
- 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 3.5 year supply position for 2022-2027. 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, albeit one providing one additional dwelling in this instance. 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

Policy Context

- 9.8. Guidance contained within paragraph 126 of the NPPF covering 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.*
- 9.9. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10. 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.
- 9.11. 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*
- 9.12 Section 6.4 of the Cherwell Residential Design Guide (SPD) 2018 relates to Scale. It advises the building scale should respond to local context and proposed character. As a principle for scale, it states “*Taller buildings may be appropriate in town centre locations, but individual buildings should be designed to fit comfortably with the general urban form*”.

Assessment

- 9.13. In terms of the design of the buildings, concerns were raised with the original proposed (ref: 21/03017/F) in terms of their bulk, height and depth of the proposed dwellings and their relationship with the adjacent bungalow. Amended plans were submitted as part of the pre-application enquiry, that saw the buildings feature a gabled design to the front to allow for the pitched roof to slope towards the boundaries of the neighbours. The overall height of the buildings was also reduced by approximately 0.2 metres with the eaves of the dwelling closest to 92 The Moors reduced by approximately 0.6 metres.
- 9.14. The plans submitted with this application have, however, been further amended to reduce the height of the dwelling closest to number 92 The Moors. It is noted that the

street scene is characterised by a variety of property types and it is not unusual for a two-storey building to be positioned next to a bungalow. Reducing the height of the dwelling closest to the bungalow to a similar height to the two-storey building seen at number 96 The Moors allows it to be read more as a two-storey dwelling incorporating additional rooms in the roof space rather than a three-storey dwelling, and which is considered more in keeping with the character of the surrounding area.

- 9.15. The gable fronting design is considered acceptable given that there is a diverse streetscene with a number of other properties also featuring a gable end on the front elevation. The houses are set back from the road a similar amount to the adjacent properties and would feature some greenery to the front to soften the large area of hardstanding that would incorporate the parking spaces. The materials proposed to be used include concrete roof tiles, facing brick and render with reconstructed stone cill and lintels which given the large variety of materials seen within the area already is also considered to be acceptable.
- 9.19 It is considered that the design of the development would be in keeping with the surrounding streetscene and would not result in harm to the visual amenities of the area, thus complying with Saved Policies C28 and C30 of the CLP 1996 and Policy ESD15 of the CLP 2015.

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 and a minimum of 14m distance is required from rear elevation to two storey side gable. First floor habitable room windows must not be within 7m of neighbouring property.

Assessment

- 9.22. In objecting to the original application (ref: 21/03017/F) officers had concerns over the impact on the amenity of adjacent neighbours at numbers 92 and 96 The Moors. The proposed site plan does, however, show that the 45 degree lines of habitable room windows on number 96 would not be intervened by any of the two storey elements of 94A. The rear of the two-storey section of the proposed dwelling at 94A would also only slightly extend past the existing garage on number 96. While the single storey element of the proposal would slightly intervene the 45 degree angle from the rear window of number 96, the existing outbuilding on the site already intervenes this line and it is not considered that the single storey element would result in any additional impacts in this regard. The first-floor window on the side elevation would be obscurely glazed serving a bathroom, and therefore the impact on light, outlook and privacy of number 96 is considered to be acceptable.
- 9.23. The relationship with the number 92 is different given that the neighbouring property is a bungalow, and the proposed two storey building could be overbearing. The front elevation of number 92 does, however, sit further forward and is unlikely to be impacted by the development. The 45-degree angle taken from the rear elevation, which is an extension to number 92 with large openings and a glazed gable, would not be intervened by the proposed development. Further to this, the two-storey

element of proposed number 94 would not extend past the rear elevation of number 92 and appears to have a garage structure in between.

- 9.24. The relationship with the western side elevation of number 92 has been addressed. Amendments to the proposals have reduced the height of the building and allowed the roof pitch to slope away from the neighbour to further help mitigate impacts in terms of loss of light. The extension appears to have relocated the kitchen diner to the rear of the property, however it is not clear what the original kitchen is now used for. While this is the case, the outdoor area to the west of the property at number 92 benefits from a car port area with a plastic roof that extends all the way to the boundary. On site the roof looked to be particularly weathered and not visible to see through. Further, the western side elevation of number 92 is also located approximately 5 metres from the proposed development with a boundary fence and the roof of the carport in between. Given this, and considering the amendments made to the scheme to reduce the height and slope the roof away from the boundary, on balance it is unlikely that the impact on light or outlook to windows on the western elevation of this neighbour would be so significant to warrant a reason for refusal on this occasion.
- 9.25. There are no neighbours to the rear of the site that would be impacted by the proposed development.
- 9.26. The proposals are therefore considered 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 contained within the NPPF.

Highway Safety

Legislative and policy context

- 9.10. 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.
- 9.11. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.12. 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

- 9.13. Several concerns have been raised with regards to the parking provision proposed at the site, and the potential impact on highway safety. Two parking spaces are to be provided per property which is the maximum parking standards for urban areas within Cherwell. Further to this, the Local Highway Authority has raised no objections to the proposals and an informative note is recommended to make the applicant is aware that the telegraph pole would need to be moved at their expense.
- 9.14. The site is in a highly sustainable location, with frequent bus services within close proximity to the site along The Moors. Further to this, there are a number of nearby

amenities close to the site, and there are good levels of cycling infrastructure nearby. The applicant has also indicated that cycle parking provision can be provided within the curtilage of each dwelling, which would further promote the use of sustainable forms of travel and can be secured by an appropriately worded condition.

- 9.15. Given the above, it is therefore considered the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF and would therefore be acceptable in highway safety terms.

