

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Planning Committee**

**Date: Thursday 11 August 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 Colin Clarke  
Councillor Ian Corkin  
Councillor Simon Holland  
Councillor Richard Mould  
Councillor Les Sibley  
Councillor Amanda Watkins

### **Councillor Maurice Billington (Vice- Chairman)**

Councillor Rebecca Biegel  
Councillor Hugo Brown  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Lynn Pratt  
Councillor Dorothy Walker  
Councillor Sean Woodcock

## Substitutes

Councillor Dr Chukwudi Okeke  
Councillor Mike Bishop  
Councillor Andrew Crichton  
Councillor Matt Hodgson  
Councillor Adam Nell  
Councillor Fraser Webster

Councillor Bryn Williams  
Councillor Gemma Coton  
Councillor David Hingley  
Councillor Ian Middleton  
Councillor Douglas Webb  
Councillor Barry Wood

## AGENDA

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

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

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

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

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

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. **Minutes** (Pages 4 - 46)

To confirm as a correct record the Minutes of the meeting of the Committee held on 14 July 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)** (Pages 47 - 48)

The Committee to consider requests for and proposed pre-committee site visits.

Requests received in advance of the meeting are included with the agenda. Any further requests or proposed site visits will be published as part of the written update.

## **Planning Applications**

8. **Allotment Gardens West Of Roebuck Inn And South East Of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB** (Pages 51 - 82) **21/01561/F**

9. **OS Parcel 2778 Grange Farm North West Of Station Cottage, Station Road, Launton** (Pages 83 - 87) **21/04112/OUT**

10. **Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX** (Pages 88 - 96) **21/04037/F**

## **Review and Monitoring Reports**

11. **Appeals Progress Report** (Pages 97 - 105)

Report of Assistant Director Planning and Development

### **Purpose of report**

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

## **Recommendations**

The meeting is recommended:

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

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221534 prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

Please contact Lesley Farrell / Aaron Hetherington, Democratic and Elections  
[democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk), 01295 221534

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

Published on Wednesday 3 August 2022

# Agenda Item 4

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 14 July 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)

Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Jean Conway  
Councillor Ian Corkin  
Councillor Ian Harwood  
Councillor Simon Holland  
Councillor Fiona Mawson  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Amanda Watkins  
Councillor Sean Woodcock

Substitute Members:

Councillor Colin Clarke (In place of Councillor Barry Wood)  
Councillor Gemma Coton (In place of Councillor Dorothy Walker)

Apologies for absence:

Councillor Maurice Billington  
Councillor Andrew Beere  
Councillor Dorothy Walker  
Councillor Barry Wood

Officers:

Alex Chrusciak, Senior Manager - Development Management  
Wayne Campbell, Principal Planning Officer  
James Kirkham, Principal Planning Officer  
David Lowin, Principal Planning Officer (Major Projects Team)  
Nat Stock, Minors Team Leader  
Samantha Taylor, Principal Planning Officer  
David Mytton, Solicitor  
Lesley Farrell, Democratic and Elections Officer  
Aaron Hetherington, Democratic and Elections Team Leader

## **Declarations of Interest**

### **6. Urgent Business.**

Councillor Ian Corkin, Conflict of Interest, As a NED for Graven Hill Village Development Company and would leave the meeting for the duration of the item.

Councillor Les Sibley, Declaration, as he did not support application 21/03177/F and would not take part in the debate or vote on the application.

### **8. OS Parcel 5700 South West of Grange Farm, Street through Little Chesterton, Chesterton.**

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

### **10. Waverley House, Queens Avenue, Bicester, OX26 2PY.**

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and that he would speak as local ward member in objection to the application and leave the meeting for the duration of the item

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

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

### **14. Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1217).**

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

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

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

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

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

### **15. Land Adjacent to The Oxford Canal, Spiceball Park Road, Banbury.**

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

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

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

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

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

**16. 22 Castle Quay, Banbury, OX16 5UH.**

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

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

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

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

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

**17. 22 Castle Quay, Banbury, OX16 5UH (LB).**

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

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

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

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

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

**18. Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1149).**

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

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

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

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

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

31 **Requests to Address the Meeting**

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

32 **Minutes**

The Minutes of the meeting held on 6 June 2022 were agreed as a correct record and signed by the Chairman.

33 **Chairman's Announcements**

There were no Chairman's Announcements.

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

There were no proposed Pre-Committee site visits.

35 **Urgent Business**

The Chairman advised that he had agreed to add two items of urgent business to the agenda as the matters had arisen after agenda publication and decisions by the Committee were required before the next scheduled meeting of the Committee.

1. **Application 21/01454/F - Former Rodney House Private Drive Off Graven Hill Road, Ambrosden**

The first item of urgent business related to application 21/01454/F for the proposed Bicester Health and Wellbeing Hub at Former Rodney House, Private Drive off Graven Hill Road, Ambrosden for Mr Richard Drew.

The Committee was advised that following their resolution in February 2022 to delegate authority to the Assistant Director Planning and Development to grant planning permission subject to conditions, an s106 deed of variation to the extant s106 to address the revised biodiversity mitigation and a s106 to secure a contribution to improve public transport (bus) provision to the site, officers had not been able to determine the application due to outstanding

matters which could not be resolved within the scope of the delegated powers to officers within the scope of the resolution to approve the application.

The Applicant had advised that the development may not proceed if a decision was not issued by 22 July 2022. The report was therefore submitted to the Committee as urgent business to request the Committee agree the necessary amendments to the delegated powers previously given to officers.

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

## Resolved

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/01454/F subject to:
  - i) The conditions set out in the agreed minutes from the 10 February 2022 Planning Committee meeting (and any amendments to those conditions as deemed necessary) and alterations to condition 2 (approved plans) and 22 (footway/cycleway) as follows:
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: [**BHWH-IBI-XX-XX-PL-A-100003 Rev 8 – Red Edge Plan**]; IBI-AR-XXXX-PL-100-004 Rev 17 – Proposed Site Masterplan; WIE11386-HHA-05-001 RevA01 – Health Hub & Western Spine Road Vis.; **WIE-16470-ZZ-XX-DR-L-74-101 RevT02 – Biodiversity Net Gain Offset Plan**; 122447-IBI-XX-WS-PL-A-100-005 Rev 7– Existing Site Location Plan; IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan; 16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan; 122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan; 122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan; 122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan; 122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan; 122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations; 122447-IBI-XX-XX-EL-A-200-5021 RevP1 – East & South Elevations; 122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations; 8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan; 16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan; Design & Access Statement, March 2021; Planning Statement, April 2021; WSI for Archaeological Investigation, February 2021; Technical Note – Biodiversity Net Gain Assessment, April 2021; Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021; Ecological Impact Assessment, March 2021; Building Regs Part L Compliance Report, March 2021; Geotechnical Desk-Study Report – Part 1, February 2021; Geotechnical Desk-Study Report – Part 2, February 2021; Geotechnical Site Investigation Report, June 2021; Arboricultural Impact Assessment, April 2021; Arboricultural Survey Schedule, August 2020; Arboricultural Briefing Note, December 2021; Flood Risk Assessment & S/W Drainage Strategy, March 2021; Travel



Plan, March 2021; Transport Assessment – Part 1, April 2021; Transport Assessment – Part 2, April 2021; Transport Assessment – Part 3, April 2021; Supplemental TRICS data for GP Surgeries with Pharmacies; Transport Tech. Note – Primary Health Care Hub proposals, July 2021. 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:

22. The development shall not be brought into use until the footway running from the south of the building and linking to the east to connect to a private road leading to Anniversary Avenue, has been upgraded to a shared footway/cycleway in full accordance with a Scheme of upgrade works that shall include details of lighting, surfacing and signage. This Scheme shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- ii) A S106 deed of variation to the extant S106 to address the revised biodiversity mitigation and the footway/cycleway as per the following S106 Heads of Terms (and any amendments as deemed necessary):
- a) An additional commuted sum for the additional planting and the extra maintenance costs of the biodiversity enhancement areas, in addition to any capped commuted sums, of £7,000 (index linked) and associated extra maintenance £7,000 (index linked) or any amendments to those figures deemed necessary; and
  - b) An additional commuted sum for the maintenance of the footpath/cycleway upgrade works, in addition to any capped commuted sums, of £803.25 (index linked) for the maintenance of the re-surfaced footway/cycleway, and an appropriate figure (to be confirmed) for the maintenance of the lighting, or any amendments to those figures deemed necessary.
- iii) The Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the S106 Heads of Terms as follows (and any amendments as deemed necessary):
- a) £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site;
  - b) £2,336 index linked – OCC Travel Plan Monitoring Fee; and
  - c) £4,550 – S106 monitoring fee.

iv) In the event that the LLFA objection is not resolved, authority be delegated to the Assistant Director for Planning and Development to add an additional condition 23 (Flood) as follows (and any amendments to that condition as deemed necessary):

23. Prior to commencement of development a surface water drainage management strategy shall be submitted to and approved the Local Planning Authority. The strategy shall include details of the management of the proposed system. Thereafter the development hereby permitted shall be constructed in accordance with this strategy, including calculated micro drainage results and clarification that the site can be satisfactorily drained to the adjoining watercourse and details of arrangements should the surface water system fail.

Reason: To ensure a sustainable and adequate surface water drainage scheme for the development that complies with Government guidance contained within the National Planning Policy Framework and associated Planning Policy Guidance.

## 2. **Application 21/03177/F - Axis J9 Phase 3 Howes Lane Bicester.**

The second item of urgent business related to application 21/03177/F, a 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 at Axis J9 Phase 3, Howes Lane, Bicester for Albion Land.

The Committee was advised that at its 16 June 2022 meeting, the Committee had resolved to refuse the application. Officers had been working on the wording of the reason for refusal and have been advised that the applicant intends to appeal the decision to refuse the application.

Legal advice received after the publication of the agenda for this meeting indicated that officers required additional powers to be delegated from the Planning Committee to allow them to deal with any S106 issues within an appeal. As it was understood the appeal would be lodged imminently, the report was submitted to the Committee as urgent business to ensure the necessary delegation was in place, and that the Committee's refusal reasons were defined and available to the applicant so that their appeal could be lodged against those specified reasons. To delay a decision, could result in the risk of an award of costs against the Council.

In reaching its decision the Committee considered the officers report and presentation, and written updates.

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development, having regard to the Heads of Terms, and Heads of Terms update (attached), to negotiate and complete an agreement containing obligations pursuant to S106 of the Town and Country Planning Act 1990 (as amended) relating to any planning appeal submitted against the decision issued under application 21/03177/F:
- (2) That application 21/03177/F be refused for the following reasons:
  1. The proposed development introduces unanticipated commercial uses onto a site identified for housing via the Masterplan included within the North West Bicester Supplementary Planning Document 2016. The development proposed would be incompatible with the existing residential uses to the east of Howes Lane and would have a detrimental impact upon the residential amenity of those nearby residential occupiers. The proposal is therefore not considered to be sustainable development and is contrary to Policies SLE1 (in particular paragraph 6, bullet point 7 (with respect to land uses and residents only), ESD15 (in particular bullet points 3 and 11 (but not related to privacy, natural lighting, ventilation or indoor and outdoor space)) and Policy Bicester 1 (paragraph 2 and bullet points 1 and 25 under the section titled 'Key site specific design and place shaping principles') of the Cherwell Local Plan Part 1 2011-2031, Policy C31 of the Cherwell Local Plan 1996, the North West Bicester Supplementary Planning Document 2016 and the National Planning Policy Framework.
  2. In the absence of a satisfactory completed S106 or other planning obligation, the Local Planning Authority is not convinced that the necessary infrastructure required both on and off site as a result of this development to mitigate the impact of the development will be provided. This would be contrary to Policies INF1, SLE4, and Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, the North West Bicester Supplementary Planning Document 2016, the Council's Developer Contributions Supplementary Planning Document (February 2018) and the advice within the National Planning Policy Framework.

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**OS Parcel 5700 South West of Grange Farm, Street through Little Chesterton, Chesterton**

The Committee considered application 22/01144/F a full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped

mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse at OS Parcel 5700 South West of Grange Farm Street Through Little Chesterton, Chesterton for Tritax Symmetry Oxford North Limited and Siemens Healthineers.

Nick Wyke, agent for the applicant and Andre Lindeboom of Siemens Magnet Technology, addressed the Committee in support of the application.

It was proposed by Councillor Coton and seconded by Councillor Broad that application 22/01144/F be refused contrary to the officer's recommendation as the site was on unallocated land and not in the local plan. There was also concern around the impact on the local villages of Chesterton, Wendlebury and Weston.

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

It was proposed by Councillor Corkin and seconded by Councillor Clarke that application 22/01144/F be approved.

On reaching its decision the Committee considered the officers report and presentation, the written updates, and the address of the public speakers.

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 22/01144/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 infrastructure set out in appendix 1 and amendments in the written updates (and any amendments to those obligations as deemed necessary).
  - ii) The following conditions (and any amendments to those conditions as deemed necessary):

### **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:
- Access Plan - Drawing 205223/PD09 Rev C
  - 13-222-SGP-STE-00-DR-A-131002 - Location Plan – Symmetry Park, Oxford North (Rev. P8)
  - 13-222-SGP-ZZ-ZZ-DR-A-131007 – Watercourse Diversion Planning Location Plan (Rev. P1)
  - 13-222-SGP-ZZ-ZZ-DR-A-131009- 01 – Location Plan
  - 13-222-SGP-ZZ-ZZ-DR-A-121404 – Energy Centre Proposed Plan & Elevations (Rev. A)
  - 13-222-SGP-ZZ-ZZ-DR-A-131000 - Site Plan – Phase 1 (Rev. V)
  - 13-222-SGP-ZZ-ZZ-DR-A-131001 - Site Plan – Phase 2 (Rev. V)
  - 13-222-SGP-ZZ-ZZ-DR-A-131003 - External Furniture & Boundary Treatment Plan – Phase 2 (Rev. M)
  - 13-222-SGP-ZZ-ZZ-DR-A-131105 – Phase 1 – Production Area Layout (Rev. F)
  - 13-222-SGP-ZZ-ZZ-DR-A-131106 – Phase 1 & 2 – Office Layout (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131107 – Phase 1 – Gross External Area Plans (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131108 – Phase 1 - GIA Plans and Critical Dimensions (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131109 – Phase 1 – Roof Plan (Rev. G)
  - 13-222-SGP-ZZ-ZZ-DR-A-131110 – Phase 2- Production Area Layout Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131112 – Phase 2 – Gross External Area Plans (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131113 – Phase 2 – GIA Plans & Critical Dimensions (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131114 – Phase 2 – Roof Plan (Rev. H)
  - 13-222-SGP-ZZ-ZZ-DR-A-131115 - Phase 1 & 2 – Facilities Management Building (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131116 - Phase 1 & 2 – Gatehouse (Rev. B)
  - 13-222-SGP-ZZ-ZZ-DR-A-131200 – Phase 1 – Production Area Sections (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131201 – Phase 1 & 2 – Office Sections (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131202 – Phase 2 - Production Area Sections (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131204 – Phase 1 & 2 - Atrium Sections (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131300 – Phase 1 – Elevations (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131303 – Phase 2 – Elevations (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131307 – Elevation Visuals
  - Drainage Layout Drawing No. T/20/2407 Rev P5
  - Water Course Sections T-212407 60-04 Rev P3
  - Flood Risk Assessment ES Appendix 11.1 FRA V1.5

- Impermeable Areas Plan Drg 51 02 p1 (Dwg. No. T/20/2407 51-02 Rev P1)

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 with the National Planning Policy Framework.

