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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 8 December 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 Bryn Williams

Substitutes

Councillor Mike Bishop
Councillor Gemma Coton
Councillor David Hingley
Councillor Ian Middleton
Councillor Dr Chukwudi Okeke
Councillor Fraser Webster

Councillor Phil Chapman
Councillor Sandy Dallimore
Councillor Matt Hodgson
Councillor Adam Nell
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 - 22)

To confirm as a correct record the Minutes of the meeting of the Committee held on the 3 November 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)**

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

Planning Applications

- 8. **Unit D1 Graven Hill Circular Road Ambrosden** (Pages 25 - 74) **22/01829/OUT**
- 9. **Land South of Faraday House Woodway Road Sibford Ferris** (Pages 75 - 101) **22/01773/F**
- 10. **Land To Rear Of Gracewell Care Home Gardner Way Adderbury** (Pages 102 - 134) **21/01966/F**
- 11. **Car Parking Area West Of 37 Holm Way Bicester** (Pages 135 - 149) **22/02493/F**
- 12. **St Georges Barracks Arcott Wood Road Arcott OX25 1PP** (Pages 150 - 163) **22/02567/F**
- 13. **Recreation Ground Keble Road Bicester Oxfordshire OX26 4UX** (Pages 164 - 179) **22/02491/CDC**
- 14. **The Paddocks 2 Foxtowns Green Kirtlington OX5 3JW** (Pages 180 - 188) **22/02721/F**

Review and Monitoring Reports

15. **Appeals Progress Report** (Pages 189 - 197)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 30 November 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 3 November 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor Fiona Mawson
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Amanda Watkins
Councillor Bryn Williams

Substitute Members:

Councillor Sandy Dallimore (In place of Councillor Ian Harwood)

Apologies for absence:

Councillor Maurice Billington
Councillor Jean Conway
Councillor Ian Harwood

Also Present Virtually:

Councillor Ian Middleton, local ward member

Officers:

Alex Chrusciak, Senior Manager - Development Management
David Mytton, Solicitor
Emma Faulkner, Democratic and Elections Officer
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Wayne Campbell, Principal Planning officer
Rebekah Morgan, Principal Planning Officer

Natasha Clark, Governance and Elections Manager
Liam Semugabi, Democratic and Elections Officer

79 **Declarations of Interest**

7. Urgent Business - Exempt Report.

Councillor Les Sibley, Declaration, As a member of Bicester Town Council and he would leave the chamber for the duration of the item.

7. Urgent Business - Exempt Report.

Councillor Lynn Pratt, Declaration, As a member of Bicester Town Council.

7. Urgent Business - Exempt Report.

Councillor Richard Mould, Declaration, As a member of Bicester Town Council.

80 **Requests to Address the Meeting**

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

81 **Minutes**

Subject to an amendment in minute 77, changing Amnesty Buildings to Amenity buildings, the Minutes of the meeting held on 6 October 2022 were agreed as a correct record and signed by the Chairman.

82 **Chairman's Announcements**

The Chairman made the following announcement:

1. On Tuesday 8 November there would be a private technical virtual briefing for Committee members. A meeting request had been sent.

At the discretion of the Chairman, Councillor Holland addressed the meeting.

Cllr Holland made an apology for comments he had made at the Planning Committee on 14 July 2022 relating to the modification of a s106 at land adjacent to Bunkers Hill. Councillor Holland explained that his comments had been about the safety of the water tower structure, which had previously been deemed unsafe and the liability for the structure if the s106 requirement was removed. He had referred to the tragic passing of a young man based on what he had heard but which he now understood to be incorrect. Unwittingly, this caused distress to the family, for which he apologised as this could not have been further from his intentions.

83 **Urgent Business**

The Chairman advised that a report would be taken at the end of the meeting as it was exempt from publication by virtue of paragraph 3 of Part 1, Schedule 12A of Local Government Act 1972 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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

The Committee considered a proposed site visit to land adjacent to Bicester Road and Southwest of Avonbury Business Park, Howes Lane, Bicester. for application 22/02922/F, an application that relates to a proposal for the construction of a Thames Valley Police Technical Services Building (Use Class E) with associated access, car parking and hard and soft landscaping.

It was proposed by Councillor Sibley and seconded by Councillor Broad that a site visit take place on the day that application 22/02922/F is being considered by the Committee.

Resolved

(1) That a site visit for application 22/02922/F be agreed, contrary to the officer recommendation, to take place on the day the application is being considered by the Committee.

85 **Land To Rear Of St Marys House Adj To Henge Close Adderbury Banbury OX17 3GA**

The Committee considered application 22/00203/OUT, outline application for the erection of up to 10no houses, with all matters reserved except access.

Anthony Hartwell, local resident addressed the committee in objection to the application.

Wesley McCarthy, agent for the applicant addressed the committee in support of this application.

In reaching its decision the Committee considered the officers report, presentation, the written update, and address from the public speakers.

Resolved

(1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under Section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):

Conditions:

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

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

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. No development shall commence unless and until full details of the means of access between the land and the adjacent plot, including, position, layout, construction, drainage have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in full accordance with the approved details prior to first occupation and shall be retained as such thereafter.

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

4. Before the development permitted is commenced a swept path analysis for all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

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

5. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in strict accordance with the details approved prior to the first occupation of the development

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

Reason: To encourage the use of sustainable modes of transport

6. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements 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, which shall be provided prior to the first occupation of the development.

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

7. No building shall be occupied until the vehicular accesses, driveways, car, and cycle parking spaces, turning areas (for cars and refuse vehicles of not less than 11.6m in length), and parking courts that serve the buildings has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

8. No development shall commence unless and until a plan showing detail of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW has been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interest of sustainable travel.

9. Prior to the first occupation of the development a Residential Travel Plan and Residential Travel Information Pack shall be 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.

10. No development shall commence unless and until a construction traffic management plan has been submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with 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.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours. The development must be carried out in full accordance with the approved CTMP.

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

11. 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.

12. If a potential risk from contamination is identified because of the work carried out under condition 11, 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.

13. If contamination is found by undertaking the work carried out under condition 12 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.

14. 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 12. 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.

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

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

16. No development shall commence unless and until a Construction Environmental 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 the 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. The development shall not be carried out other than in accordance with the approved CEMP.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. No development shall commence unless and 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 National Planning Policy Framework.

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 National Planning Policy Framework.

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

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 years plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 and MADD should be 0.0);
- A Flood Exceedance Conveyance Plan.
- Comprehensive infiltration testing across the site to BRE DG 365.
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details.
- Detailed maintenance management plan in accordance with Section 32 of

CIRIA C753 including maintenance schedules for each drainage element.

- Details of how water quality will be managed during construction and post development in perpetuity; and
- Consent for any connections into third party drainage systems

Reason: To ensure that there is no flooding due to the site drainage and that the water environment is protected and in accordance with Government guidance contained within the National Planning Policy Framework.

20. 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:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- 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 and Government guidance contained within the National Planning Policy Framework

21. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than 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.

22. No development shall commence, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, until protective fencing and warning notices have been erected on the site in accordance with the approved Construction Environmental Management Plan. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

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.

23. Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities, and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist 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.

24. Construction Environmental Management Plan (CEMP) for Biodiversity – PC

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

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

25. Notwithstanding the details of the indicative layout plan details of the provision, landscaping, and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

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

26. No development shall take place until the existing tree(s) to be retained [have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority.

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

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

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

Reason: Cherwell District Council 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.

86 **60 Bicester Road Kidlington OX5 2LF**

The Committee considered application 22/01999/F for the demolition of an existing 3 bed house and the erection of 5 new flats - 4 x 2 bed (C3) & 1 x 1 bed (C3) with associated parking, amenity, refuse and bike storage at 60 Bicester Road, Kidlington, OX15 2LF for Rehman Property Management Ltd.

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

Ajaz Rehman, agent for the applicant addressed, the committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation, addresses from the local ward member and public speaker.

Resolved

That permission be granted for application 22/01999/F subject to conditions.

Conditions

Time Limit

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

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

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

- Application form
- Design and Access Statement
- Drawing number 220011-A-PR-90 rev A – [Proposed site plan]
- Drawing number 220011-A-PR-100 – [Proposed ground floor and first floor plans]
- Drawing number 220011-A-PR-110 rev A – [Proposed second floor and roof plans]
- Drawing number 220011-A-PR-200 – [Proposed front and rear elevations]
- Drawing number 220011-A-PR-210 – [Proposed side elevations]

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

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

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

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

5. Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage

area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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

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

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

7. All hard-standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

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

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

Reason: In the interests of highway safety, to ensure the provision of adequate off street car parking and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The first and second floor window(s) in the east and west side elevations shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the building is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for biodiversity enhancement shall be 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 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.

11. The dwelling shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

12. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species, and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason – In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

13. Prior commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the retention of the hedgerow (H1) along the front boundary, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason – In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

87 **27 Shearwater Drive Bicester OX26 6YR**

The Committee considered application 22/02845/F, Single and two storey rear extension

Tony Pratt, local resident addressed the committee in objection to the Application.

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

Resolved

- (1) That permission be granted subject to the conditions below

Conditions

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

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

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

- Design and Access Statement (ref: PMA259 dated 12/09/2022)
- Drawing number GA 01 – [Proposed Ground Floor Plan]
- Drawing number GA 02 – [Proposed First Floor Plan]
- Drawing number GA 03 – [Proposed Roof Plan]
- Drawing number GA 04 – [Proposed North Elevation]
- Drawing number GA 05 – [Proposed South Elevation]

- Drawing number GA 06 – [Proposed East Elevation]
- Drawing number GA 07 – [Proposed West Elevation]
- Drawing number GA 08 – [Proposed Site Plan]
- Drawing number GA 09 – [Site Block/Layout Plan]

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

3. The first-floor window in the east elevation shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason – To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

88 **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 on planning appeals contained within the report be noted.

89 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

90 **Urgent Business - Exempt Report**

The Committee considered an exempt urgent report from the Assistant Director Planning and Development relating to an ongoing planning appeal.

The Senior Manager – Development Management answered detailed questions from the Committee on the appeal process.

Resolved

- (1) That the exempt report be noted

The meeting ended at 6.00 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee - 8 December 2022

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Unit D1 Graven Hill Circular Road Ambrosden	22/01829/OUT	Bicester South and Ambrosden	Approve	David Lowin/ Laura Bell
9	Land South of Faraday House Woodway Road Sibford Ferris	22/01773/F	Cropredy, Sibfords and Wroxton	Approve	Wayne Campbell
10	Land To Rear Of Gracewell Care Home Gardner Way Adderbury	21/01966/F	Adderbury, Bloxham and Bodicote	Approve	Wayne Campbell
11	Car Parking Area West Of 37 Holm Way Bicester	22/02493/F	Bicester North and Caversfield	Approve	Gemma Magnuson
12	St Georges Barracks Arncott Wood Road Arncott OX25 1PP	22/02567/F	Launton and Otmoor;	Approve	Rebekah Morgan
13	Recreation Ground Keble Road Bicester Oxfordshire OX26 4UX	22/02491/CDC	Bicester East	Approve	Rebekah Morgan
14	The Paddocks 2 Foxtowns Green Kirtlington OX5 3JW	22/02721/F	Fringford and Heyfords	Approve	Gemma Magnuson

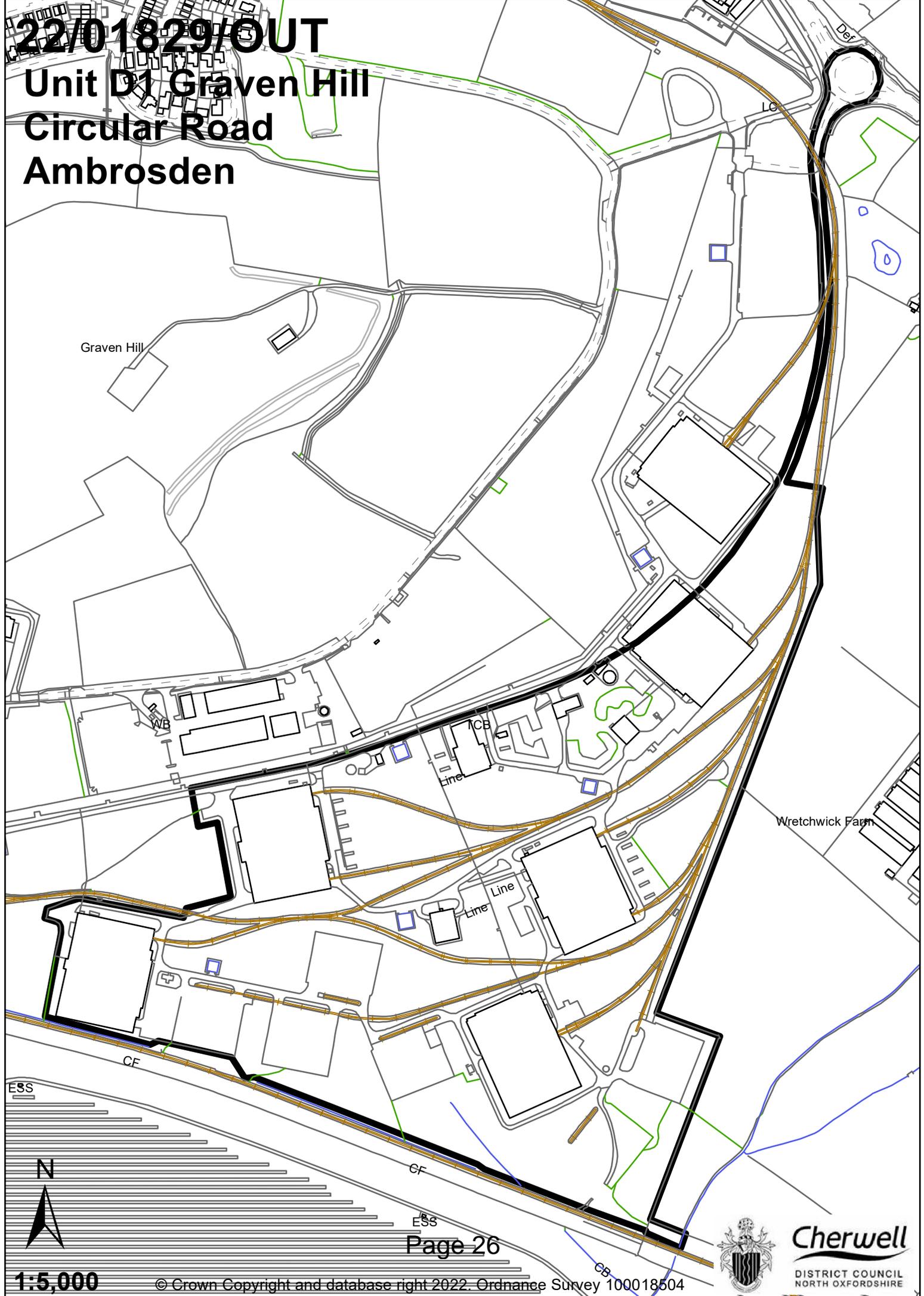
*Subject to conditions

22/01829/OUT
Unit D1 Graven Hill
Circular Road
Ambrosden



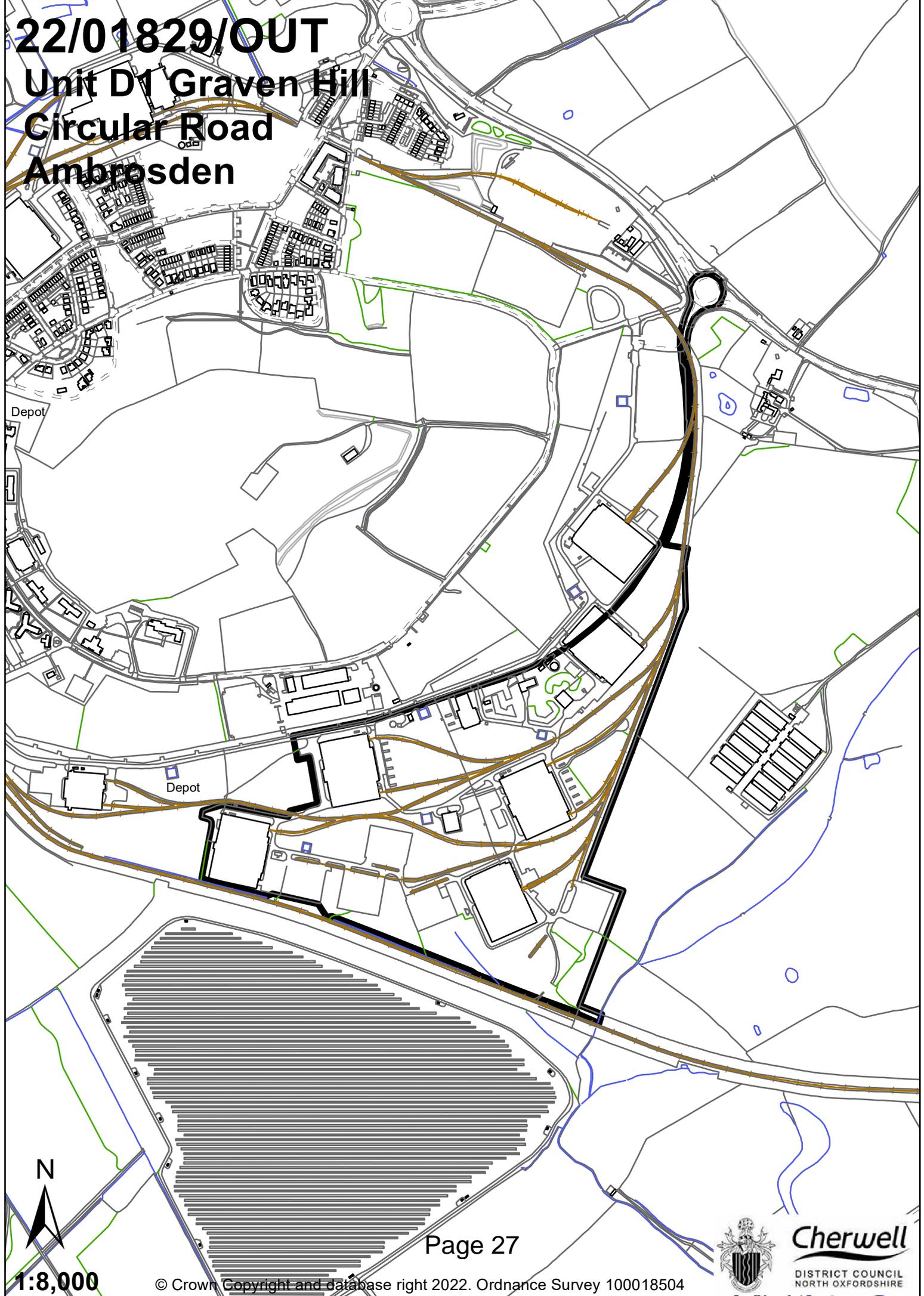
22/01829/OUT

Unit D1 Graven Hill
Circular Road
Ambrosden



22/01829/OUT

Unit D1 Graven Hill Circular Road Ambrosden



Depot

Depot



1:8,000



Case Officer: David Lowin/Laura Bell

Applicant: Graven Hill Purchaser Ltd (c/o Resolute Property Consultancy Ltd)

Proposal: 'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works.'

Ward: Bicester South and Ambrosden

Councillors: Cllr Cotter, Cllr Pruden, and Cllr Sames

Reason for Referral: Major development.

Expiry Date: 31 January 2023

Committee Date: 8 December 2022

SUMMARY RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION AND ADVERT PERIOD AND SUBJECT TO CONDITIONS AND PLANNING OBLIGATIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the southeast of Graven Hill and totals approximately 31.1 Ha and comprises the areas formerly known as D1-D7, plus D10 and D20. The existing vacant warehouses at the site comprise B8 uses 'Storage or Distribution'. The site was previously used as part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA), logistics hub. The LCS operation has been rationalised and moved to 'C' Site at Upper Arccott, meaning that 'D' Site is surplus to requirements.
- 1.2. Graven Hill is bound to the northeast by the A41 Aylesbury Road; the railway line to the south, and railway tracks and sidings to the west. In addition, the southern boundaries of the site are formed by adjoining agricultural fields and a large solar farm. The proposal incorporates four accesses from the Employment Access Road (EAR) which is currently under the final stages of construction. Access to the site is from a newly completed roundabout (Pioneer) on the A41 via the EAR.
- 1.3. The site lies immediately south of St David's Barracks, which is in operational military use. Adjoining uses include the new residential uses to the north of Graven Hill; Wretchwick Farm to the east and a sewage treatment works to the northwest on the opposite side of the Chiltern railway line. Symmetry Park, a newly constructed logistics park, is located to the east of the site off the A41.
- 1.4. The site comprises five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being an electricity sub-station). These existing buildings total approximately 41,831 sq. m. This figure excludes the buildings removed previously to facilitate construction of the approved Employment Access

Road (EAR) now constructed (e.g. former Units D05, D03 & D12). The site also benefits from a previous Outline Planning Permission for approx. 990,000 sq. ft of employment floorspace. The existing vacant warehouse units are the subject of a planning permission for demolition and the erection of a 'bat barn' to facilitate the translocation by virtue of an English Nature licence of bats inhabiting the vacant warehouses, (ref 22/00835/F Refers).

2. CONSTRAINTS

2.1. The application site is within the area allocated in the adopted Local Plan (Bicester 2) as a strategic site for mixed use development, with Graven Hill itself proposed to remain as an open space to be utilised for public access. The site is described at Bicester Policy 2 as a brownfield site. The site lies in an area of archaeological interest and potential. There is an overarching archaeological written scheme of investigation which covers the entire Graven Hill site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal seeks to provide up to 104,008 sq. m (GIA) of B8 'Storage or Distribution' floorspace (1,119,529 sq. ft) across the site. The indicative Masterplan demonstrates how this floorspace could be provided across 9 separate units (Units 1-9). However, such details would be confirmed at the Reserved Matters stage. The application only seeks detailed approval at this stage for the access points for the development. Approximately 902 parking spaces would be provided, including HGV parking yards associated with the units as well as disabled parking. These could be arranged in a variety of layouts to best respond to market demand as well as site constraints as part of reserved matters proposals.

3.2. The application is supported by a parameter plan which fixes the maximum building height (20m), Gross Internal Area (GIA) and 'green corridors' (where built development is excluded, for ecological and landscaping purposes). The parameter plan has informed the various Environmental Statement (ES) technical assessments. The Environmental Statement, which is considered later in this report, includes the following documents:

- Outline Planning Application Form (H Planning Ltd)
- Certificates and Notices as necessary (H Planning Ltd)
- Supporting Town Planning Statement (H Planning Ltd)
- Statement of Community Involvement (H Planning Ltd)
- Archaeological Assessment (Watermans)
- Biodiversity Net Gain Assessment (RPS)
- Buildings Demolition Report (Resolute Property Consultancy)
- Ecological Assessment (RPS)
- Economic Impact Statement (Quod)
- Energy and Sustainability Statement (BWB Consulting)
- BREEAM Pre-Assessment (BWB Consulting)
- Flood Risk Assessment Report (RPS)
- Review of Geotechnical Investigation Report (Alan Baxter Associates)
- Ground Conditions Summary Report (RPS)

- Rapid Health Impact Assessment (Stantec)
- Lighting Impact Assessment (BWB Consulting)
- Outline Construction Environmental Management Plan (RPS)
- Outline Sustainable Drainage Systems Strategy (Alan Baxter Associates)
- Transport Assessment (Alan Baxter Associates)
- Interim Travel Plan (Alan Baxter Associates)
- Arboricultural Impact Assessment (Watermans)
- Redline Site Location Plan (Atelier Gooch Ltd)
- Redline Block Plan of the Site (Atelier Gooch Ltd)
- Existing Plans, Sections and Elevations (Atelier Gooch Ltd)
- Parameter Plan (Atelier Gooch Ltd)
- Proposed Demolition Plan (Atelier Gooch Ltd)
- Proposed 'Bat House' Plans and Elevations (Atelier Gooch Ltd)
- Indicative Masterplan '*For Illustration Purposes Only*' (Atelier Gooch Ltd)
- Design and Access Statement (Atelier Gooch Ltd)
- Indicative Landscape Strategy Plan (RPS)
- Detailed Access Plans to fix 'Access' (Alan Baxter Associates)
- Drawing List

3.3. Since this initial material was submitted the applicants provided, in September, further information with respect to the sustainable urban drainage system (SUDS) proposed for the site, in addition in late October, the applicants reviewed the exiting Biodiversity Net Gain (BNG) metric results and submitted a new metric together with a revised application site or 'red line' incorporating additional areas such as the site access previously described. This report includes the results of re-consultation up to the finalisation of the report. Any further responses to the re-consultation will be summarised in a pre-committee update paper.

4. RELEVANT PLANNING HISTORY

4.1. This proposed site is located within an area of land allocated in the Adopted Cherwell Local Plan 2011-2031 Part 1, under Policy Bicester 2: Graven Hill, for mixed-use development. The application seeks the redevelopment of five vacant warehouses within Site D1 into B8 storage or distribution use, and associated works. Planning application reference 11/01494/OUT was permitted in 2014 for the redevelopment of this former MOD site including demolition of existing buildings, development of 1,900 homes; local centre to include a 2-form entry primary school, a community hall, five local shops or facilities, and parking areas; employment floorspace including the current application site; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure.

4.2. Subsequently the site-wide outline consent's S106 has been the subject of deeds of variation. The period for the submission of reserved matter approvals in respect to the outline consent for Graven Hill, including the current application site, expired on 8 August 2022. Officers are currently dealing with applications to approve reserved matters applications for residential development. It is presently

expected that the first stage of the overall development of Graven Hill will comprise a total of some 805 homes and that a new application for the balance of the 1900 homes will be submitted by the end of January 2023.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal following the submission by the applicants of a 'pre-application enquiry'(Pre-App) under reference 22/00136/PREAPP in January 2022.
- 5.2. The results of that PRE-APP are summarised below:
 - That the use of the site for a logistics park is generally acceptable.
 - The proposal is consistent with Bicester Policy 2 as set out in the Cherwell Local Plan 2011-2031.
- 5.3. The Pre-App noted that both Planning Policy and Economic Development teams mentioned the potential to utilise existing railway infrastructure on site for the development. It is understood that whilst this is desirable to further climate change policies and indeed is noted in Bicester Policy 2 in the Local Plan, the applicants suggested it is for MOD ownership and operational reasons unlikely to be a practical and deliverable option.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **31 July 2022**.
- 6.2. A second round of publicity was initiated in November 2022 following the applicant's submission of further information to augment the previously submitted ES on their proposals to deal with Biodiversity Net Gain (BNG) and also an amendment to the 'red line' plan to ensure that the proposed accesses to the scheme are connected to the Employment Access Road (EAR) and the newly completed Pioneer roundabout connecting this part of the Graven Hill site to the A41. The final date for comments is **5 December 2022**, comments received after the publication of this report will be reported to the Planning Committee, as appropriate.
- 6.3. No comments have been raised by third parties at the time of finalising this report.

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. As advised, any further responses received will be reported to the Committee.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. AMBROSDEN PARISH COUNCIL: **Object** on the grounds of highway impact and detriment to residential amenity if the scheme is operational 24/7. The Parish Council also object to the visual impact of the scheme and raise concern over impact on habitat.

CONSULTEES

7.3. OCC as Local Highways Authority (LHA): **No objection** subject to:

- S106 contributions as summarised at the end of this report and justified in the accompanying schedule to the LHA's consultation response, in summary comprising:
 - Upgrading of existing cycle path between Rodney house and Pioneer roundabouts.
 - Provision of bus service from the site to Bicester Town centre together with bus shelters.
 - Travel monitoring Plan

The total contribution to OCC amounting to some £714,088

- An obligation to enter into a S278 highways agreement.
- Planning Conditions as detailed below in the Officer's recommendation.

7.4. OCC Archaeology: **No Objection** subject to conditions requiring a written scheme of investigation and compliance monitored during construction in accordance with the written scheme of investigation and the appointment prior to commencement on site of an archaeologist.

7.5. LEAD LOCAL FLOOD AUTHORITY: **No Objection** subject to conditions prior to approval of first reserved matters:

- a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete

The scheme shall include:

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

- 7.6. NATIONAL HIGHWAYS: **No Objection** subject to conditions, following an initial 'holding direction' to discuss with the applicant the wording of conditions as set out in the officer's recommendation.
- 7.7. THAMES WATER: **No Objection** subject to conditions to ensure that there is sufficient foul water capacity to serve requirements from the site when developed. This to be achieved by consideration of existing off-site capacity or by an agreed development and infrastructure phasing plan. In addition, no commencement of development until an odour modelling assessment plan agreed.
- 7.8. CDC LAND DRAINAGE: **No Objection:** A flood risk assessment and surface drainage strategy covering the application site has been agreed previously as part of the overall development of the Bicester 2 site.
- 7.9. THAMES VALLEY POLICE: **No Objection** subject to an informative setting out the importance in the detailed design proposals that come forward the incorporation of security of design principles.
- 7.10 FIRE SERVICE (OXFORDSHIRE): **No Objection.**
- 7.11. CDC Landscape Architect: **No Objection**, following the consultees initial consideration when a request for more information and clarification was requested and the information supplied, the consultee is content subject to the imposition of a Landscape Environmental Management Plan (LEMP)
- 7.12. CDC PLANNING POLICY: **No Objection** - The proposal site, at 31.1 hectares, is some 5.1 hectares larger than the 26 hectares of employment land proposed by Policy Bicester 2. This additional site area however, does not materially conflict with the delivery of the overall objectives of Policy Bicester 2. Policy Bicester 2 anticipates that the site will deliver a mixed-use employment development to include former B1 and B2 uses (now Class E). It is, however, noted that the supporting paragraphs to the policy indicate that the expectation is that the site will deliver mainly B8 units. It is also noted that the existing use is for B8. The application is supported by a detailed justification for the use proposed, and the views of the Council's Economic Development Team should therefore be sought. It is regrettable that the existing rail infrastructure on the site will not be utilised by the proposals as there is the potential to reduce road-based freight movements. The maximisation of the transport connectivity in and around the site, including the use of the rail tracks on the site to serve commercial logistics and distribution uses is a requirement of Policy Bicester 2. It is however, noted that the application provides a justification as to why this is not feasible, and this will need to be considered.

The submitted Energy and Sustainability Statement will need to be considered in detail to ensure that the requirements of Policies ESD1 – 5 are met. The requirements of Policy Bicester 2 and Policy ESD 10 for biodiversity net gain should be met, and the views of the Council's Ecologist sought.

In conclusion, **the principle of the proposals is generally consistent with the adopted Development Plan.** However, detailed consideration of matters relating, inter alia, to climate change, sustainable construction, renewable energy, biodiversity net gain, and sustainable transport will be required.

- 7.13. CDC Ecologist: The response to the original proposals with respect to ecology was an objection on the basis that the site demonstrated a Biodiversity Net gain of some minus 75% using the recognised metric. Following the initial response, the applicant submitted a revised BIA metric with some additional on-site

mitigation in terms of a bat barn and assorted bird boxes, which reduced the net on site loss of biodiversity to some minus 55%. That submission, received in early November also included details of off-site BNG proposals paid for by the applicant, which are set out later in this report. The ecological officer's response to this further information is that on balance, it is considered acceptable overall and comments that:

"I am content that an off-site solution in order to achieve a biodiversity net gain is required here. I support the proposed involvement of the Trust for Oxfordshire's Environment and the utilisation of their system of off-setting provision as a scheme likely to lead to the best ecological outcome and importantly to a good level of biodiversity net gain in line with CDCs aspirations".