Land Drainage

Policy Context

- 9.16. The NPPF states at paragraph 163 that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.
- 9.17. Policies ESD 6 and ESD 7 of the CLP 2015 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.18. The site lies within Flood Zone 1 the area at lowest risk of flooding, and therefore a Flood Risk Assessment was not required in support of the application. The applicants Design and Access statement acknowledges that a SuDS compliant drainage scheme will be required to serve the proposal however, it is considered that this could be secured by way of a suitably worded condition attached to any permission granted.
- 9.19. There is a drainage ditch located to the rear of the site and the Council's Land Drainage Officer has stated that while they have no objections in principle, the site is in a location where there is a risk of surface water flooding. This occurs where surface water can pond in low-lying areas due to not being able to flow freely away, and that soakaways as a means of surface water disposal will only be acceptable subject to satisfactory BRE 365 soakage tests, and the drainage ditch must not be adversely affected.
- 9.20. Having regard to the above, and considering the depth of the site and the fact that the site currently contains a dwelling, which benefits from permitted development rights, notwithstanding the fact that BRE 365 soakage testing would be required to inform the design of any proposed soakaways it is considered that this could be secured by way of a suitably worded condition and therefore the proposed development is considered acceptable in drainage terms and in accord with Policies: ESD6 and ESD7 of the CLP 2015.

Ecology Impact

Legislative and policy context

- 9.21. 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.

- 9.22. 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.
- 9.23. 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.
- 9.24. 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

- 9.25. 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')
- 9.26. 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.
- 9.27. Given the Policy ESD10 of the CLP 2015 highlights that development proposals are expected to incorporate features to encourage biodiversity, a condition requiring a method statement for enhancing biodiversity on the site to secure this would be required.

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:
 - 21005-P01 - Site Location Plan
 - 21005-P05 - Proposed Site Plan
 - 21005-P06 - Floor Plans & Street Elevations
 - 21005-P07 - Elevations
 - Tree Survey Report, Impact Appraisal and Tree Protection Details dated August 2021
 - Planning Design and Access Statement dated February 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. 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. 21005-P05 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.

4. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been 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 Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development, the bin storage shall be provided on site in accordance with the approved drawing No. 21005-P05 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.

6. Prior to the first occupation of the development hereby approved 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. Such approved means of enclosure shall be erected prior to the first occupation of the development and shall be retained as such thereafter.

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

7. Prior to the first occupation of the dwellings hereby permitted, the electric vehicle charging infrastructure shall be provided on site in accordance with the approved plan Drawing No. 21005-P05 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.

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted or any building or structure erected or placed within the curtilage of the dwelling(s) hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order 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.

9. All impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The ditch located at the northern boundary of the site shall be retained and maintained as existing.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. A method statement for enhancing biodiversity on the site 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 provide 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.

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

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

INFORMATIVES

1. 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).

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 060 390

22/00998/F

Land North East Of Fringford Study Centre
Adjoining Rectory Lane
Fringford

Cottage



The Old

School

House

FARRIERS CLOSE

LANE

Fringford

4



22/00998/F

**Land North East Of Fringford Study Centre
Adjoining Rectory Lane
Fringford**

FARRIERS CLOSE

The Old

School

House



1:160



22/00998/F

Land North East Of Fringford Study Centre Adjoining Rectory Lane Fringford

Pringle
Cottage

Somerville

FARRIERS CLOSE

The Old
School
House

LANE

RECTORY

4

Fringford

Study

Centre

The Old School

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Case Officer: Emma Whitley

Applicant: Mr A Bradbury

Proposal: Erection of a 4 bedroom detached dwelling with garage and access

Ward: Fringford and Heyfords

Councillors: Councillor Clarke, Councillor Corkin and Councillor Wood

Reason for Referral: Called in by Councillor Wood for the following reasons:
Complex planning history (turned down at appeal 3 times);
and high level of public interest

Expiry Date: 23 June 2022

Committee Date: 16 June 2022

SUMMARY OF RECOMMENDATION – GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The site is located towards the south of Fringford, on the corner of Rectory Lane and Farriers Close. Farriers Close is a more modern residential development of four detached dwellings, granted on appeal (95/00702/OUT). The site is accessed via Rectory Lane, which is a dead-end street, although pedestrian footpaths provide access through to Crosslands and Church Lane.

2. CONSTRAINTS

2.1. The application site is occupied by 7 trees which are protected by way of a Tree Preservation Order. The site is within a medium priority Archaeological Alert Area, designated as “Fringford Historic Core, including site of moat at Fringford Manor and med/post-med fishponds”. Fringford is not covered by a Conservation Area, and there are no listed buildings within 25m of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the erection of a single residential dwelling. The dwelling would be two-storey and constructed from yellow-facing brick with a natural stone front gable. The dwelling would have a traditional appearance, with the main element having a north to south gable fronting towards Rectory Lane, and a two-storey gabled projection proposed off the western flank. The dwelling would also feature an attached garage to the east, which would be single storey in scale.

3.2. This application is a re-submission of the 2020 application (ref: 20/01891/F) with additional information submitted in relation to ecology and archaeology.

4. RELEVANT PLANNING HISTORY

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

10/01220/F: No. three bedroom dwelling.
Application Refused 23 September 2010.
Dismissed at Appeal 14 February 2011

20/01891/F: Erection of a 4 bedroom detached dwelling with garage and access
Application Refused 18 September 2020.
Dismissed at appeal 27 August 2021.

4.2. The Inspector dismissed the 2011 appeal on grounds of character and appearance, impact on trees and insufficient information in respect of archaeology.

4.3. The Inspector dismissed the 2020 appeal (ref: APP/C3105/W/21/3270400) on archaeological grounds. The Inspector for this appeal concluded that the application was acceptable in terms of impact on the character and appearance of the area and impact on trees.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by 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 **10 May 2022**.