3. The building hereby approved shall be constructed to BREEAM Excellent Standard or requirement thereof.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with Policies ESD1-5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping (EDP. Drawing no. EDP2425\_d017e) shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the operation of the service yard, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The Delivery and Servicing Plan (January 2022, included as Appendix T of Vectos Transport Assessment dated March 2022) shall be implemented in perpetuity for the operation of the development hereby approved. The Plan shall ensure the implementation of specific details on the routing of vehicles in order to ensure that larger service / delivery vehicles avoid inappropriate routes on the local road network, in order to mitigate the impact on the surrounding network.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Shift change overs of Production Staff will avoid start and finish times during the peak highway network hours of 08:00 – 10:00 and 16:00 – 18:00, Monday-Friday in order to mitigate the impact of the development on the local highway network during peak network hours.

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.

7. No energy generating equipment shall be installed within the energy centre hereby approved until an updated air quality assessment and noise impact assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

8. All plant, machinery, and equipment to be used by reason of the granting of this permission, including any sound attenuating structures, shall be so installed, maintained and operated so as to ensure that the rating noise level from the site does not exceed the baseline background sound levels presented in Table 7.25 of the Environmental Statement (March 2022) and summarised below when measured at the boundary of any noise sensitive receptor. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Receptor	Period	Derived Background Sound Level L (A90)
Half Mile House	Daytime	54
	Night-Time	42
Green Farm Cottages	Daytime	54
	Night-Time	46
Church Lane	Daytime	56
	Night-Time	41

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

9. Surface Water Discharge from the development site shall be limited to 80% of QBAR rate up to the 1% AEP event plus an allowance of 40% for climate change (a discharge limit of 18.0 l/s).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**PRE-COMMENCEMENT CONDITIONS**

10. No development of any phase shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CMP shall be appropriately titled (site and planning

permission number) and shall provide for as a minimum:

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of any road closures needed during construction;
- Details of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours;
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

11. No development shall take place (including demolition, ground works, vegetation clearance) on any phase until a Landscape and Ecological Management Plan (LEMP) for the development site has been submitted to and approved in writing by the Local Planning Authority for that phase. The LEMP will set out in detail the measures to be implemented to ensure the successful establishment/installation of new habitats/features and the long-term maintenance and management of both existing and new habitats/features proposed as part of the soft landscape scheme.

Reason: To protect habitats of importance to biodiversity conservation



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

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- Risk assessment of potentially damaging construction activities;
  - Identification of 'Biodiversity Protection Zones';
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including the control of dust (may be provided as a set of method statements);
  - The location and timing of sensitive works to avoid harm to biodiversity features;
  - The times during construction when specialist ecologists need to be present on site to oversee works;
  - Responsible persons and lines of communication;
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - 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.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

16. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.

Reason: To ensure that risks from land contamination to the future users

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

17. No development shall take place until 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).

18. Following the approval of the Written Scheme of Investigation referred to in Condition 17, and prior to 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).

19. No development shall take place until, notwithstanding the details included in Woodland Management Plan edp2425\_r018b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the ancient woodlands longevity, and unique habitat is secured.

20. No development shall commence until a construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

21. No development shall commence until a Sustainable Surface Water Management Strategy compliance report to demonstrate how the

scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire” shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

22. No development shall commence until a Flood Exceedance Conveyance Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

23. No development shall commence until results from comprehensive infiltration testing across the site to BRE DG 365 standard have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

24. No development shall commence until detailed design drainage layout drawings of the SuDS proposals including cross-section details have been submitted to and approved in writing by the Local Planning Authority. The approved Drainage details shall be fully implemented prior to first occupation of each phase of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

25. No development shall commence until details of how water quality will be managed during construction and post development in perpetuity have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

26. No development above ground shall take place until details of any consents for any connections into third drainage systems have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**PRIOR TO THE CONSTRUCTION OF WORKS ABOVE GROUND LEVEL**

27. No development above ground level shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the

first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

28. No development above ground level shall take place on any phase until a scheme for the installation of PV panels to achieve a total power output of at least 380kW<sub>peak</sub> on each phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be operational prior to the first occupation of that phase and be retained in accordance with the approved plans.

Reason: In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

29. A Biodiversity Net Gain will be achieved, as set out in the Biodiversity Impact Assessment edp2424\_r021b (July 2022). No development above ground level shall take place until a detailed Habitat Management Plan (HMP) setting out the specific management prescriptions for each habitat type on Site, including measures for habitat creation/enhancement and ongoing management and maintenance to ensure that the target habitat quality and condition is met post-development, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the building.

Reason: To achieve a Net Gain in biodiversity, this information is required prior to commencement as it is fundamental to the acceptability of the proposals.

30. No development above ground level shall take place until details of all permeable paving have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

31. No development above ground level shall take place until a detailed SuDS maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**PRIOR TO OCCUPATION**

32. Prior to the first occupation of each phase of the building hereby approved, a detailed scheme showing external illumination of that phase of building and its curtilage shall be submitted to and approved in writing by the LPA. The scheme shall be implemented as approved.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

33. Prior to the first occupation of the development car park facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). Thereafter, the car park facilities shall be permanently retained and maintained for the parking of vehicles in connection with the development.

Reason: In the interests of maintaining a well-functioning road network and in accordance with Policy SLE4, ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

34. Prior to the first occupation of the development covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

35. Prior to first occupation of the development a Workplace Travel Plan prepared in accordance with the Framework Travel Plan (January 2022, included as Appendix S of Vectos Transport Assessment dated March 2022, to include implementation of working practices for office staff set out in 'Healthineers Way of Working' (December 2020) to achieve a broad 70/30 split of office/remote based working) will be submitted to and approved by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars

related to the development in favour of other modes of transport and the means of implementation and methods of monitoring.

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.

36. Prior to the first occupation of the development, 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 (.pdf and .shp file format);
  - b) Photographs to document each key stage of the drainage system when installed on site.
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company information.

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

37

**Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA**

The Committee considered application 22/00017/F for the demolition of an existing vehicle showroom and associated garages and the erection of 2 new housing blocks containing a total of 15 flats including car parking and ancillary supporting uses with landscaping at Kidlington Garage, 1 Bicester Road Kidlington OX5 2LA for Sweetcroft Homes.

Local Ward Member, Councillor Ian Middleton, addressed the Committee regarding the application.

Neil Perry of Anderson Orr Architects addressed the Committee in support of the application.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 22/00017/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 deemed necessary):

S106 Head of Terms - As set out in the table at Appendix 1.

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

**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:

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.

**Landscaping**

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.
- (d) Full details of all means of enclosures

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall be carried out in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

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 that any



trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the 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 a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Materials Details**

4. No development shall commence above slab level unless and until full details of the materials to be used in the construction of the external walls and roof of the building (including samples) as well as how these materials are to be applied on building have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

**Door and Window Details**

5. No development shall commence above slab level except for demolition unless and until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

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

**Vehicular Access Details**

6. No development shall commence except for demolition unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access,

driveways and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety 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.

#### **Parking Space Provision**

7. No dwelling shall be occupied until car parking space to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

#### **Surface Water Drainage Details**

8. No development shall commence except for demolition unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - Sizing of features - attenuation volume
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers
  - SUDS - (in a treatment train approach to improve water quality)
  - Network drainage calculations
  - Phasing
  - Flood routes in exceedance

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Site Contamination**

9. Further contamination risk assessment is required in accordance with paragraph 10.3.2 of the submitted Geo-Environmental Site Investigation, BRD3473-OR2-A report. Prior to the commencement of the development hereby permitted, the further assessment recommended at paragraph 10.3.2 shall be undertaken to inform the remediation strategy proposals. This shall be documented as a report

undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

10. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

11. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

**Cycle Storage**

13. Prior to the first occupation of the dwellings hereby approved, full design details of the cycle storage area, including elevations and materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle storage area shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

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.

**Waste Management**

14. Prior to the occupation of the development hereby approved, a waste management strategy including details of how waste would be collected from the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Biodiversity Enhancement**

15. No development shall commence, including any demolition, and any works of site clearance, unless and until a method statement for enhancing the biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the

biodiversity enhancement measures shall be carried out 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.

**Boundary Treatments**

16. No development shall commence above slab level except for demolition unless until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter, boundary treatments shall be implemented prior to the occupation of any unit on the site and retained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Site Clearance outside of Nesting Season**

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

Reason : To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

**Noise Levels to Habitable Rooms**

18. Prior to the development commencing, except for demolition, a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In the interests of the residential amenities of the area 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.

**Construction Environment Management Plan**

19. No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP

Reason: In the interests of the residential amenities of the area, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

**External Lighting**

20. Prior to the first use of the development hereby approved details of the external lighting and security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the residential amenities of the area, to ensure and retain the satisfactory appearance of the completed development 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.

**Obscure Glazing to Eastern Windows of Block A**

21. The windows at ground floor, first floor and second floor level in the eastern side elevation that serve the habitable living areas of flats 1, 5 and 9 as shown on the Sketch Units – Block A Plans 18112-PP-002-A shall be permanently retained with purpose made obscure glazing and shall be top opening only at 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. The amenity space as shown on the Block Plan 18112-PP 001-C shall be retained and maintained as an amenity space for the future occupiers of the development only.

Reason: In the interests of the amenity of future occupiers of the development, to comply with Policy ESD15 of the Cherwell Local Plan

2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

38 **Waverley House, Queens Avenue, Bicester, OX26 2PY**

The Committee considered application 21/02573/F for the demolition of an existing building and erection of a building to form 48 apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure at Waverley House, Queens Avenue, Bicester, OX26 2PY for GG Oxford Investments Limited.

Local Ward Member, Councillor Les Sibley, addressed the Committee in objection to the application.

Jo Bennett, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Mould that application 21/02573/F be refused as it would cause substantial harm. Notwithstanding that the application site was in a sustainable location, the bulk, scale and height of the building and the loss of setback would be a considerable change in the street scene and would not be in keeping with the character of the street. It was also noted that there was an outstanding objection from the Local Flood Authority.

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

**Resolved**

- (1) That application 21/02573/F be refused contrary to the officer's recommendation for the following reasons, with the exact wording of the reasons for refusal delegated to the Assistant Director Planning and Development:
  - 1) It would cause substantial harm. Notwithstanding that the application site is in a sustainable location, the bulk, scale and height of the building and the loss of setback along with the loss of a non-designated heritage asset would be a considerable change in the street scene and would not be in keeping with the character of the street. The lack of visitor parking would also result in on street parking. It was also noted that there was an outstanding objection from the Local Flood Authority and there was no signed S106 agreement.
- (2) Authority be delegated to The Assistant Director for Planning and Development to negotiate and complete an agreement containing obligations pursuant to S106 of the Town and Country Planning Act 1990 (as amended) relating to any planning appeal submitted against the decision issued under application 21/02573/F.

39

**North Arms Inn, Mills Lane, Wroxton, OX15 6PY**

The Committee considered application 22/00256/F for the change of use from a public house to a single residential dwelling at the North Arms Inn, Mills Lane, Wroxton, OX15 6PY for James Collins.

James Collins, the applicant, addressed the Committee in support of the application.

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

**Resolved**

(1) That permission be granted for application 22/00256/F subject to the following 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 information contained within the application form and drawings Site Location Plan and Site P

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. 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.



40 **Allotment Gardens West Of Roebuck Inn and South East of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB**

The Committee considered application 21/01561/F for the erection of one detached dwelling and detached garage at Allotment Gardens West of the Roebuck Inn and Southeast of The Blinking Owl Public House, Banbury Road, North Newington, OX15 6AB for Mr Christopher McNally.

It was proposed by Councillor Reynolds and seconded by Councillor Corkin that application 21/01561/F be deferred for a site visit to enable Members to see the development site in context with the proposed access and parking.

**Resolved**

That consideration of application 21/01561/F be deferred to allow for a site visit.

41 **Land Adj To Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell**

The Committee considered application 22/00978/M106 for the modification of the S106 to application 18/01491/OUT - Planning obligation, specifically sections 1.1, 2.1, 2.3 of Part 5 Schedule 2 of the s106, dated 19/06/2019 (all sections referring to the existing water tower) (resubmission of 21/02503/M106) at Land Adj to Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell for Keble Homes.

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

**Resolved**

- (1) That the obligation be modified in accordance with the Deed of Variation dated 1 July 2021, submitted with application 22/00978/M106 on the basis that circumstances had changed since the s106 to 18/01491/OUT was completed. The s106, as modified, continued to serve a useful purpose, delivering the other benefits of the development regarded as necessary at the time of determination to make the development acceptable in planning terms.

42 **Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1217)**

The Committee considered application 22/01217/DISC for the partial discharge of Condition 22 (operational plant and mitigation) in relation to Unit 6 of the Castle Quay 2 Development of application 16/02366/OUT at Castle Quay 2 Spiceball Park Road Banbury Oxfordshire OX16 2PA for Pizza Express Restaurants Limited.

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

**Resolved**

- (1) That permission be granted for the discharge of condition 22 (operational plant and mitigation) in regard to unit 6 of block B, of application 16/02366/OUT. Details approved are as follows:

EMAQ Risk Assessment for Odour  
Kitchen Extract Layout C137-M-11-01  
WC Extract Layout C137-M-11-02  
General Extract Layout C137-M-11-03  
Fresh Air Supply Layout C137-M-11-04  
All Ventilation Layout C137-M-11-05  
First Floor Plant Room Layout C137-M-11-06  
Second Floor Plant Deck Layout C137-M-11-07  
Roof Level C137-M-11-08  
Air Conditioning Layout C137-M-15-01

43 **Land Adjacent to The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 22/01588/DISC for the partial discharge of condition 22 (operational plant and mitigation) in relation to Unit 4 of Block B of Castle Quay 2 Development of application 16/02366/OUT at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Nando's Chickenland Limited.

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

**Resolved**

- (1) That permission be granted for the partial discharge of condition 22 (operational plant and mitigation) in regard to Unit 4 of Block B of application 6/02366/OUT. Details approved are as follows:

Equipment Schedule  
Nando's Shell Specification  
Block Plan 1139542  
Proposed Ground Floor HVAC Layout and Sections 8277-02 Rev A  
Proposed First Floor M&E HVAC Layout and Sections 827703 Rev P2  
Proposed Roof HVAC Layout 8277-07 Rev P2

44 **22 Castle Quay, Banbury, OX16 5UH**

The Committee considered application 19/02538/F for Shopfront alterations and other external alterations including the installation of 3 No air conditioning units at 22 Castle Quay Banbury OX16 5UH for Coffee #1 Limited.

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

**Resolved**

- (1) That permission be granted for application 19/02538/F subject to the following conditions:

**Compliance with Plans**

1. 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: P2, P6, P7, T3 Rev A, T05 Rev A and email received on (18.11.2020) at 15:07hrs from the applicant's agent (John-Rhys Davies) confirming the omission of the proposed illumination within the shopfront.