The TOE documents and case studies make it clear how the system could work for this site and that the off-set would be provided within the district. The suggested Grampian conditions are appropriate from an ecological viewpoint.

In terms of the updated BIA metric the Officer comments that:

"The projected net loss in biodiversity on site is now reduced by going further on site with their proposed landscaping such that the appropriate mitigation hierarchy has been followed and as much as can be achieved in terms of habitat provision on site has been at this stage.

There may be issues with achieving a 'good' condition for all the proposed neutral grassland on the site within the green spaces, however this will depend on what other functions these areas need to serve - for example amenity and how heavy this usage is. The exact nature and extent of the habitats to be provided on site, including how they are used may of course alter at reserved matters so can be reviewed at that point".

- 7.14. CDC Arboriculturist: concern expressed about potential loss of trees but considers that at this outline stage a detailed retention or replanting methodology can be achieved by an appropriate planning condition. In fact, the tree loss related to boundary trees in the vicinity of Pioneer roundabout and along the route of the EAR and those trees have already been removed.
- 7.15. CDC Environmental Protection: No objection, subject to conditions relating to the provision of a Construction Environment Management Plan (CEMP), noise, contaminated land, air quality and light.
- 7.16. CDC ECONOMIC GROWTH: The demand for logistics-led development continues yet is already provided for significantly through outline planning consent granted for this site. Recent local market evidence also shows that value-added, knowledge-intensive employers also require premises at prominent, high quality, well-served sites.

With developable land severely limited in Oxfordshire, the applicant could engage further with the local commercial property market and with the generators of investment – local employers, inward investors seeking HQ facilities, the science parks and universities. By doing so, it should be possible to satisfy the needs of all - investors, occupiers and the local community – providing a far broader range of employment opportunities. The proposal to develop 100% of the site for 'logistics' is therefore disappointing when considering the economic aims of the Council (illustrated though the Local Plan) to create a knowledge-based and diverse local economy containing a range of employment opportunities - able to withstand future economic shocks. The proposal therefore fails to convincingly

justify why a balanced provision of commercial premises to support the growth of a diverse local economy should effectively be excluded from this strategic site, and why an entire Logistics Park is now appropriate in an exemplar Garden Town no longer served by sustainable rail access for such operations.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- Policy Bicester 2: Graven Hill
- Policy SLE1: Employment Development
- Policy SLE 4: Improved transport and Connections
- Policies ESD 1 -8 relating to climate change and sustainable development
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country planning (Environmental Impact Assessment) Regulations 2017 (As amended)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character and landscape of the area
- Highway Safety and Transport
- Ecology impact & BNG

- Drainage
- Climate Change and sustainable development
- Heritage
- Environmental Statement (ES)

Principle of Development

Policy Context

- 9.2. The Cherwell Local Plan 2011-2031 Part 1 adopted in 2015 allocates the entire site, (Policy Bicester 2) some 241 hectares as a strategic site proposed for mixed use development. Policy Bicester 2 provides for 26 ha of land for employment purposes, creating some 2000 jobs across former business, general industrial and storage and distribution uses (former use classes B1, B2 and B8). The employment provision and mix related to the whole allocation and not just the application site.
- 9.3. Included in the approved Master Plan for the site is the current application site which is designated for employment use. The original outline consent for the entire site proposed 92,040 sq. m for employment floorspace (11/01494/OUT refers). This outline consent has now expired (on 8 August 2022), so the approved masterplan cannot be relied upon.
- 9.4. The site falls within the Graven Hill site (*'Policy Bicester 2: Graven Hill'*) and is identified as having major development potential. The commentary to the allocation in the Plan at paragraph C58 notes that the use of the allocated site 'will support local economic growth including the warehousing and logistics sector in a location that lends itself to both national and regional distribution.
- 9.5. Policy SLE1 *'Employment Development'* within the adopted CLP 2015 states that employment development on new sites allocated within the plan should accord with the site allocation policy. In this instance that is Policy Bicester 2
- 9.6. Policy SLE4 *'Improved Transport and Connections'* makes reference to the potential to capitalise rail freight opportunities and supports proposals for rail freight associated with development at Graven Hill.
- 9.7. In addition, Section 6 of the National Planning Policy Framework 2021 (NPPF) advises planning authority's on building a strong and competitive economy. Paragraph 81 notes that decisions on applications 'should help create the conditions in which businesses can invest, expand and adapt'. Paragraph 11 within the NPPF (July 2021) seeks to support Local Authorities that promote the development needs of an area by applying a *'presumption in favour of sustainable development'*. Furthermore, Paragraph 119 within Section 11 *'Making effective use of land'*, of the NPPF is relevant and supports plans that promote an effective use of land that utilise previously developed or *'brownfield'* land. Furthermore, Paragraph: 031 Reference ID: 2a-031-20190722 within the *'Housing and economic needs assessment'* section of the National Planning Practice Guidance (which supports the NPPF) is relevant and refers to logistics use. It states:

'How can authorities assess need and allocate space for logistics?'

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).

Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour. Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas’.

- 9.8. The applicants have submitted a report as part of the application which demonstrates that the subject development will produce considerable economic benefits both in term of employment numbers of circa 1020 to 2160 indirect jobs and some 1150 to 2430 full-time equivalent posts generating some £3 million to £7 million in local spending. The submitted ES considers alternatives to the submitted proposals in terms of location. The conclusion by the applicants is that the proposed development is part of a wider allocated brownfield site under Bicester Policy 2 which establishes the principle of development through planning policy. As a result, a ‘no development alternative’ is not a reasonable alternative which would not accord with policy. The nature of the proposed development is such that the objective is to redevelop the site as part of the wider allocation under Bicester Policy 2 and as a result, the applicants have not considered alternative sites. The submitted ES also considers alternative forms of development, namely the 2014 outline consent for the site (now lapsed). That consent envisaged a lesser level of B8 units. However, the period for reserved matters approvals under that consent has now lapsed and the logistics market has evolved since 2014.

Assessment

- 9.9. As stated above, Policy Bicester 2 sets out specific design and place shaping principles for the development of Graven Hill. It requires the development to achieve, inter alia, a well-designed approach to the urban edge, which relates development at the periphery to its rural setting. It specifies that employment units will need to be carefully designed to limit adverse visual impact on the wider area. It also requires development to respect the landscape setting and demonstrate enhancement, restoration or creation of wildlife corridors, through the creation of ‘green fingers’ leading into the development area.
- 9.10. The proposal is in general conformity with Policy Bicester 2, insofar as it:
- Provides for a quantum of B8 in conformity with the 26ha allocated under the Policy
 - Contributes towards improvements to the local and strategic road networks (as set out in Highways section and the Heads of Terms below)
 - Provides a well-designed urban edge, which respects its rural setting, by restricting the heights of buildings on the site and providing additional planting on the southern edge to provide an appropriate level of screening
 - Provides a Construction Environment Management Plan (CEMP) and Landscape Environment Management Plan (LEMP) to manage existing and proposed woodland areas and onsite habitats, by condition
 - Remediate of any areas of contaminated land, secured by condition
 - Provides a written scheme of investigation and archaeological reporting, by condition, to retain/appropriately treat areas of archaeological heritage significance,
 - Provides a Waste Management Strategy, to maximise the potential to re-use and recycle demolition materials
 - Provides a strategic and site-specific surface water management and maintenance strategy, including the use of SuDS, by condition

- Will be constructed to BREEAM Excellent (or equivalent national standard), in accordance with climate change mitigation and adaptation measures
- 9.11. Policy Bicester 2 also seeks to maximise transport connectivity in and around the site, including the use of the rail tracks on the site to serve commercial logistics and distribution uses.
- 9.12. Specifically in relation to this point, the views of the economic development officer about the potential lost opportunity to utilise the railway infrastructure in the area is noted. However, the opportunity to utilise that infrastructure is in reality now passed, both by reason of the re-use of former railway infrastructure for roads and the fact that it is in different ownership.
- 9.13. The Planning Statement supporting the application explains that the MOD railway adjacent (and to the south) of the site is an MOD asset. Therefore, the applicants have no ownership or rights to use this in association with the proposed logistics use. This line is a dedicated MOD line that is in regular (but not intensive use) and is seen by the MOD as an intrinsically important part of their infrastructure. However, the use of this line is not precluded, should it become a feasible, viable option in the future.
- 9.14. In relation to the internal tracks, these have been removed in their entirety (except for the rails within the road crossovers, which are limited). The Applicant has advised that the railway lines were removed by the previous tenant of D8 (which sits to the east, and does not form part of this submission) as this was occupied by railway enthusiasts (the Coulsdon Old Vehicle and Engineering Society).
- 9.15. The applicant further highlights that the tracks on site were of a non-standard gauge and as they did not connect with any wider railway network, the lines were redundant. They state that the current owners (assumed to be GHVDC) had an obligation to remove them. Any obligation was not a planning one and therefore this point has not been investigated further.
- 9.16. It is noted that CDC's policy team support the proposal as does the relevant planning history of the site. The NPPF and NPPG are both supportive of the principal of re-use of this brownfield site for logistics.

Conclusion

- 9.17. As set out above, Officers consider that the proposal is acceptable in principle, in accordance with the Policy requirements set out in paragraph 8.2 above.

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

Policy Context

- 9.18. Policy ESD 13 relates to the protection and enhancement of local landscape. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 of the Local Plan sets out the requirements for new development, including that development should be designed to improve the quality and appearance of an area.
- 9.19. The current appearance of the area is of vacant warehouses of non-contemporary design, set in a landscape that has been neglected for a considerable period. It is noted that this neglect has resulted in the setting of the vacant building having considerable biodiversity value. The biodiversity elements of the proposal are described and considered in a later section of this report.

- 9.20. Policy Bicester 2 requires that development of the site should respect the landscape setting, and demonstrate enhancement, restoration or creation of wildlife areas, and this requirement is to be achieved via BNG. Saved Policy C28 of the 1996 Cherwell Local Plan requires that all new development is controlled to ensure that the development is sympathetic to the character of the area.

Assessment

- 9.21. The application has been submitted showing for illustrative purposes an indicative master plan, parameter plan and indicative site sections. The Council's Landscape Architect offers no objection to the proposal. It is recognised that the final design of the individual units will be matters to be considered at reserved matters stage. The Landscape Architect, to ensure a rigorous consideration of the proposals requested further analysis by the applicants consisting of a 'wire' analysis. The Officer supports the proposal subject to a Landscape Environmental Management plan (LEMP) condition which will regulate the overall resulting landscape. The submitted ES considered cumulative effects of the development together with selected existing sites chosen by Officers of CDC. The ES concluded that:

'It is judged that there is no potential for the Proposed Development in combination with any, or all, of the cumulative projects, to have a significant effect on either the landscape character, or available views.'

- 9.22. The proposal, at an indicative maximum height of 20m for the individual warehouse units will be larger in height than those envisaged by the 2014 outline permission (by 5 metres) and significantly increase the effects by reason of expanding the area of visibility on those landscape character areas and types. For most visual receptors (people) the change in views will have no significant effects. However, some High and Medium sensitivity visual receptors, e.g., people using the sports pitches immediately adjoining the site would experience a large change in their views and a significant effect that would reduce over time.

Conclusion

- 9.23. Officers consider that having regard to the relevant planning history, the current authorised use of the site, the Development Plan policy with respect to the principal of the development for employment use of this site and in particular the views of the Landscape Architect that the proposal, subject to suitable conditions dealing with the content of future applications for reserved matters in terms of landscape, is acceptable.

Highway Safety and Transport

Policy context

- 9.24. Paragraph 102 of the NPPF states; Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;

- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places
- 9.25. Paragraph 102 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.26. Policy Bicester 2 of the Local Plan requires that development of the Graven Hill site contributes to improvements to the local road network and contributes to public transport services and cycling and pedestrian connectivity. The NPPF at Section 9 provides advice on 'Promoting sustainable transport', advises that all development which generates significant amounts of movement will require a travel plan, and give priority to pedestrian, cyclist and public transport, and of particular relevance to this proposal allow for the efficient delivery of goods.
- 9.27. Policy SLE 4 of the Adopted Local Plan deals with Improved Transport and Connections. The Policy presumes support for sustainable employment locations. The Policy notes support for rail freight associated development at Graven Hill, however, as noted above, the opportunity to utilise that infrastructure is in reality now passed, but not precluded in relation to the railway lines to the south of the site in MOD ownership. The policy also notes that new development will be required to provide financial or in-kind contributions to mitigate impacts and development mirroring the advice in the NPPF concerning encouragement for public transport, walking and cycling.

Assessment.

- 9.28. In accordance with Local Plan policies and government guidance a full detailed Transport Assessment (TA) has been submitted with the application which has been the subject of consultation with National Highways (England) and the Local Highway Authority.
- 9.29. The TA finds that the proposals generate less traffic when compared to the consented scheme, approved under the 2014 consent. Whilst there are a greater number of HGV's due to the logistics use, the overall traffic levels are still less than previously consented. An assessment has been undertaken on the Pioneer roundabout and Rodney House roundabout. Modelling has also been undertaken on the four proposed vehicular accesses to the site. This modelling also accounts for a future scenario, where the EAR is extended west to join the A41 to become the South East Perimeter Road (SEPR), and there is bypass traffic on the road. This scenario is similarly reflected in the junction designs for the priority accesses, and provision has been made for highway upgrades, should they be required in the future.
- 9.30. The development would be accessible by a range of transport modes, including by bus, cycle, vehicle, and on foot. A total of 678 car parking spaces are proposed, commensurate with OCC's Car Parking standards, which also takes account of the ancillary office use on the site. Disabled parking is proposed at a rate of 6%. Electric vehicle parking is to be provided by planning condition, but is proposed at a rate of 25%. A series of upgrades are proposed to the Employment

Access Road currently being delivered, which enable vehicular access, whilst re-providing cycle and pedestrian access, and maintaining bus stops. Detailed proposals for these have been included and this provision will be secured and delivered through a S106 legal agreement (as set out below).

- 9.31. The consultation responses from the Local Highway Authority (LHA) and National Highways (England) (NH) to the submitted transport assessment contained in the ES is that they both consider that the proposals are acceptable on both the local and strategic highway network, subject to the imposition of appropriate planning conditions and in the case of the LHA, a section 106 agreement to mitigate by way of increased public transport and cycling facilities in the immediate area.

Conclusion

- 9.32. The submitted Transport Assessment by the applicant is considered by both NH and the LHA to be acceptable subject to appropriate conditions as set out in the Officers recommendation and entering into section 106 obligations to provide for inter alia additional public transport facilities, a travel plan and enhanced cycle facilities. Officers are of the view that these measures are sufficient to comply with adopted policy and national advice.

Ecology Impact

Legislative context for ecology

- 9.33. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.34. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.35. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.36. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a

social or economic nature and beneficial consequences of primary importance for the environment?

- (2) That there is no satisfactory alternative;
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

Policy Context

9.38. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

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

Assessment

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

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').
- 9.43. Having considered Natural England's Standing Advice and taking account of the site constraints, it is considered that the site following the granting of the consent for demolition and the erection of a bat barn and including in that submission, an updated Phase 1 habitat survey (22/0085/F), has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to safeguard protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.44. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.45. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.46. The application is supported by a recent detailed protected species survey which concluded it comprised buildings, hardstanding, neutral semi-improved grassland and managed (mown) poor semi improved with areas of scrubby woodland, waterbodies and dry ditches. The proposals for the site involve demolishing the existing buildings for the redevelopment into a commercial distribution centre with associated infrastructure and landscaping. The majority of the terrestrial habitat onsite will be lost to allow for the development.
- 9.47. Previous surveys were undertaken on the Site by Ecology Solutions Ltd. (2018) and Waterman Group (2020). The surveys identified that there were no statutory designated sites of nature conservation value within or immediately adjacent to the Site. The nearest statutory designated site was Arncott Bridge Meadows Site of Special Scientific Interest (SSSI) located approximately 1.8 km southeast of the Site. At the time of the surveys undertaken in 2018 and 2020, the habitats on Site were identified as being suitable for roosting, foraging and commuting bats, breeding birds, reptiles, great crested newts (GCN) and badgers.
- 9.48. A Phase 1 Habitat Survey undertaken by RPS in 2020 and 2021 identified that the majority of the Site comprised buildings, hardstanding, neutral semi-improved grassland and managed (mown) poor semi-improved grassland. Other habitats present included areas of tall ruderal, dense and scattered scrub, dry ditches and semi-natural/plantation woodland. A number of waterbodies were identified within the Site boundary and within 500 m of it. An updated Phase 1 Habitat Survey undertaken in 2022 found that the habitats on Site had not changed significantly since the original survey in 2020, with the main changes resulting from vegetation growth and encroachment and ongoing demolition activities. Great Crested Newt (GCN) population assessment surveys were undertaken on six waterbodies in

June 2020. GCN were recorded within one pond located within an area of woodland approximately 100 m to the northwest of the Site. An updated GCN environmental DNA (eDNA) survey was undertaken on four waterbodies in April 2022, all results came back negative and therefore GCN are considered likely to be absent from the Site.

- 9.49. A Preliminary Bat Roost Assessment (PRA) undertaken by RPS in July 2020 identified 12 buildings with high potential, two buildings with moderate potential and one building with low potential to support roosting bats. Bat droppings were found in two buildings during the PRA. The outbuildings associated with Buildings D1, D4 and D7 were also considered suitable as hibernation roosts.
- 9.50. Emergence and re-entry surveys undertaken by RPS in September 2020 and between June and August 2021 identified seven buildings with confirmed bat roosts, including day roosts for common pipistrelle, soprano pipistrelle and brown long-eared bats; night / feeding roosts for brown long-eared bats and a satellite roost for natterer's bats. One building was confirmed as a maternity roost for common pipistrelle and one building was confirmed as a hibernation roost for brown long-eared during the surveys undertaken between January and February 2021.
- 9.51. A badger survey was undertaken of the Site by RPS in July 2020, the results for which are held in a confidential appendix, submitted by the applicants.

Conclusion

- 9.52. Officers are satisfied, on the basis of the advice from the Council's Ecologist, the submitted ES and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Biodiversity net Gain (BNG)

Legislative and policy context

- 9.53. The requirement for developments to seek to achieve BNG arises from the National Planning Policy Framework (NPPF, 2021), which states in Para. 174 that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity."

- 9.54. An accepted method of assessing BNG is through the use of biodiversity calculators to assess the biodiversity value of habitats pre- and post-development based on habitat type, distinctiveness and condition. The original calculation submitted with the application showed a BNG of some minus seventy percent. Following discussions with the CDC Ecologist and refinement of the proposed scheme, this was reduced to some minus fifty five percent on the site itself.
- 9.55. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% BNG. Habitat improvements delivered under BNG will need to be secured for at least 30 years. Following a 'transitional period', the Act will enter into full force on a date expected to be in November 2023. BNG is one of a raft of commitments on the environment laid out in the Environment Act. BNG is already required through

national planning policy in England and Wales, but the amount is unspecified. The Environment Act 2021 makes BNG mandatory from the point the Act enters into force (est. November 2023). Councils will need to be ready to meet the new legal requirements from that point onwards

9.56. Policy ESD 10 of the adopted Local Plan inter alia requires that:

- In considering proposals for development a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources;
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or as a last resort, compensated for, then development will not be permitted.

9.57. Corporately, Cherwell District Council has adopted a Community Nature Plan. Whilst not formal planning policy, the aspirations to achieve 10% BNG set out in this document are a material consideration.

Assessment

9.58. The application, even following a reconsideration of the inputs, still results in a considerable minus figure as described above. As a result, an offsite solution is required.

9.59. The biodiversity net gain approach embeds a fundamental principle for spatial hierarchy of habitat delivery, where there is a preference for onsite or local enhancements. The Environment Act requires that '*information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat*' is included in the biodiversity gain plan.

9.60. In addition, the Biodiversity Metric incentivises habitat delivery on or close to the development site through a 'Spatial Risk Multiplier', which reduces the biodiversity value of habitats delivered further away from the development.

9.61. Nevertheless, where a development cannot achieve BNG either wholly or partly onsite (as is this case), then the legislation dictates that developer can secure the unit shortfall by securing a bespoke site for net gain, or from appropriate sites on the local net gain habitat market from other landowners. These sites will need to meet the criteria of the biodiversity gain sites register (when this becomes available through the Act). The applicant has partnered with Trust for Oxfordshire's Environment (TOE) Ltd, company number 07492087.

9.62. As a registered charity it is regulated by the Charity Commission. Having implemented pilot BNG projects in 2018/19 including a very much smaller scheme in Fritwell, TOE now operates across all local authorities in Oxfordshire, though less formerly in Cherwell than other Oxfordshire Districts. On large scale development sites there is often the potential for on-site biodiversity reductions. Therefore, BNG operators (such as TOE or the Environment Bank) provide a BNG 'unit' or 'credit' system where landowners and developers can pay to buy BNG units to off-set this BNG requirement via an off-site solution. In such scenarios, planning permission is normally granted with a grampian condition attached to the decision notice.

9.63. The provision and delivery of BNG will soon become law and schedule 14 of the Environment Act sets out that a general condition will be applied to every planning permission (except those exempt from BNG requirements) that a biodiversity gain

plan should be submitted and approved by the planning authority before commencement of development, specifically:

Every planning permission granted for the development of land in England shall be... subject to the [following] condition: ...the development may not be begun unless a biodiversity gain plan has been submitted to the planning authority... and the planning authority has approved the plan...

- 9.64. Guidance from the Planning Advisory Service (PAS) confirms that monitoring is the responsibility of the developer and should be set out in the biodiversity gain plan. LPAs will have duties to report on BNG delivery.
- 9.65. This means that a complete biodiversity gain plan will be required for all relevant development, but that this can be approved after the grant of planning permission, as long as this happens prior to commencement of development.
- 9.66. The above solution is considered by CDC's Ecologist to be appropriate in this particular case and as set out above, is content subject to the imposition of an appropriately worded Grampian condition to support the proposal. This 'early payment' of the BNG units allow BNG off-site providers ample time to source a donor site, ideally, in the same local authority. In relation to this, the Biodiversity Metric 3 incentivises habitat delivery on or close to the development site through a 'Spatial Risk Multiplier', which reduces the biodiversity value of habitats delivered further away from the development.
- 9.67. The current cost of a TOE BNG unit is currently approx. £19,200. Given the size of the application site, the BNG off-set payment is anticipated to be in the region of £1.5 - £1.75m. It is currently estimated that approximately 28.9 hectares will be required to mitigate BNG reduction at the site. Funds from the sale of units can then be held by the Trust, in a secure escrow account, for a specified time period during which they must be assigned to biodiversity enhancement projects, ideally within the District in which the development occurred. The Trust secures these projects via land management agreements with landowners, which specify how a given land parcel must be managed and enhanced over a thirty-year period. The Trust is then responsible to the local authority for ensuring that the project is delivered over the full period, providing it with regular reporting.
- 9.68. Adopted planning policy and national guidance requires that new development shall contribute to BNG. At present, there is no specific percentage net gain required either by legislation or by adopted planning policy. Nevertheless, the Act sets out the direction of travel and the future key mandatory components of BNG (minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan, secured for at least 30 years).
- 9.69. An interim measure, which is in keeping with the direction of travel, is to seek to secure a BNG of no less than 10%, by planning condition. Officers consider that the requirement to quantifiably increase BNG resulting from the development of this allocated brownfield site can only be achieved by an off-site solution and that this can be secured through the planning process, for example by planning condition. The developer does not currently own or control any off-site land. The use of TOE as an organisation operating in Oxfordshire provides a solution to the problem providing suitable mitigation for the proposed development and will ensure that BNG gains are secured, in accordance with local and national planning policy. The solution arrived at is supported by the Council's Ecologist.

Conclusion

- 9.70. Officers consider that the proposed arrangement to deal with BNG with respect to the development of this site are acceptable.

Drainage

Policy Context

- 9.71. Local Plan adopted policies ESD 6 and ESD 7 require the management and reduction of flood risk with site specific proposals to demonstrate compliance with that objective and the use of Sustainable Drainage Systems.
- 9.72. The applicants have submitted as part of the ES an outline drainage strategy for a Sustainable urban Drainage System (SUDS) building on pre-application discussions with the Lead Local Flood Authority undertaken by them. The work builds on the existing situation on the site. The topography and impermeable nature of the underlying soil means that in its natural condition, water falling on the site would likely have permeated through the topsoils and run south, following the contours of the hill, before eventually joining streams and ditches which drain into the River Ray (a tributary of the River Cherwell). There is a tributary to the River Ray which runs close to the south-eastern boundary of the site. This connects to the River Ray approximately 1 mile to the south of the site. Approximately 125,000 m² of building and roads have been constructed on the site since its development in the 1940's. These are understood to drain to the stream to the south of the site through a system of below ground pipes and ditches. It is not thought that any form of flow control or attenuation is incorporated into the existing site drainage.
- 9.73. Foul water drains via gravity to a Thames Water pumping station in the western part of the site. This pumps foul water through a rising main, which runs under the railway embankment south of the site and discharges to Bicester sewage treatment works, to the northwest of Graven Hill. There are several sewers crossing the site, including a Thames Water foul sewer running along the site's eastern boundary, which is proposed to be partially diverted as part of the development of the site. All other live sewers and drains crossing the site are to be intercepted and diverted away from the site boundary by the current owner, the Graven Hill Village Development Company (GHVDC).
- 9.74. The agreed principles are in part based on Waterman's 'Sustainable Drainage Design Code' ref. CIV15119 ES 001 Rev A01, which was included in the previously consented outline planning application, granted in 2014 and have been revised to take account of the OCC's current requirements. The agreed principles are:
- Infiltration of surface water is not feasible. This has been verified by infiltration testing undertaken as part of the SI, which found the soil to be completely impermeable.
 - Surface water discharged from the proposed site should be drained to the same location as existing. Sites D1 and EL1 should continue to drain southwards towards outfall 'SW4' which drains to a tributary of the River Ray.
 - The discharge of surface water from the site should be limited to Q_{BAR} greenfield rate for all rainfall events up to the 1:100 + 40% climate change, unless this is shown to be unfeasible.

- In order to achieve these discharge rates during periods of heavy rainfall, on-site surface water attenuation will be required.
- Surface water attenuation should, wherever possible, be provided in the following SuDS features:
 - Swales and ditches
 - Filter drains and perforated pipes
 - Filter strips and rills
 - Open attenuation basins
- Where space is restricted such that, the measures noted above are not practical, below-ground storage may be used to attenuate surface water runoff.
- Given the nature of the proposed development, an urban creep allowance does not need to be considered when determining the required volume of attenuation storage.

9.75. The drainage strategy will limit the rate surface water discharge to Q_BAR for rainfall events up to the 1:100 year plus 40% climate change. This will significantly reduce surface water runoff from the site during extreme events, reducing the risk of flooding downstream. Open attenuation basins will provide the majority of surface water storage on the site, and a number of source control features such as rainwater harvesting, swales, permeable paving and porous build-ups will provide additional storage as well as water quality benefits. The open basins will be designed to provide amenity and biodiversity benefits, which will be considered in more detail post-planning.

Assessment and Conclusion

9.76. The proposals as set out in the submitted drainage strategy set out in the drainage chapter of the ES as amended for the site which is located entirely in flood Zone 1, have been supported by the LLFA and CDC's drainage officer, subject to appropriate conditions regarding the submission of detailed information at reserved matters stage. Officers therefore support the drainage solution proposed at this Outline stage, which is in compliance with adopted policy and the advice of the LLFA.

Climate Change and Sustainable Construction

Policy Context

9.77. The NPPF at paragraph 155 seeks to encourage the use of renewable and low carbon energy and heat sources and notes that in determining applications, LPA's should expect new development to:

- *Comply with relevant development plan policies on local requirements for decentralised energy supply unless demonstrably not feasible or viable; and*
- *Take account of landform layout building orientation, massing and landscaping to minimise energy consumption.*

9.78. Policies ESD1 of the adopted local plan 'Mitigating and Adapting to Climate Change'; ESD2 'Energy Hierarchy and Allowable Solutions'; ESD3 'Sustainable Construction'; ESD4 'Decentralised Energy Systems'; and ESD5 'Renewable Energy' all seek to mitigate the impact of development within the district on climate change. The incorporation of suitable adaptation measures in new

development, to ensure that development is more resilient to climate change impacts, will also be promoted.

Assessment

- 9.79. The Outline Planning Application is supported by an Energy and Sustainability Statement and paragraph 3.24 within the statement refers to '*Facilitating a Heat Network Connection*'. It states as follows:

'If deemed feasible at the detailed design stage, the communal network should allow for a single point of connection to an area wide network and, prior to this, be supplied from a single energy centre large enough for the entire site where all energy generating equipment is located. A single energy centre will facilitate the simplest connection (whether immediately, or at a later date) to an area wide district heating network as well as reduce maintenance & operating costs. Therefore, a sufficiently large energy centre that will allow for its connection to an area-wide heat network is required.'

- 9.80. The assessment also identifies that Solar Thermal; Solar Photovoltaic, and Ground Source Heat Pumps are likely to be the most appropriate measures for Renewable Energy Generation. Although the energy strategy would be confirmed at the Reserved Matters Stage, there is a commitment from the Applicant as set out in the submitted ES to ensure that the development achieves BREEAM '*Excellent*' rating and will also target '*Net Zero Carbon*' at the construction phase. On this basis, Officers consider that the proposed Energy and Sustainability Strategy is acceptable and will create a framework for further sustainable development at the Reserved Matters stage. Further details are provided within the Energy and Sustainability Statement that supports this application.

Conclusion

- 9.81. The application is in outline with all matters reserved and the details required to satisfy the policy requirements can be the subject of appropriate planning conditions, requiring such applications to comply with the submitted Energy and Sustainability Strategy. Officers are satisfied that the development is materially consistent with adopted development plan policy and national guidance.

Heritage

Policy Context

- 9.82. Policy ESD13 '*Local Landscape Protection and Enhancement*', within the Cherwell Local Plan 2011 is relevant and notes that opportunities will be sought to secure the enhancement of the character and appearance of the landscape. It goes on to state that '*development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*'.
9.83. Policy ESD15 '*The Character of the Built and Historic Environment*', is also relevant. It sets out a number of design aims and also seeks to conserve, sustain and enhance designated and non-designated '*heritage assets*', including buildings, features, archaeology, conservation areas and their settings.

Assessment

- 9.84. No designated heritage assets are located within the Site. Three non-designated heritage assets are recorded within the Site. These comprise of features associated with the former Central Ordnance Depot, which include demolished P.O.W. Camp 657, storage hanger D2 and its six adjacent air raid shelters, and railway tracks part of the Bicester Military Railway.

- 9.85. Within the environs of the application site, designated and non-designated heritage assets are recorded as follows:
- Designated heritage assets include three Scheduled Monuments and 13 Listed Buildings (one Grade II*, 12 Grade II). The closest Listed Buildings in proximity to the Site include the two Grade II Listed Buildings of Wretchwick Farmhouse and its associated barn, located c. 340m and c. 310m, respectively, northeast of the Site;
 - Non-designated heritage assets comprise of 34 monuments, element records and archaeological findspots.
- 9.86. Previous archaeological investigations within the Site include four events (archaeological building recording, two geophysical surveys and a watching brief). A total of 32 events are recorded within the study area, with 13 events recorded within the area encompassed by Graven Hill alone.