6.2. 32 letters of objection and 0 letters of support have been received. The comments raised by third parties are summarised as follows:

- Copse was conditioned to be retained (Condition 11 of 95/00702/OUT).
- Two previous applications have been refused due to impact on character of area and nothing has changed in this application
- Detrimental harm to neighbour amenity by way of overshadowing
- Inaccuracies in naming and location of neighbouring properties
- Inaccurate naming of application site
- Inaccuracies in the height difference between proposal and neighbouring property
- Loss of existing trees would result in detrimental impact to character of area
- Application site not maintained
- No requirement for size of dwelling in village
- Detrimental impact to highway safety
- Ecological impact
- Question the reliability of the archaeological survey
- Traffic impact due to construction machinery
- Limited details provided with regards to services provision (water, sewerage, energy)
- No details with regards to the loss of the existing dry-stone wall
- Nothing to stop future occupants removing hedgerows and trees in the future

- Site inappropriate for residential development
- Entire planning history not considered

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

7. RESPONSE TO CONSULTATION

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

7.2. Fringford Parish Council – **Objection.** Comments: proposal represents inappropriate infill development and is unacceptable in planning terms by way of the previous planning application refusals and dismissed appeals. The proposals would be detrimental to character and appearance of area, neighbour amenity trees and wildlife and highway safety.

7.3. Arboriculture (CDC) – No comments or objections received at the time of drafting the report.

7.4. Archaeology (OCC) – Comments:

An archaeological evaluation has been undertaken on the site in relation to a previous application (ref: 20/01891/F), and a report of this evaluation has been submitted with the current application. The evaluation recorded a wall, which has been given a provisional date of 18-19th century, though it is unclear what the wall is a part of, and how it might interact with the structures recorded in the excavation adjacent to the current proposal site.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in

their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

If the applicant contacts us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

7.5. Ecology (CDC) – **No objections, subject to conditions.** Comments:

With regard to the above application, the Preliminary Ecological Appraisal from a former application has been submitted however this is satisfactory as little is likely to have changed in the interim period. I consider the recommendations within the report to be valid. The precautionary working practices for birds, bats, amphibians and hedgehogs within section 5.4 of the report are fine to serve as a CEMP for biodiversity and can be conditioned as they are.

An overall net gain for biodiversity must be achieved on site and sections 5.2 and 5.3 make some good recommendations in this regard. A biodiversity enhancement scheme should be conditioned which must show the planting proposed on site, the location and type of integrated bat and bird features and any other features proposed such as hedgehog highways, log piles, insect hotels etc.

7.6. Local Highways Authority (OCC) – **No objection subject to conditions** relating to parking and manoeuvring areas and full details relating to access.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design control
- C33: Important local gaps

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

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

Principle of development

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.2. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.3. 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 is set out in the 2021 Annual Monitoring Report (AMR). This highlights that despite a strong record of delivery since 2015, there is a land supply position of 3.5 years for the period 2022-2027. 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.
- 9.4. 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.
- 9.5. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts

of housing planned at Bicester and Banbury, with rural housing growth therefore more restrained.

- 9.6. The principle of residential development in Fringford is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Fringford is recognised as a Category A village in the CLP 2015.
- 9.7. Category A villages are recognised as the most sustainable rural settlements within the district, which can accommodate appropriate minor development, infilling and conversions. Infilling is defined within paragraph C.264 of the CLP 2015 as *“the development of a small gap in an otherwise continuous built-up frontage”*.
- 9.8. The land subject of this application is considered to accord with this definition of infilling, given its size and location generally between other buildings (Farriers Close development and the Old School/Fringford Study Centre). Further, Cherwell’s housing land supply position identifies that positive consideration should be given to new housing provided within sustainable locations such as Fringford.
- 9.9. Thus, the overall principle of development, in sustainability terms, is not opposed. However, the acceptability of the proposal is subject to other considerations such as the impact of the proposal on both the visual amenity of the site and surrounding area, impact on neighbours and highway safety.

Design and impact on the character of the area

- 9.10. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. 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 Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.12. Policy ESD15 of the CLP 2015 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.”*
- 9.13. Relevant here is paragraph C.264 under Policy Villages 1 of the CLP 2015 in relation to appropriate infilling. Furthermore, saved Policy C33 seeks to preserve important local gaps where they are important to preserving the loose knit character of an area of where they are important in maintaining the setting of a listed building.
- 9.14. This proposal is identical to the previous application (ref: 20/01891/F) in terms of design, scale, siting and appearance, with the only changes made to this application by way of additional information in relation to ecology and archaeology.
- 9.15. The Inspector for the 2021 appeal on this site considered that the plot is sufficiently spacious to accommodate the proposed dwelling and would not result in the appearance of an overdeveloped plot. Further, the proposed dwelling would appear in-keeping in design and scale, with the existing surrounding dwellings within the immediate vicinity.

- 9.16. In considering the appeal against refusal of application 20/01891/F, the Inspector stated: “... *the site would remain verdant, and the development would not have a significant effect in eroding the openness and general spaciousness of the area. The dwelling would not appear incongruous in this setting as it would suitably integrate into this residential area. I would not regard this proposal as an inappropriate or unacceptable form of infilling*”. [appeal ref: APP/C3105/W/21/3270400].
- 9.17. Policy ESD10 of the CLP 2015 states that the protection of trees will be encouraged, with an aim to increase the number of trees in the District. Policy ESD15 adds that new development proposals shall respect local topography and landscape features, including trees. Paragraph 180 of the NPPF states that development involving the loss or deterioration of irreplaceable habitats (including veteran trees) should be refused.
- 9.18. There are 7 trees within the site which are covered by a Tree Protection Order (TPO). The trees make a valuable contribution to the character and appearance of the area. However, just one tree is proposed to be felled, which is classed as a ‘C’ class sycamore. The tree in question does not hold any high amenity value and was considered in the 2021 appeal to not be a reason to prevent the proposed development.
- 9.19. In order to ensure that the trees are not compromised by any future development that the Council would not ordinarily have control over, it is recommended that permitted development rights are removed, via conditions, in respect of extensions, new outbuildings and boundary treatments.
- 9.20. The site is an undeveloped gap of land, but its contribution to the character and appearance of this area is primarily its verdant appearance and the significant trees in this prominent location. However, the Inspector in the 2021 appeal identified that whilst the introduction of a dwelling into this gap would result in some change to the character of the site, the retention of all but one of the significant trees and additional proposed landscaping would remain ‘*of a positive spacious and verdant character within this setting*’.
- 9.21. The loss of the dwarf dry stone wall to the south-west boundary of the site is inferred in the application proposal. The wall has very limited contribution to the character of the area particularly given its limited scale. The loss of the wall is therefore considered acceptable.
- 9.22. On this basis, officers see no reason to come to a different conclusion in relation to the siting of the proposed new dwelling. Officers agree with the Inspector that the proposal would neither be harmful to the character and appearance of the area or the protected trees on the site, which are set to remain. The proposal is thus in accordance with Policy Villages 1, ESD10 and ESD15 of the CLP 2015, saved Policies C28, C30 and C33 of the CLP 1996 and relevant paragraphs of the NPPF.