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

45

**22 Castle Quay, Banbury, OX16 5UH (LB)**

The Committee considered application 19/02539/LB, listed building consent for the alteration to a shopfront, installation of new advertisements, installation of 3 No air conditioning units and other external and internal alterations at 22 Castle Quay, Banbury, OX16 5UH for Coffee #1 Limited.

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

**Resolved**

- (1) That listed building consent be granted subject to the following condition:

**Compliance with Plans**

1. 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: P2, P6, P7, T3 Rev A, T05 Rev A and email received on (18.11.2020) at 15:07hrs from the applicant's agent (John-Rhys Davies) confirming the omission of the proposed illumination within the shopfront.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C18

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

46 **Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1149)**

The Committee considered application 2/01149/F for the formation of new external seating area at Castle Quay 2, Spiceball Park Road, Banbury Oxfordshire, OX16 2PA for Pizza Express Restaurants Limited.

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

**Resolved**

- (1) That permission be granted for application 2/01149/F subject to the following conditions:

**Time Limit**

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

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

**Compliance with Plans**

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

Site Location Plan 2209/SL01  
Proposed External Elevations 2209/P02

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.

47 **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 7.30 pm

Chairman:

Date:

22/01144/F – SIEMENS, M40 J9, CHESTERTON – APPENDIX 1 - Heads of Terms for Section 106 Agreement/undertaking – Update 1

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Public transport services contributions, including contribution towards bus stop infrastructure	£1,130,000 index linked from 2Q22 (RPI-x) Lower figure TBC due to the reduced scheme.	June 2022 Baxter	<p><b>Necessary</b> – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for Bicester.</p> <p><b>Directly related</b> – 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><b>Fairly and reasonably related in scale and kind</b> – An enhancement to the public transport service between Oxford and the development site to meet required shift times. Also, A public transport service between the site and West Oxfordshire to enable existing staff to travel to the site sustainably.</p>
Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement).	£3,320	April'22 RPI-x	To consult on the implementation of a new / extended speed restriction on the A41 between the M40 J9 and Vendee Drive junctions.
<p>Provision of a safe and suitable pedestrian / cycle route to the site from Bicester.</p> <ul style="list-style-type: none"> <li>The provision of a direct 3m wide shared route alongside the A41 between the site access and the Bicester Park and Ride at Vendee Drive.</li> </ul>	£2,800,000	June 2022 Baxter	<p><b>Necessary</b> – The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall cycle and walking strategy for Bicester.</p> <p><b>Directly related</b> - The proposal provides for commercial uses which should be reasonably accessible via cycleways and footpaths to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the cycle and pedestrian networks. It is therefore directly related to development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The level of contribution sought is proportionate to the scale of development.</p>

<p>Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans</p>	<p>£1,558 index linked from December 2021 (RPI-x)</p>	<p>TBC - Delegated Authority is sought to enable Officers to negotiate this</p>	<p><b>Necessary</b> – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plan over 5 years.  <b>Directly related</b> – 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.  <b>Fairly and reasonably related in scale and kind</b> – 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 improvements</p>	<p>£30,000 index linked from April 2022 (Baxter)</p>	<p>TBC - Delegated Authority is sought to enable Officers to negotiate this</p>	<p><b>Necessary</b> – 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 Bicester.  <b>Directly related</b> – Development would allow greater public access and use of local public rights of way by local residents and employees of the development. The contribution is therefore directly related to the development.  <b>Fairly and reasonably related in scale and kind</b> – Surface upgrades to local public rights of way connecting with the site.</p>
<p>CDC and OCC Monitoring fee</p>	<p>CDC: TBC 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 few obligations and triggers for CDC, the minimum charge plus registration charge is required. The need for a monitoring fee is to ensure it can appropriately monitor that development is complying with its S106 including the high standards sought at the site.</p>

Written Update – Planning Committee 16 July 2022

**22/01144/F Siemens Healthineers – Section 106 Heads of Terms – Update 2**

Contribution	Amount £	Price Base	Index	Towards (details)
Pedestrian and Cycle Connection to Bicester	£2,800,000	June 2022	Baxter	<p>Provision of a safe and suitable cycle / walking route between the site and Bicester, along either the A41, or via improvements along National Cycle Network Route 51(Wendlebury Road), or a combination thereof</p> <ul style="list-style-type: none"> <li>• Capped contribution based on costed scheme along A41</li> <li>• £100,000 Payment Prior to Commencement of Development to enable detailed Feasibility Study of Options</li> <li>• Applicant and OCC to be involved in the Design Process, and selecting preferred Option but final decision to rest with OCC</li> <li>• Following scheme selection, costs to be confirmed / review of contributions from any other developments considered, thereafter make payment of the remaining balance of the capped contribution on the basis below               <ul style="list-style-type: none"> <li>o 10% of agreed total contribution payable (figure index linked) prior to start of detailed design</li> <li>o 40% of agreed total contribution payable (figure index linked) on OCC letting the contract for the works</li> <li>o Remaining balance (figure index linked) on commencement of the works</li> </ul> </li> </ul>



Public Transport (A41 Service Improvements)	£180,000	June 2022	RPI-x	<p>An enhancement to the public transport service between Oxford and the development site to meet required shift times</p> <ul style="list-style-type: none"> <li>• £36,000 per annum for a maximum period of 5 years</li> <li>• Notification to be provided to OCC 6 months prior to First Occupation</li> <li>• Services to be Advertised in Travel Plan (subject to separate Condition)</li> <li>• 1<sup>st</sup> Tranche – payable prior to First Occupation</li> <li>• 2<sup>nd</sup> Tranche – payable prior to 1<sup>st</sup> Anniversary of First Occupation</li> <li>• 3<sup>rd</sup> Tranche – payable prior to 2<sup>nd</sup> Anniversary of First Occupation</li> <li>• 4<sup>th</sup> Tranche – payable prior to 3<sup>rd</sup> Anniversary of First Occupation</li> <li>• 5<sup>th</sup> Tranche – payable prior to 4<sup>th</sup> Anniversary of First Occupation</li> <li>• Service Use to be subject to review after 2 years, and need for 3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup> Tranche payments to be confirmed</li> </ul>
Public Transport (West Oxfordshire Service Improvements)	£455,000	June 2022	RPI-x	<p>A public transport service between the site and West Oxfordshire to enable existing staff to travel to the site sustainably.</p> <ul style="list-style-type: none"> <li>• £91,000 per annum for a maximum period of 5 years</li> <li>• Notification to be provided to OCC 6 months prior to First Occupation</li> <li>• Services to be Advertised in Travel Plan (subject to separate Condition)</li> <li>• 1<sup>st</sup> Tranche – payable prior to First Occupation</li> <li>• 2<sup>nd</sup> Tranche – payable prior to 1<sup>st</sup> Anniversary of First Occupation</li> <li>• 3<sup>rd</sup> Tranche – payable prior to 2<sup>nd</sup> Anniversary of First Occupation</li> <li>• 4<sup>th</sup> Tranche – payable prior to 3<sup>rd</sup> Anniversary of First Occupation</li> <li>• 5<sup>th</sup> Tranche – payable prior to 4<sup>th</sup> Anniversary of First Occupation</li> <li>• Service Use to be subject to review after 2 years, and need for 3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup> Tranche payments to be confirmed</li> </ul>

Traffic Regulation Order	£3,320	April 2022	RPI-x	To consult on the implementation of a new / extended speed restriction on the A41 between the M40 J9 and Vendee Drive junctions.
Travel Plan Monitoring	£1,558	Dec. 2021	RPI-x	To monitor the Travel Plan for a period of 5 years post occupation.
Public Rights of Way	£30,000	April 2022	Baxter	Surface upgrades to local public rights of way connecting with the site.
Bus stop RTPI displays	£18,712	March 2022	Baxter	The provision of real time passenger information (RTPI) displays at the pair of relocated bus stops on the A41. Note: this item has been moved from the S278 requirements to a S106 obligation as OCC will need to source and supply the displays.

\*A planning obligation will ensure that the development is first occupied by Siemens Healthineers

\*\*A41 Crossing and Bus Stops to be delivered via S278

**APPENDIX 1 – Heads of Terms for Section 106 Agreement/Undertaking- Application 22/00017/F, Kidlington Garage, 1 Bicester Road Kidlington OX5 2LA**

<b>Planning Obligation</b>			
<b>Detail</b>	<b>Amounts (all to be index linked)</b>	<b>Trigger Points</b>	<b>Regulation 122 Assessment</b>
Off-site Affordable housing	Tbc but would be equivalent to the cost of providing 5 affordable units on site which is 35% of the total, to be delegated to Officers	Tbc but likely prior to the occupation of any unit on site to be delegated to Officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly Related</b> – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3.</p> <p><b>Fairly and reasonably related in scale and kind</b> – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.</p>
Off-site outdoor sports facilities provision at Stratfield Brake	£5,557.76	Prior to the occupation of any unit on site	<b>Necessary</b> - the proposed development will lead to an increase in demand and pressure on

Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£3160.56	Prior to the occupation of any unit on site	existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD.
Community Hall Facilities	£11,128.00	Prior to the occupation of any unit on site	<p><b>Directly Related</b> – the future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.</p>
Waste and Recycling Facilities	£1,665	Prior to the occupation of any unit on site	<p><b>Necessary</b> – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD.</p> <p><b>Directly Related</b> – the need for these comes from the provision of new residential accommodation</p> <p><b>Fairly and reasonably related in scale and kind</b> – costs in accordance with the advice in the Developer Contribution SPD.</p>
Traffic Regulation Order	£6,255	Likely prior to the occupation of any unit on site, to be	<b>Necessary</b> – the proposal will place an additional demand on street parking and further management through the provision of double

		delegated to Officers	<p>yellow rules around Oxford Road/Bicester Road are required to mitigate any harm from off-site parking</p> <p><b>Directly Related</b> – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards.</p> <p><b>Fairly and reasonably related in scale and kind</b> – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.</p>
Requirement to monitor the development through the construction and post occupancy stages	N/A	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p><b>Necessary</b> – in order to ensure that the development is meeting the high standards sought across the district.</p> <p><b>Directly related</b> – the monitoring is directly related to the development itself</p> <p><b>Fairly and reasonably related in scale and kind</b> – 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>
CDC and OCC Monitoring Fees	CDC - £1,500	On completion of S106	The CDC charge is based upon its recently

	OCC- TBC		<p>agreed Fees and Charges Schedule which set</p> <p>out that for developments of 10-100 dwellings that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. 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 context of the site.</p>
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**Land Adjoining and at 81 North Street  
Fritwell, Oxfordshire, OX27 7QR**

**22/01807/OUT**

**Case Officer:** Wayne Campbell

**Applicant:** Mr & Mrs S Werren

**Proposal:** Outline application with all matters reserved for extension to cottage to form pub & cafe / restaurant and 40 no dwellings

**Ward:** Deddington

**Councillors:** Cllr Brown, Cllr Reeves and Cllr Williams

**Reason for Referral:** Request for Committee Site Visit

**Expiry Date:** 26 September 2022

**Committee Date:** 11 August 2022

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## **REQUEST FOR COMMITTEE SITE VISIT**

A request has been received from Cllr Reeves that a Committee site visit be held.

Cllr Reeves comments:

*"..I hope that a site visit can be facilitated to enable members of the Planning Committee to consider the position on the ground. For my part, notwithstanding having a good knowledge of the village already, I found such a visit immensely helpful".*

## **CONSIDERATIONS**

The Council's Planning Committee Procedure Rules (Section 11.3), states that:

*"The purpose of a site visit is solely to ascertain the facts relating to the physical nature of the site and its surroundings. The decision to carry out a site visit should normally be based on one or more of the following criteria:*

- i. Illustrative material is insufficient to convey the issues*
- ii. A judgement is required on visual impact*
- iii. The setting and surroundings are particularly relevant to the determination or conditions being considered*
- iv. It is necessary to experience similar/comparable conditions at another location/site*
- v. The proposal is of particular significance although applications which only raise issues of principle or fundamental planning policies will not normally be appropriate for a formal site visit*
- vi. It is appropriate to make an informed assessment of the proposals which are subject to conflicting claims by applicants and objectors which cannot be adequately expressed in writing; or the proposal is particularly contentious."*

The request submitted by Cllr Reeves would fall within the scope of criteria i. ii. and iii. as listed above.

## **OFFICER RECOMMENDATION**

Section 11.3.6 of the Council's Planning Committee Procedure Rules relates to unaccompanied site visits. It highlights that members of the Planning Committee have a long-established practice of undertaking their own visits to sites before Committee meetings.

The Procedure Rules highlights that the disadvantage of these unaccompanied, informal visits is that:

- They can be used by applicants, agents and objectors to undertake unwarranted lobbying
- Where a Member visits private property it can be interpreted as showing favour to the person visited. Therefore Members are advised against entering private land, even if invited to do so, but to view the site only from public vantage points.

This application site is open land located on the southern side of North Street as it leaves the village of Fritwell. There are low hedges that separate the site from the roadway that allow for views to be gained over them. Members of the Committee could therefore reasonably undertake their own informal visits and gain a good understanding of the site and its surroundings without the need to access private land.

In relation to informing an assessment of the impact of the proposal in terms of its potential visual impact, or its potential impact on the setting of the surrounding area, it is the view of officers that entry to the site would not provide any additional benefit given the level of existing public viewpoints.

The recommendation of officers it is that a formal committee site visit is not necessary as it would have limited value in this instance.