Conclusion

- 9.87. Officers have considered the submitted ES and have concluded that the heritage impact remains consistent with the findings by the Council in the impact assessment undertaken at the time of the previous ES conducted as part of the 11/01494/OUT consent for the whole of Graven Hill. The archaeological impacts of the scheme have been considered by the County Archaeologist and are considered in the context of the submitted ES, acceptable subject to appropriate planning conditions. The effects on Wretchwick Farmhouse the siting and its structure are considered in the ES to comprise a negligible setting impact and slight significance, respectively. Officers are content with this conclusion.

Environmental Statement

- 9.88. The application is accompanied by an Environmental Statement (ES). undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The ES covers the application site and contains information describing the project, aspects of the environment likely to significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.
- 9.89. As the 2014 Planning Permission for the entire site (Planning Application Reference: 11/01494/OUT) required an EIA, the Applicant has voluntarily undertaken an EIA for the Proposed Development therefore, no EIA screening request was prepared for the Proposed Development. No formal EIA Scoping was undertaken in regard to the Proposed Development; however, the structure of the EIA has been informally agreed with CDC Officers and forms the basis of the ES. Running concurrently with the design process, the EIA has sought to identify good practice measures to mitigate likely significant adverse environmental effects that might arise as a consequence of constructing and operating the Proposed Development. The assessment process has also sought to determine the residual environmental effects that will remain after mitigation has been incorporated.
- 9.90. The ES for each chapter considers the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified, but below is a summary of the areas covered. The full reports, technical notes and non-technical summary can be viewed via the Council's website. The submitted initial ES was amended by the applicant following the

result of consultation responses for the following areas as previously reported; SuDS, biodiversity and the red line comprising the identification of the application site. The consultation responses to the original ES and the changes including from any third parties are set out in this report at the time of writing, further responses if any will be reported at Planning Committee, as appropriate.

9.91. The subject areas covered by the ES are set out as submitted documents referenced above in section 3 as follows:

- Site description and proposed development
- Demolition, construction, and site management
- Need and alternatives
- Planning Policy
- Ecology and Nature Conservation
- Historic environment
- Landscape and visual impacts
- Hydrology and flood risk
- Hydrogeology, Geology and ground conditions
- Traffic and Transport
- Noise and vibration
- Climate change
- Air Quality
- Socio economics.

9.92. The overall conclusions of the ES are that during demolition and construction significant temporary adverse residual effects have been identified in relation to landscape and visual resources, and temporary adverse residual effects of a slight significance have been identified in relation to historic environment. During operation, significant landscape and visual effects to the landscape characteristics of the Site have been identified, however these will change from major adverse to minor beneficial over time. Additionally, effects with a slight significance in relation to historic environment have been identified during operation. There will be construction related impact interactions to human receptors surrounding the site during demolition and construction. This is as a result of residual temporary moderate adverse effects related to visual impacts to users of the MoD sports pitches adjacent to St David's Barracks and residual temporary negligible to minor adverse effects related to noise at St David's Barracks.

9.93. The level of combined effects to human receptors at St David's Barracks is considered to be temporary 'Minor to Moderate adverse'. There are no more than minor impact interactions to natural resources or human beings and society during operation.

Conclusion

9.94. All new development has some impact on the environment. The ES has not identified any significant, long term major adverse impacts and where impacts, for example from construction associated with the proposals have been identified, mitigation measures have been proposed via recommended planning conditions and s106 obligations supported by consultees responses. The ES is therefore

considered to contain 'adequate information' to enable the determination of the application.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF at paragraph 10 states 'At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

10.2. In the context of this application, the development site falls within an allocation of the Adopted Cherwell Local Plan – Policy Bicester 2 – which provides for 26 hectares of employment land for a mix of former B1, B2 and B8 uses within the allocated site as a whole. There is general compliance with Policy Bicester 2.

10.3. A view has to be taken as to whether or not there are any adverse impacts that would significantly and demonstrably outweigh the benefits of granting consent when assessed against the policies in the Framework taken as a whole.

10.4. Paragraph 8 of the Framework states that there are three overarching objectives which are interdependent and need to be pursued to achieve sustainable development.

An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

10.5. In terms of the economic role the development will deliver up to 104,008 sqm of B8 industrial units, including ancillary office use within the B8 units. The development is likely to generate up to approximately 2430 operational jobs, including high skilled, tech led employment and 450 new full-time jobs over the duration of the construction build programme. The construction of the development would result in expenditure of approximately £7m per year in local spending by employees and up to ~£153m per annum in GVA. Annual business rates of £909,000, a portion of which will be retained by the council for investment

in local services and facilities, would also be provided. It is considered that there would be significant economic benefits. The level of economic growth in this location is supported by the Development Plan and other Council adopted Strategies, as well as the NPPF.

- 10.6. In relation to the social role, as noted above, the development of this site will deliver a wide range of employment opportunities and subject to conditions relating to local labour strategies and training opportunities, a proportion of these are likely to be taken up by local people. As noted above, it is also proposed to improve cycle connectivity locally and to encourage access to public transport links to and from the site.
- 10.7. In relation to the environmental role, the proposal would lead to the loss of ecology and biodiversity on the site, however this will be mitigated against by both on-site and off-site enhancement works. Officers accept that the proposal will result in changes to landscape character, views and visual amenity. The largest and most significant impacts being on users of the MoD sports pitches located between Anniversary Avenue and Circular Road (part of the MoD internal road network) adjacent to St. David's Barracks.
- 10.8. However, officers consider that some of these impacts are an inevitable consequence of the site being allocated for this type of development and the topography of the Graven Hill site. Subsequent reserved matters applications will include detailed building elevations and a materials palette and the use of colour banding, to mitigate the visual impact.
- 10.9. Careful consideration will be paid to the building form and roof shapes in order to achieve the best possible design for this location and obtaining high quality landscaping scheme. It is considered the residual harm will be offset by the economic and social benefits of the development.
- 10.10. Developments of the nature proposed can operate 24 hours a day and 7 days a week and as such need to be illuminated. Whilst measures can be incorporated to minimise this, the health and safety of the workers needs to be factored into any planning decision on lighting schemes. As such it is considered that the lighting of the development cannot be completely mitigated against and that some levels of light pollution and therefore harm, are inevitable in the night landscape. However, it is considered that any harm is outweighed by the economic and social benefits of the development.
- 10.11. The development includes a Sustainable Drainage System, which incorporates a number of surface water cleaning techniques in order that discharges are as 'clean' as is reasonably practicable. Surface water runoff rates will be restricted to QBAR greenfield rate for all rainfall events up to the 1:100 + 40%, to ensure that there is no increase in flood risk within and outside the site boundaries as a result of the proposal and to provide a reduction in surface water discharge rates. The surface water strategy includes collection of surface water in permeable paving, swales and open basins, which the Environment Agency and Lead Local Flood Authority are satisfied with, subject to conditions.
- 10.12. In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval, subject to the caveats and conditions set out in the recommendation.

11. RECOMMENDATION

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

- i. **THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 5 DECEMBER 2022, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD, NO RESPONSES HAVE BEEN RECEIVED RAISING NEW MATERIAL ISSUES WHICH, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;**

AND SUBJECT TO

- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- iii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING HEADS OF TERMS SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS, ADDITIONS AND DELETIONS AS DEEMED NECESSARY):**

HEADS OF TERMS - Refer to Appendix 1 for the full specification

CONDITIONS

Time Limits and General Implementation Conditions

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase shall be submitted to and approved in writing by the Local Planning Authority before construction of that phase takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall not be carried out otherwise than in complete accordance with the approved plans:
 - 410-S-00 (Revision. P9) Site Location Plan 1:2500
 - 410-S-10 (Revision. P15) Existing Plan 1:2000
 - 410-S-12 (Revision. P6) Proposed Demolition Plan 1:2000

- 410-S-13 (Revision. P2) Existing Block Plan 1:2000
- 410-S-51 (Revision. P4) Proposed Layout Parameter Plan 1:2000
- 410-GA-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Ground Floor 1:500 (For Information Only)
- 410-GA-11 (Revision P3) Indicative Proposed Unit 3 Floor Plans 1:100 (For Information Only)
- 410-GA-12 (Revision P3) Indicative Proposed Unit 2 Floor Plans 1:100 (For Information Only)
- 410-GA-13 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Roof 1:500 (For Information Only)
- 410-GA-50 Proposed Bat Barn 1:50
- 410-GS-00 (Revision P4) Existing Site Sections 1:1250
- 410-GS-01 (Revision P3) Indicative Proposed Site Sections 1:1250 (For Information Only)
- 410-GS-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - South Elevations (For Information Only)
- 410-GS-11 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - North Elevations (For Information Only)
- 410-GS-12 (Revision P3) Indicative Proposed Unit 2 (Area2) - East & West Elevations 1:200 (For Information Only)
- JSL3697_Fig10.76 Indicative Landscape Strategy 1:2000 (For Information Only)
- 1923-050-010 (Rev D) EAR Gate1 & 2 Highway Improvements, Future Scenario 1:500
- 1923-050-011 EAR Gate 3 Highway Improvements, Future Scenario 1:500
- 1923-050-012 (Rev C) EAR Gate 4 Highway Improvements, Future Scenario 1:500
- 1923-050-015 (Rev C) EAR Gate1 & 2 Highway Improvements, Proposed Scenario 1:500
- 1923-050-016 (Rev B) EAR Gate 3 Highway Improvements, Proposed Scenario 1:500
- 1923-050-017 EAR (Rev B) Gate 4 Highway Improvements, Proposed Scenario 1:500

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

Development Parameters

4. The development shall come forward in accordance with the approved parameter plan ref: 410_S-51 Rev P4 received October 2022 and the floor space for the proposed B8 uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not exceed the following maximum:

Gross internal area for the whole site: 104,008 sq. metres

Reason: For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority, in accordance with the submitted Environmental Statement and to accord with Policy Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The maximum height of the buildings on site to the ridge shall not exceed 20 metres (as defined by the Proposed Layout Parameter Plan shown on drawing 410_S-51 Rev P4).

Reason: For the avoidance of doubt, to safeguard the visual amenities of the area and to accord with Policy ESD15 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

Phasing Plan

6. No part of the development shall take place until a phasing plan to cover the entire site to identify each phase, sub-phase and development parcel has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved Phasing Plan. Thereafter each reserved matters application shall refer to a phase, phases or part thereof identified in the approved phasing plan. Any subsequent amendment to the phasing of the development shall be submitted to the Local Planning Authority in the form of a revised phasing plan and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development throughout the duration of the construction phase and to comply with Policy PSD 1 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

Tree Protection

7. No development shall take place until a scheme for the phasing of the tree protection works in accordance with the following drawings and documents:
 - Arboricultural constraints plan sheets 1 to 8 dated May 2022;
 - Tree retention and removal plan sheets 1 to 8 dated May 2022; and
 - Arboricultural Impact Assessment dated June 2022;

has been submitted to and been agreed in writing by the Local Planning Authority. The tree protection measures shall thereafter be erected in accordance with the approved details and timings and shall be maintained until all equipment, machinery and surplus material has been removed from that phase or sub phase of the development.

Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10 and ESD13 of the Cherwell Local Plan 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.

Ecology

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

Reason: To protect species of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 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.

9. The development shall be implemented fully in accordance with the approved Ecological Assessment by RPS Group, dated June 2022 (Ref: ECO01318 v.4)

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

10. Where an offence under Regulation 41 of the "The Conservation of Habitats and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

11. All species used in the planting proposals associated with the development's ecological mitigation and biodiversity enhancement areas shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance), unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider, approved by the Local Planning Authority to deliver a Biodiversity Offsetting Scheme of no less than 10% biodiversity units (in accordance with the Defra Biodiversity metric 3.1 calculation tool) above the baseline (138 units), with management guaranteed for a minimum of 30 years, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site

Biodiversity Net Gain Provider and issued to the Council for their records. For the avoidance of doubt, the finalised unit number and cost shall be agreed following an updated habitat assessment.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate of the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy ESD10 of the Cherwell Local Plan and paragraphs 170, 174 and 175 of the National Planning Policy Framework.

Construction Traffic Management Plan (CTMP)

13. No development shall take place on any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) including any works of demolition until a Construction Traffic Management Plan for that phase, sub-phase or development parcel for the development has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a. The location and design of the construction site accesses, and details of remedial works included in the closure of the construction accesses;
 - b. The design and location of the site compound;
 - c. The parking of vehicles of site operatives and visitors;
 - d. The routing of HGVs to and from the site both before and after the completion of the Employment Access Route (EAR);
 - e. Full details of the off-site signage for the routing of Heavy Goods Vehicle construction traffic;
 - f. The proposed hours of HGV construction traffic to and from the site;
 - g. Loading and unloading of plant and materials;
 - h. Storage of plant and materials used in constructing the development;
 - i. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - j. Wheel washing facilities for each access point including type of operation (automated, water recycling etc) and road sweeping;
 - k. Measures to control the emission of dust and dirt during construction as based on assessment of the dust risk undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014(v1.1) & Guidance on Air Quality Monitoring in the vicinity of Construction & Demolition Sites 2018(v1.1);
 - l. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - m. A commitment to deliveries only arriving or leaving the site outside peak traffic periods.

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

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in

accordance with Policy ESD3 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Environmental Management Plan

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a. Risk assessment of potentially damaging construction activities;
 - b. Identification of 'Biodiversity Protection Zones';
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d. The location and timing of sensitive works to avoid harm to biodiversity features;
 - e. The times during construction when specialist ecologists need to be present on site to oversee works;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h. Use of protective fences, exclusion barriers and warning signs;
 - i. Reptile Method Statement;
 - j. Great Crested Newt Method Statement.

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 Policies ESD10 and ESD 15 of the Cherwell Local Plan 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.

Archaeology – Written Scheme of Investigation

15. No development shall take place in any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) until the applicant, or their agents or successors in title, has submitted to and had approved in writing by the local planning authority a programme of archaeological work in accordance with a Written Scheme of Investigation and a timetable for that work for that phase of the development. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable for that phase or sub phase of the development.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Archaeological Reporting

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including 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 recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16).

Framework Operational Management Plan

17. Prior to occupation of any part of development hereby permitted, a Framework Operational Management Plan (FOMP) will be submitted to and agreed in writing by the Local Planning Authority. The FOMP will detail the proposals for the management of the impact of the development on the surrounding highway network, including but not limited to the following:

- a. Details of staff shift changes at the development (or the relevant part thereof) which seek to minimise the effect during peak (0800-0900 & 1700-1800) operational periods of the surrounding highway network;
- b. A car park management plan for the development (or the relevant part thereof);
- c. A strategy for road signs at the development (or the relevant part thereof); This includes both scenarios both 'before' and 'after' completion of the South East Perimeter Road;
- d. A site delivery and service plan, detailing the routing and timing of delivery vehicles at the development (or the relevant part thereof).

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is also to minimise the effect during peak (0800-0900 & 1700-1800) operational periods.

Site Access – Full details

18. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the Employment Access Road, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

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

Site Roads, Parking and Turning Areas

19. Prior to the commencement of each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved, full specification details of the site roads, parking

and turning areas, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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

Cycle Parking

20. The development hereby approved shall not be occupied until cycle parking spaces to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing by the local planning authority.

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

Pedestrian/Cycle connection

21. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the Employment Access Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework.

Crime Prevention

22. All reserved matters applications for the construction of buildings (excluding temporary, service building e.g. substation or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with the guidance contained in 'Secured by Design - Commercial 2015'. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.

Reason: In the interest of crime prevention and to comply with Policy BSC9 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

Hours of operation

23. Any reserved matters applications for B8 uses (as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall include full details of proposed opening hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of nearby residents and to comply with Policy C28 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

Landscape Environmental Management Plan

24. No part of the development shall take place on a phase, sub-phase, or development parcel (as defined on by the phasing plan to be submitted and approved under condition 6). until a detailed Landscape and Ecological Management Plan (LEMP) for that phase, sub-phase, or development parcel has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development hereby permitted shall be constructed in accordance with LEMP approved for that phase.

Reason: To ensure that the mitigation measures detailed within the Environmental Statement are adequately addressed in order to protect and preserve wildlife and its habitats in accordance with Policies ESD 10 and ESD 13 of the Cherwell Local Plan and guidance contained within the NPPF.

Outline Strategic Landscaping

25. No development shall take place until full details of the proposed strategic landscaping as defined on drawing 'Indicative Landscape Strategy' ref: 10.76, received June 2022 have been submitted to and approved in writing to the Local Planning Authority. The details shall include:
- a. details of all earth bunding and earth retaining features;
 - b. 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);
 - c. 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.

The approved landscaping works within the Strategic Landscape Strategy shall thereafter be implemented in the first planting season following the practical completion of the first phase, sub-phase or development parcel of development, (as defined on by the phasing plan to be submitted and approved under condition 6).

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 ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Site wide lighting scheme

26. A scheme detailing all external lighting/security lighting/flood lighting, including the design, position, orientation and any screening of the lighting in accordance with the BWB Lighting Impact Assessment Ref BSB-BWB-ZZ-XX-RP-E-0001_LIA received June 2022 shall be submitted with each reserved matters for the erection of a building and or the construction of a parking area.

Reason: In order to safeguard the visual amenities of the area and the residential amenity of nearby properties in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.

Colour banding/design

27. All reserved matters applications for any building (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) shall include full details of the colours of materials used for the elevations and roofs and shall adopt a horizontal colour banded approach as set out in section 5.11 of the Design and Access Statement received June 2022.

Reason: To ensure that the materials and the appearance of the buildings are appropriate to the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Mezzanine Floors

28. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included with any of the units that form part of the reserved matters submission.

Reason: To ensure the development complies with the development parameters and the submitted Transport Assessment and to accord with policy SLE 1 and Bicester 2 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

Scheme for Control of Noise Emissions and Vibration from Plant/ Equipment

29. Each Reserved Matters application shall be accompanied by a Noise and Vibration Impact Assessment and mitigation scheme to control emissions of noise and/or vibration from within buildings and noise and/or vibration from any activity in external areas. The noise assessment shall be undertaken in accordance with procedures detailed in BS4142:2014: +A1:2019 Methods for rating and assessing industrial and commercial sound for any noise sensitive premises, and shall not exceed the levels set out in Table 14.16 (paragraph 14.9.3) and the information provided in paragraphs 14.9.4 to 14.9.8 (inclusive) contained within Appendix 14 of the Environmental Statement by Stantec dated June 2022. The vibration assessment will be undertaken in accordance with procedures detailed in BS 6472- 1992 Guide to the Evaluation of human exposure to vibration in buildings and BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration. The units shall be built and operated in full accordance with the approved Noise and Vibration Impact Assessment and any noise control measures and vibration control measures shall be implemented in full prior to the first occupation of the building and retained in full working order thereafter.

Reason: To protect nearby properties from unacceptable noise pollution and vibration and to comply with policy PSD1 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

Foul Water Provision

30. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development; or
 - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure

phasing plan; or

- c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Government guidance contained within the National Planning Policy Framework.

Odour Modelling Assessment

- 31. No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority (LPA) in consultation with Thames Water (TW). The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the LPA in consultation with TW and have been implemented and are operational. The applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the LPA. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with TW.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, in accordance with Policy BSC8 and Government guidance contained at paragraph 123 within the National Planning Policy Framework.

Water Network Provision

- 32. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance Government guidance contained within the National Planning Policy Framework.

Strategic Surface Water Management Scheme

- 33. Prior to the commencement of development, a detailed surface water drainage scheme for the entire site, shall be 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 include:
 - a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - b) Full drainage calculations for all events up to and including the 1 in 100

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

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

Surface Water Management Scheme

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase, sub-phase or development parcel of the development (as defined on by the phasing plan to be submitted and approved under condition 6), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme approved under condition 33) and include all supporting information as listed in condition 33. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

SuDS as Built and Maintenance Details

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

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

Waste Management Strategy

36. Prior to the first occupation of any building on the site (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) details of the waste management strategy (i.e. storage of bins and collection) for that building shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved at all times thereafter.

Reason: In the interests of sustainability and to ensure a satisfactory form of development and to accord with Policy ESD1 and with Government advice in the National Planning Policy Framework.

Restriction of Use

37. Any premises first used for purposes within Class B8 shall thereafter only be used for purposes within Class B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policies SLE1 and Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Hours of Construction Work

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

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy PSD 1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Sustainability

39. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to comply with Policies ESD1, 2, 3, 4 and 5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

40. A scheme detailing the methods for generation of energy from decentralised and renewable or low carbons sources in accordance with BWB Energy and Sustainability Statement ref: BSB-BWB-00-XX-RP-ME-0001 received June 2022 shall be submitted with each reserved matters application for the erection of a building (other than the erection of services buildings) and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development, in accordance with Policies ESD 1 and ESD 2 and as set out in the National Planning Policy Framework.

41. No building shall be first occupied until a scheme for the provision of electric vehicle charging points and associated ducting (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and been approved in writing by the Local Planning Authority. The ducting should be in place to allow for the easy expansion of the electric vehicle charging system. The car charging equipment shall thereafter be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.

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

Land Contamination – Intrusive Investigation Scheme

42. In accordance with the recommendations set out in section 5.3 of the Ground Conditions Summary Report by RPS Group dated 16 May 2022, no part of the development within a phase, sub-phase, or development parcel hereby permitted shall take place until a scheme of intrusive investigation for that phase, sub-phase, or development parcel 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 shall be 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 Policy ESD 10 of the Cherwell Local Plan.

Contaminated Land Remediation Scheme

43. If contamination is found in any phase, sub-phase, or development parcel by undertaking the work carried out under condition 42, prior to the commencement of the development within that phase, sub-phase, or development parcel 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 shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place within that phase, sub-phase, or development parcel 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 Policy ESD 10 of the Cherwell Local Plan.

Unsuspected Contamination

44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in

accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

External Storage

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (beyond the areas shown as open storage on plans approved through reserved matters applications).

Reason: In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with Government guidance contained within the National Planning Policy Framework.

Refrigerated Trailers

46. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policies PSD 1 and ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Skills and Training

47. Prior to the commencement of development, a Training and Employment Plan (TEP) for the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed TEP.

Reason: To support and encourage sustainable economic growth, to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and strengthen the skills base of the local economy, in accordance with paragraph B14 and Strategic Objective 3 of the Cherwell Local Plan and Government guidance contained in paragraphs 80 and 81 of the National Planning Policy Framework.

INFORMATIVES

1. In relation to condition 12, several off-site biodiversity net gain or “offset” providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire’s Environment (TOE) - <https://www.trustforoxfordshire.org.uk/biodiversityoffsetting>. The number of Biodiversity Units required to provide the required level of biodiversity net gain for this permission are 76.37 units (using the Defra Biodiversity metric 3.1 calculation tool).

2. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
4. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
5. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
6. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of monitoring fees for a Framework Travel Plan	£2,563 RPI Index linked Dec 2021	Prior to implementation	<p>Necessary – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work. The Travel Plan is required in order to minimise the number of staff car journeys to the site and to achieve more sustainable travel behaviour in accordance with the requirements of Local Plan Policy ESD 3 of the Cherwell Local Plan.</p> <p>Directly related – Multiple occupiers across the development triggers the requirement for a site wide ‘Framework Travel Plan’</p> <p>Fairly and reasonably related in scale and kind – In order to ensure the Travel Plan is effective, the LHA is required to monitor compliance with it. The LHA monitoring fee payment would address expenditure for the LHA arising from a specific development.</p>
Provision of monitoring fees for detailed Travel Plans for each unit	£2,563 (RPI index linked Dec 2021) for each unit	Prior to implementation	<p>Necessary – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work. The</p>

			<p>Travel Plan is required in order to minimise the number of staff car journeys to the site and to achieve more sustainable travel behaviour in accordance with the requirements of Local Plan Policy ESD 3 of the Cherwell Local Plan.</p> <p>Directly related – Multiple occupiers across the development triggers the requirement for a site wide ‘Framework Travel Plan’</p> <p>Fairly and reasonably related in scale and kind – In order to ensure the Travel Plan is effective, the LHA is required to monitor compliance with it. The LHA monitoring fee payment would address expenditure for the LHA arising from a specific development.</p>
<p>Highway works to upgrade the cycle track along the A41 between Rodney House and Pioneer roundabouts.</p>	<p>£374,174 Highway Works Contribution indexed from Feb 2022 using Baxter Index</p>	<p>Prior to implementation</p>	<p>Necessary – The path along the south-west side of the A41 between the roundabouts is designated as a shared use cycletrack but needs to be widened to 3m and improved.</p> <p>Directly related – the development would give rise to the generation of material levels of commuters to the site.</p> <p>Fairly and reasonably related in scale and kind – Pioneer to Rodney House roundabouts, 530m between facilities</p>

			Contribution = $(530 / 370) \times \pounds 237,102 = \pounds 339,633$ April 2020 Updated to the latest firm index date, = $\pounds 374,174$ Feb 2022
Public transport services to provide a bus service between the site and Bicester Town Centre	£272,250 Public Transport Service Contribution indexed from December 2021 using RPI-x	The first instalment, prior to first occupation of the first unit and the second and third instalments upon the first and second anniversaries respectively, of the date upon which the first instalment was due.	<p>Necessary – The site is not accessible by using existing bus routes so a new service is required to provide a realistic alternative to the private motor vehicle.</p> <p>Directly related – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work.</p> <p>Fairly and reasonably related in scale and kind – The service must coincide with the anticipated three shift changes per day, seven days a week. Total number of trips, based on three per day, 363 days per year for five years = $3 \times 363 \times 5 = 5445$ Each round trip assumed to be one hour, at £50 per hour Total cost = $\pounds 5445 \times 50 = \pounds 272,250$</p>
Provision of bus shelters, screens, flags, poles and timetable cases.	£42,034 Public Transport Infrastructure Contribution indexed from October 2021 using Baxter Index	Prior to first occupation	<p>Necessary – The stops are required to provide adequate coverage across the width of the site, in association with the new bus service.</p> <p>Directly related – The stops are required to provide adequate coverage across the width of the site, in association with the new bus service.</p> <p>Fairly and reasonably related in scale and kind – Costs from the Schedule of Rates are as follows: Pole and flag units = $\pounds 1,221 \times 2 = \pounds 2,442$ 3 bay</p>

			shelter with integral RTI display, plus pole and flag = £19,796 x 2 = £39,592 Total = £2,442 + £39,592 - £42,034
An obligation to enter into a S278 agreement if the Employment Access Road (EAR) has been adopted to secure mitigation/improvement works including 4 no. bellmouth site access junctions, as shown indicatively on Alan Baxter drawing nos. 1923/050/015 Rev. C, /016 Rev. B and /017 Rev. B.	N/A	If the Section 38 has been completed and is OCC Adoptable Highway: The on-plot developers will require a S278 to complete a formal set back bellmouth (in accordance with LTN 1/20) to allow access to their site with an adoptable layout. In this event the on-plot developer will require a Temporary Construction Access (under a Section 184). If the Section 38 has not been completed and	<p>Necessary – It is not certain whether the EAR will have been adopted by the time that the D1 Site redevelopment comes forward. Therefore, there are two possible scenarios need to be considered.</p> <p>Directly related – There will be four individual access points into the site from the previously approved Employment Access Road (EAR). The easterly Accesses, 1 and 2, directly serve three of the warehouse units, while Accesses 3 and 4 connect to an internal road system that feeds the remaining six units.</p> <p>Fairly and reasonably related in scale and kind Layout of the bellmouth junctions has been considered during design of the EAR but they are not being constructed at the same time as the road. It is intended that the EAR will be incorporated into the Bicester South East Perimeter Road (SEPR) in the future, at which time the higher traffic flows will require right turn filter lanes. Space will be available within the adopted highway boundary to shift the kerbline without disturbing the footway and cycleway.</p>

		not part of the OCC adoptable highway: The developer can construct a formal access as part of an S38 agreement which adjoins the EAR.	
OCC S106 Monitoring fees	TBC		

22/01773/F

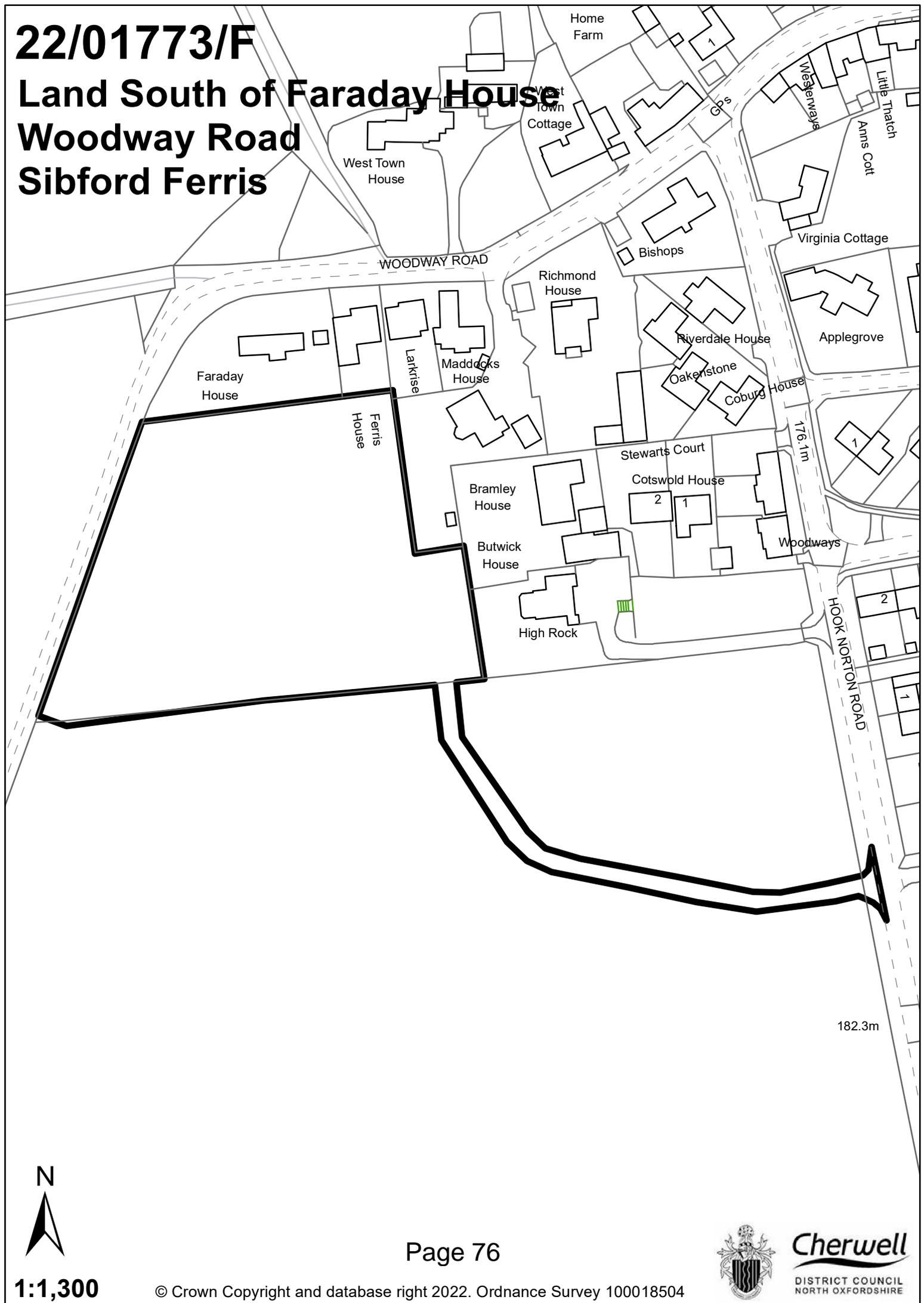
**Land South of Faraday House
Woodway Road
Sibford Ferris**