Residential amenity

- 9.23. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘*new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*’.
- 9.24. Officers note that a number of third-party residents have concerns regarding overlooking and loss of light to Pringle Cottage. Officers previously considered in respect of the 2020 application that whilst the dwelling in this location may result in

some shared views across the road between bedrooms, this can usually be expected where dwellings front onto the road / face each other across the public realm and as the proposals have not been amended from the 2020 scheme, Officers consider this position to remain the same. Further, the new dwelling is set back within the plot and as such the distances involved (approx. 18m) are not considered to result in any significant material harm to neighbouring or future residents in this case. Neither the dwellings on Farriers Close nor the dwellings to the rear are considered to be in close enough proximity for there to be any material harm caused, which is the same position as Officers reached in the 2020 application.

- 9.25. With regards to amenity space for future residents, the size of the plot is relatively small in comparison to some neighbouring plots. However, Officers consider that the amenity space is of an adequate size in terms of future occupants and is acceptable in this regard.
- 9.26. Overall, for these reasons, the proposal is considered acceptable in residential amenity terms, compliant with Policy ESD15 of the CLP 2031, saved Policies C28, and C30 of the CLP 1996 and relevant paragraphs of the NPPF

Highway safety

- 9.27. 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*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.
- 9.28. The Local Highway Authority (LHA) has raised no objections to this proposal, advising the proposal would not have a significant detrimental impact in terms of highway safety and convenience. The LHA has requested conditions relating to manoeuvring and access. Officers see no reason to disagree with the LHA's view or these suggested conditions and therefore conclude that the proposal is acceptable on these grounds, compliant with local and national policy.
- 9.29. Residents' concern with regards to impact from construction traffic is noted, however there were no concerns raised by the LHA in this regard, nor did they request a condition relating to a Construction Management Plan. Given the scale of development relating to a single dwelling, it is not considered necessary to include a condition relating to the management of construction traffic.

Ecology

- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*.
- 9.31. Paragraph 174 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent networks that are more resilient to current or future pressures"*. This requirement is

echoed by Policy ESD10 of the CLP 2031 Part 1, which states that “a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources”.

- 9.32. The Council's Ecologist noted that the Ecological Appraisal dated February 2021 (previously submitted as part of the 2021 appeal) is considered satisfactory, which should be conditioned and that a biodiversity net gain scheme should be conditioned.
- 9.33. Officers note that residents raised concerns with regards to the impact the proposal would have on the site's ecology. However, as set out in the 2021 appeal decision, the ecological appraisal was considered acceptable by the Council's Ecologist and therefore the reason for refusal in respect of the appeal was withdrawn. The Council's Ecologist has confirmed that the position remains the same and therefore is acceptable in this regard.
- 9.34. The proposal is thus in accordance with Policy ESD10 of the CLP 2015 and relevant paragraphs of the NPPF.

Archaeology

- 9.35. The site is within in Archaeological Alert Area. Paragraph 194 of the NPPF has regard for sites with archaeological interest. It states, “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.
- 9.36. This application included the results of an archaeological field evaluation, the absence of which was the only reason for the appeal being dismissed in 2021. This information has been submitted to and considered acceptable by the County's Archaeologist, subject to the recommended conditions which have been included in the condition list below. Notwithstanding that some neighbouring residents have questioned the reliability of the archaeology report, Officers have no reason to dispute its findings or indeed reach a different conclusion to that of the County Archaeologist.

Other matters

- 9.37. Comments were raised with regards to the maintenance and retention of the copse under the 1995 planning permission (ref: 95/00702/OUT). The two previous applications (refs: 10/01220/F and 20/01891/F) have not identified that the siting of the dwelling on land restricted by condition to be unacceptable and therefore a reason for refusal. Further, the lack of maintenance is not a matter that would hold any weight with regards to maintaining a refusal of planning permission and therefore is not a material planning consideration.
- 9.38. Officers note comments with regards to inaccuracies in the naming convention of the application site and neighbouring dwellings. These are administrative matters; however, they have not prevented neighbours from commenting or affected the assessment of the application.
- 9.39. The relevant planning history has been identified within this report and in respect of the 2020 planning application. Whilst the 1995 permission (ref: 95/00702/OUT) is referenced in this report, this application is not directly relevant to this application as it relates to the construction of 4 residential dwellings and this area of land was not identified for development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal represents an infill development within a Category A village which accords with Policy Villages 1 of the CLP 2015. It also weighs in favour of the proposal that it represents additional housing in a sustainable location in the absence of a five-year housing land supply. Further, the application is considered acceptable in terms of impact on visual amenities, residential amenity, highway safety, trees, archaeology and ecology. In accordance with Paragraph 11 of the NPPF, planning 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 following plans and documents: drawing numbers 02 (Proposed Floor Plans), 03 (Proposed Elevations), 04 (Site Plan), 05 (Site Location Plan/ Block Plan) and 06 (Street Scenes).