## CHERWELL DISTRICT COUNCIL

Planning Committee - 11 August 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

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
8	Allotment Gardens West of Roebuck Inn and South East of The Blinking Owl PH, Banbury Road North Newington, OX15 6AB	21/01561/F	Cropredy, Sibfords and Wroxton	Approval	James Kirkham
9	OS Parcel 2778, Grange Farm, North West of Station Cottage, Station Road, Launton	21/04112/OUT	Launton and Otmoor	That Powers be Delegated to the Assistant Director for Planning and Development	James Kirkham
10	Calthorpe Street West Short Stay Car Park Calthorpe Street Banbury OX16 5EX	21/04037/F	Banbury Cross and Neithrop	Approval	Sarah Greenall

\*Subject to conditions

**21/01561/F**

**Allotment Gardens West Of Roebuck Inn  
And South East Of The Blinking Owl Ph  
Banbury Road  
North Newington  
OX15 6AB**

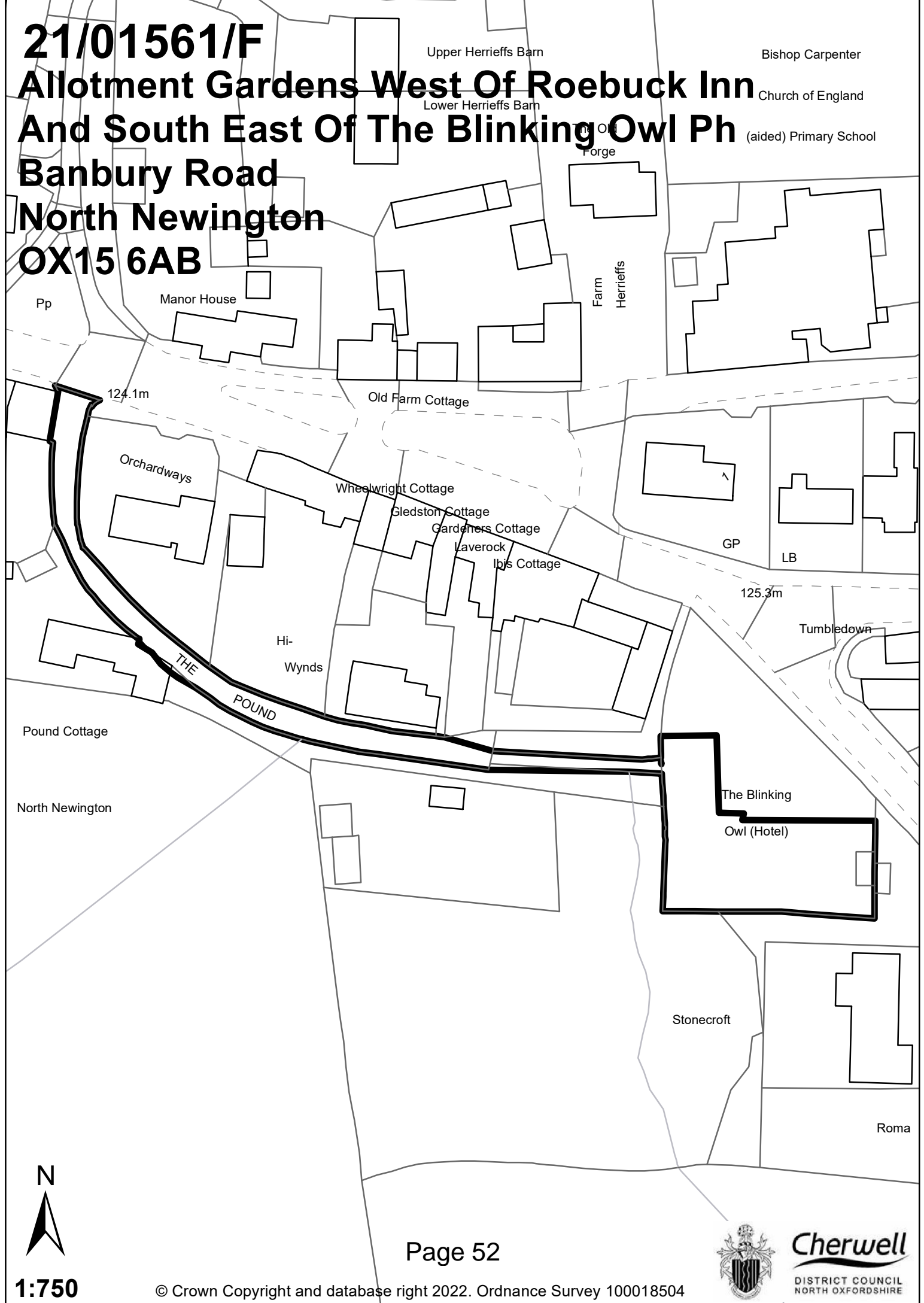


**1:1,000**



21/01561/F

# Allotment Gardens West Of Roebuck Inn And South East Of The Blinking Owl Ph Banbury Road North Newington OX15 6AB



1:750



21/01561/F

# Allotment Gardens West Of Roebuck Inn And South East Of The Blinking Owl Ph

## Banbury Road North Newington OX15 6AB



1:1,500



**Case Officer:** James Kirkham

**Applicant:** Mr Christopher McNally

**Proposal:** Erection of one detached dwelling and detached garage

**Ward:** Cropredy, Sibfords and Wroxton

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

**Reason for Referral:** Call-in request by Cllr Reynolds for the following reasons:

- Local concern and public interest
- Access problems
- Planning policy
- A similar previous submission on the site was referred to the Planning Committee.

**Expiry Date:** 19 July 2021

**Committee Date:** 11 August 2022

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

### **UPDATE**

The application was reported to the July Planning Committee. It was deferred in order to allow a Members' Site Inspection to take place. This will be undertaken prior to the Planning Committee.

The written update for the July Planning Committee noted the receipt of an additional representation. This was summarised in the update and officers advised that the issues raised did not require any change to the recommendation.

No further representations have been received since the July Planning Committee Meeting.

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

1.1. The application relates to a parcel of mainly agricultural land located within the village of North Newington. There is a small, single storey building on the site that benefits from an industrial use (see relevant history below) allowed under permitted development; however, the remainder of the land is still considered to be an agricultural use. The site sits in an elevated position relative to the adjacent highway and properties to the north. A stone boundary wall runs along the boundary of the site adjacent to the Banbury Road and vehicular access is shown via The Pound to the west of the site.

## **2. CONSTRAINTS**

- 2.1. The site is within the North Newington Conservation Area and the village's historic core which is considered of archaeological interest. There are a number of grade II listed buildings within the vicinity of the site; the nearest being The Roebuck (a former public house) to the east of the site and The Blinking Owl public House (known as Baker's Arms on listing description) to the north-west of the site. There are records of a number of protected and notable species (including species of bat and swifts) within the vicinity of the site.
- 2.2. There are Public Rights of Way (PRoW) (Footpath 315/11/10 runs along the western boundary of the site and Footpath 315/18/20 runs along the alignment of The Pound to the west of the site) within the vicinity of the site. The application site is within an area where the geology is known to contain naturally occurring elevated levels of arsenic and affected by radon gas, as is seen in many areas across the district.

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

- 3.1. The application seeks planning permission for an 'L' shaped, two storey, 3-bedroom detached dwelling to be positioned on the southern side of the site, with detached garage/outbuilding to the west. The proposed dwelling and associated garage/outbuilding would be finished in natural stone under a natural slate roof. A parking area is shown on the submitted plans with access to the site is via the Pound to the west of the site.
- 3.2. This application follows an identical planning application under application reference 14/01816/F which was refused as it had not been demonstrated that the applicant benefited from a lawful vehicular access to the site via The Pound and as such it was considered the development may result in parking being displaced to the public highway compromising highway safety contrary to government guidance contained within the National Planning Policy Framework.

## **4. RELEVANT PLANNING HISTORY**

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

Application: CHN.667/76  
Refused  
7 January 1977  
Detached bungalow with double garage (outline)

Application refused for the following reasons:

- 1) An important element in the character and visual; amenities of villages lies in the existence of tracts of open land lying within the village street scene and the proposal would constitute the loss of one of the few remaining areas of such land in North Newington to the detriment of the character of the village scene generally.
- 2) The proposed development would involve a very long means of access to the dwelling which would result in inconvenience in the serving of such a dwelling.
- 3) The access road to and from the site is inadequate to serve further development.

- 4) The proposed development would be likely to result in motor vehicles standing in the highway with consequent detriment to the safety and convenience of users of the public highway.

Application: CHN.687/77

Refused

27 February 1978

Detached bungalow with double garage (outline)

Application refused for the following reasons:

- 1) An important element in the character and visual; amenities of villages lies in the existence of tracts of open land lying within the village street scene and the proposal would constitute the loss of one of the few remaining areas of such land in North Newington to the detriment of the character of the village scene generally.
- 2) That provision of vehicular access, visibility splays, an access drive and turning space would involve works which would be physically disruptive having regard to the levels of the site above the level of the public highway and the need to provide a satisfactory access gradient and such works would thereby be detrimental to the appearance and character of the village street.
- 3) That, having regard to the elevated nature of the site the proposed dwelling would be likely to be detrimental to the degree of privacy currently enjoyed by the occupiers of the existing dwellings to the north.

Application: CHN.268/81

Refused

18 May 1981

Erection of new three bedroom bungalow with garage and new vehicular access, drive and turning area.

Application refused for the following reasons:

- 1) An important element in the character and visual; amenities of villages lies in the existence of tracts of open land lying within the village street scene and the proposal would constitute the loss of one of the few remaining areas of such land in North Newington to the detriment of the character of the village scene generally.
- 2) That provision of vehicular access, visibility splays, an access drive and turning space would involve works which would be physically disruptive having regard to the levels of the site above the level of the public highway and the need to provide a satisfactory access gradient and such works would thereby be detrimental to the appearance and character of the village street.
- 3) That the visibility onto the village road from the proposed access is inadequate and would thereby result in detriment to the safety and convenience of road users.
- 4) That, having regard to the elevated nature of the site the proposed dwelling would be likely to be detrimental to the degree of privacy currently enjoyed by the occupiers of the existing dwellings to the north.



Application: CHN.106/84

Refused

14 May 1984

Application for erection of new 3 bedroom bungalow with garage (outline)

Application refused for the following reasons:

- 1) That in the opinion of the Local Planning Authority the existing track by virtue of its sub-standard width, alignment and surface construction is inadequate to satisfactorily serve the proposed development and would result in inconvenience for service vehicles and personnel from public and private bodies who may have occasion to visit the premises.
- 2) That the proposed development would result in the intensification of the use of the sub-standard track where visibility on to the village road from the track is inadequate and would thereby result in the detriment to the safety and convenience of other road users.
- 3) An important element in the character and visual; amenities of villages lies in the existence of tracts of open land lying within the village street scene, and the proposal would constitute the loss of one of the few remaining areas of such land in North Newington to the detriment of the character of the village scene generally.

Application: 01/02095/OUT

Withdrawn

27 November 2001

Erection of 1 no. dwelling and new vehicular and pedestrian access (Outline)

Application: 02/01103/OUT

Refused

26 July 2002

Erection of 1 no. dwelling and new vehicular and pedestrian access (Outline)

Application refused for the following reasons:

- 1) The proposed development would be contrary to Policy G2 of the Oxfordshire Structure Plan and Policies H14, C22 and C30 of the adopted Cherwell Local Plan. The development of this site for one dwelling does not constitute infill development and by virtue of the loss of this elevated and open land, which is prominent in the street scene and Conservation Area, and the likely character and appearance of any dwelling, including the significant reduction in site levels, would result in development which is unsympathetic and detrimental to the character and appearance of the site and the street scene in general and would neither preserve nor enhance the character and appearance of the Conservation Area.
- 2) The unjustified loss of the front boundary wall from its original position in order to provide access to the site would be contrary to Policy C23 of the Cherwell Local Plan and would neither preserve or enhance the character and appearance of the Conservation Area.
- 3) The proposed access would be contrary to Policy T18 of the Oxfordshire Structure Plan and Policies TR2 and TR5 of the Cherwell Local Plan as it is

sub-standard in terms of visibility and the traffic generated by the proposal would result in a hazard and be detrimental to the safety of other road users.

Application: 14/01758/PAO  
17 December 2014

Notification of Change of Use from agricultural to B8 (storage and distribution) under Class M of The Town and County Planning (General Permitted Development) (Amendment) (England) Order 2013 (as amended).

The above notification was submitted under permitted changes of use in The Town and Country Planning (General Permitted Development) (England) Order 2013 (as amended). As the building was less than 150 sqm in size, the applicant was only required to notify the council of their intent to implement a permitted change of use. It was stated that the use would commence on 17th October 2014

Application: 14/01816/F

Refused

10 September 2015

Erection of 1 No. detached dwelling and detached garage

Application refused for the following reason:

- 1) The Pound is a designated public Right of Way and crosses a second public Right of Way at the access point to the site and it has not been demonstrated that the applicant benefits from a lawful vehicular access to the site via The Pound. As such the development may result in parking being displaced to the public highway compromising highway safety contrary to government guidance contained within the National Planning Policy Framework.

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **14 June 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 27 no. letters of objection (including a legal representation and statutory declarations) from local residents and none in support have been received during the application. The comments raised by third parties are summarised as follows:
  - The site/applicant does not benefit from a lawful right of vehicle access along The Pound.
  - Legal opinions have been submitted indicating that the applicant does not have a vehicular access right to the site and would be unsuccessful in claiming a prescriptive easement (a right through long term use). Furthermore, no application has been made by the applicant to the Land registry for a prescriptive easement to evidence their claimed use.
  - It is a criminal offence to drive over a public right of way.

- Inappropriate access arrangement along the Pound; narrow track lacking in passing provision. Access from the Pound on to the main street is difficult to navigate and dangerous.
- Proposals would be to the detriment to the safety and amenity of users of the PRoWs which bound the site and run along The Pound.
- Access is unsuitable for construction vehicles.
- Poor access for waste collection vehicles accessing bins from the proposed dwelling.
- By virtue of its scale and massing and elevated position the proposed dwelling would be overly dominant and to the detriment of visual amenities of the village and heritage assets
- Harm to the character and appearance of the Conservation Area and the setting of Listed Buildings. A separate Heritage Statement has been submitted which was instructed by one of the objectors. This states that the proposed development would block, restrict and be dominant in the view of the Roebuck and it is evident that the setting of the Roebuck will be change. The openness of the proposed development plot contributes to the significance of the heritage asset and would harm the setting. It would also harm the setting of the non-designated brick barn and the character and appearance of the Conservation Area. It concludes the proposal would lead to the upper end of 'less than substantial harm' and would not be outweighed by the public benefits.
- The elevated position of the dwelling will make it very dominant.
- Loss of view of countryside
- Proposal lacks a Heritage Statement
- The open view afforded by the allotment gardens provides a visually important break in development that positively contributes to the character of the area, the conservation area and setting of listed buildings.
- Detrimental impacts on residential amenity through the potential for overlooking particularly having regard to the levels and loss of light. Also, harm to residential amenity through increased use of the access along The Pound if it is used for dwelling
- Potential detrimental impacts on existing retaining wall.
- Appropriate drainage required.
- Proposals lack any appropriate ecological impact assessment.
- Potential for disruption, nuisance and damage arising during any construction phase.
- Numerous other applications on the site have been refused.
- There is a record of planning enforcement on the site relating to storage which was dismissed at appeal
- Multiple errors on the application form.

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. NORTH NEWINGTON PARISH COUNCIL: **Objects**. Commenting on the following matters:

- The Parish Council strongly disputes the applicant's claims of right of access across The Pound, and that such access in their opinion has previously been done unlawfully. Further, they will explore with Oxfordshire County Council the merits of bringing a prosecution under the Road Traffic Act 1988.
- There has been very little evidence of regular use and access to the site in recent years.
- The Parish Council strongly objects to the development of the Allotment Gardens into residential use; reiterating objections made to the previous, unsuccessful application (14/01816/F), which they consider remain valid.
- The proposed development does not make a positive contribution to the character and appearance of a conservation area; causing an undue visual intrusion inconsistent with local character and harming the historic value of the landscape.
- The site represents an important open space close to the centre of the village. It is elevated above the road and will have a significant impact on the visual amenities of the area. Any building will dominate the environment and be overbearing, particularly in relationship to two neighbouring historic buildings.
- The Parish Council also supports the concerns raised by the North East Countryside Access Officer.