1:1,400

22/01773/F

Land South of Faraday House Woodway Road Sibford Ferris

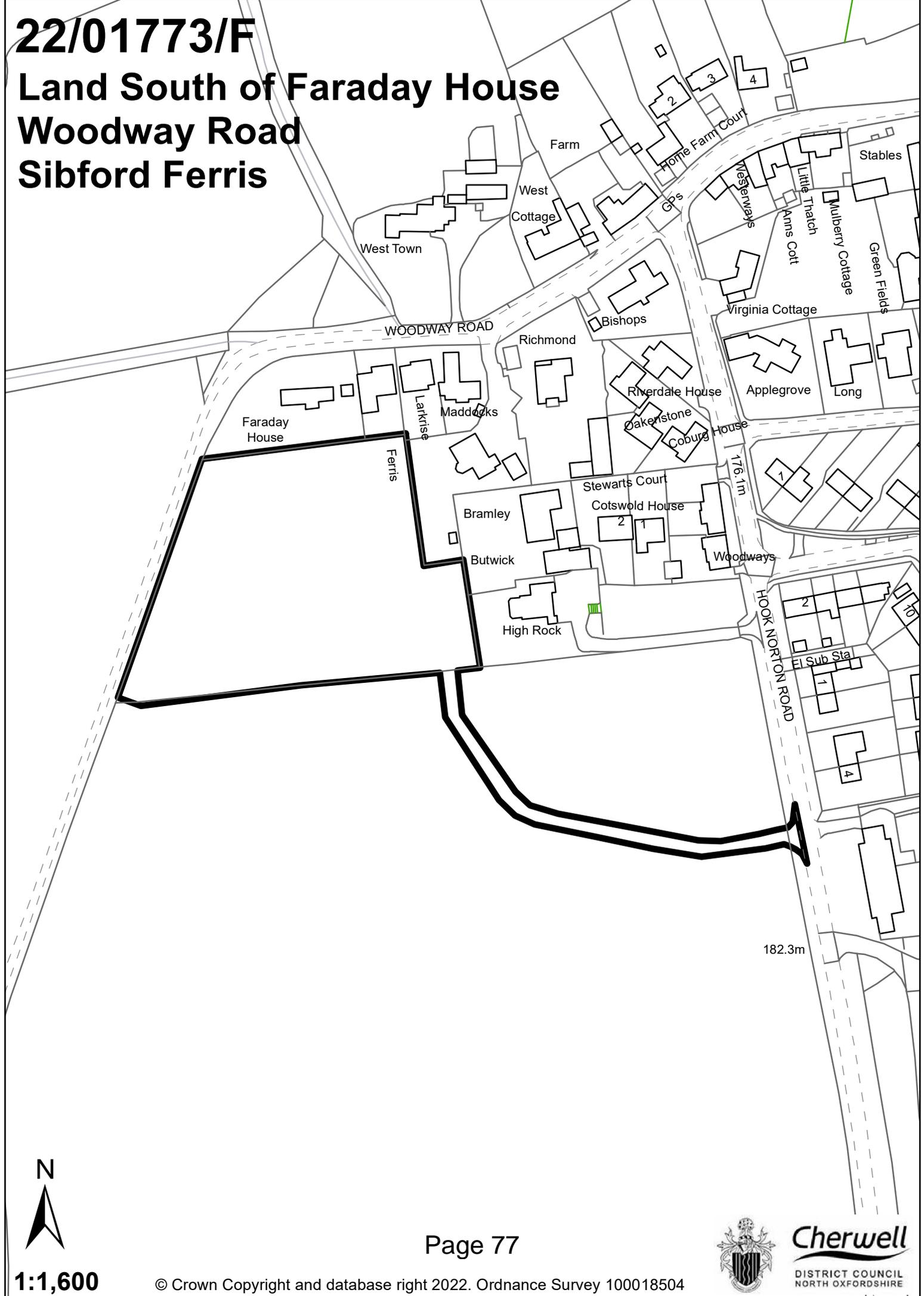


1:1,300



22/01773/F

Land South of Faraday House Woodway Road Sibford Ferris



1:1,600



Case Officer: Wayne Campbell

Applicant: Blue Cedar Homes Limited

Proposal: Erection of 6no one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure - re-submission of 21/04271/F

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

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

- Nothing substantive has changed since last brought to Committee
- Public interest

Expiry Date: 9 December 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: REFUSE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Sibford Ferris village and covers an area of 0.94ha. The northern and eastern boundaries to the site are marked by existing residential properties while the southern edge of the site is marked by a hedgerow boundary beyond which is a further field which has outline planning permission for up to 25 dwellings approved at appeal under application 18/01844/OUT (and subject of a current Reserved Matters application). To the west the site is marked by Woodway Road and open fields.
- 1.2. The existing houses adjoining the site to the north and east are two-storeys in height while the boundaries between these dwellings are a mix of hedgerows and fences. Other than the hedgerow boundaries the site is an area of open agricultural land, which currently has the appearance of a paddock, but from google maps the site has clearly been used for agricultural use with evidence of ploughing in the past.

2. CONSTRAINTS

- 2.1. The application site is located outside the built form of Sibford Ferris village but abuts the edge of the village. The site has the appearance of an area of open countryside.
- 2.2. The Sibford Ferris Conservation Area boundary lies some 70 metres to the north of the site with existing residential properties on intervening land. The nearest listed buildings within the Conservation Area lie some 175 metres to the north-east of the site located on the main street through the village.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the development of the site for six detached bungalows. Access would be provided off a spur road to link into the approved residential development to the south of the site, and delivery of the

proposed development is dependent upon the provision of the access road to the development to the south. Work on this site is unlikely to commence until this road serving the estate to the south is implemented.

- 3.2. The applicant has confirmed that the bungalows would be age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. The bungalows would be controlled by an age restriction of 55 years and above for the occupiers.
- 3.3. The application is a re-submission of a previous application considered by members at the Planning Committee on 7 April 2022 where an officer recommendation to approve permission was overturned and permission refused for the following reasons:
 1. *By reason of its siting outside of the built limits of the settlement, and having regard to the number of dwellings delivered in the rural areas (770 dwellings completed at 31st March 2021), the proposal represents development in an unsustainable location, remote from key amenities, especially for elderly residents. Notwithstanding the Council's present lack of a five year housing land supply the proposal conflicts with Policy BSC1 of the Cherwell Local Plan 2011-2031 and saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. This identified harm significantly and demonstrably outweighs the proposal's benefits of providing additional housing.*
 2. *By reason of its scale, layout and design, the proposal would be out of keeping with the form and pattern of development in the local area, resulting in significant and demonstrable harm to the character and appearance of the area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework.*
- 3.4 Following this refusal, the applicant lodged an appeal and an application for costs against the Council. The appeal will be dealt with via an exchange of formal statements between the two parties (submitted to the Planning Inspectorate by 7 October). To date no decision has been made on the appeal nor on the issue of the costs application against the Council.
- 3.5 The applicant has stated that the purpose of this re-submission is to allow the Council to reconsider its decision and grant planning permission. In such circumstances, the applicant would withdraw the appeal and its application for award for costs.

4. RELEVANT PLANNING HISTORY

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

21/04271/F

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

Refused contrary to officer recommendation.

Appeal lodged no decision provided.

(on the adjacent site to the south) 18/01894/OUT

Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage.

Refused and approved on Appeal.

(on the adjacent site to the south) 21/02893/REM

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

Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal but the response to the pre-application was provided prior to the determination of the previous application by the Planning committee:
- 5.2. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11(d) of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.3. The AMR 2021 highlights that the delivery of developments under 'windfall' developments over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 754 dwellings at 771. In my opinion, the fact that the figure has been exceeded is not a reason to refuse the application, but the impact of the development has to be taken into account. Plans and decisions should apply a presumption in favour of sustainable development.
- 5.4. Overall, it is considered that, in the absence of the necessary supply of housing land at this time, the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land, on its own, would not outweigh the proposal's benefits. In light of current guiding national and local policy and based upon the Council's position in terms of housing land supply, it is considered that in this instance the proposal is considered acceptable.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **15 July 2022**.
- 6.2. 79 representations have been received: 79 objecting, none supporting and no comments. The comments raised by third parties are summarised as follows:
 - Need – No need for additional housing in the area housing targets already exceeded; unnecessary; too much mass development in the area focused on maximising building companies profit rather than providing good, sustainable, attractive and appropriate housing for locals.
 - Sustainability of location - Inappropriate and unsustainable development extending beyond the built-up limits of the village into the attractive open countryside
 - Sibford Ferris, Sibford Gower and Burdrop erroneously categorised as Category A village and should be reviewed as soon as possible. These villages have poor transport access on narrow minor roads with long distances to key facilities and little public transport

- Location of shop, bus service and the GP surgery, makes the development site unsustainable and will ensure the residents are entirely dependent on their motor vehicles
- CRAITLUS reports from 2009 states "Of 33 Villages only 4 show little capability to sustainably support additional housing. Sibford Ferris/Sibford perform poorly due to their location on minor roads
- Proposed site entrance 900m from village Londis shop, which if accessed by foot, is via incomplete pedestrian footpaths. Where the footpaths do not exist, pedestrians walk on the narrow road competing with motor vehicles. Distance is excessive for elderly pedestrians carrying their shopping.
- Development unsustainable for older persons, Government advice on the location of housing for older people states factors to consider include proximity to good public transport, local amenities, health services and town centres. None of these apply in this instance.
- Impact on the village and on the character and appearance of the area - Along with adjoining site development will increase village by 22%; would further erode charm and character of village and create a considerable strain on the village infrastructure
- Layout, form, design and location unsuitable and would produce an incongruous and cramped form of development, which fails to respond to local character, landscape and surrounding context harming the visual and rural amenities of the area
- Design, incorporating large bungalows with variety of roof pitches, timber boarding and other uncharacteristic features is contrived and takes no design cues from the established and historic character of its surroundings contrary to NPPF
- Small scale nature of Sibford Ferris helps mitigate the effect of built development on 'dark skies' but further residential building will have a negative effect.
- Adverse impact on area of Cotswold AONB and the Conservation Area
- Contrary to Policy C28 of the Cherwell Local Plan 1996, Policy Villages 2 and Policies ESD13 and ESD15 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance contained within the National Planning Policy Framework and the National Design Guide
- Loss of prime agricultural land at a time when the Government is urging the country to become more self sufficient in food
- Highway safety / traffic problems
- Previously refused scheme with no alterations to address reasons to refuse the application
- Impact on ecology - Wildlife, flora and fauna are increasingly being depleted by such vast developments.
- Site should be used as a community orchard / wildflower meadow
- Approval would set a precedent for other housebuilders to come forward with other sites
- Increase in flooding due to increase in hard surfaces, inadequate water supply, foul and surface water drainage
- Clearly a phase 2 extension of the development to the south, with phase 3 development site put forward as part of the Local Plan review

- Contrary to the 2012 Community Plan

6.3. Sibford Action Group:

- Conflict with the development plan, Cherwell Annual Monitoring Report 2021 confirms that since 2014 a total of 1,062 dwellings have been identified by the Council for meeting the Policy Villages 2 requirement of 750 dwellings. 749 reported to have been built or are under construction, 319 dwellings have permission but not yet started. Therefore, Policy Villages 2 requirement has been met.
- Unsustainable, Parish Council seeking to amend the A classification of the village which is not a true or accurate reflection of the history, community, geography, topography and location of its sparse facilities
- Harm to the landscape, site lies outside built-up limits of the village in an attractive landscape that can be viewed from the Cotswolds Area of Outstanding Natural Beauty. Proposal would lead to a quite densely packed, built development on greenfield, agricultural land beyond the physical extents of Faraday House and the building line of the Hook Norton Road development to the south intruding into the attractive countryside surrounding the village resulting in harm to rural character and appearance of this attractive landscape to the west of the village
- Generating extra traffic on unsuitable roads, occupants of the proposed dwellings, being older, less mobile and less likely to walk or cycle, will be highly reliant on the use of private cars resulting in extra traffic on unsuitable, narrow roads through the village, which lack pavements in many cases and where, in places, it is difficult for two vehicles to safely pass each other
- Poor layout and design, contrary to the NPPF and National Design Guide, design, incorporating large bungalows with a variety of low and other roof pitches, timber boarding and other uncharacteristic features is contrived and takes no design cues from the established and historic character of its surroundings, with the Sibford Ferris Conservation Area just a few metres away to the north of Faraday House. The bungalows sited close together, have very small private amenity spaces appear cramped and out of character with immediate surroundings and the quality of development in the village which is designated as a Conservation Area.
- Accepts Cherwell Council does not have 5-year housing land supply, and this introduces 'tilted balance' under paragraph 11d of NPPF. However, adverse impact outweighs minor benefits of development.

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

7. RESPONSE TO CONSULTATION

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

PARISH COUNCIL

7.2. SIBFORD FERRIS PARISH COUNCIL: **Objects.** The issues raised as part of the previous application reference 21/04271/F are still valid. The reasons to object to the application are as follows:

Although Category A village in the appeal for the Hook Norton Road development the Inspector noted that given the spread of services across each settlement, it is unlikely

that the Development of any site around the Sibfords would readily enable access by sustainable Transport modes. Category A identification may be appropriate in planning terms but fails to reflect the actual nature of the community, geography, topography and location. Sibford Ferris only has a small shop, with the limited other public amenities available in Sibford Gower/Burdrop. The bus service has been reduced to half in recent years over-development; outside the village confines; adding to traffic problems in the area. Development contrary to the Sibford Community Plan 2012. Hook Norton development represent a 17% increase in households, additional 6 units increase this to 21%.

Concerned about sewage. No proven capacity adding further risk. Question why the Severn Trent Water holding objection has been withdrawn in that final details of drainage has not been designed / agreed.

Limited access to appointments and parking at the local surgery; Lack of public transport; Lack of pavements; Lack of Broadband; Poor Water Pressure; and Blocked drains are already a problem in the village.

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

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

Little evidence development would benefit Sibfords residents, likely to attract more older people to a location which already has a higher proportion of older people than national average. The 55 years age restriction would appear to afford open market housing for potential residents. Design unsympathetic to the established historic character of the village, much of which is designated as a Conservation Area. Location of development for older people is unsuitable and would produce an incongruous and cramped form of development, fails to respond to local character. Adverse impact on the local landscape, extending the village built-up footprint to Woodway Road, eroding the existing unspoilt, rural character.

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

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions
- 7.4. OCC ARCHAEOLOGY: **No objection**
- 7.5. SEVERN TRENT WATER: **No objection** subject to conditions
- 7.6. ENVIRONMENT AGENCY: **No comments** to make on the proposal

- 7.7. CDC CONSERVATION OFFICER: **No objections**
- 7.8. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions
- 7.9. CDC ECOLOGY: No response received
- 7.10. CDC PLANNING POLICY: No comments received
- 7.11. CDC LANDSCAPE: No comments received
- 7.12. CDC STRATEGIC HOUSING: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council 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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth Across the Rural Areas

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Community Plan
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Drainage
- Ecology impact
- Sustainable construction

Principle of Development

National Planning Policy Framework (NPPF)

9.2. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework*

that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.4. Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.5. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.6. Paragraph 73 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

Development Plan

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.8. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise. Paragraph B88 of the CLP 2015 also highlights that by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.*
- 9.9. Policy BSC1 of the CLP 2015 sets out the district wide housing distribution for the plan period 2011 to 2031 to enable the District to meet its housing needs in that time.

The housing strategy of the Local Plan is to focus development at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, in particular RAF Heyford.

- 9.10. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities*. The policy continues by stating that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities*. Although it is accepted that the applicant is not providing sheltered housing, the accommodation is aimed at those who are aged 55 and above. The advice in the National Planning Practice Guidance ('NPPG') states that the definition of age-restricted general market housing is, *housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services*.
- 9.11. Saved Policy H18 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
- (i) it is essential for agriculture or other existing undertakings, or*
 - (ii) the proposal meets the criteria set out in policy H6; and*
 - (iii) the proposal would not conflict with other policies in this plan.*

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

- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.13. Cherwell's position on housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.5 years supply for the current five year period 2022-2027 a shortfall equal to 2,255 houses for the period 2022-2027.
- 9.14. In terms of Category A villages, the AMR shows that 749 dwellings are either completed or under construction on sites with planning permission for 10+ dwellings at Category A villages. During 2020/21 there were 88 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 246 dwellings that are under construction from the supply of permitted sites and are likely to be delivered in the short term. Between 1 April 2014 and 31 March 2021 there were a total of 503 net housing completions on the Policy Villages 2 sites, which is an average of 71 homes per year. The AMR also states: *Since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are included in the Housing Delivery Monitor in Appendix 2. Policy Villages 2 requirement has already been exceeded by 312 dwellings when considering the planning permissions and identified sites without planning permission in the above (749+287+26)*. Although the current

application is only for a small development of 6 bungalows, the proposal would make a contribution towards the provision of dwellings within the District.

- 9.15. For development of less than 10 units, Policy BSC1 sets a “windfall” of 754 houses in the rest of the district outside Bicester and Banbury. The 2021 AMR shows that at between 2011 - 2020 the level of Windfall Allowance (for <10 dwellings) stands at 760 completions with a further 217 for Planning Permissions at 31/3/21 and completions of 770. It is therefore clear that the provision of ‘windfall’ sites in the rural areas is healthy. However, as agreed by Inspectors in appeals the 754 figure should not be seen as a ceiling figure. In considering any application in this type of location the decision maker needs to assess the harm of the development and whether the harm is outweighed by the benefits of the proposal.
- 9.16. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *if the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability.* In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was reviewed in the HELAA under site reference HELAA267 which confirmed that this site had few physical constraints and limited potential impacts and was considered suitable for a residential development of up to 20 dwellings.
- 9.17. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District’s rural areas. These villages have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Sibford Ferris is a Category A village.

Assessment

- 9.18. This application, a re-submission of 21/04271/F, seeks planning permission for the development of 6 age restricted bungalows. The site is undeveloped, agricultural land that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south. The site is bounded on the fourth side by Woodway Road then open countryside. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan.
- 9.19. The application was originally reported to the Planning committee on 7 April 2022 with an officer recommendation to approve the application subject to conditions. Following consideration of the case and having taken into account comments raised the planning committee voted against the officer’s recommendation and concluded that the proposal was not acceptable. The Planning Committee refused the application for the reason’s outlined in paragraph 3.3 above.
- 9.20. Notwithstanding the fact that this current application is the same scheme as previously considered by the Planning committee and recommended as acceptable by officers the Planning Committee’s decision to refuse the application is a material consideration. The applicant has advised that the reason for the re-submission is to allow members of the committee an opportunity to re-consider the application.
- 9.21. While Sibford Ferris is designated as a Category A village under Policy Villages 1 of the CLP 2015, the village contains a very limited range of services such that most

residents would need to travel outside the village to obtain for the majority of amenities and services. It is also important to note that Sibford Ferris is only allocated as a Category A village on the basis that it is linked with nearby villages Sibford Gower and Burdrop as a 'cluster'. Sibford Ferris village on its own is somewhat small and remote with very limited services and amenities. The village is currently being extended by the development to the south of the application site with a new estate of 25 dwellings. This adjoining development would represent an increase in the village size by 15% while the current proposal the subject of this appeal would result in an overall increase in village size by 18%. This increase in the size of the village is not a matter addressed as part of the village categorisation nor a material consideration in the consideration of new development at Category A villages. However, as outlined in the paragraphs above the site is located outside of the built area of the village and in an area of open countryside.

- 9.22. Given the location of the application site outside the built form of Sibford Ferris, the proposed development would not find support from Policy Villages 1, neither does the proposal comply with Policy Villages 2 in that the development seeking permission for 6 dwellings is less than the 10 dwellings outlined in the policy. Saved Policy H18 of the Cherwell Local Plan 1996 ("CLP 1996") covers the issue of new dwellings in the open countryside. This Policy highlights amongst other things that, *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when (i) it is essential for agriculture or other existing undertakings, or (ii) the proposal meets the criteria set out in policy H6; and (iii) the proposal would not conflict with other policies in this plan.*
- 9.23. In considering the requirements of Policy H18 the proposal is clearly not development essential for agriculture while former saved Policy H6 was replaced by Policy Villages 3 in the CLP 2015. Policy Villages 3 covers the issue of rural exception sites for small scale affordable housing schemes, which for this appeal is not relevant. For these reasons the proposal development clearly conflicts with Saved Policy H18.
- 9.24. The fact that the development conflicts with this Policy is not in itself a reason to refuse the application, although it is accepted that this weighs against the development proposal. As outlined above given that the Council's housing land supply position paragraph 11d of the NPPF is a material consideration and under this paragraph policies in the development plan relating to housing provision are to be considered out of date. This includes Policy BSC1, Policy Villages 1 of the CLP 2015, and saved Policy H18 of CLP 1996, and the weight to be afforded these policies is therefore reduced. The decision maker therefore needs to apply the presumption in favour of sustainable development.
- 9.25. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.26. For this reason, the consideration of this proposal is not simply an assessment of supplying residential development against Policy figures. The decision maker is required to assess the impact of this development on the area and weigh up whether the benefits outweigh the harms.

9.27. As highlighted in the paragraphs above, although Sibford Ferris together with Sibford Gower and Burdrop as a 'cluster' are a Category A village, Sibford Ferris village on its own is somewhat small and remote with very limited services and amenities. Furthermore, the location of the development on the far western edge of the village is one of the furthest points to the local amenities. Although only 6 bungalows the development would further expand the village placing greater pressure on the limited amenities and infrastructure where greater reliance would be placed on the private car to carry out day-to-day functions. The development for the client group would therefore not represent the most sustainable location and therefore the benefits of the restrictive living accommodation could be questioned and a case against the proposal could be found.

Design, and impact on the character of the area

9.28. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.

9.29. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

9.30. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

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

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

9.32. This application seeks planning permission for the development of an agricultural field for 6no, age restricted bungalows. The site is undeveloped land outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south construction works for which have recently commenced. All three boundaries are marked by a mix of landscape features and the proposal would seek to retain and hence the landscape along these boundaries.

9.33. The site is currently an area of agricultural land with no built form and as such the proposal to build 6 bungalows would result in a significant change in the character of this part of the village. That said the proposed development is for single storey dwellings, and the existing landscaping along the edge of the site which forms the edge boundary to the village would be retained and would form an effective screen to the development helping to soften the appearance of the development and its impact

from outside the site. The existing landscaping would be a more effective screen for the current proposal than if the proposal had been for two-storey dwellings, which would be visible from footpaths to the north and west.

- 9.34. Turning to the design of the bungalows themselves, the dwellings would be purely single storey with no accommodation provided within the roof space. Although the majority of dwellings within the village are of a two-storey design there are numerous examples of bungalows within the village and therefore the development of bungalows on the site would not be out of character for the village. Indeed, it would be an appropriate design solution for this visually sensitive edge of village location, whereas for reasons set out above two-storey dwellings may not be acceptable in visual terms.
- 9.35. In terms of layout the proposal is for a single access road feeding off the access road to serve the new residential development to the south of the site. Once within the site the access road would split into two private driveways one serving the north of the site and a second separate driveway to the south. The 6 bungalows would all front onto one of the private driveways in an arc form with the rear elevations all facing towards a central communal rear garden space.
- 9.36. Although the main area to the rear of the bungalows would be the communal landscape garden each bungalow would also maintain a small private rear garden area with privacy fencing between the plots.
- 9.37. Concern was expressed by objectors and members of the Planning Committee regarding the design, appearance and layout of the proposed development. As such the issue of design and appearance formed the second reason to refuse the previous application. Any new development would have a significant impact on this part of the village but whether harm would be caused is a matter of judgement. In considering the previous application officers considered that the design and appearance was acceptable; however, a different approach could also be considered and a case against the development formed.
- 9.38. Chapter 6 of the Cherwell Residential Design Guide highlights the issue over building and plot arrangements for new residential development. Under this section *to avoid the appearance of 'cramming', detached properties should only be sited on larger plots which have sufficient generosity to balance internal and external space requirements effectively and accommodate car parking without garages and driveways dominating the street frontage.* As a direct result of the design of the development the footprint for each bungalow is of a larger size than that of the surrounding existing dwellings. For this reason, the layout of the development appears tight with limited space between the buildings and as such the development appears cramped within the Site. The fact that all bungalows face into the small central communal space also emphasises the cramped nature of the development where no clearly defined curtilage and / or private garden space can be provided. Due to the size of the footprint in relation to the site area plots 3 and 4 are poorly positioned to the neighbouring plots where rear elevations face onto the side elevations of the neighbouring dwelling all of which emphasise the cramped nature of the development.
- 9.39. The proposal would appear as an extension of the village boundary beyond the built limits of the village both existing and approved to the south, projecting the built form into the open countryside. Furthermore, it is clear that the development would project beyond the line of the new development to the south of the site. As such although only single storey in height the development would give the impression of extending the built form of the village into the open countryside.

- 9.40. For the above reasons the development has the potential to appear out of place with the surrounding existing dwellings including the layout of the new estate to the immediate south of the site. It is accepted that the larger development to the south would also extend the western edge of the village and that this approved development is for two-storey dwellings whereas the current appeal proposal is for single storey dwellings. However, this current proposal for 6 bungalows would project beyond the line of the approved development to the south and therefore although only single storey in height the current appeal proposal has the potential to have a greater visual impact by extending the western edge of the village and thereby having a greater impact on the rural character of the area, especially in views from the west and north-west in which it would be seen in the foreground of (and therefore more prominent than) the development of 25 dwellings to the south.
- 9.41. Concern has also been raised by some objectors that the development of this site would impact upon the character of the village and in particular reference to the impact on the Conservation Area has been raised. Although the development is located close to the Conservation Area officers note that the site is not located within nor abuts the edge of the Conservation Area. The site is closest to the Conservation Area to the north of the site, but the existing dwelling of Faraday House is located between the site and the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.42. In this instance it is considered that as the development is not located within nor abutting the Conservation Area the proposal would not result in any adverse impact upon the character of the Sibford Conservation Area.
- 9.43. As outlined above the issue of design and appearance is a judgement call but it could reasonably be concluded that the loss of this piece of agricultural land for the provision of bungalows has the potential to result in an urbanisation of the rural buffer to Sibford Ferris village to the detriment of this rural area. It is accepted that this urbanisation of the site would result in a significant change in its character and given the proposal's design would be unlikely to contribute to the enhancing of the environment. In taking this approach it could be taken that for these reasons, the development as proposed would conflict with saved Policy C28 of the CLP 1996 as well as Policy ESD15 of the CLP 2015 and advice contained within the Cherwell Residential Design Guide

Highway Implications

- 9.44. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*

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

Residential Amenity

- 9.50. As with the highway aspect of the proposal in considering the previous application the impact on existing / new residential amenity did not form one of the reasons to refuse the application. As such and based upon the fact that there have been no alterations on the proposal from the previous application it is considered that the consideration on this aspect of the scheme is the same as for the previous application / report.
- 9.51. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.52. This application seeks planning permission for the development of the site with 6 detached bungalows. The site shares a common boundary with existing residential properties to the north and the east the boundaries of which are marked by a mix of open style fences and existing landscaping. As the layout of the development is for the bungalows to face towards the shared boundaries there is the potential that the development would result in a loss of privacy to the existing residential properties.

However, the distance between the front of the nearest bungalow and the shared boundary is in the region of 14m with a further 20m before the rear elevation of the existing property. This distance together with the fact that the proposal is for a bungalow would ensure that an adequate distance would be maintained to ensure that the development would not result in any significant loss of privacy or outlook or light pollution.

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

Drainage

- 9.54. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 9.55. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
 - b) have appropriate proposed minimum operational standards;*
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) where possible, provide multifunctional benefits.*
- 9.56. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.57. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.58. The current is situated wholly within Flood Zone 1, which is land that has a less than 1 in 1,000 annual probability of river flooding. The applicant has submitted a Foul and Surface Water Drainage Strategy in support of the application. This strategy outlines that in accordance with the Sustainable Drainage Systems (SUDS) hierarchy, rainfall run-off should be managed in the following preferential order:

1. Infiltrated to ground.
 2. Discharged to local watercourse.
 3. Discharged to a local surface water sewer network.
 4. Discharged to a local combined water sewer network
- 9.59. The Strategy continues by stating that given the advice contained within the geotechnical report, runoff from the individual plots would be collected via a positive piped system and conveyed to a communal soakaway feature in the proposed open space area to the west. This would ensure that concentrated volumes of water would be at an appropriate distance from buildings. Areas of hardstanding would be formed using a permeable surface and would cater only for rainfall falling directly upon that area, no additional inflows would be included. In this way the surface would mimic the existing rainfall action.
- 9.60. The access road and driveway areas would be split into self-contained 'cells' in order to ensure that runoff does not migrate across the site, keeping individual catchment areas relatively small. Where areas of significant hardstanding's are immediately adjacent to a building, the area of permeable paving would be set away from the edge of the structure. The paved areas would be underlain by a sub-base layer which also provide storage volume for the rainfall runoff. All soakaway structures would be designed to accommodate up to and including the 1 in 100-year storm event plus an allowance of 40% for climate change in accordance with the upper end of the UKCP18 allowance.
- 9.61. Several objections have been raised by local residents concerned over the impact the additional drainage would have on the existing system. An initial holding objection was received from Severn Trent Water; however, following negotiations between the applicant and Seven Trent Water a revised drainage strategy was agreed and submitted in support of the current application. Confirmation has been received from Severn Trent Water that the holding objection is removed and, based upon the revised drainage details, no objection to the proposal is raised.
- 9.62. It is noted that the Parish Council has raised a question over the removal of the holding objection and the Parish Council has requested that the holding objection be reinstated on the basis that the issue over drainage has not resolved in terms of how the sewage from the Blue Cedar development would be handled. In considering this point the drainage of the site for the 6 bungalows would feed into the drainage serving the adjoining site for 15 dwellings the condition covering drainage for this larger site has been formally agreed and discharged. It is accepted by the applicant that, in the event that further works are required to allow for the additional drainage, this would be works they would be required to carry out and this is noted and acknowledged by Severn Trent Water in their lifting the holding objection to the proposal.
- 9.63. As drainage did not form one of the reasons to refuse the previous application and notwithstanding the objections being raised by the Parish Council, with no objections being received from the Statutory consultees it is considered that the proposal is acceptable in drainage terms and any refusal on this basis would not be sustainable at appeal.

Ecology Impact

Legislative context

- 9.64. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on

the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

- 9.65. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.66. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.67. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

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

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

- 9.70. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.71. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.72. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

Conclusion

- 9.76. Officers are satisfied, on the basis of the absence of any objection from Natural England or the Council's Ecology Officer, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and Page

221 habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable Construction

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

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

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

10. PLANNING BALANCE AND CONCLUSION

- 10.1. This application is a re-submission following a recent refusal of permission by the Planning Committee contrary to an officer recommendation. There is currently an outstanding appeal against this decision with the Planning Inspectorate. This current application has been submitted to allow members to re-consider the refusal.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF.
- 10.3. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.4. Sibford Ferris is a Category A village under the 2015 Local Plan. However, it has limited services, public transport links and employment opportunities. Future residents of the development would have no choice but to use their own private cars to serve their needs. That said, a Planning Inspector considered the village sufficiently sustainable to accommodate 25 dwellings on the site immediately to the south of the application site.
- 10.5. Under Policy BSC1 developments of less than 10 dwellings are considered as 'windfall' developments and the CLP allocates 754 dwellings under this category as an aspiration. The 2021 AMR shows that at between 2011 - 2020 the level of Windfall Allowance (for <10 dwellings) stands at 760 completions with a further 217 for

Planning Permissions at 31/3/21 and completions of 770. It is therefore clear that the provision of 'windfall' sites in the rural areas is healthy; however, as agreed by Inspectors in appeals the 754 figure is not a target nor a ceiling figure which would warrant a refusal. In considering any application in this type of location the decision maker needs to assess the harm of the development and whether the harm is outweighed by the benefits of the proposal.