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 dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be implemented 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 ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:

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

(b) details of the existing trees and hedgerows to be retained as well as those to be

felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

(d) details of the enclosures along the boundaries of the site.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking and turning 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 and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking and turning spaces shall be retained for the parking and turning of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning 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.

6. The proposed access, parking and turning facilities shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street parking [and turning/loading/unloading] to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To safeguard the recording of archaeological matters within the site in

accordance with the NPPF (2021).

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, 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 programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

10. A method statement for enhancing biodiversity on site, to include, but not limited to, details of planting and integrated bat/bird provisions, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

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

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

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-D inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected and to ensure that the existing trees on the site are adequately protected in accordance 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 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason: In order to retain the open character of the development and area and to ensure that the existing trees on the site are adequately protected in accordance with Policies ESD10 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.

14. Notwithstanding the provisions of Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling and the highway, at any time.

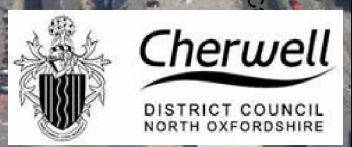
Reason: In order to retain the open character of the development and area and to ensure that the existing trees on the site are adequately protected in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22/00584/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

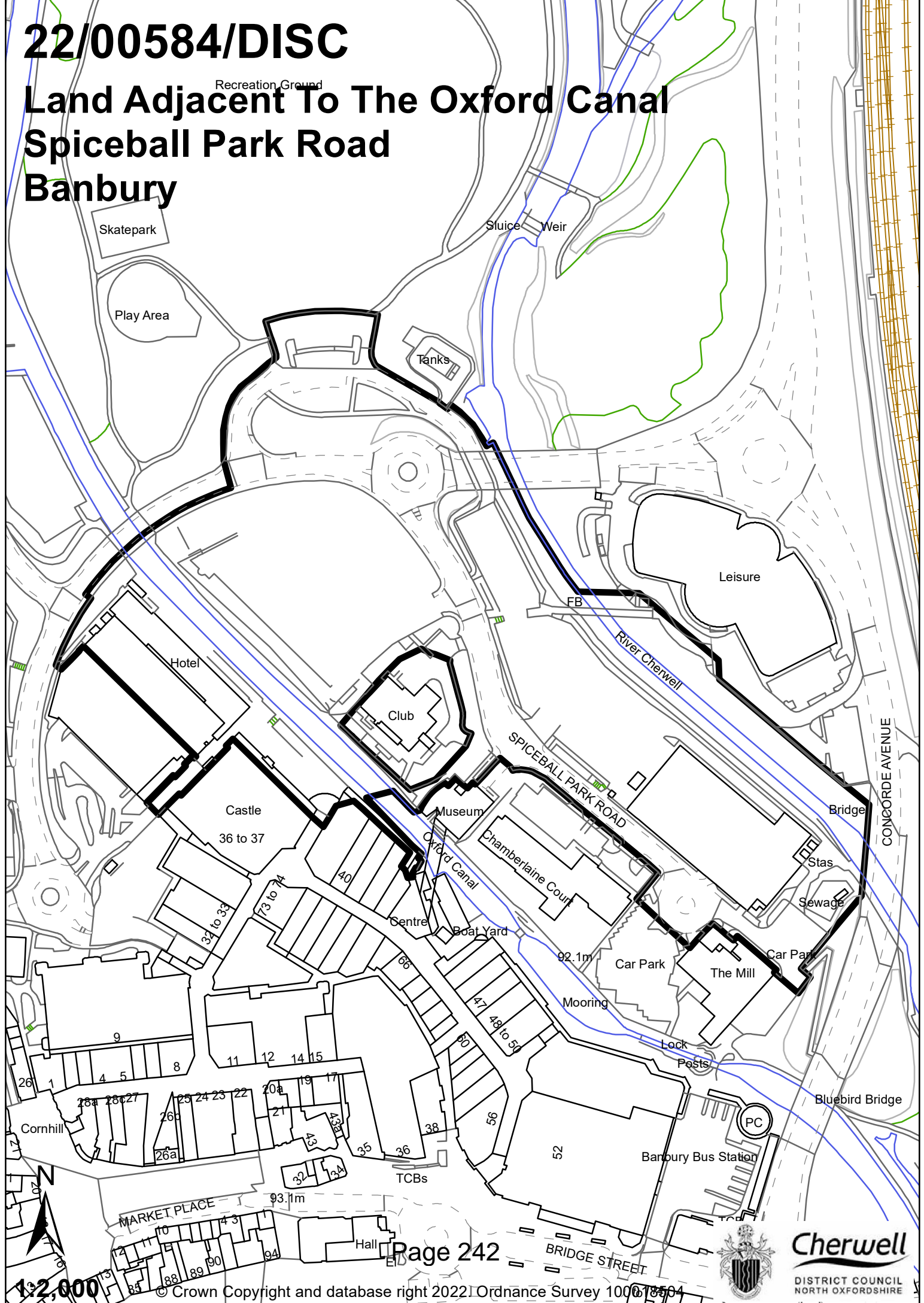


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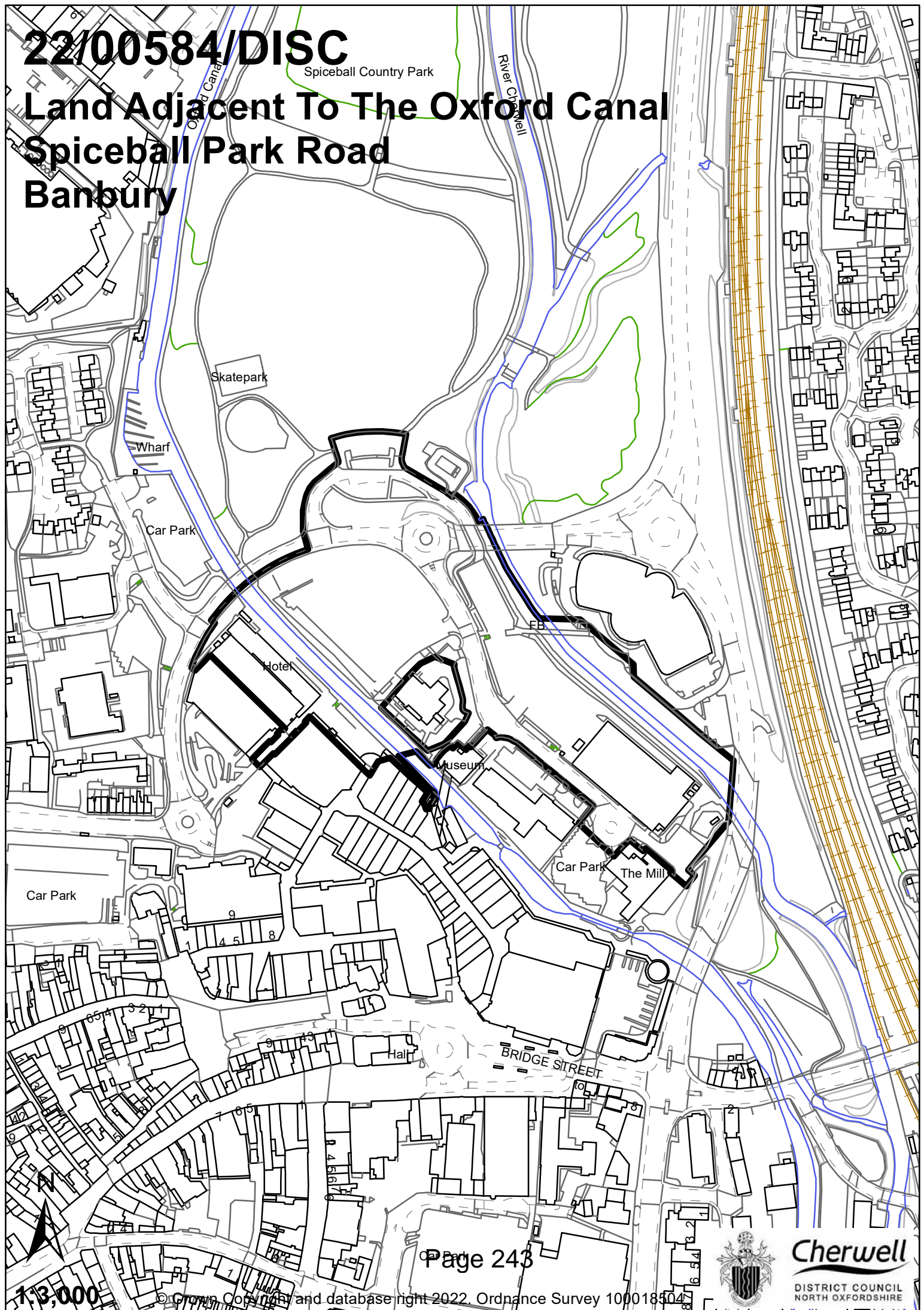
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



22/00584/DISC

Spiceball Country Park

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of Condition 22 (Plot B only) - details of operational plant and mitigation of 16/02366/OUT

Ward: Banbury Cross & Neithrop

Councillors: Cllr Banfield, Cllr Hodgson, Cllr Dr Okeke

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