### CONSULTEES

7.3. ARCHAEOLOGY: **No objection**. There are no archaeological constraints to this scheme.

7.4. BUILDING CONTROL: A Building Regulations application will be required.

7.5. CDC LAND DRAINAGE: No comments to make on drainage.

7.6. CONSERVATION: **No objections subject to conditions** in relation to construction and materials. Commenting:

*"The principle of a dwelling in this location has been previously accepted and the earlier proposals were concluded not to result in an unacceptable level of heritage harm, consequently no heritage reason for refusal was given. However, further consideration has been given to the impact of the proposals.*

*As previously highlighted, it is accepted that due to the location any new building will be visually prominent on the higher ground as you enter the conservation area along the Banbury Road. This land is also adjacent to The Roebuck to the east and Bakers Arms to the north both of which are Grade II Listed Buildings. As a result of the prominent position any new building on this site will also unavoidably alter the appearance of the street scene, but it is considered that the impact is softened by*

*the fact that the area of the land immediately adjacent to the road is to remain undeveloped.*

*It is further acknowledged that the appearance of the conservation area in this location may be altered in such a way that it will result in some harm. This harm is however considered to be minor, at the lower end of less than substantial and does not constitute unacceptable harm to the overall character of the conservation area.*

*In addition the resulting changes to the street scene will inevitably alter the setting of The Roebuck and to a much lesser extent Bakers Arms Listed Buildings. It is considered that the significance of these buildings lies in their architectural character and any historic fabric that remains, therefore development within their setting is deemed to have a limited effect on this significance. It was previously concluded that the proposal would not result in heritage harm and there has been no material change that would contradict this conclusion. However, it is considered to be inevitable that the proposed development will result in some minor harm to the heritage assets. The NPPF requires that this harm should be weighed against the public benefit.*

- 7.7. ECOLOGY: Originally raised concerns regarding absence of a Preliminary Ecological Appraisal (PEA). Following receipt of additional information and photos states that a walkover survey would be best practice here to understand the value of the site to secure a net gain in biodiversity. There is a possibility of reptiles and badgers using the site. However, it appears as though the trees are being retained and whilst the proposal will lead to the loss of some hedgerow the timing of works could be conditioned to ensure nesting birds are not harmed. A condition could also be attached to ensure a net gain in biodiversity and this will need to consider the loss of existing features. As part of the land will remain undeveloped (blue line), reptile presence could be assumed and a mitigation strategy to ensure none are harmed during any works and able to utilise the other parts of the land within the applicants ownership (which should be enhanced for them) could be conditioned. A workshop on site is to be demolished and following the receipt of photographs the Councils Ecologists has been confirmed this would not be suitable for bats. In short the Ecologist considers that the lack of information falls into 'not best practice' as opposed to a reason for refusal on its own but necessitates the attachment of some more involved pre-commencement conditions.
- 7.8. ENVIRONMENTAL HEALTH: **No objections subject to conditions**, assessing the potential for land contamination and further in respect of securing Electrical Vehicle (EV) Charging infrastructure.
- 7.9. OCC HIGHWAYS: **No objections** subject to conditions requiring parking and the provision of a Construction Traffic Management Plan, and for no other means of access to be formed or used other than the access/s approved. Notes that the Highway Engineer did not object to the earlier refusal on the site and then states:

*In this latest application, the applicant claims to have a lawful right to vehicular access along The Pound and I therefore accept this is the case. The Pound serves other dwellings – I identified two with vehicles during my site visit but I understand there may be five properties – so there will be an increase in total movements compared to what is witnessed at present. This has to be considered against the movements that might be expected to result from the lawful use of the land. The existing junction of The Pound with Main Street has reasonably good visibility so even if there were to be a slight intensification of use, this would not be a reason for objection.*

*The red line area does not abut Banbury Road, so pedestrian access (other than via The Pound) will be taken along Public Right of Way 315/11/10, which comes out opposite Park Lane. If it is demonstrated in the future that the applicant (or future resident) does not have a right of vehicular access along The Pound, then they will wish to park their vehicles close to the pedestrian access.*

*Banbury Road is not suitable for parking and there is no reason to expect this would happen, given that there is on-street parking available along Park Lane and in the layby opposite The Blinking Owl. Additional on-street parking is possible further to the west along Main Street.*

*Therefore, the LHA considers that it would not be possible to demonstrate that the displaced parking from a single dwelling will compromise highway safety. Should planning permission be granted, construction of the new dwelling will present severe challenges. A Construction Traffic Management Plan is requested by condition so that the applicant may demonstrate how, in particular, materials and plant are to be safely transported along The Pound.*

7.10. RAMBLERS ASSOCIATION: No comments received.

7.11. RIGHTS OF WAY OFFICER (OCC): Comments

*North Newington Footpath 11 runs along the Western boundary of the development site and the proposed access to this site would cross this footpath. North Newington Footpath 18 runs within the red line area of the development. The proposed access for the development is along this footpath track. Both of these Public Rights of Way only provide public access on foot. Anyone taking vehicles along or across The Pound will be doing so via a private vehicular right. It would be an unlawful act to take vehicular access along The Pound without private vehicular rights.*

*North Newington Footpath 18 is outside the landownership of the applicant, so they should be able to provide evidence to the Local Planning Authority that they hold private vehicular rights over this track.*

*In addition to the legal question of vehicular access to the site I am concerned that the development would significantly increase vehicular movements along the footpath. The footpath is a narrow, single lane track with a blind bend on a steep incline. There are no passing spaces to allow vehicles to pass one another, so any vehicular meetings would require at least one to reverse. This is a popular and well used footpath and the added vehicular movements are likely to cause increased conflict between walkers and vehicles. I have particular concerns about how the applicant intends to manage this during the construction period if planning permission was approved as The Pound would be unsuitable for any large construction or material delivery vehicles.*

*Finally, Footpath 18 is currently surfaced for the majority of its length. However, there is a short section of unsurfaced grass area. This would need to be brought up to a standard that could sustain regular movement of road vehicles. As the Highways Authority, Oxfordshire County Council's Countryside Access Team would need to be consulted in writing prior to any surfacing works taking place and a standard for materials and construction agreed prior to works starting. Oxfordshire County Council's Countryside Access Team would not accept a tarmac surface at this location and the applicant would be expected to maintain a surface installed to a safe and useable standard in the future.*

7.12. Further notes that if planning permission was approved, then standard measures in respect of protecting and maintain the PRow would also apply.

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- BSC1: District Wide Housing Distribution
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local landscape protection and enhancement
- ESD15: The Character of the built and historic environment

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

- C23: Retention of features contributing to character or appearance of a conservation area.
- C28: Layout, design and external appearance of new development
- C30: Design control
- C33: Protection of important gaps of undeveloped land
- ENV12 – Development on contaminated land

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Cherwell residential Design Guide SPD (2018)
- North Newington Conservation Area Appraisal 2014

## **9. APPRAISAL**

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

- Principle of development
- Design, and impact on the character of the area including heritage
- Highways
- Impact on Neighbour Amenity
- Ecology & Biodiversity
- Other matters



## Principle of Development

### *Policy Context*

- 9.2. Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, and in the context of this proposal this would include the preservation and enhancement of the historic environment. These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.
- 9.3. Paragraph 11 states that planning decisions should apply the presumption in favour of sustainable development. For decision making this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.4. Footnote 8 clarifies that for applications involving housing, housing policies will be out of date when the Council cannot demonstrate a 5 year land supply. 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 2,255 homes would need to be shown to be deliverable within the current 2022-2027 five-year period to achieve a five-year supply as required by the NPPF. Therefore, the relevant housing policies are out of date and are reduced in weight.
- 9.5. 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.
- 9.6. The Development Plan in Cherwell consists of the CLP 2015 and the Saved Policies of the Cherwell Local Plan 1996 and has a strong urban focus. Therefore, the rural housing strategy for the rest of the district is more constrained and seeks to reduce the level of growth in the district's villages particularly the smaller villages with limited services and facilities and public transport.
- 9.7. Policy Villages 1 of the CLP 2015 is the most relevant policy to this application and groups villages into three separate categories (A, B and C). North Newington is

recognised as a Category C village which are considered to be the least sustainable settlements in the District's rural areas (which is highlighted by the village's lack of community facilities) and as such new residential development is restricted to new infill development and conversions.

#### *Assessment*

- 9.8. The application site has a relatively long planning history. The latest application (14/01816/F refers) was considered under the CLP 2015 so the local planning policy context remains similar albeit the Council cannot currently demonstrate a 5 year land supply. This is therefore a significant material consideration.
- 9.9. Under Policy Villages 1 North Newington is a Category C village where development is restricted to conversion and infill development within the built limits. The application site has been considered in previous applications to be in the built-up limits of the village and there are not considered to be any material changes which would result in a different assessment being made in this regard.
- 9.10. The CLP 2015 states '*Infilling refers to the development of a small gap in an otherwise continuous built-up frontage*' (Para C.264). The application site does represent a gap within the village however the built form is different on either side of the site. The existing gap along the road frontage is approximately 75m wide although the applicant does not own all of the land forming the gap. In the 2014 application (which was determined after the adoption of the current Local Plan) Officers previously considered that although the proposal would not wholly comply with the definition of infilling due to the size of the gap and the disjointed frontage, given that the proposal does respect the linear development along the Banbury Road and is a gap between existing buildings, that it would be difficult to defend a reason for refusal at appeal based on non-compliance with the Council's definition of infilling. This is still considered to be applicable in the current application. Therefore whilst there may be some minor conflict with Policy Villages 1 of the CLP 2015, this is a finely balanced judgement, and furthermore this policy is considered to be 'out of date' given the absence of a 5 year land supply. In addition, the scale of development proposed is also in keeping with the scale of development directed to North Newington for a single dwelling.
- 9.11. Overall, given the above, the general principle of accommodating a single dwelling on the site is therefore considered to be acceptable subject to other considerations which are discussed below.

#### Design, and impact on the character of the area; including Heritage impact

##### *Policy Context*

- 9.12. Government guidance contained within the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning, and planning should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.13. These aims are echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that new development proposals should:
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography, including

skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.

- Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”

9.14. Policy ESD13 of the CLP 2015 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Be inconsistent with local character;*
- *Harm the setting of settlements, buildings, structures or other landmark features;”*

9.15. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C33 states that the council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

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

9.17. In the current case the application site also is located in North Newington Conservation Area and within the setting of a number of listed buildings. These are defined as designated heritage assets by the NPPF. The NPPF states assets should be conserved in a manner proportionate to their significance and that great weight should be given to their conservation. It states any harm should require clear and convincing justification. Paragraph 202 states where development will lead to ‘less than substantial harm’ to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the scheme.

9.18. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting and special attention is given to the desirability of preserving and enhancing the character and appearance of Conservation Areas.

#### *Assessment*

9.19. The proposed development is identical to the earlier refused application on the site in 2014. Whilst the 2014 application was refused, the proposal’s impact on the Conservation Area, setting of nearby listed buildings and the general character of the area was considered to be acceptable by the Planning Committee and did not constitute a reason for refusal. This is a significant material consideration when considering the merits of the case.

- 9.20. The application site consists of a gap in the built frontage within the village. Whilst in general policy terms the development of the site may be appropriate, when deciding if a 'gap' is suitable for new development consideration must also be given to the development form and the contribution the gap makes to the character and appearance of the locality and heritage assets as outlined in saved Policy C33 of the CLP 1996. The planning history highlights the importance of this site as a gap within the village; however, this does not rule out any development on the site, and a judgement needs to be made as to whether the development respects the character and appearance of the area and designated heritage assets.
- 9.21. The current proposal is for a dwelling to be located towards the southeast corner of the site adjacent to the neighbouring property Stonecroft. Its set back position and siting on the plot help to preserve the openness of much of the frontage of the plot and the positive contribution that this openness provides to this part of the Conservation Area. The red line site area was amended during the course of the 2014 application to restrict the extent of the application site and to deliberately exclude a large portion of the open land that fronts the Banbury Road. This remains the case in the current application. This would ensure that any future occupier is unable to use the land at the front of the site for domestic purposes and prevent the erection of ancillary domestic buildings on that parcel of land. This helps to ensure that part of the open character and feel of the village is retained in this location albeit the largely agricultural character of the plot would be lost given the change of use of the remainder of the parcel of land.
- 9.22. The site is located on considerably higher ground than the adjacent Banbury Road with an approximately 1.5 to 2 metre high wall adjacent to the pavement. The land continues to rise in the site and results in the site being between 3 metres (in the east) to approximately 6 metres (in the western part of the site) higher than the adjacent footway. This would increase the prominence of the dwelling in the street scene; however, the set back and design of the dwelling help to reduce the prominence of the building. Furthermore, given the topography of the village it is not unusual for dwellings to be set above or below the level of the adjacent road. Concerns have been raised that the street scene elevations may not be accurate in relation to showing the development in relation to the height of the adjacent buildings. Full details of the finished levels of the site in relation to the ridge heights of the surrounding buildings could be controlled through condition.
- 9.23. The siting of the dwelling is considered to respect the linear form of the village and the detailed design and form of the dwelling is considered to be acceptable and would be in keeping with the local vernacular with the use of local stone and slate roof. It would provide a frontage to the east which would address the Banbury Road when approaching the village from the south. Full details of the materials and detailing can be secured by planning condition.
- 9.24. Views of the site would also be available from the public footpath to the south west of the site running through the open countryside. It is considered without appropriate landscaping the proposed dwelling may appear rather stark in these views. It is therefore recommended that landscaping and boundary treatment conditions be applied alongside removal of permitted development rights.
- 9.25. Concerns have also been raised regarding the impact of the development on the setting of the nearby Listed Buildings including The Roebuck to the east of the site on the opposite side of Banbury Road. This is a former historic public house and forms an important building at the entrance of the historic core of the village. The proposed development will be seen in the context of this building; however, it is considered the siting of the dwelling in the plot and the retention of the area of open land to the frontage would help to mitigate the extent of harm to the setting of the

building and would not significantly challenge the landmark status of The Roebuck. Whilst the Roebuck may have historically enjoyed a more open countryside setting at the entrance to the village this has been diminished and the setting of the building is now seen in the context of other built form within the village which the proposed development would form part of. It is therefore not considered that the proposal would significantly impinge on the setting of this building. The proposal is not considered to result in any harm to the setting of other listed buildings in the locality given their location and the scale of the proposal.

- 9.26. The Conservation Officer has raised no objection to the proposal after giving consideration to the submitted Heritage Assessment from an objector. In conclusion there is considered to be some minor 'less than substantial harm' caused to the character and appearance of the Conservation Area and setting of The Roebuck. However, this is considered to be limited and at the lower end of the spectrum of harm. In such cases the NPPF advises that this harm needs to be weighed against the public benefits of the scheme whilst acknowledging the statutory duties to give considerable importance to any harm to heritage assets. In this case there would be a modest economic benefit associated with the construction of the dwelling and the jobs this would provide. There would also be social benefits to providing a new dwelling in an area where there is a shortfall in housing supply within the built limits of the settlement. Taking these matters together, and given the limited harm, officers consider that the benefits of the scheme outweigh the limited harm to the designated heritage assets.

#### *Conclusion*

- 9.27. The scheme is identical to the 2014 application which was considered to be acceptable in these respects. Overall, for the reasons set out above, it is considered that the proposed dwelling and garage would be acceptable in regard to the character and appearance of Conservation Area and the setting of the nearby listed buildings. The development would therefore comply with Policies ESD15 of the CLP 2015, Saved Policies C28, C30 and C33 of the CLP 1996 and Government guidance contained within the NPPF.