- 10.6. 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. Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.7. The site is located on the edge of the small rural village of Sibford Ferris in the north-western edge of Cherwell District. Sibford Ferris along with Sibford Gower and Burdrop are allocated as a Category A village as a 'cluster', while Sibford Ferris on its own is a relatively small village of around 172 dwellings.
- 10.8. Positioned on the western edge of the village the Site is currently a small agricultural field enclosed on two sides with existing residential development and on a third with an area currently being developed for a new estate of 25 dwellings. The fourth boundary to the site is marked by the single-track lane known as Woodway Road and open countryside.
- 10.9. This proposal would provide 6 detached bungalows outside the built form of Sibford Ferris. It is accepted that the Council cannot provide a 5-year housing land supply and as such paragraph 11d of the NPPF is implemented. Sibford Ferris has already provide an extension to the village with the provision of 25 dwellings to the south of the Site.
- 10.10. It is not, however, just a simple matter of increasing the level of housing in the open countryside. The decision maker has to consider if the provision of the development outweighs the harm to the area and the loss of this element of open countryside. The Council are of the view that the development would result in harm to the rural character of this open countryside location. The development would result in the further urbanisation of this side of Sibford Ferris and would project the built form further into an area of open countryside to the detriment of the rural character of this village.
- 10.11. It is accepted that there is a need for additional housing and that this includes age restricted housing in the District. However, as outlined in the paragraphs above there is an argument that this site is not appropriate for this type of development. The proposal could be considered as contrary to Policies BSC1 and ESD15 of the CLP 2015 and saved Policies C28 and H18 of the CLP 1996 and advice in the Cherwell Residential Design Guide. However, due to the fact that the Policies are out of date under paragraph 11d of the NPPF the decision maker has to weigh up the benefits of the development against the harm.
- 10.12. Contrary to the officer's recommendation in order to protect the Council's case at the appeal it is considered that this application should be refused for the reasons outlined.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. By reason of its siting outside of the built limits of the settlement and having regard to the number of dwellings delivered in the rural areas, the proposal represents development in an unsustainable location, remote from key amenities, especially for elderly residents. Notwithstanding the Council's present lack of a five-year housing land supply the proposal conflicts with Policy BSC1 of the Cherwell Local Plan 2011-2031 and saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. This identified harm significantly and demonstrably outweighs the proposal's benefits of providing additional housing.
2. By reason of its scale, layout and design, the proposal would be out of keeping with the form and pattern of development in the local area, resulting in significant and demonstrable harm to the character and appearance of the area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework.

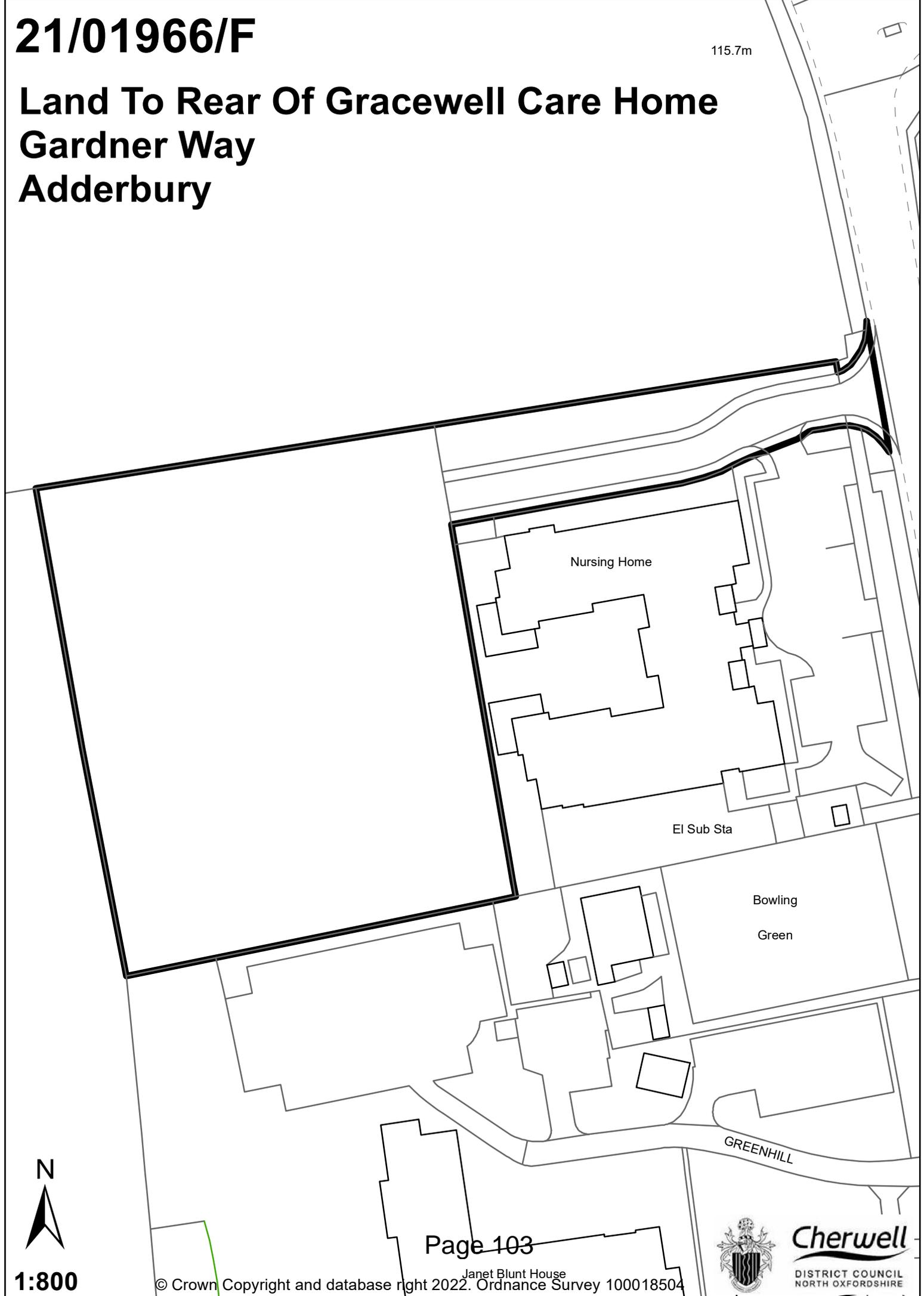
Land To Rear Of Gracewell Care Home Gardner Way Adderbury



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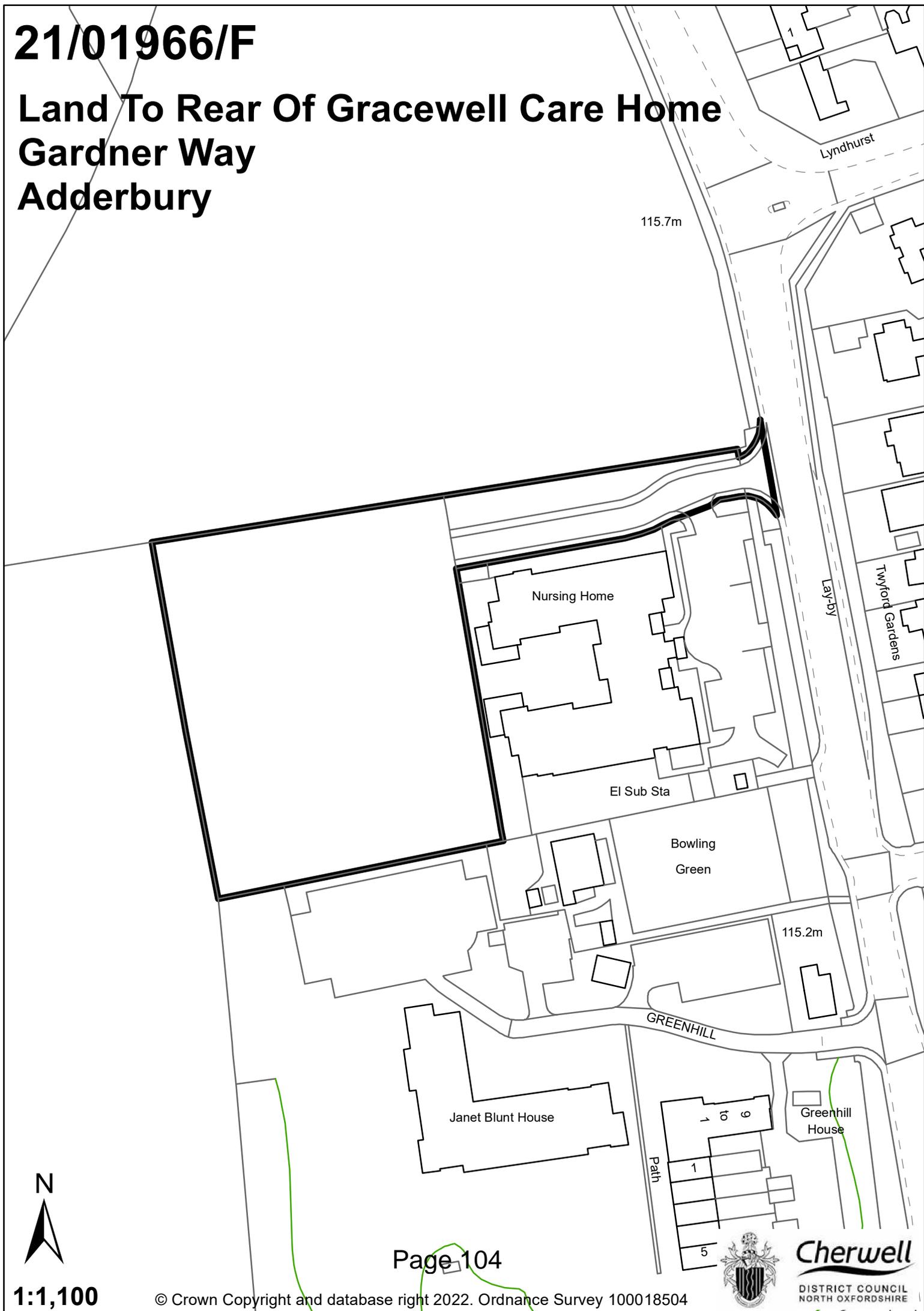
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Land To Rear Of Gracewell Care Home Gardner Way Adderbury



21/01966/F

Land To Rear Of Gracewell Care Home Gardner Way Adderbury



Case Officer: Wayne Campbell

Applicant: Malvern Homes Limited

Proposal: The erection of 18 dwellings and access road

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Bishop, Cllr Hingley, and Cllr Nell

Reason for Referral: 10 or more dwellings

Expiry Date: 14 February 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: (i) NO OBJECTIONS FROM ECOLOGY OFFICER AND CONFIRMATION OF SUSTAINABILTY MEASURES, (ii) CONDITIONS, AND (iii) PLANNING OBLIGATION

1. APPLICATION SITE AND LOCALITY

- 1.1. The site consists of an area of previously undeveloped land to the rear and west of the Seccombe Court Care Home. Immediately to the south of the site is an area of car parking associated with residential properties within Janet Blunt House, which sits further to the south.
- 1.2. To the west and north lies open countryside while the site is bounded by mature hedgerows and trees and post and rail fencing to the north and south, with post and wire fencing and newly planted landscaping to the western boundary. The site is accessed off the Oxford Road via a junction constructed as part of Seccombe Court Care Home.

2. CONSTRAINTS

- 2.1. The application site is within is located within the confines of Adderbury village as shown within the Adderbury Neighbourhood Plan. The site also includes a public right of way running east – west and along the northern section of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the development of the site for 18 dwellings with associated access road.
- 3.2. *Timescales for Delivery:* The applicant/agent has not advised as to when, in the event that planning permission is granted, development would commence.

4. RELEVANT PLANNING HISTORY

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

13/01672/HYBRID

Full Planning - Site A - Phase 1 - Construction of a 60 bedroom elderly nursing home (Use Class C2) with associated access, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure **Outline** - Site B - Phase 2 - Construction of extra care facility of up to 3,450 sq m (GIA) (Use Class C2) with associated circulation, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure Permitted

16/00675/F

Variation of Condition 5 of 13/01672/HYBRID
Permitted

17/00777/REM

Reserved Matters to 13/01672/HYBRID - Layout, scale, appearance, access and landscaping of the site
Permitted

17/00802/F

The construction of a 36xno. bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking, landscaping and tree planting
Permitted

20/01845/OUT

Erection of up to 9no residential dwellings (Use Class C3) and associated access, with all other matters reserved
Withdrawn

5. PRE-APPLICATION DISCUSSIONS

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

19/02919/PREAPP: Erection of 21 residential units (use class C3) and associated landscaping and car parking.

Whilst the principle of developing the site for additional residential development may be acceptable, this would be on the basis of acceptable design solution being brought forward that would be of an appropriate density, design and scale for this village location; and further proposals being considered acceptable in all other aspects including highway safety and impacts on the natural environment. For the reasons set out in the response, any future planning application for the proposals subject of this enquiry could not be considered favourably.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 July 2021**.

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

- Loss of area of open space used by dog walkers
- Disruptive to elderly residents in the care home
- Impact on local wildlife
- Too many units on the site resulting in no amenity space, no affordable housing and lack of car parking
- Increase in local traffic to detriment of area
- Question level of parking spaces and if garages will be large enough for modern cars
- No demand for additional housing but need for elderly residential care housing

6.3. 3 representations have been received: 3 objecting, none supporting and no comments. 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. ADDERBURY PARISH COUNCIL: **Objection.**

The proposal is an over development of the site and would detract from the adjacent care home facility. The site does not provide enough communal / community open space within development. Due to close proximity of development to care home would adversely affect residents in rooms which overlook the west boundary and also the roadway on the north side. Rooms on the ground floor on the north side would be especially affected as there would be increased traffic, both vehicular and pedestrian, along this footpath, access road and onto busy A4260.

No provision of affordable housing contrary to Cherwell District Council's policy which requires applications of 11+ homes to include a percentage of affordable. Although site is within the Adderbury Neighbourhood Development Plan's settlement boundary, this was allowed when the NDP was written because there was an existing outline permission for an extension to the Seccombe Court Care Home.

Application would remove trees planted as a screen for the Care Home under that particular permission. These trees are now 15-20 feet high and should not be removed. There is no proper screening suggested on the west boundary (where the above trees have been provided) nor on the north boundary, where proposal seeks to remove tall fir trees currently forming a boundary. Proposal provides only a 2.5m strip of vegetation by way of screening but should be at least a 10m wide of planted woodland.

Site is prominent on the horizon and both Greenhill House and the Care Home can be viewed from across the Sor Brook valley and Adderbury Circular Walk, in spite of the screening which is in place. *Object to adding further housing/development which will detract from the amenity value of the Public Rights of Way across the Sor Valley and will be potentially even more damaging since it will include the 'back garden paraphernalia' associated with housing developments.* Dwellings too tall and any

further development should be kept lower to avoid being seen from the open countryside.

Applicant has not offered any community benefit to Adderbury to mitigate impact of proposed development. Parish Council is currently engaged in providing new community and sports facilities on Milton Road which will serve all of the Parish, including any new developments. Funding towards this project should form part of a Section 106 agreement.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions
- 7.4. OCC LOCAL LEAD FLOOD AUTHORITY: **No objections** subject to conditions.
- 7.5. OCC EDUCATION: **No objections** subject to S106
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions
- 7.7. CDC LAND DRAINAGE: **No comments** to make
- 7.8. CDC ARBORICULTURAL OFFICER: **No objections** subject to conditions
- 7.9. CDC BUILDING CONTROL: **No comments** to make
- 7.10. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections** subject to conditions
- 7.11. CDC ECOLOGY OFFICER: **Objection**, request further information
- 7.12. NATURE SPACE PARTNERSHIP: **No objections**
- 7.13. CDC RIGHTS OF WAY OFFICER: **No objections** subject to condition
- 7.14. THAMES WATER: **No objections** subject to conditions
- 7.15. CDC LANDSCAPE OFFICER: **Objection** to removal of 2.5m landscape buffer / trees.
- 7.16. CDC STRATEGIC HOUSING OFFICER: No comments received
- 7.17. CDC PLANNING POLICY: No comments received
- 7.18. CDC WASTE & RECYCLING: No comments received
- 7.19. RAMBLERS ASSOCIATION: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council 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
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC8 – Securing Health and Wellbeing
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Adderbury Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- AD1 – Adderbury Settlement Boundary
- AD2 – Green Infrastructure
- AD19 - Community Assets & Local Services

8.4. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highway Impact
- Residential amenity
- Drainage
- Ecology impact
- S106
- Sustainability

Principle of Development

National Planning Policy Framework (NPPF)

9.2. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.* Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework*

that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.4. Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.5. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.6. Paragraph 73 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

Development Plan

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.8. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise. Paragraph B88 of the CLP 2015 also highlights that by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.*
- 9.9. In terms of affordable housing provision Policy BSC3 of the CLP 2015 states that *all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide*

at least 35% of new housing as affordable homes on site. The Policy continues by stating that should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an in-house economic viability assessment can be undertaken. Where it is agreed that an external economic viability assessment is required, the cost shall be met by the promoter. Where development is demonstrated to be unviable with the above requirements, further negotiations will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided.

- 9.10. Policy BSC1 of the CLP 2015 states that *Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.*
- 9.11. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.13. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.5 years supply for the current five year period 2022-2027 a shortfall equal to 2,255 houses for the period 2022-2027. The calculations also highlight that there as a consequence of the local plan and SHMA period being from 2011 onwards (pre-dating adoption of the Local Plan in 2015) and completions being lower at the start of the Plan period there is a 'shortfall' of some 1,264 homes for the period 2011 to 2021 which must be made up.
- 9.14. In terms of Category A villages, the 2021 AMR shows that 749 dwellings are either completed or under construction on sites with planning permission for 10+ dwellings at Category A villages. During 2020/21 there were 88 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 246 dwellings that are under construction from the supply of permitted sites and are likely to be delivered in the short term. Between 1 April 2014 and 31 March 2021 there were a total of 503 net housing completions on the Policy Villages 2 sites which is an average of 71 homes per year. The AMR continues by highlighting that *Since 1 April 2014 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are included in the Housing Delivery Monitor in Appendix 2. Policy Villages 2 requirement has already been exceeded by 312 dwellings when considering the planning permissions and identified sites without planning permission in the above (749+287+26).*
- 9.15. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *if the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic*

Housing Land Availability. In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was not reviewed in the HELAA and therefore not considered.

- 9.16. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Adderbury is a Category A village.
- 9.17. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that, *a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.18. Policy Villages 2 continues by setting out that when identifying and considering sites, particular regard will be given to the following criteria:
- *Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
 - *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
 - *Whether development would have an adverse impact on flood risk.*

Adderbury Neighbourhood Plan

- 9.19. Policy AD1 states that *the Neighbourhood Plan defines an Adderbury Settlement Boundary, as shown on the Policies Map. Proposals for infill development within the boundary will be supported, "Development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character. New isolated homes in the countryside will not be supported except in special circumstances described in paragraph 55 of the Framework. Proposals for the provision of affordable housing on rural exception sites immediately adjacent to the Adderbury Settlement Boundary will be supported where they meet an identified local need and relate well to the built form of the existing settlement"*.

- 9.20. Policy AD2 confirms that the *Neighbourhood Plan defines the Adderbury Green Infrastructure Network around and within the village, as shown on the Policies Map. The Network comprises a variety of green infrastructure assets, including informal open space and Local Green Spaces, allotments, playing fields, assets of biodiversity value and children's play areas, footpaths, bridleways and cycleways. Development proposals on land that lies within or immediately adjoining the defined Network must demonstrate how they maintain or enhance its integrity and green infrastructure value, by way of their landscape schemes, layouts, access and or through equivalent alternative provision nearby.*
- 9.21. The adjoining site of the Seccombe Court Retirement Home is allocated under Policy AD19 as a community asset and local services. This policy states that proposals to *improve the viability of established community use for the following buildings and facilities (by way of the extension or partial redevelopment of existing buildings) will be supported, provided that the scheme does not have a harmful impact on the street scene, and that any resulting increase in use will not harm the amenity of neighbouring properties.* The Policy continues by stating that proposals *that will result in either the loss of, or significant harm to, facilities listed above, will be resisted, unless it can be clearly demonstrated that: i. the operation of the facility, or on-going delivery of the community value of the facility, is no longer financially viable; or ii. it is more appropriate to replace it with a facility of equivalent or better value to the community in an equally convenient location for residents of the Parish.*

Assessment

- 9.22. To a certain degree the principle of development on this site has been considered acceptable with the outline permission and reserved matters approval for the 36no bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking, landscaping and tree planting. This development has not been implemented and the planning permission has now expired.
- 9.23. The current application now seeks planning permission to development the site for a different type of use in the form of 18 residential units with a mix of dwellings and apartments of sizes from 2, 3, 4 and 5 bed. Access to the development would be off the existing service road to the immediate north of the Seccombe Court Home. The access road would form part of the northern boundary to the site with a bank of mature / semi-mature trees along the northern boundary.
- 9.24. Adderbury is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages.
- 9.25. Policy Villages 2 sets a total of 750 dwellings for the rural area and provides criteria against which individual proposals are required to be assessed as set out above. The requirement of Policy Villages 2 to provide 750 homes at Category A villages is monitored in the 2021 AMR. Table 39 of the AMR shows that, on 31st March 2021, 749 dwellings had either been completed or were under construction on sites with planning permission. Para. 5.159 of the AMR records that between 1 April 2014 and 31 March 2021 a total of 1,062 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. It is therefore clear that the provision of rural housing is healthy, but this is not to suggest that the figure of 750 is a target / ceiling figure and in a number of appeals Inspectors have agreed with this approach to the provision of rural housing in the District.
- 9.26. That the total of 750 will by now have been met is a material consideration when assessing further applications for 'major' developments at the Category A villages.

However, in the context of policy BSC1 and the need to meet overall district housing requirements by 2031, it does not mean that there is a moratorium on future development and, in successive appeal decisions relating to the development proposals in the Cherwell district, Planning Inspectors have held that the total of 750 is not a ceiling and that merely exceeding that total would not result in harm. Furthermore, at the present time there is a need to consider the district's 5-year land supply position. The lack of a 5-year supply renders the Council's policies for housing, including Policy Villages 2, out-of-date, and instead means that a presumption in favour of sustainable development must be applied.

- 9.27. In addition, under paragraph 14 of the NPPF, as it was adopted more than two years ago, the policies within the Adderbury Neighbourhood Plan relating to the supply of housing are to be considered out of date.
- 9.28. The first question to ask is whether the site is a sustainable location for additional development of this scale. The site is on the northern edge of Adderbury, one of the larger villages in the Cherwell district, which has a range of facilities enabling residents to meet their day-to-day needs. Although located at the northern edge of Adderbury village the site has been included within the village boundary for the Adderbury Neighbourhood Plan (on the basis of its permission for care facility) and there is footpath access into the village and bus stops within walking distance and a regular bus service is available from Adderbury.
- 9.29. The proposal would provide a mix of residential units in terms of size and type with houses and apartments. The mix of size will comply with Policy BSC4 of the CLP 2015. Being located within the village boundary the development would comply with the requirements of Policy Villages 1 as a 'Minor Development' which is identified as appropriate type of development in Category A villages. The development would make a contribution towards the level of rural housing in a Category A village.

Conclusion

- 9.30. In the absence of a sufficient supply of land for housing, the Council's development plans for housing are to be considered 'out of date'. The presumption in favour of sustainable development applies. The proposal's effects, on visual amenity, highway safety, ecology and flood risk, etc. are considered in subsequent sections of this report. However, the site is in a geographically sustainable location, with footpaths close-by a range of amenities within the village and regular public transport available from the village, meaning future occupiers of the proposed development would have a realistic choice of travel in order to meet their day-to-day needs.

Design, and impact on the character of the area

- 9.31. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.32. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.33. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.34. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.35. Policy BSC2 of the CLP 2015 states amongst other things that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. With regards to this current proposal, it is confirmed that the density of the development is at 30 dwellings per hectare which would comply with the requirements of Policy BSC2.
- 9.36. The proposed layout is for a development which fronts onto an internal access road to provide an acceptable street scene. In terms of design the dwellings would be to a mix of styles and designs to provide a high-quality development on the site. The heights of the dwellings vary with a clear / equal split between two storey and two and half storey dwellings where the two and half storey dwellings incorporate dormer windows on the front and rear elevation to allow accommodation within the roof space. Turning to the design of the apartment block on the site this would be to a height of two and half storey with the top floor in the form of dormers on the front and rear elevations to provide the top floor accommodation within the roof space of the building. The footprint of the apartment building would essentially be that of a L – shape with a frontage onto the internal access road and the access to the private car park provided on the main access driveway along the northern boundary.
- 9.37. The use of dormers is not a feature on the Seccombe Court care home, but it is noted that the adjoining, 2.5 storey residential development on Greenhill / Janet Blunt house located to the immediate south the development features flat roof dormers. This adjoining residential development shares a common boundary with the current application site and maintains a surface car park between the boundary and the existing residential units. As such the use of dormers on the proposed scheme would not appear out of place within this part of Adderbury.
- 9.38. The layout does not provide public open space nor an area of play as required under Policy BSC11 of the 2015 CLP the threshold for a LAP is 10 dwellings. However, it is considered that in this instance a contribution towards a local play area / recreation space could be provided by the applicant to off-set this issue. It is accepted that the application is subject to a viability appraisal and that the reduction of units on the site could have impact on the viability of the scheme. In terms of where the money would be spent discussions with Adderbury Parish Council has provided three potential areas in Adderbury for the money. These are improvements to the Lucy Plackett play area, and / or the Rise play area, and/or the new community and sports centre on Milton Road for which it has planning permission, although this development is yet to be started. The three locations are being considered by officers along with the

applicant to establish what work is required and whether the locations are close enough to the proposed development to justify the contribution.

- 9.39. It is noted that the Council's landscape officer objects to the scheme on the grounds that the proposed layout does not accommodate the existing landscape buffer on the western edge of the site which has established trees and was required as part of the original scheme to screening development for the benefit of users of the PRow west of the site. The proposed development would result in the removal of the approved tree belt which are small saplings at the moment and the proposed 2.5 m strip as shown on this part of the site to replace the 10m wide screen buffer is considered inadequate for this purpose. This weighs against the proposal.
- 9.40. Its layout, scale and general design is considered broadly acceptable but, on the basis of the loss of the 10m wide tree belt, the proposal would adversely affect the character and appearance of the area and in this regard the proposal fails to accord with Policy ESD15 of the CLP 2015 and Saved Policies C28 and C30 of the CLP 1996.

Highway impacts

- 9.41. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 9.42. Access to the site would be taken off the existing service road to the north of the site which currently provide access to the existing Seccombe Court care home located on the adjoining site. Once within the site the access road would serve the new development in the form of a cul-de-sac which would ensure the access is not used by anyone other those living / visiting the site.
- 9.43. Parking for each residential dwelling would be provided in the form of on-plot parking with associated integral garages to ensure that on-street parking is kept to a minimum. In terms of the apartment building the parking would be provided in the form of a small private parking courtyard to the rear of the building. Access to this parking area would be off the main access road serving the development and as this access point is directly off the main access road the residential would not need to drive into the main part of the development to access the parking.
- 9.44. The access road would also allow for the continuation of the public right of way across the northern section of the site. This public right of way allow access into the area of open countryside to the west of the site and has a route code of 101/30/10 and route number 30. Members would see that there are no objections to the proposal in terms of impact on the public right of way raised by the Council's Rights of Way Officer.
- 9.45. The Local Highway Authority has no objection to the proposal subject to conditions and contributions to be covered by a S106 agreement. Although there are no issues in terms of the conditions members will see later in this report due to viability issues

the development would not be able to support a S106 for the contributions sought by the County Engineers. OCC has been made aware of the viability issue and requested to confirm that there are no objections where contributions would not be available, although at the time of writing no response to this request has been received. Notwithstanding this it is considered that the development as proposed would not lead to a highway safety issue and therefore a refusal on highway safety could not be supported in this instance.

Residential amenity

- 9.46. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.47. In this instance the nearest residential property is the care home to the immediate east of the site with the existing residential development of Greenhill sharing the southern boundary of the site. The proposal would have some impact on the care home to the east specifically the residents' lounge in terms of outlook / views towards the open countryside due to the proposed development. However, the distance between the proposed dwellings and the rear elevation of the care home complies with and exceeds the standards required under the Cherwell Residential Design Guide. Furthermore, the development of this site has already been agreed under the previous hybrid application which has now expired with not dissimilar impacts on the amenities of the care home.
- 9.48. Although the height of the existing care home of Seccombe Court on the adjoining site is at two storeys, the new development at two and half storey is not considered to result in any loss of light, and / or privacy currently enjoyed by the residents of the care home site. It is also accepted that in terms of distance between the proposed dwellings on the site and that of the existing care home the proposal will comply with the minimum standards requires as part of the adopted Cherwell Residential Guide.
- 9.49. Turning to the existing residential development to the south the proposed development would back onto the shared boundary and would allow some overlooking into the surface car park for Greenhill development. The distance between the proposed development and that of the living accommodation in the Greenhill development is to a point that the proposal would have no adverse impact on the residential in terms of any loss of light, outlook or privacy.
- 9.50. Given the above, it is considered that the development would be made acceptable in terms of residential amenity, both for existing residents neighbouring the site and future occupiers.

Drainage

- 9.51. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of the NPPF states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

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

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

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

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

9.55. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Following an initial objection to the scheme from the LLFA, the applicant has revised the drainage details with a detailed drainage strategy within which the applicant has confirmed that a SuDS scheme will be incorporated into the drainage of the site. This will ensure that the development will not result in any flooding of the site nor any flood risk to adjoining land parcels within the area. The LLFA has considered the revised details and confirmed no objections subject to conditions. For this reason, it is considered that the drainage of the site is acceptable and not a reason to refuse the application.

Ecology Impact

Legislative context

9.56. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

9.57. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it

has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

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

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

Policy Context

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

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

- a) *if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

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

9.63. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal

offence to damage or destroy a breeding site or resting place, unless a licence is in place.

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

Assessment

- 9.65. This application is supported by a detailed ecology appraisal as well as a Biodiversity Net Gain Metric. The ecology assessment outlines that the site is an open grass field with a fringe of recently planted mixed native scrub and stock fencing on the west boundary, a hedge and trees on the north boundary, timber feather board fencing along the east boundary, and post and rail fencing along the south boundary. Clearly the development of this site for residential use would result in a loss of natural habitat on the site; however, the development would provide an opportunity for bat and bird boxes on the dwellings to reduce the impact of the development.
- 9.66. Following an objection raised by the Council's Ecology Officer revised details have been submitted by the applicant and are the subject to a re-consultation with the Council's ecology officer. However, at the time of drafting this report no further comments had been received. On the basis that there are no comments received it is considered that the refusal of the application due to ecology impact is not warranted in this instance.