Expiry Date: 21 April 2022

Committee Date: 16 June 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO DISCHARGE
CONDITION 22 FOR PLOT B ONLY SUBJECT TO RESOLUTION OF OUTSTANDING
CONCERNS FROM THE ENVIRONMENTAL PROTECTION TEAM**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of the Castle Quay 2 development, for a large mixed used commercial development within Banbury Town Centre. This application seeks confirmation of the Discharge of Condition 22 to approval 16/02366/OUT, in relation to Plot B only, which is the Cinema block.

2. CONSTRAINTS

- 2.1. The application site is within the Oxford Canal Conservation Area.

3. CONDITIONS PROPOSED TO BE DISCHARGED

- 3.1. Condition 22 to 16/02366/OUT (Operational plant & mitigation) – this condition states:

'Prior to the first occupation of the units within any phase, full details of operational plant and mitigation shall be provided to the Local Planning Authority for approval, and the scheme to be installed and maintained thereafter in accordance with the approved details.'

- 3.2. The application submitted relates to Block B, the Cinema block only.

4. RELEVANT PLANNING HISTORY

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

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

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

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place.

6. RESPONSE TO PUBLICITY

- 6.1. 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.

CONSULTEES

- 7.2. CDC ENVIRONMENTAL PROTECTION: **Objection**, request for more information regarding the cumulative impact of the operational plant. At the time of writing, a re-consultation with the Environmental Protection Officer is being undertaken following the receipt of additional information intended to address that initial concern. An update will be provided to the Planning Committee following receipt of an updated response from the Environmental Protection Officer.

8. APPRAISAL

- 8.1. Condition 22 of application 16/02366/OUT requires the submission of acceptable details regarding any operational plant and mitigation to be provided prior to the occupation of a unit.
- 8.2. The application includes the submission of plans showing the layout and positioning of the plant, key access points and the location of relevant equipment. Plant specification details have also been provided, which include the performance and operation of equipment, including sound levels.
- 8.3. More recently, additional information in response to the initial comments received from the Environmental Protection Officer has been received, which sets out a noise impact assessment.
- 8.4. Whilst updated comments from the Environmental Protection Officer are still awaited at the time of writing this report, Officers consider that the additional information is likely to satisfy the reasons for their initial objection as the Noise Impact Assessment demonstrates that at sensitive receptors, the operational plant proposed does not exceed acceptable noise levels. A re-consultation has been sent to the Environmental

Protection Officer and an update will be provided to Members at the Planning Committee meeting.