#### Highways and parking

##### *Policy Context*

- 9.28. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: "*New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work*"; whilst Policy SLE4 states that: "*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported*".
- 9.29. Paragraph 108 of the NPPF states that in assessing development proposals it should be ensured that safe and suitable access to the site can be achieved for all users. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.30. Driving a vehicle across a public Right of Way is an offence under the Road Traffic Act 1988 if the person does not have a private vehicular right to use the route or doesn't have lawful authority to do so. If this is the case, the police could choose to prosecute an individual therefore preventing them from using the access and in turn, preventing the required parking and manoeuvring areas to be provided for a dwelling. This is a material planning consideration in that planning permission could

be granted for a dwelling without the benefit of adequate vehicular access and associated of street parking may result in highway safety issues as a result of this displaced parking.

- 9.31. Rights of vehicular access are commonly shown on deeds or can be gained through what is referred to as a prescriptive use. A prescriptive use is where lawful access is gained via long term use of the access. In the case of an access across a public Right of Way a period of 20 years or more would constitute a long-term use.

*Assessment*

- 9.32. The application site, denoted by the red line, includes the land where the proposed dwelling is situated and also the length of The Pound which is a narrow access track to the west of the site linking back to Main Street. The ownership of The Pound is unknown and therefore the applicants have served the relevant ownership certificate including placing an advert in the press. The application drawings show the dwelling served with vehicular access from The Pound to a parking area and garage on the site.

- 9.33. A public right of way runs along The Pound and another crosses adjacent to the site entrance linking Banbury Road to the open fields to the south. Both of these are for access on foot and the County Public Rights of Way Officer (ROW officer) state that anyone taking vehicles along or across The Pound will be doing so via a private vehicular right and it would be an unlawful act to take vehicular access along The Pound without private vehicular rights. The Pound also provides existing vehicular access to a number of dwellings.

- 9.34. The 2014 application, which is identical to the current scheme, was refused on site for the following reason:

*1) The Pound is a designated public Right of Way and crosses a second public Right of Way at the access point to the site and it has not been demonstrated that the applicant benefits from a lawful vehicular access to the site via The Pound. As such the development may result in parking being displaced to the public highway compromising highway safety contrary to government guidance contained within the National Planning Policy Framework.*

- 9.35. In the current application there is an ongoing dispute between the existing residents and the applicant over whether the applicant has vehicular access rights over The Pound. The applicant claims that he has acquired a vehicular right to use 'the Pound' to access the application site through a prescriptive easement by using the access for in excess of 20 years. However, this has not been established through the Land Registry or through any other formal legal process and as such has to remain just an assertion on the applicant's part and the Council is in no position to verify this. In any event the Council's Legal Services team advises that even if a right has been acquired it is far from certain that such a right can be used to access a new dwelling as opposed to the established use of the site over the last 20 years. Legal opinions have also been submitted from the objectors which raise queries over the applicant's evidence of use and also highlight that even were a prescriptive easement to be established by the applicant this may not extend to the use of the access for a dwelling and construction. It is not the role of the planning system to determine whether the applicant has vehicular rights of access over The Pound and this falls outside of the planning system in other legislation. However, in the earlier application, the Council considered that without such assurances that the applicant can use the access, other planning harm was likely to arise in the form of on-street parking in the locality which would be detrimental to highway safety.

- 9.36. It is also important to note that planning permission would not override other legal issues that may arise from the development, such as unlawful use of the access or restrictive covenants, and these are enforceable by other parties outside of the planning system and could ultimately prevent the development from proceeding even were planning permission to be granted.
- 9.37. In the current application the Local Highway Authority (LHA) has raised no objection to the proposal and notes whilst the proposal may lead to an increase in vehicles using The Pound (if the applicant has legal rights to use it) they do not consider this would result in a reason to object to the application and consider the visibility at the access to be acceptable. The ROW officer has raised some concerns over the potential conflict between users of the footpath and additional vehicles using The Pound given the narrow nature of the lane however this remains the same as the earlier application on the site and was not considered to form a reason for refusal. The applicant has also stated that the planning history of the site allows for some B8 use of the site which would mean a greater number of vehicles could utilise the access. However, it is unclear whether this has ever taken place and, given the doubts over the legal rights of the access, the very limited size of the building in question and the condition of the buildings, this is not considered to carry any significant weight in the consideration of these issues.
- 9.38. In the current application the LHA also advises: *If it is demonstrated in the future that the applicant (or future resident) does not have a right of vehicular access along The Pound, then they will wish to park their vehicles close to the pedestrian access. Banbury Road is not suitable for parking and there is no reason to expect this would happen, given that there is on-street parking available along Park Lane and in the layby opposite The Blinking Owl. Additional on-street parking is possible further to the west along Main Street. Therefore, the LHA considers that it would not be possible to demonstrate that the displaced parking from a single dwelling will compromise highway safety.*
- 9.39. Therefore, in this case even if the applicant is not able to use The Pound to access the site to provide off-street parking for the dwelling, the LHA considers that future occupants would be able to park on the street without causing a highway safety concern that would warrant an objection from the LHA. It is noted that there is already on street parking in the village for a number of dwellings and this is not unusual in historic villages. If a right of access is not available the future occupants are likely to park on either Park Lane or Main Street and access the site using the public rights of way. To discourage residents from parking on the Banbury Road immediately to the east of the site it is recommended that a condition be imposed to provide full details of boundary enclosures and remove permitted development rights for new gates to be installed. This would ensure that the Council could control that there was no pedestrian access from Banbury Road to the front of the site.
- 9.40. The fact that the LHA has now stated that they would not object to the scheme, even if on site parking was not available is a materially different position to the 2014 application. Whilst this might not be ideal, given the lack of objection from the LHA on highway safety grounds, Officers do not consider that a reason for refusal on highway safety grounds could be sustained at appeal and therefore the earlier reason for refusal is considered to be overcome.
- 9.41. The LHA has requested conditions for a Construction Traffic Management Plan (CTMP) which could be controlled through condition and would be required prior to any works commencing. If the applicant is not able to use The Pound as an access, they would need to provide alternative arrangements to ensure the construction period did not result in significant highway safety issues. The LHA has also requested a condition that the parking and turning areas be provided on site

however given their conclusions regarding the lack of necessity for on-site parking, this is not considered to meet the relevant planning test for planning conditions of being necessary to make the development acceptable in planning terms.

- 9.42. Notwithstanding the above, were the applicant to demonstrate rights to use the access and proceeded to use this lawfully for a dwelling a number of works would be needed to The Pound such as providing a surface to the full length of the access closest to the site which is currently laid to grass. This could be controlled by condition to ensure it is appropriate to the character and appearance of the area and the public right of way. The land is within the red line of the application site and whilst the applicant may not own it, they would need to get separate legal advice over what other consents, extraneous to planning, they would need to undertake these works.

#### *Conclusion*

- 9.43. Whether the applicant has vehicular access rights over The Pound to serve a new dwelling is uncertain and contrary assertions have been put forward by the applicant and the objectors. However, notwithstanding this the LHA has stated that even without designated off-street parking to serve the dwelling, it is satisfied that the additional parking from a single dwelling could be accommodated on the existing streets without causing significant highway safety concerns. On balance, Officers agree with this assessment and therefore the development is considered to be acceptable in highway and parking terms and comply with Policy SLE4 of the CLP 2015 and Government advice in the NPPF.

#### Impact on Neighbour Amenity

##### *Policy Context*

- 9.44. Saved Policy C30 of the CLP 1996 requires that new developments provide standards of amenity and privacy acceptable to the local planning authority. Policy ESD15 of the CLP 2015 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

##### *Assessment*

- 9.45. The application is identical to the earlier refused application on the site which was considered to be acceptable in this regard and there have not been any material changes in circumstances which would warrant a different conclusion being reached in the Officer's assessment.
- 9.46. The proposal would impact on some views from the properties on the opposite side of Banbury Road and given its elevated position these impacts would be greater. Whilst there would undoubtedly be an impact on these properties' amenity, given the distance between these properties and the proposal, the fact the proposal would be separated by a public road and the existing relatively tight interrelationship between the existing properties to the east of Banbury Road; it is not considered that the increase in overlooking, loss of privacy or loss of outlook to these properties would be significant to justify refusal of the application.
- 9.47. Stonecroft is a bungalow located to the south of the application site. It has a blank side elevation facing towards the application site and is separated by a strip of third party land. Given the siting and scale of the proposed dwelling and its relationship with this property it is not considered to result in any significant loss of outlook or light to this property. There are some rooflights proposed serving a first floor bedroom which would provide views over the rear garden of this property however



these would be located approximately 16 metres from the boundary and face onto the side boundary of the site and therefore is considered to be a sufficient distance to ensure there is not significantly harmful levels of overlooking.

### *Conclusion*

- 9.48. Officers consider that the development as proposed would be an acceptable distance from any properties in order to avoid a loss of amenity or privacy, in accordance with the above Policies.

### Ecology & Biodiversity

#### *Policy Context*

- 9.49. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications where they are justified on a site which may affect habitat or species of known ecological value.
- 9.50. The NPPF states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.51. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.52. 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*

- 9.53. The current application is not accompanied by an ecological survey. The site is currently overgrown however it is understood that the site was cleared in 2021 by the applicant.
- 9.54. The Council's Ecologist (CE) originally recommended that the applicant undertook a Preliminary Ecological Appraisal (PEA) for the site to include checks for badgers and reptiles as well as priority species. They also noted that the site was located in the amber zone for Great Crested Newts on the District Licencing impact maps. Following these initial comments, the applicants raised concerns that they had not be required to submit an appraisal in the 2014 which was considered to be acceptable on ecological grounds by the CE.
- 9.55. Having considered the matter further and having regard to the current nature of the site, whilst considering that a PEA would be best practice the CE considers that the timings of the work to ensure nesting birds are not harmed could be conditioned. The CE also considers that a full biodiversity enhancement scheme could be conditioned although it would need to assume the current value of the area is lost. The CE also notes that, given the land to the front of the site (blue line) would be retained undeveloped and is in the same ownership as the applicant reptile

presence could be assumed and a mitigation strategy to ensure they are harmed during any works and are able to utilise other parts of the land could be conditioned.

- 9.56. The CE had raised some concerns over the impact on bats given the loss of buildings however having now considered the nature of the buildings, which would be lost as part of the development (corrugated clad, very shallow roof pitch) does not consider that they are suitable for roosting bats.
- 9.57. Overall, the CE now advises that in their assessment the lack of survey in this case falls into the category of 'not best practice' as opposed to a reason for refusal and planning conditions could be used to mitigate the impacts of the development. The proposal is therefore considered to comply with Policy ESD10 of the CLP 2015 and Government advice in the NPPF.

#### Other matters

- 9.58. The Environment Agency's flood maps indicate that the site is not within a higher risk flood zone where residential development is acceptable in principle and given the limited scale of the proposal the drainage details would be considered under building regulations.
- 9.59. The scheme includes the provision of a new dwelling and therefore the reduced water usage requirement under Policy ESD3 of the CLP 2015 should be secured by condition.
- 9.60. The Council's Environmental Protection Officer has requested that ground investigation be undertaken to identify any contamination on the site and remedial measures that may be required to make it suitable for residential use. These can be secured through conditions. They have also requested that EV charging points be installed to serve the dwelling however given the doubt over whether access is attainable for a vehicle along The Pound and also the fact these matters are now being covered by building regulations this is not considered to be necessary.
- 9.61. A number of statements have been made regarding the past actions of the applicant including the unlawful use of the site and the welfare of animals kept on the site. However, these are not material to the consideration of the application which needs to be assessed on its planning merits.

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

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The Council cannot demonstrate a 5 year land supply and therefore the most important policies for determining the application are considered to be out of date. Officers do not consider that heritage grounds form a clear reason for refusal and as such paragraph 11d(ii) of the NPPF is engaged which means granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits.
- 10.3. In this case there is considered to be minor conflict with Policy Villages 1; however, the scale of the development is considered to be appropriate to the settlement and is well related to the built form of the village. There would be some minor 'less than substantial harm' to the designated heritage assets; however, as outlined above this is considered to be outweighed by the benefits of the scheme. The proposal's

impact on residential amenity and ecology is considered to be acceptable and can be controlled through condition. In regard to highway matters, whilst the applicant has not conclusively evidenced that they have a right of vehicle access over The Pound to serve a dwelling, the LHA has advised even without off-street parking the proposals it would not object on highway safety grounds. Therefore, the displaced parking is not considered to justify the refusal of the application .

- 10.4. The scheme would lead to some modest economic benefits and would provide a new house which would make a small contribution to the shortfall in the district.
- 10.5. Furthermore, the scheme is identical to an earlier refused application on the site in 2014, which was only refused given concerns over the rights of access and displaced parking. In light of the comments from the LHA these matters are considered to be overcome.
- 10.6. Taking these matters together the adverse impacts of the scheme are not considered to significantly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that planning permission be granted.

## **11. RECOMMENDATION**

### **THAT PERMISSION IS PERMITTED, WITH THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this consent.

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

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 drawings numbered 14 21 07 C, 14 21 S01, 14 21 05 D, 14 21 06 and 14 21 08 A.

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

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

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

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and

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

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

5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

7. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in strict 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.

8. No development shall commence unless and until an Ecological Appraisal with any mitigation and protection strategies required as a result of the findings along with a biodiversity enhancement scheme demonstrating a net gain in biodiversity on the

site has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details in a timetable to outlined within the approved document.

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.

9. 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 the National Planning Policy Framework.

10. No development shall commence above slab level unless and until a stone sample panel (minimum 1m<sup>2</sup> in size) has been constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

11. No development shall commence above slab level unless and until samples of the proposed roof slate for the dwelling (not fewer than 3) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwelling, including the design, materials and colour/finish of the windows and doors and their lintels and cills (including details at a scale of 1:10), and the eaves and verge treatment, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above slab level. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. All rooflights shall be conservation grade rooflights that fit flush with the plane of the roof.

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

14. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended or altered without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the neighbouring properties and heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A to B (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gates, wall or fences shall be altered or erected and no new means of access shall be created without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard highway safety and heritage assets in accordance with Policies SLE4 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.

16. Notwithstanding the details on the approved plans and prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels and ridge height for the dwelling and finished levels of the site in relation to existing ground levels at the site and surrounding land and the eaves and ridge height of the surrounding properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved levels plan.

Reason - To ensure that the development is constructed in harmony with the surrounding buildings and heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

*Planning note: The levels shall be expressed as above ordnance datum.*

17. Notwithstanding the details on the approved plan, prior to the occupation of the dwelling 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. This shall demonstrate there will be no pedestrian access to Banbury Road from the frontage of the site. Thereafter, the approved means of enclosure shall be erected in accordance with the approved details, prior to the first occupation of the dwelling and thereafter retained and not altered from the approved

specification.

Reason - To ensure the satisfactory appearance of the completed development and to discourage parking on the frontage of the site on Banbury Road and to comply with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Such details shall be provided prior to the development commencing or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The hard landscape details shall be carried out prior to the first occupation of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

19. 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.



20. Prior to any works to the accessway known as The Pound, full details of any new surfacing or other changes shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To protect the character and appearance of the area and ensure the proposed are appropriate for the public right of way 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.