S106

- 9.67. Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:*
- a) *necessary to make the development acceptable in planning terms;*
 - b) *directly related to the development; and*
 - c) *fairly and reasonably related in scale and kind to the development.*
- 9.68. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*
- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*
- 9.69. Policy BSC 3 of the CLP 2015 states, amongst other things that at *Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be*

particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.

- 9.70. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.71. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 18 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.72. The policy requirement is for 30% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 6 units with a 70:30 tenure split between rented and shared ownership. However, as part of the application the applicant has provided a detailed viability assessment of the scheme, which highlights that the proposal would not be viable with the cost of providing an element of affordable housing as part of the development. For this reason, the application as submitted would not be supported by any S106 contributions such as affordable housing.
- 9.73. To assist in the LPA's appraisal of this submission on viability officers instructed an independent review of the applicant's viability assessment which was carried out by Bidwells. In reviewing the viability assessment Bidwells confirmed that the findings of the applicant's assessment were reasonable and within the region of costs expected for this type of development. The Bidwell review of the development has therefore concluded support for the applicant's view that the proposed scheme is unable to make any contribution towards the provision of affordable housing whilst maintaining economic viability although a small contribution of £30,000 could be sought out of the development.
- 9.74. Taking this review into consideration the Strategic Housing Officer, although consulted, has not made any request for affordable housing. As outlined in the paragraphs above Oxfordshire County Council has requested contributions towards highway mitigation measures but all of which would result in the development being unviable and therefore would prevent the scheme from being implemented. In addition, it is also the case that the development has not provided a play area as required under Policy BSC11 of the 2015 CLP and the £30,000 could be used towards an upgrade of an existing play area in the local area. This, however, is limited to the level of S106 contribution which could be required out of this development and as such any contribution towards affordable housing would not be sought on this proposal.

Sustainability

- 9.75. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed*

through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 155 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

- 9.76. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.77. Policy ESD 2 relates to Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.78. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*
- 9.79. This application seeks permission for the development of 18 residential units on the site. The application has not been supported by any further details in terms of renewable energy measures nor details of sustainable construction methods to address the requirements of the Policies and assist in reducing the impact of the development upon the environment. Notwithstanding this point the applicant has been requested to provide details of measures to be incorporated into the scheme and

these details will be reported to the members as part of the committee update report. On the basis that suitable details are provided it is considered that the development would comply with the adopted policies in terms of sustainable construction.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11d of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.4. This application seeks planning permission for the construction of 18 residential units on this vacant site. Planning permission has previously been granted to develop the site for a single building to provide 36no bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2). Although the approval for this nursing facility has now expired it is clear that the principle of developing this site is acceptable. On this basis the key with the current proposal is the change in type and appearance of development on the site in the form of residential dwellings.
- 10.5. Although the site itself is not allocated for any particular development in the Adderbury Neighbourhood Plan it is located within the village boundary. Adderbury is designated as a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances; this development would be for 10 dwellings and therefore falls within this category. While these policies are to be afforded reduced weight, given that the Council's housing land supply position renders them out of date, the site is in a geographically sustainable location and future occupiers of the development would have access to a range of services within the village and a realistic choice as to how they access others outside the village.
- 10.6. In terms of visual impact, the site is located to the rear of the Seccombe Court care home and would not be clearly visible from any public highway. The development would be built to the maximum density required under BSC2 of the CLP 2015 and therefore makes the most efficient use of the land as required under the NPPF. However, the amount of development on the site results in something of a cramped form of development and harsh urban edge, emphasised by the proposed removal of the 10m landscape buffer to the western edge which was required to make the approved care home acceptable in landscape and visual terms. Overall, it is

considered the proposal would adversely affect the character and appearance of the area and this weighs against the proposal.

- 10.7. The proposals are considered acceptable in terms of transport and could be designed to ensure acceptable in terms of neighbour amenity.
- 10.8. At the time of drafting this report the LLFA had an objection to the proposal and further information had been requested. This additional drainage information has been provided and the further comments from the LLFA are awaited. On the basis that the LLFA confirms that the new information is acceptable it is considered that the proposal would not result in any adverse impact upon the area in terms of drainage / flooding.
- 10.9. There is currently an outstanding objection from the Council's Ecology Officer. However, additional information has been provided and further comments sought. On the basis that the Ecology Officer confirms no objections it is considered that the proposed development is acceptable from an ecology point of view.
- 10.10. This scale and type of development would normally require a S106 to be negotiated and attached to any planning permission granted to include an element of affordable housing. As outlined under Policy BSC3 the district council will need to be satisfied that such affordable housing is economically viable in terms of its ability to meet the need identified. As part of the supporting documents attached to the application the applicant has submitted a detailed viability assessment with the application. The viability assessment outlines the fact that the development would not be viable in the event that a S106 would be required. In considering this the Council's viability consultant, Bidwell's has reviewed the details and advises that the applicant is correct and as such there is no S106 to be attached to the development in the event that the application was to be approved. Notwithstanding this point the applicant has confirmed that as no play area has been provided on the site that a contribution towards improvements on an existing play area close by could be provided as part of a S106 to a maximum of £30,000.
- 10.11. The provision of 18 residential units on the site would align with the NPPF objective to significantly boost the supply of new housing and in the context of the Council not being able to demonstrate a 5-year land supply is to be afforded significant weight. There would also be some economic benefits associated with the development including the jobs through construction.
- 10.12. Overall, taken as a whole the adverse impacts identified are considered not to clearly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION

A. DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

i. THE RESOLUTION OF:

a. NO OBJECTIONS FROM THE ECOLOGY OFFICER

b. ADEQUATE INFORMATION TO ADDRESS SUSTAINABILITY

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

iii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS

**SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991,
TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED
NECESSARY)**

- B. FURTHER DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT POWERS TO REFUSE PERMISSION ON THE BASIS OF ANY OUTSTANDING ISSUE WHICH IN THEIR VIEW HAS NOT BEEN ADEQUATELY ADDRESSED BY THE APPLICANT WITHIN 3 MONTHS OF THE COMMITTEE DATE, OR ANY EXTENSION TO THIS PERIOD DEEMED REASONABLE, FOR THE DRAFT REASONS FOR REFUSAL SET OUT BELOW (AND ANY AMENDMENTS AS DEEMED NECESSARY)**
- i. The ecological report submitted with the application does not adequately assess the impact on the development will have upon the local ecological. The development fails to demonstrate an ecological enhancement on the site as part of the development and therefore fails to comply with Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 and paragraphs 174 and 180 of the National Planning Policy Framework**
 - ii. No information is provided to demonstrate that the construction and future use of the new dwellings will incorporate suitable adaptation measures to ensure that the development is resilient to climate change impacts. The development is therefore contrary to Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraphs 154 and 155 of the National Planning Policy Framework.**

CONDITIONS

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

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference SLP1, 03, 05, received 04/06/2021 revised plans reference 01 Rev A, 02 Rev A, 03 Rev A, 04, 06 rev B, 07 Rev A, 08 Rev A, 09, 10, 11 Rev A, 12 Rev A, 14, 15 received 09/09/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

3. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

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

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged 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

5. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 and MADD should be 0.0);
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity; and
- Consent for any connections into third party drainage systems

Reason: To ensure that there is no flooding due to the site drainage and that the water environment is protected and in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. 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:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- 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

and Government guidance contained within the National Planning Policy Framework.

7. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

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

8. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that demonstrates all habitable rooms within the dwellings 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 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 approved details.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Saved Policy ENV1 of the Cherwell Local Plan 1996

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

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

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

10. 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.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, 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.

12. If contamination is found by undertaking the work carried out under condition 10, 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.

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12

of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

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

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

15. A plan detailing the proposed parking and turning provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking and turning spaces shall be retained for the parking turning of vehicles at all times thereafter.

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

16. Details of a turning area to be provided within the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles (including surfacing and drainage details) shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

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

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

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

18. Prior to the first occupation of the development a Residential Travel Plan and Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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

19. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to the public right of way that may obstruct or dissuade the public from using the public right of way

whilst the development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

20. No development shall commence unless and until full details of the tree protection measures for all trees and hedges to be retained have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction. All tree protective measures shall be carried out as set out in the approved Arboricultural Method Statement.

Reason: To protect the visual amenity of the area in accordance with policies

21. No development above slab level shall be carried out until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full compliance prior to the first occupation on the site.

Reason : To protect the amenities of nearby residents, visual amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

22. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than 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.

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

24. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

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

25. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans shall be retained for the garaging of private motor vehicles and shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

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

26. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of any dwellinghouse shall be undertaken at any time without the grant of further specific planning permission from the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected 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 Section 12 of the National Planning Policy Framework.

27. The first-floor window in the east elevation of plot 9 shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy 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.

28. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings and shall be retained as such thereafter.

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

INFORMATIVE

1. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. This development has some limited potential to impact Great Crested Newts as there is a pond and suitable habitat within 500m of the development. If Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

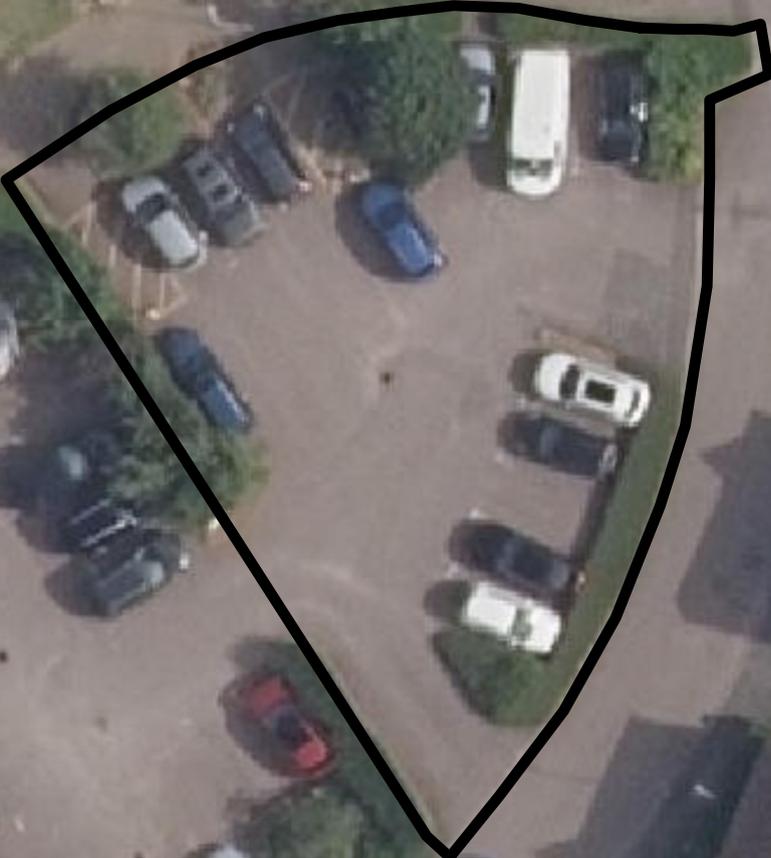
APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning Obligation	Regulation 122 Assessment
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Detail	Amount	Trigger point	
Provision of off-site commuted sum for improvements to local play area	£TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>

22/02493/F

Car Parking Area West Of
37 Holm Way
Bicester

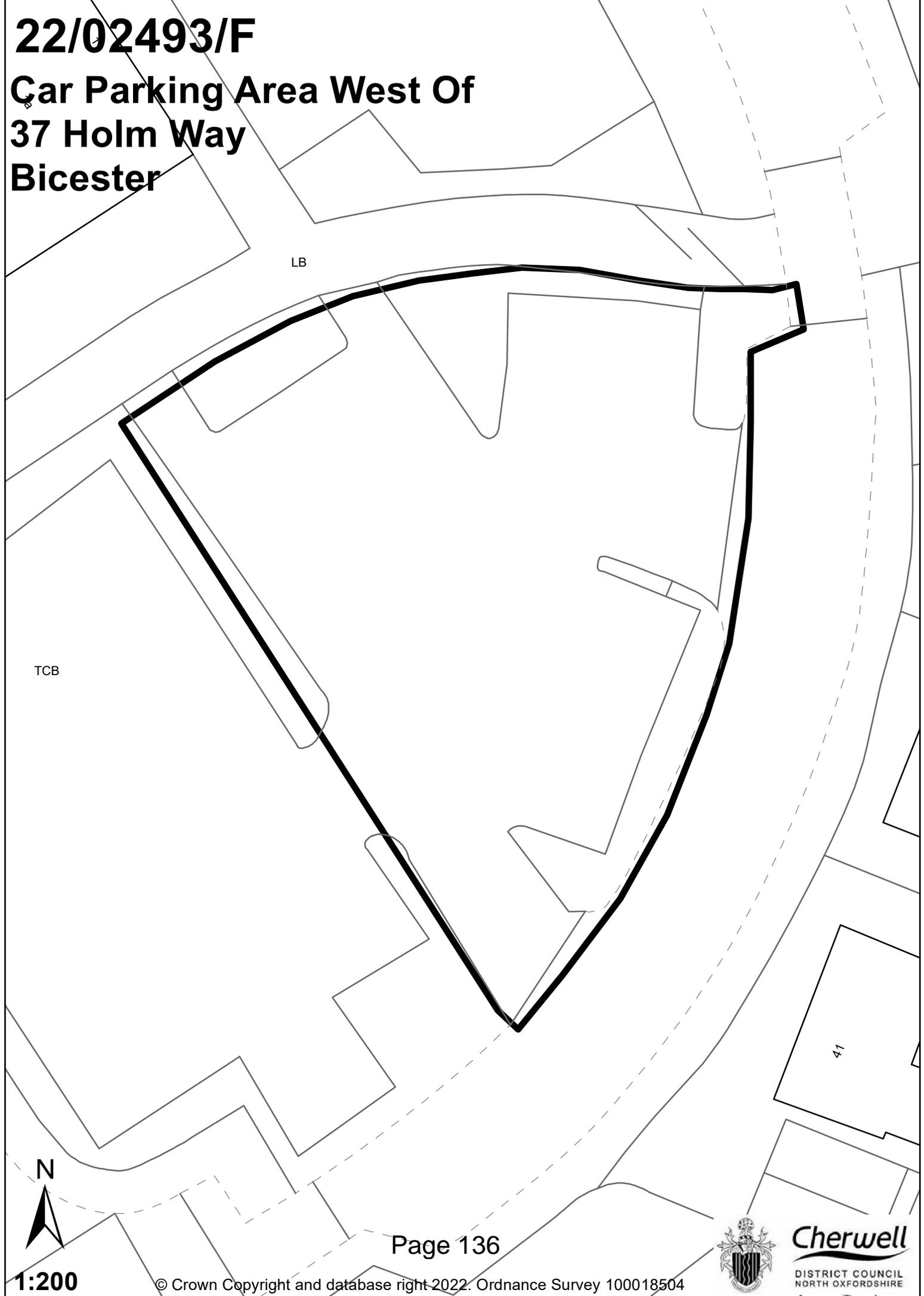


1:300



22/02493/F

Car Parking Area West Of 37 Holm Way Bicester



TCB

LB

41



1:200



22/02493/F

Car Parking Area West Of 37 Holm Way Bicester



Case Officer: Gemma Magnuson

Applicant: LCP Estates Ltd

Proposal: Erection of 4 no residential dwellings (Class C3) with associated parking, access and landscaping

Ward: Bicester North and Caversfield

Councillors: Cllr Mawer, Cllr Pratt, and Cllr Slaymaker

Reason for Referral: Called in by Cllr. Pratt and Cllr. Mawer for the following reason:
• High level of public interest

Expiry Date: 9 December 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: REFUSE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing car park forming a part of Holm Square, a local centre facility accessed off Holm Way in a residential estate to the north-east of Bicester town centre. Southwold Primary School is situated to the south-west. A footpath and cycleway run alongside the northern boundary of the car park that provides access to the Southwold Community Hall with Southwold Play Area beyond. A number of commercial uses including Tesco Express, in closest proximity to the site, are positioned to the north. The wider area is residential in character.
- 1.2. The car park itself benefits from two vehicular access points, one of which is shared with the adjacent car park serving the school. There are 10 parking spaces in the car park at present. The car park is hard surfaced, with the exception of boundary landscaping consisting of low level hedgerows and a number of small trees.
- 1.3. Buildings in the vicinity are constructed from both buff and red brick with decorative banding at both ground and first floor levels. Dwellings in the vicinity consist of a mix of terraced, detached and semi-detached properties, with both pitched and hipped style roofs.

2. CONSTRAINTS

- 2.1. The application site is within 2km of the Stratton Audley Quarries Site of Special Scientific Interest. A minor aquifer and low-pressure gas pipeline have been identified within the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of four terraced style dwellings upon the existing car park, together with associated access, parking areas and landscaping. Two of the dwellings would have two bedrooms, and two would have three bedrooms, with the third bedroom being accommodated in the loft space. The three bedroom dwellings would be positioned towards the centre of the block, with the two bedroom dwellings to either side. The block would have a hipped style roof, with eaves level dormer windows to serve first floor accommodation within the

two outer-most dwellings. Rooflights would be installed within the front and rear roofslopes of the central two dwellings to serve the loft accommodation. Each dwelling would have a lean-to canopy style porch upon the frontage. The dwellings would be constructed using brick and tiles. Decorative banding would run around the ground and first floor elevations, similar to the existing dwellings in the vicinity.

- 3.2. The parking and, apart from one dwelling, bin storage would be to the front of the properties. The remaining dwelling has bin and bicycle storage positioned to the side. Boundary treatments would consist of 2-metre-tall brick boundary walls along the northern, southern and western most boundaries, with the eastern boundaries remaining open to the street. This is with the exception of a 1-metre-tall brick wall sitting forward of the frontage of the southern-most dwelling running alongside the access to the adjacent car park, and a 2-metre-tall wall to the frontage of the northern-most dwelling enclosing the bin and bicycle store. Timber fencing at 2 metres in height would mark internal boundaries to divide the curtilages. The masonry walls would include decorative banding, similar to the existing brick walls in the vicinity of the site.
- 3.3. Each dwelling would have an area of private amenity space to the rear, with pedestrian access into these areas via the adjacent footpath and cycleway using a timber gate.
- 3.4. Existing hedgerow planting to the south of the site, and three of the existing trees, would be retained. The remainder would be removed to facilitate the development.

4. RELEVANT PLANNING HISTORY

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

Application: 90/00457/S

Erection of one large and three small shop units complete with living accommodation over

Application: 86/00483/SRM7

Proposed shopping element of local centre to residential development

Application: 86/00483/SRM5

Proposed shopping element of Local Centre to Residential Development

Application: 86/00483/S

Erection of 1,200 dwellings, Local Centre (to include shops, community hall, doctor's surgery and associated car parking), school, open space and the construction of associated road and drainage works (Outline)

- 4.2. A Section 52 Agreement was made as part of the original planning permission for the estate under reference CHS.483/86. This agreement requires that the car park, subject of this application, to be made available to members of the public for the purpose of parking their vehicles in connection with the use of the local centre facilities. Whilst the land is bound by this covenant, this does not form a material consideration in the assessment of this planning application and is a legal matter that would need to be addressed by the applicant outside of the planning process.
- 4.3. Obtaining planning permission gives no additional rights to carry out a development where that development is on someone else's land, or the development will affect someone else's rights in respect of the land.

5. PRE-APPLICATION DISCUSSIONS

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

Application: 22/00951/PREAPP
Response Sent - 9 May 2022

The proposal seeks to provide 4 no. three storey dwellings that front Holm Way.

The conclusion of the pre-application advice was that the principle of the erection of four dwellings upon the site was acceptable. However, there were concerns regarding the design of the scheme and the impact of the development upon highway safety and the highway network. The impact of the development in terms of the standards of amenity and privacy were considered to be acceptable.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **26 September 2022**.

- 6.2. 102 responses were received: 98 objecting to the application, 3 commenting on the application and 1 in support of the application. The comments raised by third parties are summarised as follows:

- Highway safety concerns due to loss of parking for school drop off, use of shops and community centre – increased on-street parking, difficulty for lorries manoeuvring, impact on visibility
- Downgrade area
- Harm to privacy and amenity
- Nuisance from construction traffic
- Loss of trees
- Impact on biodiversity
- Noise pollution
- Air pollution
- Visual impact – out of character with area
- Not affordable housing
- Inaccurate plans
- Loss of open space
- Question accuracy of parking survey
- Design not in accordance with CDC Residential Design Guide
- Insufficient rear garden sizes
- Overlooking of nursery
- Sustainable construction not addressed
- Not enough facilities in area at present

- Infrastructure will not cope
- Impact on businesses

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: **Object** on the grounds of impact upon neighbouring school, proposed dwellings being out of keeping with street scene and out of character with the rest of the properties in the close due to being three stories where all other properties are two stories, contrary to Policies B96 Part III, C28 Sustainable Development in amenity space, Policy B159 and Policy ESD 15.

CONSULTEES

7.3. OCC HIGHWAYS: **Object** on the grounds of severe impact on the highway network: loss of car park and unable to safely accommodate spaces on street; inadequate cycle parking provision for two dwellings and not demonstrated adequate pedestrian and vehicular vision splays.

7.4. CDC ARBORICULTURE: No response received at time of writing.

7.5. CDC BUILDING CONTROL: Building Regulations application will be required.

7.6. CDC ENVIRONMENTAL HEALTH: No comments to make regarding odour and light. Electric vehicle charging is now part of Building Regs. Conditions required regarding contaminated land. A noise survey was requested due to the proximity of the shop, this was subsequently received, and Environmental Health were satisfied with this.

7.7. CDC LAND DRAINAGE: No comments to make regarding drainage or flood risk.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- BSC 2 – Effective Use of Land and Housing Density

- ESD1 – Mitigating and Adapting to Climate Change
- ESD 3 – Sustainable Construction
- ESD 6 - Sustainable Flood Risk Management
- ESD 10 - Protection and Enhancement of the Natural Environment
- ESD 15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution
- ENV12 – Contaminated land

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Sustainable construction

Principle of Development

9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

9.4. Paragraph 12 of the NPPF also 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. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

- 9.5. Policy PSD1 contained within the CLP 2015 echoes the requirements of the NPPF relating to 'sustainable development' and states that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.6. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.5 year supply for the current period 2022-2027, a shortfall equal to 2,255 houses for the period 2022-2027. Paragraph 11d of the NPPF therefore applies, meaning the Development Plan policies for housing provision are to be considered out of date, and the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.7. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury. Paragraph B.88 of the CLP 2015 states that by focussing development in and around the towns of Bicester and Banbury, we aim to ensure that the housing growth which the District needs only takes place in the locations that are the most sustainable and most capable of absorbing this new growth. Policy BSC2 of the CLP 2015 encourages the efficient use of land in sustainable locations.
- 9.8. The site is positioned within an existing residential estate, in the built-up limits of Bicester, with good access to local shops and amenities. The application proposes the erection of four dwellings upon an existing car park a sustainable location. The development would also contribute four additional dwellings to the Cherwell housing land supply at a time when the District is unable to demonstrate a 5-year supply of housing.
- 9.9. It is the opinion of Officers that the principle of the erection of four dwellings in this location is acceptable in accordance with Government guidance contained within the NPPF and Policies PSD1, ESD1 and BSC2 of the CLP 2015. The provision of four additional dwellings would also make a small contribution to the Cherwell housing land supply.

Design, and impact on the character of the area

- 9.10. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.11. Policy ESD15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards and should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and significant trees. It should also respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings and should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.

- 9.12. Saved Policies C28 and C30 of the CLP 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. The Cherwell Residential Guide SPD builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.13. The site currently consists of a car park which forms part of a local centre made up of associated commercial, community and educational buildings immediately to the west, north-west and north of the site, inclusive of the car parks serving these uses. An area of public open space lies beyond these nearby buildings that links to Banbury Road to the west, although aside from this, the local centre is surrounded by residential dwellings. Residential dwellings in the vicinity of the site are two storeys in height, consisting of a mix of detached, semi-detached, and terraced properties. Roofs are both hipped and pitched roof in design, and where present, garages are both attached and detached, and positioned to the side of dwellings. Each dwelling has a front garden area demarcated by landscaping or low fencing. Rear gardens are enclosed by brick walls. Characteristic features of these nearby dwellings are lean-to porch canopies, eaves height dormer windows and decorative banding running around the ground and first floor levels.
- 9.14. Further afield, there are a number of differing design features, such as rendered panels, timber clad oriel windows, pitched roof porches and close boarded timber fencing to enclose rear gardens.
- 9.15. The existing car park is landscaped with hedgerows and a number of small trees, and when combined with the landscaping in the immediate vicinity of the site, the streetscene at this location is leafy in character.
- 9.16. The proposed development would involve the erection of four dwellings in the form of a terraced block. The block would have a hipped style roof and takes design cues from dwellings in the immediate vicinity through the use of eaves level dormer windows, lean-to porch canopies and the decorative banding at ground and first floor levels. The boundary treatment enclosing the rear gardens would consist of a brick wall with decorative banding, and the frontages would be marked by landscaping, which is also in-keeping with boundary treatments in the area. The final choice of construction materials could be controlled via condition in order to ensure a close match to those existing.
- 9.17. Whilst the overall height of the dwellings would be higher than those in close proximity to the site, the dwellings would be read as part of the local centre alongside the taller commercial building to the north, avoiding this height difference drawing undue attention to itself.
- 9.18. Officers acknowledge that the pitch of the dormer windows is shallower than those in the vicinity, and the minimum 40-degree pitch sought by the Design Guide. Instead, the pitch would be similar to the shallow eaves feature above the porch canopies of 45-47 Holm Way. However, the site forms a part of the local centre with associated commercial, community and school buildings that all possess variations in design from nearby dwellings, and it is therefore considered that the dwellings would be in a location where some difference can be tolerated without causing significant harm.
- 9.19. Whilst the loss of three trees from within the site is regrettable, three trees would be retained within the rear gardens of the proposed dwellings. In addition to the retention of the existing hedge and tree to the south of the site, and the use of planting to the frontages, it is considered that the leafy character of the area would be retained.

- 9.20. The positioning of bin and bicycle storage to the front of the proposed dwellings is unfortunate, although the final design of these structures can be controlled via condition in order to ensure that they are discreet and provide adequate screening.
- 9.21. It is the opinion of Officers that the design of the dwellings is acceptable in this context and would result in a development that is broadly sympathetic to its surroundings whilst maintaining the leafy character of the area, in accordance with, Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF

Residential amenity

- 9.22. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.23. The proposed dwellings would sit at an oblique angle to the commercial building to the north of the site, with the closest distance between the two being 13.5 metres, just short of the minimum 14 metre distance normally sought. However, due to the angle at which the two would sit in relation to each other, this shortfall is considered acceptable. It is understood that the first floor of the commercial building to the north is within residential use. However, due to the separating distance and the angle at which the two buildings would sit in relation to each other, a significant loss of privacy would be avoided.
- 9.24. The front openings would face towards the frontages of dwellings on Holm Way at separating distances ranging between 15-17 metres. However, given that these are the less private frontages facing onto the public domain this relationship is considered acceptable.
- 9.25. Each dwelling would benefit from an area of private amenity space positioned to the north-west of the dwellings. The Design Guide advises that the amount of garden and outdoor space should be appropriate to the size of the property, with an expectation that larger properties will be located within larger plots with larger gardens, reflecting the likely needs of larger families. Amenity space must also be usable and receive sunlight for the majority of the year, with overshadowing prevented, particularly in north facing gardens. Privacy is also a consideration. There is no minimum size for private amenity space set by the Design Guide.
- 9.26. The proposed areas of private amenity space are modest in size, with the two larger areas serving the larger three bedroom dwellings. The north-western positioning of these areas should ensure that sunlight is received during the evenings, and the removal of the tree identified as T6 would assist with this. Whilst modest, the areas of private amenity space would be useable, and Officers consider these spaces to be acceptable.
- 9.27. Due to the position of the proposed dwellings in relation to each other and surrounding structures, they would not result in a significant loss of amenity for each other or neighbouring properties through a loss of outlook, overbearing appearance or shading.

- 9.28. The proposed dwellings would be positioned in close proximity to the Tesco Express store and the impact of this use upon the living amenities of future occupants is therefore a consideration. The Environmental Health Team requested a noise assessment. The submitted report addressed their concerns about the potential impact on the neighbouring residents. Officers therefore consider that the accommodation would benefit from acceptable standards of amenity.
- 9.29. The proposed development would not result in a significant loss of amenity or privacy for neighbouring properties and would provide acceptable standards of amenity and privacy for the future occupants of the dwelling, in accordance with Policy ESD15 of the CLP 2015, saved Policies ENV1 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.30. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.31. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in. Policy SLE4 of the CLP 2015 requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.32. The proposed development would result in the loss of an existing public car park. The original permission for the estate included a Section 52 Agreement that required this land to remain available to members of the public for the parking of vehicles in connection with their use of the local centre facilities. The applicant's agent has sought to demonstrate during the course of the application that the parking spaces lost, and additional spaces required as a result of the development, could be accommodated on-street, and that local roads would not experience any issues with parking stress or highway safety during these periods.
- 9.33. The Highway Authority has described the area as heavily congested during peak hours and this description appears to be supported by a large number of comments from members of the public as a result of consultation. It is understood that the existing car park is used by members of staff at the school, parents dropping off/picking up school children, users of the community centre and commercial units, and nearby residents. The Highway Authority do not consider the car park to be parking surplus.
- 9.34. The applicant's agent has submitted diagrams to demonstrate where the spaces that would be lost from the car park, and the additional spaces required as a result of the development, could be accommodated on street. However, the Highway Authority do not agree that the suggested on-street parking spaces are safe, and consider that in some cases, people would be deterred from parking their vehicles within them for fear of blocking larger vehicles or obtaining damage to their own vehicle. Further, parallel spaces do not meet the requirements outlined in OCC's Street Design Guide and the Highway Authority consider that there is a requirement for additional parking spaces to make up for that lost within the car park.

- 9.35. In addition, the Highway Authority consider that adequate vehicular and pedestrian vision splays are required to be demonstrated following concern that these may not be adequate. A Construction Traffic Management Plan (CTMP) would also be a requirement of any subsequent favourable decision given the narrow roads and anticipated difficulty accessing the site for construction vehicles, although this could be conditioned.
- 9.36. With regard to the proposed dwellings, the Highway Authority has accepted only one off-street parking space per dwelling, although given the recently adopted new cycle parking standards for new developments, cycle parking must be provided at a rate of two spaces per bedroom. Additional cycle parking is therefore required for the three bedroom dwellings, although this could be conditioned.
- 9.37. The Highway Authority has highlighted that OCC has a right of way across some of the land within the site boundary that cannot be altered without the agreement of OCC. However, as with the above-mentioned Section 52 Agreement, this is not a material planning consideration.
- 9.38. Officers are in agreement with the assessment of the Highway Authority. The existing car park is clearly well used, as witnessed during visits to the site and evidenced by the large number of responses from members of the local community objecting to its loss. The applicant has therefore failed to demonstrate that the development would not result in significant harm to highway safety.
- 9.39. It is the opinion of Officers that the loss of this public car park, together with the shortfall in off-street parking spaces to serve the dwellings, would result in significant harm to highway, contrary to Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Sustainable construction

- 9.40. Government guidance within the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. It states that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. The NPPF continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should:
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 9.41. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change, including but not limited to, designing developments to reduce carbon emissions and use resources more efficiently, including water.