- 8.5. Objection has not been raised regarding the type or positioning of plant being provided and therefore, this is considered acceptable. Other than the request for additional information in regards to noise, objection has not been raised in regards to other matters such as light, vibration, pollution or other emissions.
- 8.6. Overall, Officers consider that the outstanding noise impact assessment review is a technical matter to which an acceptable solution could be found.

9. CONCLUSION

- 9.1. It is recommended that authority be delegated to Officers to approve the details in respect to Condition 22, subject to the confirmation of acceptability of the details from the Council's Environmental Protection Team.

10. RECOMMENDATION

RECOMMENDATION –SUBJECT TO RECEIPT OF SATISFACTORY AMENDED INFORMATION TO RESOLVE THE CONCERNS OF THE COUNCIL'S ENVIRONMENTAL PROTECTION TEAM, DELEGATE TO THE ASSISTANT DIRECTOR, PLANNING AND DEVELOPMENT, POWERS TO DISCHARGE CONDITION 22 (OPERATIONAL PLANT AND MITIGATION) FOR BLOCK B ONLY IN REGARD TO APPLICATION 16/02366/OUT

Cherwell District Council

Planning Committee

16 June 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) 21/03057/F – 3 Denbigh Close, Banbury, OX16 0BQ

Change of use from HMO (Class C4) to 7 Bedroom HMO (Sui-Generis)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 17.05.2022

Statement Due: 21.06.2022

Decision: Awaited

Appeal reference – 22/00025/REF

b) 21/04299/OUT – Reynards Lodge, North Lane, Weston On The Green, OX25 3RG

Removal of Condition 11 (no dwelling above one storey height) of 21/02146/OUT - Outline application demolition of workshops, stables and tennis court and erection of three dwellings and conversion of existing building to form a dwelling

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 18.05.2022

Statement Due: 22.06.2022

Decision: Awaited

Appeal reference – 22/00027/REF

c) 21/04199/Q56 - Quarry Farm, Oxford Road, Adderbury, OX17 3HH

Change of Use of agricultural building to dwellinghouse (Use Class C3)

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 19.05.2022
Statement Due: 23.06.2022
Decision: Awaited
Appeal reference – 22/00028/REF

d) 21/04179/LB – Trelawn House, 34 North Bar Street, Banbury, OX16 0TH

Remedial works to the external elevations of Trelawn House following the demolition of the Buzz Bingo building.

Officer recommendation – Non-determination
Method of determination: Public Inquiry (Linked with 21/04202/F appeal)
Start Date: 17.05.2022
Statement Due: 21.06.2022
Decision: Awaited
Appeal reference – 22/00026/REF

e) 21/03126/TEL56 – Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy

Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 23.05.2022
Statement Due: 27.06.2022
Decision: Awaited
Appeal reference – 22/00030/REF

f) 21/02884/F – Land To The Rear Of 16-18 Twyford Gardens And Adj To Claire House, Twyford Grove, Twyford, OX17 3LD

Erection of one new dwelling.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 23.05.2022
Statement Due: 27.06.2022
Decision: Awaited
Appeal reference – 22/00029/REF

g) 21/04043/F – 37 Bicester Road, Kidlington, OX5 2LD

Two storey side extension - re-submission of 21/02617/F

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 25.05.2022
Statement Due: N/A
Decision: Awaited
Appeal reference – 22/00031/REF

3.2 New Enforcement Appeals

a) 17/00334/ENF – 107 Middleton Road, Banbury, OX16 3QS

Without planning permission, the creation of 7No. Self-Contained units of residential accommodation (6No. Studio Flats and 1No. bedroom flat)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 13.05.2022

Statement Due: 24.06.2022

Decision: Awaited

Appeal reference – 22/00024/REF

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) 20/02192/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 newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021

Statement due: 19.02.2022

Decision: Awaited

Appeal reference: 21/00037/REF

c) 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 newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021

Statement due: 19.02.2022

Decision: Awaited

Appeal reference 21/00036/REF

d) 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

e) 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 14th June 2022

Start Date: 09.12.2021

Statement due: 13.01.2022

Decision: Awaited

Appeal reference 21/00044/REF

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

Single storey extensions and conversion of garage to habitable accommodation

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 25.01.2022

Statement due: 01.03.2022

Decision: Awaited

Appeal reference 22/00008/REF

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

Single storey extensions and garage conversion

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 25.01.2022

Statement due: 01.03.2022

Decision: Awaited

Appeal reference 22/00009/REF

h) 21/01818/F – Pakefield House, St Johns Street, Bicester, OX26 6SL

Redevelopment of the site to form 38 no. Retirement apartments including communal facilities, access, car parking and landscaping

The appeal is a non-determination appeal however the application was heard at Planning Committee on 13th January 2022.

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Start Date: 21.04.2022

Statement Due: 26.05.2022

Decision: Awaited

Appeal reference – 22/00021/REF

i) 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

j) 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

k) 21/03452/TEL56 – Street Record, Station Road, Kirtlington

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 21.04.2022
Statement Due: 26.05.2022
Decision: Awaited
Appeal reference – 22/00021/REF

l) 21/02909/F – 37A Hertford Close, Bicester, OX26 4UX

Erection of 1 dwelling (resubmission of 21/02218/F)

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 25.03.2022
Statement Due: 29.04.2022
Decision: Awaited
Appeal reference – 22/00017/REF

m) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW

Two storey rear/side extension and associated internal alterations

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 20.04.2022
Statement Due: N/A
Decision: Awaited
Appeal reference – 22/00020/REF

n) 21/04093/F – 5 St Peters Close, South Newington, OX15 4JL

Rear extension, porch and dormer in converted crosspace (resubmission of 21/02697/F)

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 31.03.2022
Statement Due: N/A
Decision: Awaited
Appeal reference – 22/00018/REF

o) 21/04202/F – Former Buzz Bingo, Bolton Road, Banbury, OX16 5UL

Redevelopment for 80 retirement living apartments including communal facilities, access, car parking and landscaping.