**Planning Note:**

*The granting of planning permission does not authorise a right of way over The Pound or grant rights to undertake works without the relevant authorisations. These matters lie outside of the planning system and the applicant is advised to seek separate legal advice on the rights of access and landowners permission to undertaken any such works.*

**PLANNING NOTES:**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.
4. Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.
5. Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way. No new gates should be placed across the Public Right of Way

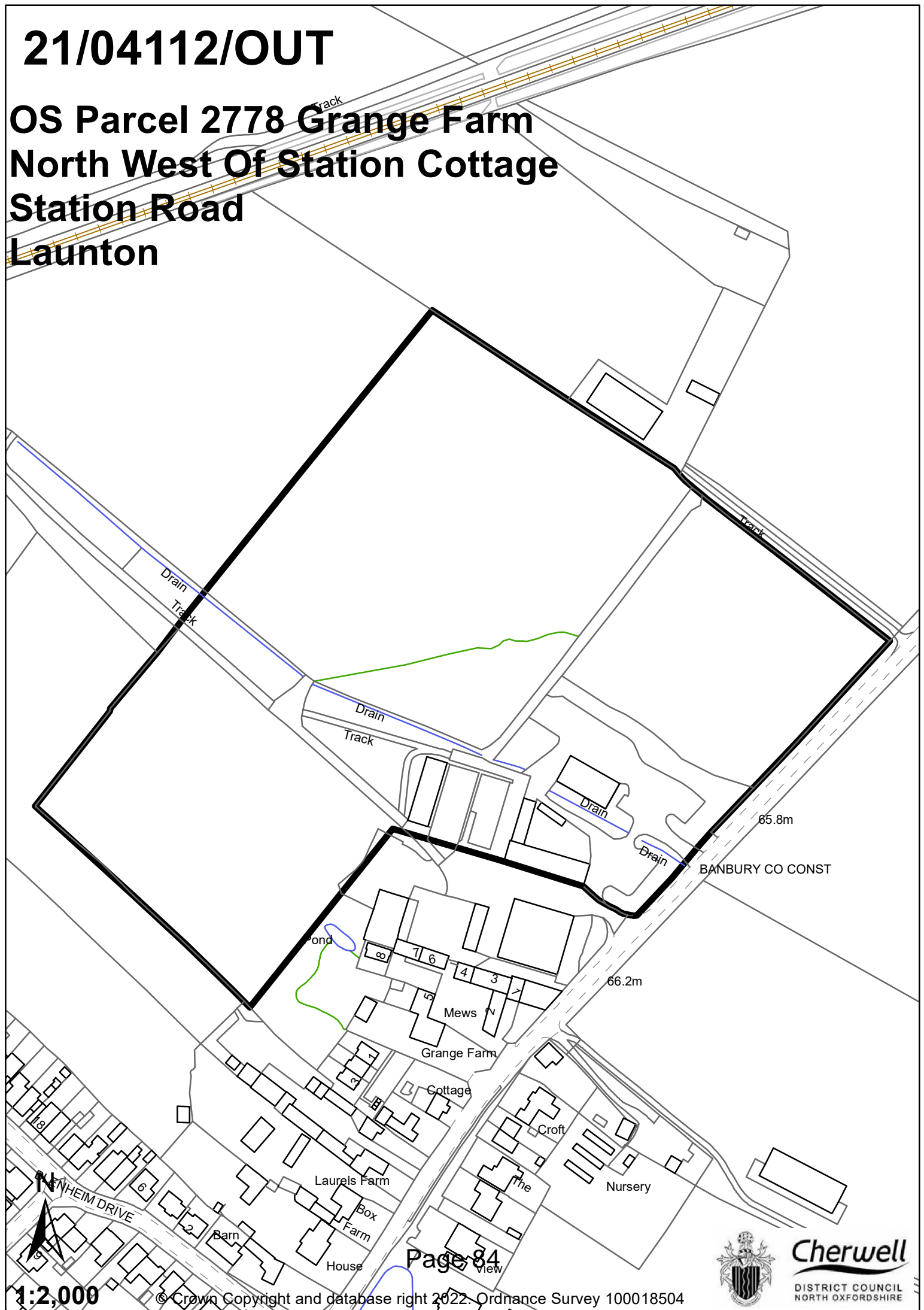
6. Vehicle access (construction): No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team at the County Council. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.
7. Vehicle access (Occupation): No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team.

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



# 21/04112/OUT

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



65.8m

BANBURY CO CONST

66.2m

Pond

Mews

Grange Farm

Cottage

Croft

Nursery

Laurels Farm

Box Farm

House

Barn

Page 84

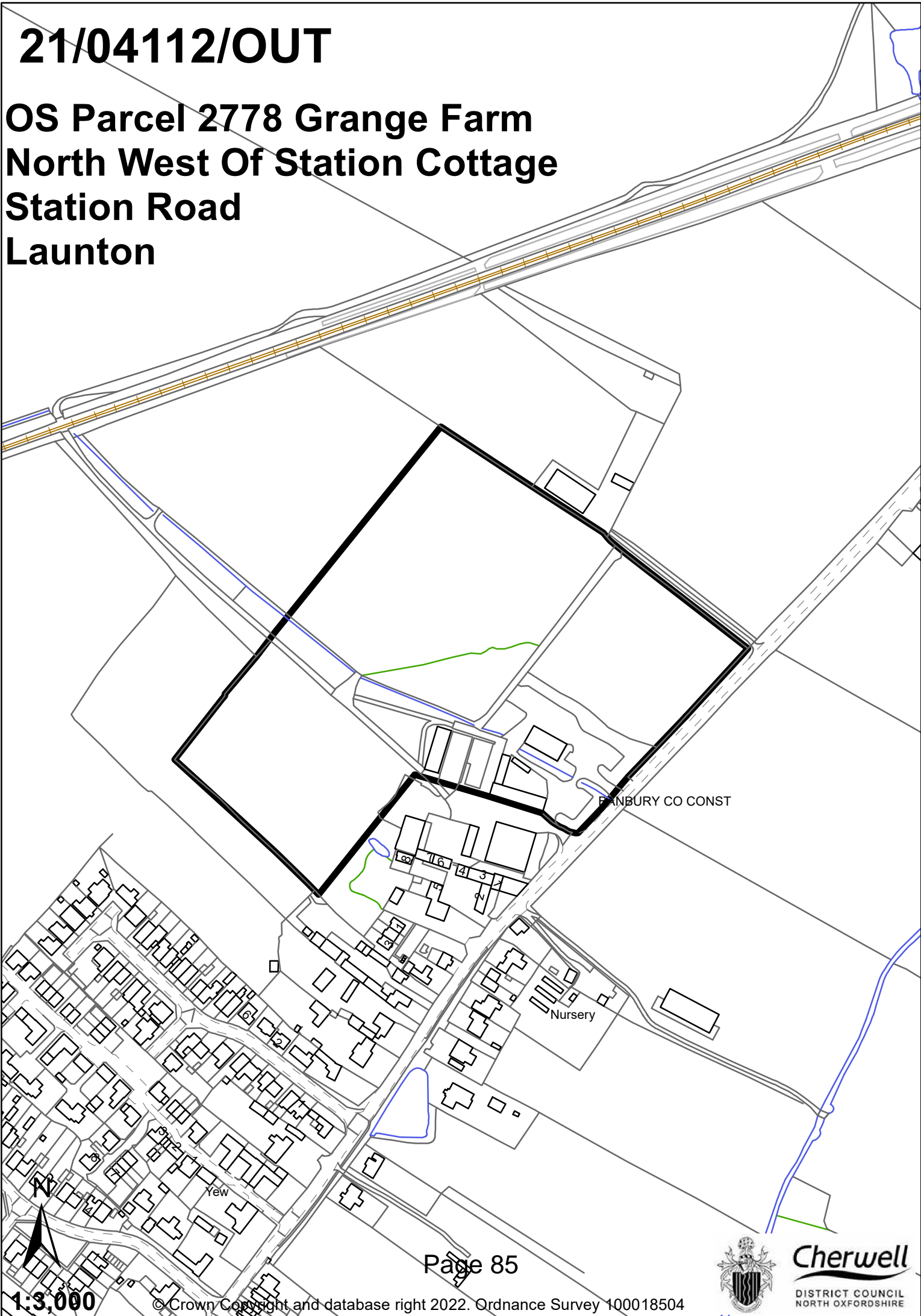


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# 21/04112/OUT

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



**Case Officer:** James Kirkham

**Applicant:** Richborough Estates

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

**Ward:** Launton and Otmoor

**Councillors:** Cllr Coton, Cllr Holland, and Cllr Patrick

**Reason for Referral:** Seeking further delegated authority

**Expiry Date:** Not applicable

**Committee Date:** 11 August 2022

## 1. REASON FOR REFERRAL

1.1. The above application was reported to the Planning Committee on the 7 April 2022 with an officer recommendation for approval. A copy of the report is available at: <https://bit.ly/3bni0TT>

1.2. Councillors considered the application and resolved to refuse it for the following reasons:

- 1) *Notwithstanding the Council's inability to demonstrate a 5 year land supply the proposals would result in the development of greenfield land forming part of the open countryside which would result in an unacceptable extension of the village and which would harm the character and rural setting of the village to the detriment of the built, natural and historic environment. The proposal is therefore contrary to policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.*
- 2) *The application site is located some distance from the centre of the village; the proposal would create a new community isolated from existing services in the village and would place heavy reliance on car use to reach even local services within the village such as the school and shop. This lack of connectivity within the existing settlement would result in an isolated form of unsustainable development which would be contrary to policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance within the National Planning Policy Framework.*
- 3) *In the absence of the completion of a satisfactory Planning Obligation, it cannot be demonstrated that the necessary infrastructure directly required both on and off site as a result of the development can be provided in the interests of safeguarding public infrastructure, delivering mixed and balanced communities through the provision of affordable housing and securing on site future*

*maintenance arrangements. The development is therefore contrary to policies INF1, BSC3, BSC4, BSC9, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.*

- 1.3. The decision was issued on the 22 April 2022. Subsequently the applicant has appealed the Council's decision to refuse the application which will be considered by the Planning Inspectorate (PINS). PINS have confirmed the appeal is valid and they are waiting for a suitable Inspector to become available to provide a start date. The appeal will be heard as an Informal Hearing.
- 1.4. On the basis of legal advice received, the application is being reported back to Planning Committee to seek delegated authority to negotiate a legal agreement to secure the relevant infrastructure requirements to address reason for refusal reason 3.

## **2. REASON FOR REFUSAL 3 – LEGAL AGREEMENT**

- 2.1 The third reason for refusal relates to the absence of a legal agreement to secure infrastructure to mitigate the impacts of the development and also to ensure it complies with the relevant policies in the development plan.
- 2.2 As reported in the original officer report the applicant had agreed to the Heads of Terms for the legal agreement which are set out in paragraph 9.131 – 9.134 and Appendix 1 of the original officer report.
- 2.3 Legal advice has indicated that officers require additional powers to be delegated from the Planning Committee to allow them to deal with any S106 issues within an appeal. This is important because should that appeal be allowed, the requirement for a S106 would be a matter that would be necessary to ensure the development is acceptable by mitigating its impacts.

## **3. RECOMMENDATION**

**THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, HAVING REGARD TO THE HEADS OF TERMS SET OUT WITHIN THE ORIGINAL PLANNING COMMITTEE REPORT, ADDENDUMS AND PLANNING COMMITTEE MINUTES (AND ANY AMENDMENTS AS DEEMED NECESSARY), TO NEGOTIATE AND COMPLETE AN AGREEMENT CONTAINING OBLIGATIONS PURSUANT TO S106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) RELATING TO THE PLANNING APPEAL IN ORDER TO MEET THE REQUIREMENTS OF THE PLANNING INSPECTOR**

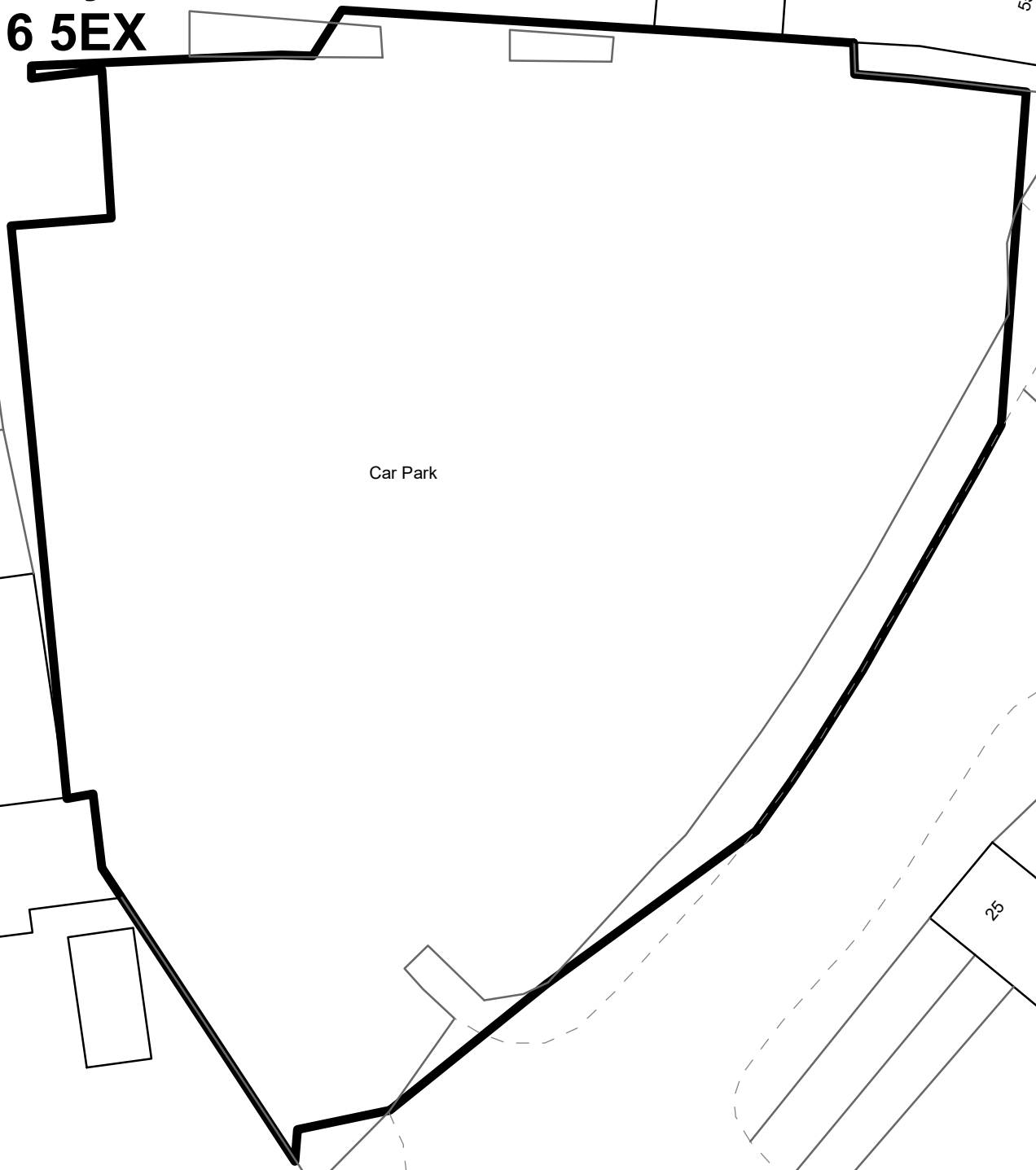
**Calthorpe Street West Short Stay Car Park**  
**Calthorpe Street**  
**Banbury**  
**OX16 5EX**





**21/04037/F**

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



Car Park

55

25

N

**1:300**



21/04037/F

# Calthorpe Street West Short Stay Car Park

## Calthorpe Street

### Banbury

#### OX16 5EX

Childrens  
Nursery

House

Car Park

CALTHORPE STREET

EI Sub Sta

Car Park

ED Bdy

EI  
Sub Sta

Calthorpe

Page 90



1:600



**Case Officer:** Sarah Greenall

**Applicant:** EZ Charge Ltd

**Proposal:** Electricity kiosk and 6 no charging stations for Electric Vehicle Charging

**Ward:** Banbury Cross and Neithrop

**Councillors:** Cllr Banfield, Cllr Hodgson and Cllr Dr Okeke

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 27 January 2022

**Committee Date:** 11 August 2022

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

**UPDATE**

This application was considered by the Planning Committee at the meeting held on the 13 January 2022. At this time the Committee resolved to delegate powers to the Assistant Director for Planning and Development to grant permission subject to the expiry of the public consultation period, if there were no further comments received that raised new issues not before the Committee at the time of their consideration of the application.