- 9.42. Policy ESD3 of the CLP 2015 covers the issue of sustainable construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.
- 9.43. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. Further stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to minimising both energy demands and energy loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, incorporating the use of locally sourced building materials, reducing waste and pollution and making adequate provision for the recycling of waste, making use of sustainable drainage methods, reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.
- 9.44. The proposed dwellings would be positioned in a south-east to north-west orientation, with each habitable room served by an opening to provide both light and ventilation. The south/north orientation would allow for both sunlight and shading. The development would not involve the demolition of an existing building and there is no opportunity to re-use materials on site. The final choice of construction material could be controlled via condition.
- 9.45. As a new build the development would need to comply with the current building regulations which will ensure that the development would be built to a high standard of sustainable build. Notwithstanding this, if supported, it is considered that a condition should be added to ensure that the development has a higher level of water efficiency than required in the Building Regulations as required under Policy ESD3 of the CLP 2015.
- 9.46. It is the opinion of Officers that the development would demonstrate sustainable construction methods, in accordance with Government guidance contained within the NPPF and Policies ESD1 and ESD3 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of the erection of four dwellings in this sustainable location in the built-up limits of Bicester is considered acceptable. The development would not result in significant harm to the visual amenities of the locality, or the living amenities and privacy currently enjoyed by neighbouring properties, or by future occupants of the dwellings. However, the development would lead to significant harm to highway safety.
- 10.2. The development would deliver social benefits through contribution of four dwellings to the District's housing land supply in a sustainable location. In addition, short-term economic benefits would be delivered through the initial construction of the dwellings, and these would not be at the cost of the environment. However, these benefits would not outweigh the harm that would be caused to the social dimension of sustainable development in terms of highway safety.

10.3. The proposal therefore fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report and is not considered to constitute sustainable development. The application is therefore recommended for refusal.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

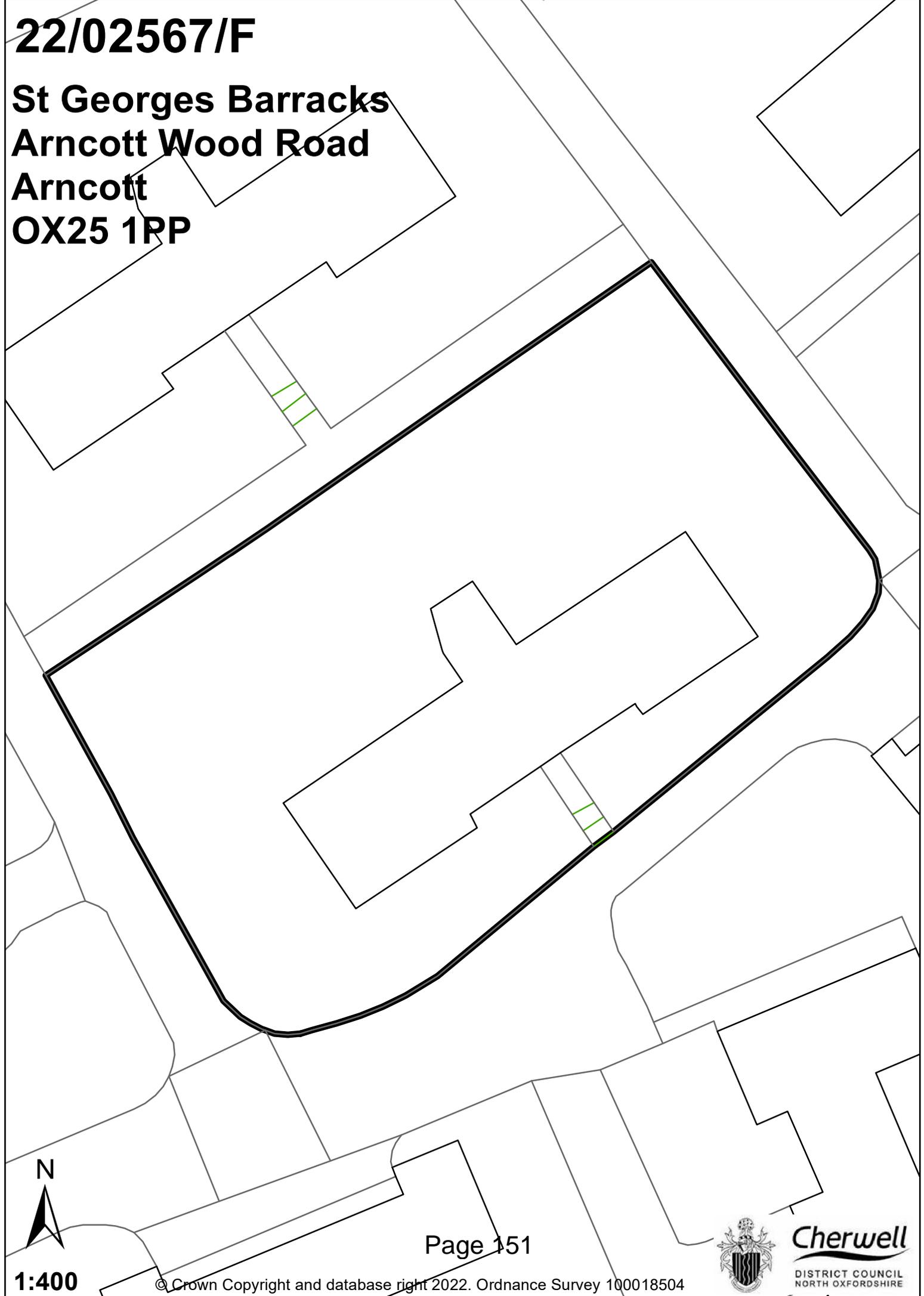
1. The loss of the public car park would result in an increased demand for on-street parking provision that cannot be safely or realistically accommodated within the vicinity of the site, resulting in significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. Adequate pedestrian and vehicular vision splays from the off-street parking areas serving the proposed dwellings have not been demonstrated. In the absence of the required vision splays the proposal has the potential to cause significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

St Georges Barracks
Arcott Wood Road
Arcott
OX25 1PP



22/02567/F

**St Georges Barracks
Auncott Wood Road
Auncott
OX25 1PP**

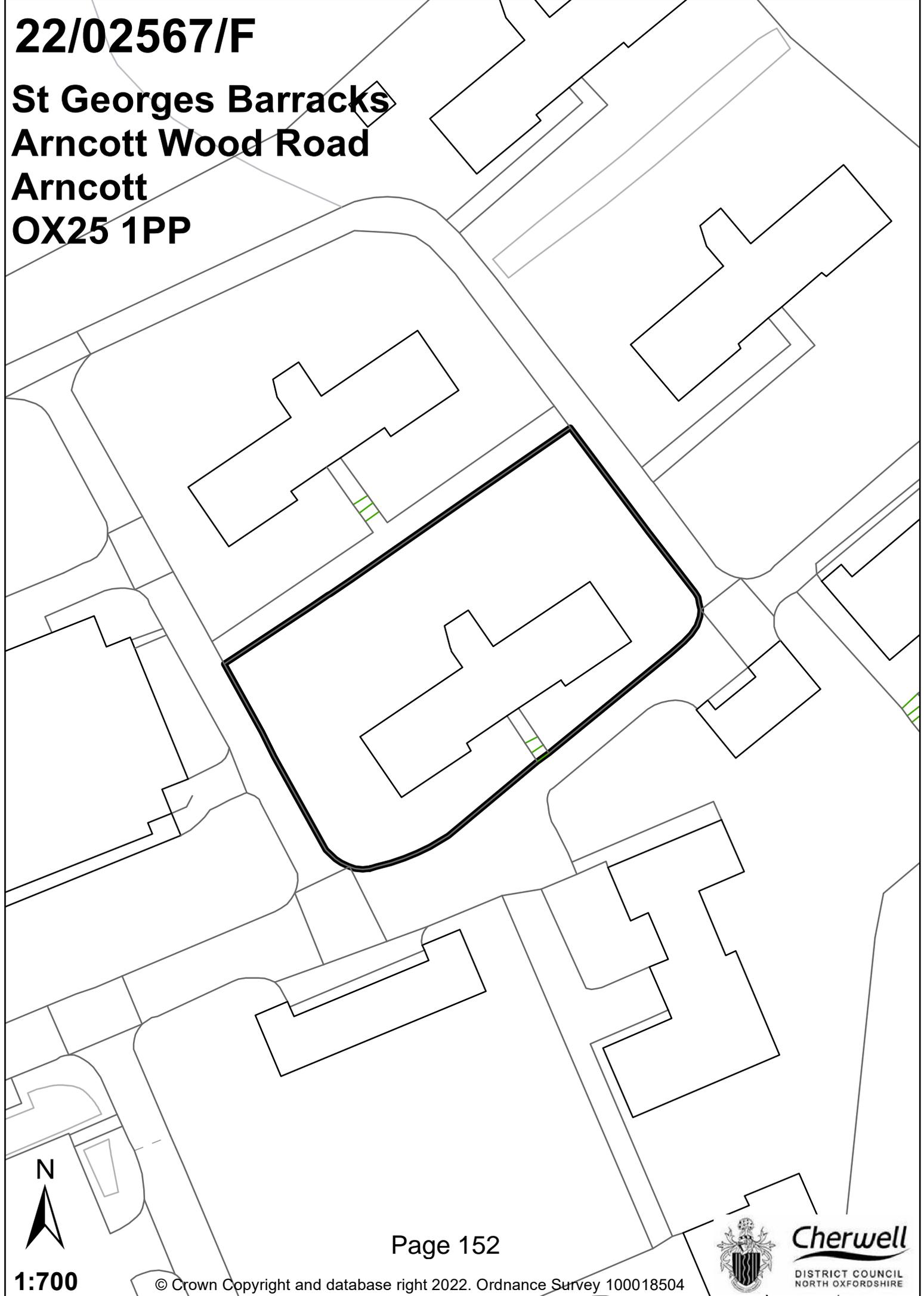


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22/02567/F

**St Georges Barracks
Arcott Wood Road
Arcott
OX25 1PP**



1:700



Case Officer: Rebekah Morgan

Applicant: Defence Infrastructure Organisation

Proposal: Demolition of existing three storey single living accommodation block and erection of three storey single living accommodation block.

Ward: Launton and Otmoor

Councillors: Cllr Coton, Cllr Holland and Cllr Patrick

Reason for Referral: Major development

Expiry Date: 11 December 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO APPROVE - SUBJECT TO ADDRESSING OUTSTANDING DRAINAGE QUERIES AND THE IMPOSITION OF CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated within an existing MOD complex on the southeast side of Upper Arncott. The wider site is accessed via a private, security-controlled access road.
- 1.2. The existing building, which is the subject of this application, is a three storey accommodation block situated on the northern part of the site. The site is laid out with a central canteen/amenity building, 8 accommodation blocks and includes a large car park. There are other single storey buildings to the south of the application site which serve functional/operational purposes for the MOD. Further south there is also some large commercial/warehouse style buildings.
- 1.3. The ground levels rise from south to north across the site. The northern and eastern edges of the site are bounded by woodland.

1. CONSTRAINTS

- 2.1. The following constraints apply to the application site:
 - Identified as an area of potentially contaminated land
 - Within 2km of a Site of Scientific Interest (SSSI) – Arncott Bridge Meadow
 - Within 50m of a Local Wildlife Site/Ancient Woodland

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent to demolish an existing three storey accommodation block and replace it with a three storey accommodation block. The proposed building would measure approximately 62m x 14m with a height of 12.8m to the top of the parapet with the enclosure over the roof access stairs adding a further 1.6m.

- 3.2. The building would be located in a similar position to the existing building with a slightly increased footprint. The proposed block would accommodate 69 bedrooms (a net increase of 1 bed space) with a floor area of 2,400 m² (a net increase of 936 m²).
- 3.3. The building would be finished in red brick with brown timber cladding infill panels next to the windows. The windows frames and doors would be finished in a dark grey colour.

3. RELEVANT PLANNING HISTORY

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

22/00938/SO: Screening Opinion Request for Environmental Impact Assessment Screening Opinion under Regulation 6(1) of The Planning (Environmental Impact Assessment) Regulations 2017.

Redevelopment of St George's Barracks Development on behalf of The Defence Infrastructure Organisation (DIO). The DIO is proposing to demolish the existing poor quality Block 5 accommodation and in its place construct a replacement Junior Ranks Single Living Accommodation (SLA) with 69 bed spaces.
EIA not required.

11/00722/F

3 Storey Single Living Accommodation (SLA) building (BC1002) with associated service road and hard and soft landscaping.
APPROVED

4. PRE-APPLICATION DISCUSSIONS

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

22/03992/PREAPP – Demolition of existing three-storey single living accommodation block and erection of replacement three-storey single living accommodation block.

- 5.2. The pre-application advice accepted the principle of the development. The proposed design and scale of the building was also supported. The proposal as set out in the pre-application enquiry was not considered to have a detrimental impact on the visual amenity of the area, unduly affect residential amenity or compromise highway safety. It was suggested any application should be supported by an arboricultural impact assessment.

5. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **28 September 2022**.
- 6.2. No comments have been raised by third parties.

6. 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. ARNCOTT PARISH COUNCIL: No comments received

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions.

The proposals represent a significant increase in floorspace from 1,524m² to 2,504m². However, the number of bed spaces increases only marginally from 68 to 69. This represents a negligible increase in activity at the site which will have no discernible impact on the external road network.

The submitted plans do not state what provisions, if any, will be made for car parking associated with the proposed new building. This information can be provided in discharge of a condition of planning permission.

It is not clear what provisions are to be made for cycle parking. Drawing No.Z9A8409Y20-HLM-11-00-DR-A-001110 (BUILDING 1, GA PLAN, GROUND FLOOR) shows a cycle store which has 14 partitions. The County's standards for new developments require one cycle parking space per bedroom for residential uses. Under these standards the proposals would therefore have to provide 69 cycle parking spaces. However, since this a barracks it is considered unlikely that each occupant would own a cycle and a lower level of provision would be acceptable. In this regard it is considered that the current proposed provision is too low and something between that and the required standard should be provided. This should be accompanied by a reasoned justification for the level of provision proposed. These aspects of cycle parking provision can be dealt with in discharge of a condition of planning permission.

- 7.4. LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objection.** Additional technical information has been requested.

- 7.5. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

- 7.6. CDC ENVIRONMENTAL PROTECTION:

Noise: No comments

Contaminated Land: Having read the enclosed documents I am satisfied with the contents and its findings and have no further comments.

Air Quality: No comments

Odour: No comments

Light: No comments

- 7.7. CDC ECOLOGY OFFICER: With regard to the above application, appropriate ecological surveys have been carried out including activity survey for bats. Section 4.3 of the submitted Preliminary Ecological Appraisal should be conditioned to ensure protected species will not be impacted during construction. The proposed landscape plan looks likely to result in an overall net gain in biodiversity for the site if well managed and should be secured with an LEMP. This should also specify types of enhancements proposed integrated bat and bird boxes, hibernacula and planting to attract invertebrates.

- 7.8. CDC ARBORICULTURAL OFFICER: **No objections**, subject to conditions requiring the submission of an arboricultural method statement and submission of a re-planting plan.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- 8.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway Safety
- Impact on trees
- Ecology impact
- Drainage
- Sustainability

Principle of Development

- 9.2. The NPPF states '*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. Policy PSD1 of the CLP 2015 reflects this presumption in favour of sustainable development.
- 9.3. The application site is part of a MOD complex that includes operational development and provides accommodation for staff and training purposes. The complex operates as a small community with on-site facilities to meet the needs of personnel living on site. The proposed replacement accommodation is specifically designed for personnel that are based at the site with the majority of their day to day needs also met on the site.
- 9.4. The proposal would replace an existing accommodation block and results in a net increase of 1 bed space. The standard of accommodation in the existing block no longer meets the needs of occupiers and the building requires significant repairs/refurbishment to meet the required standard. The accommodation block is proposed as Use Class C2A (Secure Residential Institutions) to provide single living accommodation to be occupied by service personnel living on site.
- 9.5. Given the context of the wider MOD site with existing accommodation blocks of a similar type, the development is considered to be well located and represents sustainable development by providing the required onsite accommodation for service personnel.

Design and impact on the character of the area

- 9.6. The existing accommodation blocks on the site are also three storeys in height with a functional, campus style appearance featuring red/brown brick finish and flat roofs.
- 9.7. The proposed building would be located in a similar position to the existing building, maintaining the uniform layout of the buildings on the site. The proposed materials reflect the existing buildings but introduce a slightly more modern design with the timber cladding features. Samples of the bricks are recommended to be conditioned to ensure they are of a similar appearance to the existing buildings which would help the new building blend in with the site.
- 9.8. The building would be higher than the existing block. The proposed building would be 12.8m high to the parapet wall with a further 1.6m to the top of the roof stairs enclosure; meaning overall the building would be 3.7m higher than the existing building, but the majority of the bulk form would be 2.6m taller than the existing building (when discounting the roof stairs enclosure). However, it would not feel overly prominent when viewed in the context of the building to the north which sits on higher ground due to the changes in the land levels.
- 9.9. Due to the location of the site, any longer distance views of the building would be viewed in the context of the surrounding site and therefore would not appear out of place. The site is not visible from the north or east due to the existing dense woodland.
- 9.10. Overall, the design is in keeping with the character of the site and would not have an adverse impact on visual amenity. The proposal is acceptable in this regard and complied with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential Amenity

- 9.11. The proposed accommodation block would be located within an existing MOD site. The replacement block would sit in a similar position to the existing block and would have a similar relationship with the other accommodation blocks on the site.
- 9.12. The existing arrangement of buildings on the site is considered an acceptable layout. There is sufficient distance maintained between the buildings to provide sufficient privacy and amenity for the occupiers of the rooms. As such, the proposal would not alter this relationship and is considered acceptable in terms of residential amenity.

Highway Safety

- 9.13. The Local Highway Authority has raised no objection to the proposal for a new accommodation block. They state *'the proposals represent a significant increase in floorspace from 1,524m² to 2,504m². However, the number of bed spaces increases only marginally from 68 to 69. This represents a negligible increase in activity at the site which will have no discernible impact on the external road network'*.
- 9.14. The consultation response has raised questions about car parking provision for the development and requested a condition to require those details. The whole of the wider site is within MOD control and parking provision is provided within a large centrally located car park. The agent has confirmed that this car park includes provision for the occupiers of the proposed accommodation block as is the case with the existing block. The roads within the site are private, therefore if there was an issue with overspill (which there currently is not) it would not impact on the highway network. A condition to identify the parking area is not therefore considered necessary. The site plans also show the provision of secure cycle storage adjacent to the building.
- 9.15. The proposal would not have a detrimental impact on highway safety and is considered to be acceptable in this regard.

Impact on trees

- 9.16. The application is accompanied by an arboricultural report and an arboricultural impact assessment. Two trees have been identified to be removed as a result of the proposal. One of the trees is identified as Category C with the other tree falling into Category U.
- 9.17. The Category C tree is located within the footprint of the proposed building and would therefore need to be removed. The arboricultural impact assessment identifies the tree as low value and its removal is not considered to represent a significant arboricultural impact. The Category U tree is not considered to be suitable for retention. As part of the development the applicant proposes to mitigate the loss of the trees by planting 5 replacements.
- 9.18. The Council's Arboricultural Officer has raised no objection to the proposal. The comments state: *'The submitted tree survey and impact assessment is of a high standard and suitably demonstrates:*
- The proposal requires the facilitative removal of one, low quality category C tree. In addition, one category U tree is to be removed regardless of development.
 - The proposal offers minor RPA encroachment upon one category B tree, which can be mitigated through engineering solutions.

- The proposal offers greater RPA encroachment upon one category C tree, which can be mitigated as above, but holds greater chance of impacting the trees physiological condition.
 - The proposal details a preliminary AMS demonstrating base measures which will be taken to retain trees during demolition and construction.
 - The proposal details removal of two trees will be mitigated by planting five new trees
- 9.19. Conditions have been recommended requiring the submission of an arboricultural method statement and submission of a re-planting scheme. These have been included in the list of conditions.
- 9.20. On the basis of the advice received from the Council's Arboricultural Officer, the proposal is not considered to have a detrimental impact on trees and is acceptable in this regard.

Ecology Impact

- 9.21. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.22. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.23. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.24. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.25. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.26. The application is supported by a preliminary ecological appraisal and a bat survey report. The reports concluded that there was no evidence that the existing building or T5 (an existing tree proposed for removal) were used for roosting bats. The reports

include suggested mitigation measures and steps should protected species be discovered during the construction works.

- 9.27. Officers are satisfied, on the basis of the comments provided by the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue to be met and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Drainage

- 9.28. The Local Lead Flood Authority (LLFA) has raised an objection on drainage grounds and requested details of the proposed drainage. The applicant submitted details information and the LLFA's latest response has highlight three remaining issues:

- Provide detailed drainage strategy
- Provide details and approval of an agreed point of surface water discharge
- Provide SuDS construction details

- 9.29. The applicant has responded and submitted the requested information; a re-consultation has been undertaken. If a response is received prior to the committee meeting, members will be provided with an update.

- 9.30. Given the context of the wider site being within the applicant's ownership, it is considered that the drainage issues would be able to be resolved with the submission of additional information. Therefore, the recommendation has been set out to reflect this position.

Sustainability

- 9.31. Policies ESD1-3 and ESD5 of the CLP 2015 require applicants to consider the impact of climate change and sustainability measures when designing new development.

- 9.32. The proposal includes the provision of solar panels, located unobtrusively on the roof behind the parapet wall. The planning statement advises that the accommodation block would exceed current Near Zero Carbon Building Standards and would meet DREAM (Defence Related Environmental Assessment Methodology) 'Excellent' Standard. DREAM assessments cover a range of issues including sustainable construction, water efficiency and energy measures.

- 9.33. The applicant states that solar panels will be included on the roof of the development. It is not demonstrated that the applicant is maximising the use of solar panels, but they do form an integral part of the DREAM assessment along with a package of sustainability measures. A condition is included to ensure the development is required to meet the DREAM 'excellent' standard as stated in the application.

- 9.34. As such, the design of the building is considered to represent sustainable construction and therefore complies with Policies ESD1-3 and 5 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 9 of this report, and so is considered to be sustainable development that meets the specific needs of the future occupiers of the development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

- i. **THE RESOLUTION OF DRAINAGE MATTERS OR THE IDENTIFICATION OF A SUITABLE CONDITION TO ADDRESS THE ISSUES; AND**
- ii. **SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application Form
 - Planning Statement
 - Drawing number Z9A8409 Y20 -HLM -00 -00 -DR - A -000001 Rev P03 – [Site Location Plan]
 - Drawing number Z9A8409Y20-HLM-10-00-DR-A-00010 Rev P01 – [Proposed Site Block Plan]
 - Drawing number Z9A8409Y20-HLM-11-00-DR-A-001110 Rev P07 – [Proposed Ground Floor Plan]
 - Drawing number Z9A8409Y20-HLM-11-01-DR-A-001111 Rev P07 – [Proposed First Floor Plan]
 - Drawing number Z9A8409Y20-HLM-11-02-DR-A-001112 Rev P07 – [Proposed Second Floor Plan]
 - Drawing number Z9A8409 Y20 -HLM -11 -03 -DR - A -001113 Rev P07 – [Proposed Roof Plan]
 - Drawing number Z9A8409Y20-HLM-10-00-DR-A-000103 Rev P06 – [Proposed Landscape Plan]
 - Drawing number Z9A8409Y20-HLM-11-XX-DRA-003110 Rev P06 – [Proposed Elevations]
 - Drawing number SLA-HLM-XX-ZZ-DR-A-00250 Rev P04 – [Typical Strip Section]
 - Drawing number Z9A8409Y20-HLM-11-XX-DR-A-002110 Rev P05 – [Sections]

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

3. The premises shall be used only for the purpose of service personnel living accommodation and for no other purpose whatsoever, including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant.

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the 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.

5. The building hereby permitted shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

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

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

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

7. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of any retained tree, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

8. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the

current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal Report by Arcadis dated November 2021 and the Bat Survey Report by Arcadis dated July 2022 unless otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

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

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

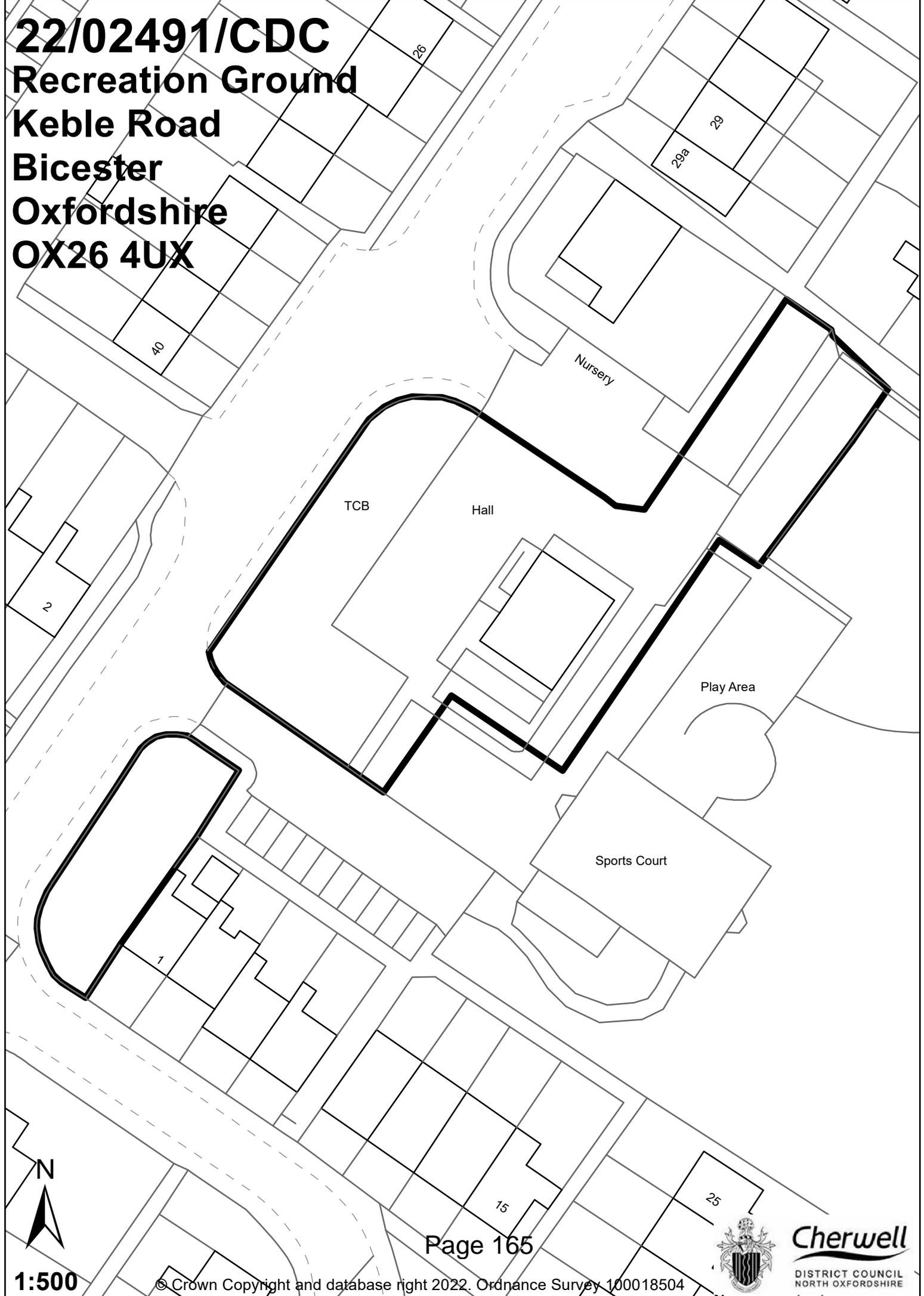
Agenda Item 13
22/02491/CDC

**Recreation Ground
Keble Road
Bicester
Oxfordshire
OX26 4UX**



1:700

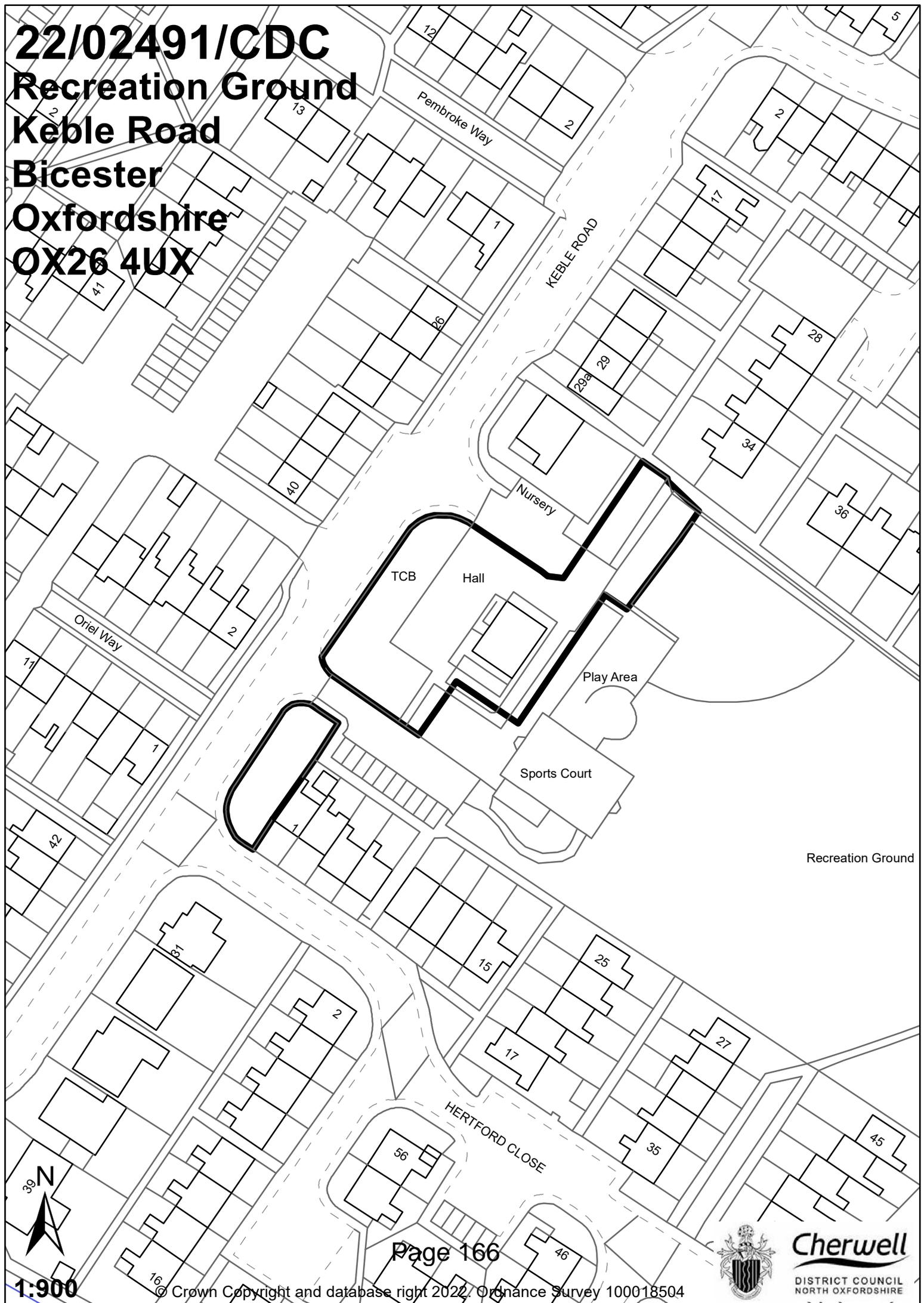
22/02491/CDC
Recreation Ground
Keble Road
Bicester
Oxfordshire
OX26 4UX



1:500



22/02491/CDC
Recreation Ground
Keble Road
Bicester
Oxfordshire
OX26 4UX



Recreation Ground



1:900



Case Officer: Rebekah Morgan

Applicant: Cherwell District Council

Proposal: Demolition of the existing Bicester East Community Centre to be replaced by a new bespoke Community Hall together with six residential units

Ward: Bicester East

Councillors: Cllr Dallimore, Cllr Ford and Cllr Mould

Reason for Referral: Application affects the Council's own land and the Council is the applicant.