Officer recommendation – Non-Determination
Method of determination: Public Inquiry
Inquiry start date: 9th August 2022
Inquiry Location: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN
Start Date: 19.04.2022
Statement Due: 24.05.2022
Decision: Awaited
Appeal reference – 22/00019/NON

p) 22/0173/CLUP – 15 Arcott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 05.05.2022
Statement Due: 16.06.2022
Decision: Awaited
Appeal reference – 22/00023/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, theerection 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 Inquires and Hearings between 17 June 2022 and 14 July 2022

None

3.6 Appeal Results

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

a) 20/01180/F – Allowed the appeal by R I and J M Priddle against the refusal of planning permission for Siting of timber cabin for occupation by a rural worker. OS Parcel 2172 SE Of Vicarage Lane, Piddington

Officer recommendation – Refusal (Delegated)

Method of determination: Hearing

Appeal reference – 21/00045/REF

The Inspector identified the main issue of the appeal to be whether there is an essential need for a rural worker dwelling on the site and the effect of the proposal on the character and appearance of the area.

Regarding the first issue, the Inspector found there to be an essential need for a rural worker dwelling at Manor Farm and found that, as there are no suitable or affordable alternatives to the proposed dwelling, the proposal would meet the aims of Policy ESD1 of the CLP 2015 and saved Policy H18 of the CLP 1996, and the Framework when read as a whole.

The Inspector found that the single-storey rural type development would successfully blend with the surrounding timber elevations of nearby barns and accord with the varied materials of the wider built-form.

The Inspector allowed the appeal.

A separate costs application by the appellant was refused. The Inspector concluded that the Council was carrying out the normal activities associated with a planning application, including taking into account relevant planning policy, case law and appeal decisions and the Inspector did not agree with the Appellant that the Council had acted unreasonably.

b) 20/01747/F – Dismissed the appeal by Mr Sweeney against the refusal of planning permission for 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. Land South of Widnell Lane, Piddington.

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Appeal reference – 21/00003/REF

The Inspector identified four main issues for the appeal.

- national policy, and the objectives of the development plan in respect of gypsy and traveller accommodation;
- the character and appearance of the area, having regard to its countryside location;
- the biodiversity of the site; and
- whether the proposed development would give rise to an unacceptable risk of flooding.

In respect of the first issue, the Inspector was satisfied that the site is in an acceptable location and consistent with the findings of a previous appeal decision in 2019 for application reference 17/01962/F. The Inspector noted that the 2017 GTAA and its evidence basis had been explored during recent local plans making processes and examination in public prior to their adoption and was satisfied that the data it used “holds sufficient accuracy to achieve its purpose”.

In respect of the second issue, and unlike his colleague Inspector in respect of the appeal relating to the adjacent site, the Inspector held that, while there would be some degree of harm to the character of the landscape, this harm would be minimised and was satisfied that the open countryside beyond would not be significantly affected. The Inspector concluded on this issue

that the proposed development would respect and enhance local character with appropriate mitigation and would not result in undue visual intrusion.

On the issue of biodiversity, the Inspector found that there is reasonable likelihood of legally protected species being present and being adversely affected by the development proposals. The Inspector held that it had not been satisfactorily demonstrated that the proposal would not cause harm to any protected species or their habitats which are reasonably likely to be present and affected by the development and was not satisfied that imposing a condition in an attempt to address this matter was appropriate in this particular instance. He further noted that the appeal proposals would likely lead to an offence under the Habitats Regulations and the absence of adequate survey information accompanying the application.

In respect of the flood risk, the Inspector found that the Inspector who allowed the appeal on the adjoining site addressed the matter of foul and surface water drainage by way of imposing a condition requiring that details of such be submitted to the Council for subsequent written approval. The Inspector concluded that if they were to allow the appeal, they saw no reason why they could not adopt a similar approach and impose an appropriate condition.

The Inspector noted the other issues raised by interested parties, including the sustainability of the site, highway safety and the effects of potential noise disturbance from the nearby military training area on future occupiers but found no demonstrable harm in these respects.

Weighing the planning balance, the Inspector gave significant weight to the identified local need for gypsy and traveller accommodation but concluded that the harm that would be caused to ecology and protected species of wildlife outweighed the benefits and that the proposal did not accord with the development plan as a whole. The appeal was therefore dismissed.

c) 20/03635/F – Dismissed the appeal by Threshold Investment Ltd against the refusal of planning permission for Erection of one bedroom bungalow and associated works. Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR

Officer recommendation – Refusal (Delegated)
Method of determination: Written Representation
Appeal reference – 21/00043/REF

The Inspector identified the main issue of the appeal to be the effect of the proposed development on the character and appearance of the area.

The Inspector found that the proposal would harm character and appearance of the area, but the development would bring social benefits as a result of an additional dwelling and economic benefits from the construction process together with the ongoing occupation of the dwelling.

The Inspector concluded that the identified harm significantly and demonstrably outweighed the benefits of the scheme when assessed against the policies in the Framework when taken as a whole and held that the proposal was therefore not sustainable development.

The Inspector dismissed the appeal.

4.0 Conclusion and Reasons for Recommendations

The report provides the current position on planning appeals which Members are invited to note

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

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

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:
Donna Lee, Planning Solicitor, 01295 221 586
Donna.Lee@cherwell-dc.gov.uk

7.3 Risk Implications

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:
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.4 Equality & Diversity Implications

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:
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.5 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 2022-2023:

- Housing that meets your needs
- Supporting 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

Matthew Swinford, Appeals Administrator, Matthew.Swinford@cherwell-DC.gov.uk

Alex Chrusciak, Interim Senior Manager, Development Management
Alex.Chrusciak@cherwell-dc.gov.uk