There have been no third party responses to the application.

Following the January Planning Committee, a site meeting was conducted between the Conservation Officer and the applicant. This resulted in amendments to the Conservation officer's assessment of the scheme. The application is therefore being returned to Planning Committee for reconsideration in light of the material change in the factors to be taken into account since the Committee's previous consideration of the proposal.

In summary: The Committee's January resolution included a condition requiring a mitigation scheme to protect the character of the conservation area. However, following meetings with the Conservation Officer it was concluded by officers that providing further mitigation has the potential to make the application more prominent. As such the condition is no longer considered necessary or to meet the government's tests for conditions.

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located centrally within Banbury, to the south west of the main High Street and forming part of a public car park accessed from Calthorpe Street. The application site is a small part of the car park to the north east close to the access of Calthorpe Road forming 12 car parking spaces.

## 2. CONSTRAINTS

- 2.1. The site is within the Banbury Conservation Area and within close proximity to some Grade II listed buildings, as well as having some potential for archaeology. It is also within an area of elevated radon levels and situated on potentially contaminated land.

## 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the provision of an electrical kiosk to facilitate charging stations for electric vehicles. 6no charging posts are proposed (serving the 12 spaces that sit within the application red line area).
- 3.2. The electrical kiosk is proposed to be 2.25m high, 2.7m wide and 0.6m deep with a black finish. The charging posts are proposed to be 1.74m high by 0.65m by 0.44m. The units are a light colour with black detailing.

## 4. RELEVANT PLANNING HISTORY

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

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to nearby residential properties. The final date for comment was the **13 January 2022**.
- 6.2. No comments have been raised by third parties.

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **Supports** the provision of EV charging spaces.

### OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**.
- 7.4. CDC CONSERVATION: **No objection** following further meetings on site.
- 7.4. CDC ENVIRONMENTAL HEALTH: **No comments** to make with regards to this application.

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

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

- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- 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
- ENV12 – Development on contaminated land

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council's 2020 Climate Action Framework

## **9. APPRAISAL**

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

- Principle of development
- Design, and impact on the character of the area including heritage impact
- Transport Impact
- Residential amenity

Principle of Development

- 9.2. The application relates to the provision of an electrical kiosk and EV charging points. The application documentation provides the background to this proposal describing that the Government has accelerated the transition to electric vehicles to 2030 and by 2025, it is estimated that there will be 25,000 battery electric vehicles driven on the roads of Oxfordshire. As part of Cherwell District Council's Climate Emergency declaration, it has prepared a Climate Action Framework which, amongst other measures shows support for electric and active travel as the new normal as a measure to contribute towards the District achieving net zero emissions by 2050.
- 9.3. Park and Charge Oxfordshire is a partnership project between Oxfordshire County Council, SSE, Zeta, Urban Integrated and the University of Oxford who are leading the way to help local District Council's across Oxfordshire provide electric charging hubs to accommodate this growth. The project is funded by Innovate UK and is proposed to provide hubs to meet demand as take up grows. The locations of the initial car parks for the hubs have been chosen so that the charging points are close to residential areas with little off-street parking. The charging points are bookable overnight so they can be used by local residents who might otherwise have difficulties charging their electric vehicle and which are available to visitors otherwise.
- 9.4. This particular site is within Banbury Town Centre; the Development Plan aims to strengthen the town centre by supporting shopping, leisure and main town centre

uses. The site is part of an existing car park and the plan is to set aside 12 parking spaces for EV use, with a kiosk to link to the charging points.

- 9.5. The principle of providing EV charging points in existing car parks is considered acceptable as it would facilitate infrastructure to support visitors and residents move to a more sustainable form of transport and this would contribute to mitigating the impacts of climate change, reducing air pollution and to help the Council achieve its targets for a net zero carbon District by 2050. The proposal therefore complies with Policies SLE4 and ESD1 of the CLP 2015.

Design and Impact upon the character of the area including heritage impacts

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.8. The kiosk would be positioned adjacent to existing car parking spaces which would be upgraded and advertised appropriately as being for EV use. The position of the EV charging points would be accessible centrally to the 12 spaces. The proposals would be visible within the context of an existing town centre car park and surrounding urban area.
- 9.9. The site is located within the Banbury Conservation Area, as well being within close proximity to a number of Grade II listed buildings. The Conservation Officer highlighted previously that the electrical kiosk would be quite large and situated within a prominent location within the conservation area, and it was suggested that a mitigation scheme to help limit the impact on the designated heritage assets would be beneficial.
- 9.10. The planning committee resolved to grant planning permission subject to conditions including a mitigation scheme.
- 9.11. Since the January Planning Committee meeting a site meeting was conducted between the Conservation Officer and the applicant, following which the Conservation Officer advised that given the location of the unit a mitigation scheme could potentially result in the unit being more prominent than it would have been previously. They advise that that it would be difficult to try to screen the cabinet and make it look better, so happy to accept it as an honest piece of street furniture.
- 9.12. Given the context for the development within an existing car park, it is therefore considered that very limited harm would be caused to the significance of the surrounding heritage assets. Further to this, the public benefit is considered to outweigh any potential limited harm that could be caused.
- 9.13. On this basis, Officers consider that the proposal would be acceptable in design terms and therefore complies with Policy ESD15 of the CLP 2015.

### Transport Impact

- 9.14. The proposal would remove 12 parking spaces from general use and dedicate them for EV vehicles; however, as ownership rates of EV vehicles increase, the demand for them will increase. The Local Highways Authority have raised no objection to the proposals, and it is noted that it is unlikely they would result in any adverse impact upon the local highway network from a traffic and safety point of view.
- 9.15. The Local Highway Authority has offered advice on similar applications regarding a Vehicular Restraint System to protect the kiosk and charging points from accidental damage, and a planning note is therefore suggested again in this respect as it is unlikely that such a system would require planning permission and this may be a matter considered unnecessary by the applicant.

### Residential amenity

- 9.16. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, there are residential properties to the north and west of the position of the infrastructure. It is understood that the kiosks and charging points do not create noise nuisance and the use of the parking spaces by electric vehicles is unlikely to be any more disruptive than their use by non-electric vehicles. The kiosk and charging points are also unlikely to cause impacts to residential amenity otherwise. As such, the proposal complies with Policy ESD15 in this respect.

### Other matters

- 9.17. The site is in an area with the potential for archaeology and contaminated land; however, given the minor scale and urban environment of the development and the fact it is unlikely to be significantly intrusive, Officers do not consider that the proposed development would cause unacceptable impacts upon these constraints.

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

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

## **11. RECOMMENDATION**

### **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 OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-

VOWH-LE-1400\_01 D, ACR-O-VOWH-LE-1400\_02 D, ACR-O-VOWH-LE-1400\_03 D, ACR-O-VOWH-LE-1400\_04 D and ACR-O-VOWH-LE-1400\_05 D, and image showing the 'EZC-\_CPC1\_SYSTEM\_SPECIFICATION'.

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

**Informative Note**

1. Oxfordshire County Council Highways Team have previously advised that you may wish to consider the inclusion of a Vehicular Restraint System to prevent accidental damage to the apparatus (kiosk and charging points) as they could be vulnerable to damage.



## **Cherwell District Council**

### **Planning Committee**

**11 August 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) 21/04166/F – The Pheasant Pluckers Inn, Burdrop, OX15 5RQ  
Permission is sought to re-position and amend the structure of the previously allowed 3-bedroom building**

Officer recommendation: Refused (Delegated)  
Method of determination: Hearing  
Hearing date: 4<sup>th</sup> October 2022 Start Time: 10:00  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.07.2022  
Statement due: 12.08.2022  
Appeal reference: 22/00035/REF

- b) 22/00642/F – 2 Dewars Farm Cottages, Ardley Road, Middleton Stoney, OX25 4AE  
Proposed single & 1.5 storey front extension (re-submission of app. No. 21/01851/F)**

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 26.07.2022  
Statement due: N/A  
Appeal reference: 22/00036/REF

**c) 22/00721/F – 2 East Street, Bicester, OX26 2EX  
Front and rear single storey extensions**

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 28.07.2022  
Statement due: N/A  
Appeal reference: 22/00037/REF

**3.2 New Enforcement Appeals**

a) None

**3.3 Appeals in Progress**

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

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

Officer recommendation: Refused (Committee)  
Method of determination: Hearing  
Hearing Date: Tuesday 22<sup>nd</sup> November 2022  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.10.2021  
Statement Due: 26.11.2021  
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 new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)  
Method of determination: Hearing – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
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 new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)  
Method of determination: Hearing – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
Appeal reference: 21/00036/REF

- d) 21/00500/OUT – Land North of Railway House, Station Road, Hook Norton**  
Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Officer Recommendation: Approval (Committee)  
Method of determination: Hearing: Tuesday 14<sup>th</sup> June 2022  
Start Date: 09.12.2021  
Statement due: 13.01.2022  
Appeal reference: 21/00044/REF

- e) 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 13<sup>th</sup> January 2022.  
Officer recommendation: Refusal (Committee)  
Method of determination: Written Representations  
Start Date: 21.04.2022  
Statement Due: 26.05.2022  
Appeal reference: 22/00021/REF

- f) 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  
Appeal reference: 22/00016/REF

- g) 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  
Appeal reference: 22/00014/REF

- h) 21/02804/F – 19 Hastings Road, Banbury, OX16 0SE**  
Erection of dwelling

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 14.06.2022  
Statement due: 19.07.2022  
Appeal reference: 22/00032/REF

- i) 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  
Appeal reference: 22/00029/REF
- j) 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  
Appeal reference: 22/00017/REF
- k) 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  
Appeal reference: 22/00020/REF
- l) 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  
Appeal reference: 22/00025/REF
- m) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford**  
Erection of dwelling, detached garage, widening of vehicular access and all associated works
- Officer recommendation: Non-Determination  
Method of determination: Written Representations  
Start Date: 21.06.2022  
Statement due: 27.07.2022  
Appeal reference: 22/00034/NON

**n) 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  
Appeal reference: 22/00021/REF

**o) 21/03726/F – 123 Oxford Road, Kidlington, OX5 2NP**

Demolition of existing lean-to structure, erect new single storey extension. Convert existing 3-bed chalet-style house into 3 no separate apartments with off-road parking - re-submission of 21/01654/F

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 20.06.2022  
Statement due: 25.07.2022  
Appeal reference: 22/00033/REF

**p) 21/04093/F – 5 St Peters Close, South Newington, OX15 4JL**

Rear extension, porch and dormer in converted roof space (resubmission of 21/02697/F)

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 31.03.2022  
Statement Due: N/A  
Appeal reference: 22/00018/REF

**q) 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)  
Inquiry start date: 9<sup>th</sup> August 2022  
Inquiry Location: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN  
Start Date: 17.05.2022  
Statement Due: 21.06.2022  
Appeal reference: 22/00026/REF

**r) 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  
Appeal reference: 22/00028/REF

- s) **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: 9<sup>th</sup> 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

Appeal reference: 22/00019/NON

- t) **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

Appeal reference: 22/00027/REF

- u) **22/00173/CLUP – 15 Arncott 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

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, the erection of a timber fence above 1 metre in height and adjacent to a highway'

Method of determination: Written Representations

Start Date: 26.01.2022

Statement due: 09.03.2022

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

**c) 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

Appeal reference: 22/00024/REF

**3.5 Forthcoming Public Inquiries and Hearings between 12 August 2022 and 8 September 2022**

**a) 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.

Inquiry start date: Tuesday 9<sup>th</sup> August 2022. Start time 10:00

Inquiry venue: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN.

Expected number of days for the Inquiry to last: 6 days

Joint Inquiry with appeal against non-determination of application reference 21/04179/LB

**b) 21/04179/LB – Trelawn House, 34 North Bar Street, Banbury, OX16 0<sup>TH</sup>**

Inquiry start date: Tuesday 9<sup>th</sup> August 2022. Start time 10:00

Inquiry venue: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN.

Expected number of days for the Inquiry to last: 6 days

Joint Inquiry with appeal against non-determination of application reference 21/04202/F

**3.6 Appeal Results**

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

**a) 21/04043/F – Dismissed the appeal by Mr J Coppock against refusal of planning permission for Two storey side extension - re-submission of 21/02617/F. 37 Bicester Road, Kidlington, OX5 2LD.**

Officer Recommendation: Refusal (Delegated)

Method of determination: Written Representations

Appeal reference: 22/00031/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the living conditions of neighbouring occupiers in relation to outlook.

The inspector advised that the first-floor habitable room window enjoys an appreciable degree of outlook important in sustaining the living conditions of occupiers and that the window is the only source of outlook from this particular habitable room, which amplifies its importance in maintaining adequate living conditions.

The Inspector found that the appreciable degree of separation between the existing side elevations would be significantly eroded and there is no evidence the resultant separation distance would accord with guidance within the Council's Home Extensions and Alterations Design Guide 2007.

The inspector advised that the habitable room window would be encroached by a blank façade of built form, and this would have a harmful overbearing effect on outlook.

The Inspector also advised that at first floor level, there would be some degree of set back however the mitigation of this would be limited to the extent that significant harm would remain.

The Inspector concluded that the proposal would harm the living conditions of neighbouring occupiers in relation to outlook.

The Inspector dismissed the appeal.

## **4.0 Conclusion and Reasons for Recommendations**

4.1 The report provides the current position on planning appeals which Members are invited to note

## **5.0 Consultation**

5.1 None.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 None. The report is presented for information.

## **7.0 Implications**

### **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](mailto: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 221586

[donna.lee@cherwell-dc.gov.uk](mailto: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](mailto: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](mailto: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](mailto:Matthew.Swinford@cherwell-DC.gov.uk)  
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