Expiry Date: 13 December 2022

Committee Date: 8 December 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is application site is located in a residential area of Bicester to the northeast of Bicester Town Centre. The site comprises of the existing Bicester East Community Centre and some additional land which is currently used for car parking and community/recreational use.
- 1.2. The existing community centre building is a modular building with shallow felt roof. The walls are finished in predominantly grey render with single glazed windows. The building was designed to be a temporary structure and was constructed in 2007/2008.

2. CONSTRAINTS

- 2.1. The application site is within located within a built up, residential area. The associated land is for community/recreational uses. There are trees within and close to the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for the demolition of the existing community centre building and replacement with a new building (located on the north side of the site) and 6 dwellings (located on the west side of the site), with associated car parking.
- 3.2. *Community Centre:* The proposed community centre building would measure approximately 19m x 13.5m with a maximum height of approximately 6.8m. The building would contain a large community hall, storage, kitchen, meeting room and toilet facilities. The proposal includes a covered patio/veranda as an integral part of the design. The building is single storey but has a sloping, mono-pitch roof to the community hall to facilitate indoor sports. The building would be finished in brick with some render detailing.

- 3.3. *Dwellings*: The proposal includes 6 dwellings arranged in three pairs. The dwellings are proposed to be two storeys with the plans showing four 3-bedroom dwellings and two 2-bedroom dwellings. Each pair of dwellings has a footprint of approximately 11.2m x 9.3m with a height of 8.4m. Each dwelling has 90 m² of floor space. The dwellings are arranged with gardens to the rear and parking to the front.

4. RELEVANT PLANNING HISTORY

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

01/00551/CDC
Temporary siting of Portakabin for Community Use.
APPROVED

02/01966/F
Erection of 1 no. portacabin.
APPROVED

04/01887/F
Temporary planning consent for the erection of 1 no. portacabin.
APPROVED

05/01453/F
Removal of existing portacabin and erection or replacement community centre.
APPROVED

5. PRE-APPLICATION DISCUSSIONS

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

18/00281/PREAPP: Either: A) a replacement community hall of around 2,500 sq ft plus six semidetached dwellings, broadly mirroring the dwellings opposite in terms of scale, layout and footprint. Or: B) A replacement hall of around 4,500 sq ft on ground floor and segregated parking and amenity areas.

- 5.2. The pre-application report concluded:

'The principle of development is considered to be acceptable and would potentially result in a significant enhancement both visually and in the provision of community facilities for the local area. The site is not considered to be particularly sensitive and therefore there is some flexibility in the final design, but we would encourage attention to be given to designing a building that improves on the existing and is of some architectural interest in terms of design and the materials used.

I have concerns at this stage with Option B, in particular the likely scale of the building and its impact on the site and surrounding area.

The number of parking spaces required for each option does not appear to be achievable at this stage, and thus the scheme may need to be amended to account for this'.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **28 September 2022**.
- 6.2. 13 representations have been received: 4 objecting, 2 supporting and 7 comments. The comments raised by third parties are summarised as follows:
- Existing issues with parking when large community events occur
 - Insufficient parking proposed for the community centre and the nursery
 - Impact on highway safety
 - The enhanced facilities will be a benefit for Bicester
 - New houses will help with housing shortage
 - The improved facilities should be paid for from the community's budget and not by selling off land for housing
 - Schedule of works suggest existing facility will need to be closed and houses built/sold before work can commence on the new facility. Overall, it will create months of disruption from construction
 - The new centre should be located on the site of the existing one
 - The proposal will enclose the playing fields/play area and reduce the natural surveillance of the area, impacting on safety
 - The application has not considered 'secure by design' as required by Policy ESD15 of the CLP 2015
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: Welcome the new facility but echoed the concerns residents have with the future parking system.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of electric vehicle charging and cycle parking provision.
- 7.4. CDC RECREATION TEAM: No comments
- 7.5. CDC ENVIRONMENTAL PROTECTION OFFICER: Made the following comments:
- Noise: No comments
 - Contaminated land: No comments

- Air quality: No comments
- Odour: No comments
- Light: No comments

7.6. CDC ARBORICULTURAL OFFICER: **No objections**, subject to conditions requiring tree re-planting and the submission of an arboricultural method statement.

7.7. THAMES VALLEY POLICE DESIGN ADVISOR: **Holding objection**, I have some concerns with the proposals in terms of the potential for crime and disorder, and do not have sufficient information within this application to fully review the proposals. For that reason I am unable to support this application in its current form. This objection may be addressed by amendments and submission of further information which addresses my comments.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC10: Open Space, Outdoor Sport and recreation Provision
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of New Residential Development
- C31: Compatibility of proposals in residential areas

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety
- Impact on trees
- Other matters

Principle of development

9.2. The NPPF states *'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*.

9.3. Paragraph 99 of the NPPF states *'Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current former use.*

9.4. Policy BSC10 of the CLP 2015 (open space, outdoor sports and recreation provision) seeks to protect existing sites. Policy BSC12 of the CLP 2015 (indoor sport, recreation and community facilities) states *'the Council will encourage the provision of community facilities to enhance the sustainability of communities, and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards of provision by the following means:*

- Protecting and enhancing the quality of existing facilities
- Improving access to existing facilities
- Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision

9.5. The application site comprises of the existing community centre land and an area of public open space. The existing community centre building was clearly designed as a temporary building and requires replacement. The development proposes to replace it with a purpose built, permanent structure that would be located on a section of public open space. The replacement facility would represent a significant enhancement (in terms of quality of provision) to the existing community facilities.

9.6. The proposal includes the development of 6 dwellings on the old community centre land. The proposal would not result in the loss of a community centre because the

proposal includes a replacement facility, however there would be a small loss in terms of land currently used for public open space.

- 9.7. The application site is within an existing residential area, so the provision of a new community centre is not linked to any large scale, allocated development. As such, the funding for the centre has to come from the Local Authority opposed to developer contributions. Documents have been submitted to demonstrate that the dwellings are required to make the scheme financially viable and cover the cost for the replacement community centre. Without the inclusion of some market housing, the replacement community centre would not be able to go ahead.
- 9.8. Paragraph 99 of the NPPF states that existing facilities should not be built on unless the proposal meets one of the exemptions. In this case, criteria b) should be considered – *‘the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location’*.
- 9.9. The replacement community centre would provide a facility that is of a much better quality than the existing centre. The design includes a higher roof to the main hall which will facilitate a wider range of activities including indoor sport. The improved quality of the facilities is likely to increase use of the building. The external space includes a covered patio area, which could include a seating area and a small garden, both of which can be accessed via the community hall. Furthermore, the building remains on land at the heart of the community, so it will continue to serve the residents in this part of Bicester.
- 9.10. The replacement community centre would result in significant improvements to the quality and quantity of community uses that can be offered in this location. Evidence has been supplied to demonstrate that the proposed housing is required to make the scheme financially viable. Whilst the proposal results in a small reduction in open space, the overall benefits of the scheme clearly outweigh this. Overall, the proposal is considered to accord with Policy BSC10 of the CLP 2015 and Government guidance contained within the NPPF.

Design and impact on the character of the area

- 9.11. Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’*. Chapter 12 of the NPPF goes on to set out the importance of good design to help create positive places for people to live in. The focus on high quality design is echoed in Policy ESD15 of the CLP 2015.

Community Centre

- 9.12. The design of the proposed community centre is modern and functional. The sloping roof to the main hall is a practical design feature to add internal height but also offers an interesting element to the design.
- 9.13. The proposed materials palette is reflective of the surrounding area incorporating a buff brick, but with render elements and a modern finish to the roof. The building will complement the surrounding dwellings, but the design will allow it to stand out as a recognisable community building.
- 9.14. The submitted design and access statement states *‘Both the houses and community hall will be designed to go beyond the basic requirements addressing the matter holistically. Each building will embrace energy and water conservation measures and techniques but will also have the flexibility to adapt to changes and advance in*

technologies'. It goes on to set out that a 'fabric first' approach will be taken in construction and the use of photovoltaics will be investigated.

Dwellings

- 9.15. It is proposed that the dwellings would front onto Keble Road which is reflective of the layout of the surrounding area. The scale and massing of the dwellings reflects the existing form of residential development in the area. The design of the dwellings is simple; two storey dwellings arranged in pairs and constructed in brick with tile roofs and small storm porches. The dwellings have parking to the front and gardens to the rear. The design is reflective of the housing in the area, which is predominantly two storey, brick buildings arranged in small terraces.
- 9.16. The proposed dwellings would not appear out of keeping in the area and would not be overly prominent in the street scene. The design complements the existing character of the area and is considered to be acceptable.

Overall layout

- 9.17. The proposal to relocate the community centre to the side and construct dwellings along the road results in a built form that occupies a large portion of the street frontage along Keble Road. Third party comments have raised concerns about a reduction in visibility of the play areas/playing fields from the main road and questioned if the proposal meets 'Secure by Design' standards.
- 9.18. Whilst the dwellings would span a wider area of the road frontage than the existing community centre, the layout is designed to still allow views through the playing fields on either side. The dwellings themselves would also offer some natural surveillance of the area in a similar way to the existing dwellings that surround the playing field.
- 9.19. The Thames Valley Police Design advisor has raised a holding objection to the proposal and provided detailed comments. With regards to the dwellings, there are concerns about the potential vulnerability of the properties because of the block arrangement with the properties backing on to public areas in a similar manner to the existing properties in this area. There are also concerns about impact on surveillance of the playing areas and comments relating to potential vulnerabilities in the community centre design.
- 9.20. The site is constrained because it provides existing public open space and sports facilities. Therefore, there are limited options for laying out the site without impacting on the existing community provision. The layout replicates the surrounding development pattern and provides an acceptable relationship with the street scene.
- 9.21. Comments relating to mixed parking provision (for the community centre and residents) have been noted. However, the existing community centre and nursery do not have demarcated spaces and there are no restrictions preventing residents from using the space at present. Therefore, the proposed scheme would not differ significantly from the existing situation.
- 9.22. A condition is recommended requiring the applicant to demonstrate crime prevention measures that will be incorporated into the design. This will enable them to address some of the detailed comments that have been made. Conditions also require details of boundary treatments and lighting, so these can be designed to offer the best security for the residents. Whilst Policy ESD15 promotes that new developments should achieve 'Secured by Design' accreditation, it is unlikely that this can be achieved in this instance. For example, the proposed layout would not allow for defensive space between the rear boundary and the accessway, and to include a setback in this area would further reduce the size of the rear garden areas which are already relatively small.

- 9.23. It is accepted that the proposal will reduce some of the natural surveillance of the public open space, however, given the size of the open space and the layout of the residential estate, those who want to participate in anti-social behaviour will find opportunities in the existing area (for example behind the existing community centre), therefore, the proposal would not make this significantly worse.
- 9.24. The planning assessment needs to balance the planning benefits this proposal represents: such as the provision of new housing in a sustainable location which then helps to fund the provision of updated community facilities; against the concerns raised by the Police Design Advisor. Subject to the imposition of the suggested conditions that will seek to ensure as many crime prevention measures as feasible can be incorporated, it is considered that the benefits of this proposal outweigh the concerns raised by the Design Advisor.

Residential amenity

Community Centre

- 9.25. The proposed community centre building would be located on the northeast side of the site and sits adjacent to a boundary with neighbouring residential properties. The proposed community centre would be positioned approximately 12m away from the gable of the nearest dwelling at 34 Nuffield Close.
- 9.26. The community centre building is single storey but has a sloping roof which increases the overall height. Because the building is located to the side of the neighbouring property (34 Nuffield Close) (facing the gable wall), it would not appear overbearing or overly dominant when viewed from the neighbouring residential property and would not have a detrimental impact on their general outlook.
- 9.27. The Council's Environmental Protection Officer has raised no concerns or objections to the proposal on the basis of noise or odour. The community centre use is considered to be an appropriate and compatible use to be located within a residential area and would not result in harmful noise or disturbance to the residential properties.

Dwellings

- 9.28. The proposed dwellings would be positioned adjacent to Keble Road. Residential properties are positioned on the opposite side of the road, with approximately 29m front to front distance.
- 9.29. The dwellings would have an appropriate relationship with the surrounding residential properties and would not result in harmful overlooking or impact on general outlook.

Highway safety

- 9.30. The proposal includes the re-configuration of the parking provision for the community centre but utilises the existing access from Keble Road. A number of third party comments have raised concerns about the proposed level of parking provision and potential impacts on the highway.
- 9.31. The Local Highway Authority has raised no objections to the proposal and provided the following comments in relation to parking '*I do not consider the parking to be excessive at this development, with the number of spaces not increasing from the previous development (discounting residential spaces), space use can be interchanged between the community centre and the nursery and should relieve potential stress at drop off and pick up times*'.
- 9.32. The proposed level of parking is considered to be acceptable for the scale of development being proposed. The replacement community hall offers a facility for

local residents in a convenient location that would be easily accessible by walking and cycling and therefore does not need to be accessed purely by motor vehicle.

- 9.33. The Local Highways Authority has made comments relating to cycle parking and have suggested appropriate conditions to address this matter. A condition has also been requested requiring electric vehicle charging points; this matter is now a requirement on Building Regulations and therefore it is not necessary to include it as a condition.
- 9.34. Overall, the proposal is considered to represent a safe and suitable scheme in highway safety terms and as such, is considered to be acceptable.

Impact on trees

- 9.35. The proposal requires the removal of 13 trees on the site to facilitate the development. The applicant has submitted an Arboricultural Impact Assessment which classifies all the trees as Category C.
- 9.36. The Council's Arboricultural Officer raised concerns during the application. The main concern related to the proposed re-planting. The redline site area is tightly constrained and therefore it was not clear if there were suitable locations for replacement trees.
- 9.37. The applicant submitted additional information to address the concerns and has supplied a plan showing land that is within their control and therefore available areas where replanting could occur. The Council's Arboricultural Officer has now confirmed that they raise no objections to the proposal subject to conditions to ensure appropriate re-planting is carried out and existing trees are protected during the construction works.
- 9.38. The existing trees do have visual value and the loss of the trees is unfortunate, however, it has been demonstrated that their removal is necessary to enable the development. The overall benefits of the scheme and the provision of the new community centre does weigh against the loss of the trees and sufficient re-planting can be secured via condition. Therefore, on balance, the proposal is considered to be acceptable in this regard.

Other Matters

- 9.39. Concerns have been raised by third parties regarding the phasing of the development and concerns the housing will be built prior to the new community centre. The applicant has confirmed that the intention is to build the replacement first to ensure a continuity of community provision. The Council has agreed forward funding of the development with a requirement for funds to be re-paid from the proceeds of the housing.
- 9.40. The principle of the residential development is only supported on the basis that it enables significantly enhanced community facilities; therefore, a planning condition is recommended to ensure the community facilities are provided first.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal is considered to be sustainable development. It addresses the three dimensions of sustainability providing community facilities that are suitably designed and well located to meet the needs to the local community
- 10.2. The proposal is considered to be acceptable in principle because it would result in the provision of significantly enhanced community facilities. It has been demonstrated that the housing development is required to fund the scheme, therefore the slight reduction in public open space is outweighed by the overall benefits of the proposal.

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.

2. No development shall commence on the hereby approved dwellings until the new community centre is constructed and operational.

Reason: The proposed dwellings are only considered acceptable in principle to facilitate the provision of the new community centre.

Compliance with Plans

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

- Application form
- Covering letter
- Design and Access Statement
- Drawing number 5046/G/20/001 Rev P0 – [Location Plan]
- Drawing number 5046/G/20/003 Rev P0 – [Proposed Site Plan]
- Drawing number 5046/G/20/004 Rev P0 – [Proposed Plans Plots 1 & 2]
- Drawing number 5046/G/20/005 Rev P0 – [Proposed Plans Plots 3 & 4]
- Drawing number 5046/G/20/006 Rev P0 – [Proposed Plans Plots 5 & 6]
- Drawing number 5046/G/20/007 Rev P0 – [Proposed Plots 1-6 Street Scene]
- Drawing number 5046/G/20/008 Rev P0 – [Community Hall – Proposed Plans]
- Drawing number 5046/G/20/009 Rev P0 – [Community Hall – Proposed Elevations]

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

General Conditions

4. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

5. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the retention of the hedgerow (H1) along the front boundary, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

6. All hard-standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

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

7. Details of any external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Conditions relating to the Community Centre

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

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

9. Prior to the first use of the community centre hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the community, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of

odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

11. Full details of the enclosures along all boundaries of the community centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be constructed and retained in accordance with the approved details prior to the first use of the building.

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

12. Prior to the commencement of development of the Community Centre, a Crime Prevention Strategy detailing how crime prevention measures are to be incorporated into the development, has been submitted to and approved in writing by the Local Planning Authority. The measures set out in the agreed Crime Prevention Strategy shall thereafter be fully implemented in accordance with the approved details and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

Conditions relating to the Dwellings

13. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works on the dwellings. The development shall thereafter be completed in accordance with the approved details.

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.

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

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

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

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

16. Full details of the enclosures along all boundaries of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The dwellings hereby approved shall not be occupied until a Crime Prevention Strategy detailing how crime prevention measures are to be incorporated into the development, has been submitted to and approved in writing by the Local Planning Authority. The measures set out in the agreed Crime Prevention Strategy shall thereafter be fully implemented in accordance with the approved details and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

Agenda Item 14
22/02721/F

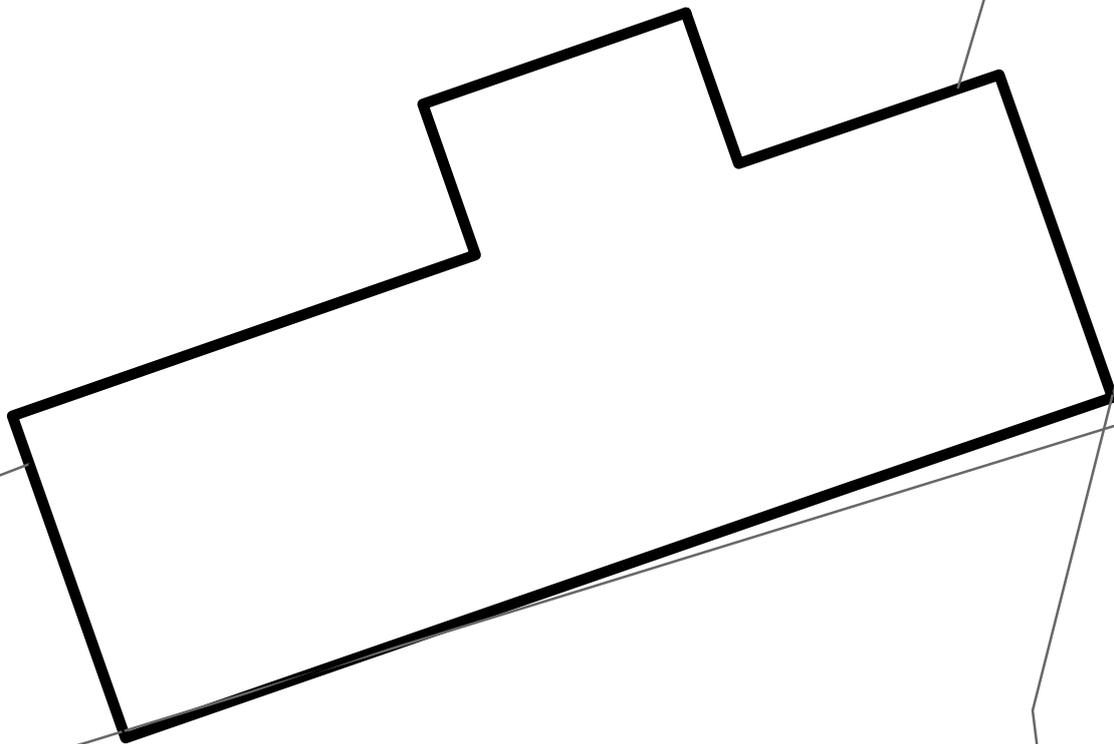
**The Paddocks
2 Foxtowns Green
Kirtlington
OX5 3JW**



1:300

22/02721/F

**The Paddocks
2 Foxtowns Green
Kirtlington
OX5 3JW**



1:100

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

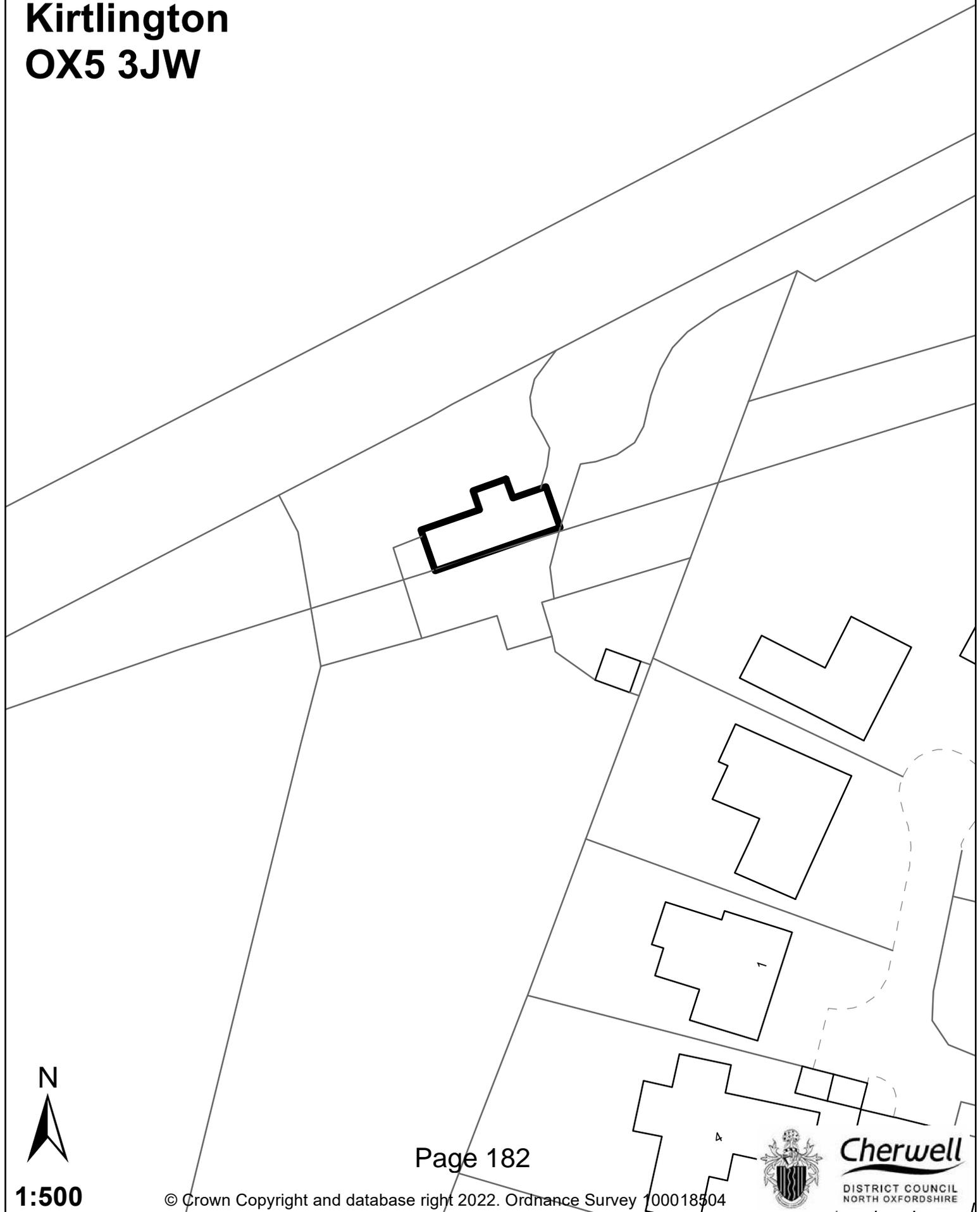
22/02721/F

The Paddocks

2 Foxtowns Green

Kirtlington

OX5 3JW



Case Officer: Gemma Magnuson

Applicant: Ms Jean Conway

Proposal: RETROSPECTIVE - Addition of a small stable (on skids) alongside the existing stable block which comprises 2 stables, tack room and hay barn

Ward: Fringford and Heyfords

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

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 12 December 2022

Committee Date: 08 December 2022

SUMMARY OF RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site consists of an existing paddock to the north of the village of Kirtlington. Vehicular access to the site is via the A4095, with pedestrian access via the rear garden of 2 Foxtowns Green. The boundaries of the site are marked by post and rail fencing, and there is a belt of mature trees running alongside the northern boundary. The rear gardens of residential dwellings to the east run alongside the eastern boundary of the site. The wider paddock is divided by post and rail fencing. Open countryside lies to the north and west of the site. The topography is flat, and the land is used for the keeping of horses at present.

2. CONSTRAINTS

2.1. The application site is within an area of archaeological interest. The land has been identified as potentially contaminated. A minor aquifer has been identified. The Kirtlington Quarry SSSI is within 2km of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks retrospective planning permission for a stable on skids. The stable has been erected adjacent to the eastern elevation of an existing stable block. The stable is constructed from timber with a black bitumen roof. It has a pitched roof reaching a height of 3.65 metres at its highest point.

4. RELEVANT PLANNING HISTORY

Application: CHS.169/82
Two loose boxes and tack room
Permitted - 25 May 1982

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 November 2022**. One comment has been received, supporting the application.
- 6.2. The comments raised by third parties are summarised as follows:
- Closest view of the stable and have no objection to it remaining
 - Obvious position and horses are happy
- 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. KIRTLINGTON PARISH COUNCIL: **No objection.**
- 7.3. MID-CHERWELL NEIGHBOURHOOD FORUM: No comments received at time of writing.

CONSULTEES

- 7.4. OCC HIGHWAYS: **No objection.**
- 7.5. CDC ENVIRONMENTAL PROTECTION: **No comments.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE4 – Improved Transport and Connection
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- AG5 - Development involving horses

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid-Cherwell Neighbourhood Plan (MCNP) and the following Policies of the Neighbourhood Plan are considered relevant:

- PD4 - Protection of important views and vistas
- PD5 - Building and site design

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity and environmental pollution
- Highway safety

Principle of Development

9.2. The principle of the development stands to be considered against Government guidance contained within the NPPF and saved Policy AG5 of the CLP 1996. The NPPF states that there is a presumption in favour of sustainable development, the objectives of which are economic, social and environmental. Planning decisions should be approved where they accord with an up-to-date development plan without delay.

9.3. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside; the proposal would not be detrimental to the amenity of neighbouring properties and the proposal complies with other Policies in the Plan.

9.4. The application seeks to retain one additional stable to a site that is already in equestrian use, to sit adjacent to an existing stable block. The equestrian use of the site has already been established and it is therefore considered that the principle of the development is acceptable.

Design, and impact on the character of the area

9.5. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

- 9.6. Policy ESD15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.
- 9.7. Saved Policy C28 of the CLP 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside.
- 9.8. Policy PD4 of the MCNP requires consideration of important views and vistas, the designated conservation area and other heritage assets, in order to avoid harm. Policy PD5 requires new development to be a high standard that responds to the character of the settlement, including landscape mitigation.
- 9.9. The stable is modest in size, sitting at a lower height and with a smaller footprint than that of the existing stable block. The design and choice of construction materials are in-keeping with those of the existing stable block and it reads as a subservient addition to this structure. Due to the position of the site to the rear of residential dwellings, the development is not clearly visible from the public domain. The development is in-keeping with the equestrian character of the wider site.
- 9.10. It is for the above reasons that Officers consider the development does not result in harm to the visual amenities of the area, including the wider landscape, and that the development therefore accords with Policy ESD15 of the CLP 2015, saved Policies C28 and AG5 of the CLP 1996, Policies PD4 and PD5 of the MCNP and Government guidance contained within the NPPF, in terms of visual impact.

Residential amenity and environmental pollution

- 9.11. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development.
- 9.12. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not be detrimental to the amenity of neighbouring properties.
- 9.13. The application seeks permission for one additional stable upon a site that is already in equestrian use. Whilst the new stable is closer to the western facing elevation of residential dwelling 3 Akeman Spinney than that of the existing stable block, due to the low height and separating distance, and the nature of the use for the accommodation of horses, it is not considered that the development results in significant harm to this neighbour in terms of a loss of privacy, shading, loss of outlook or an overbearing appearance.

- 9.14. The introduction of one additional stable is not anticipated to result in significant levels of environmental pollution over and above that of the existing use. This is reflected in the response from the Council's Environmental Protection Team. Officers consider that provided the stable remains in private use, as opposed to a commercial livery, the development would not result in significant harm in terms of environmental pollution. A condition has been recommended in order to ensure that the stable is not used on a commercial basis in the future.
- 9.15. The development is therefore considered to comply with Policy ESD15 of the CLP 2015 and saved Policies ENV1 and AG5 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.16. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.17. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in. Policy SLE4 of the CLP 2015 requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.18. Vehicular access to the site will continue to be taken via the existing access taken from the A4095 to the west. Officers do not consider that the erection of one additional stable would lead to significant additional levels of vehicular trips to and from the site from that already experienced. The Highway Authority has also raised no objection to the development on the grounds of highway safety or convenience.
- 9.19. The development is therefore considered to comply with Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

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

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the following plans and documents: BWC2022/TR/2FGK

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.

Private use only

2. The stable hereby permitted shall be used for private use only and no commercial use, including livery, shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Cherwell District Council

Planning Committee

8 December 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

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

2.0 Introduction

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) 22/01404/F – 83 Mold Crescent, Banbury

Full planning application for single storey rear extension and part double storey rear extension

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00049/REF

b) 22/01088/F – 2A Strawberry Hill, Bloxham

Full planning application for single storey front porch extension and incorporation of garage to provide a utility room and study

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00048/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

a) 21/03177/F – Land West of Howes Lane, Bicester

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

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Statement due: 08.11.2022
Appeal reference: 22/00045/REF

b) 21/03177/F – Land West of Howes Lane, Bicester

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

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Proofs due: 20.12.2022
Appeal reference: 22/00045/REF

c) 22/01585/F – 6 Willow Way, Banbury, OX16 9EY

Change of use of grass verge/land within applicant's ownership to enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing.

Officer Recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 18.10.2022
Final Comments Due: 06.12.2022
Appeal reference: 22/00046/REF

d) 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 22nd 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

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

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

Officer Recommendation: Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Statement due: 19.02.2022
Appeal reference: 21/00037/REF

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

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

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

g) 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

h) 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

i) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 10.08.2022
Statement due: 14.09.2022
Appeal reference: 22/00038/REF

j) 21/03452/TEL56 – Street Record, Station Road, Kirtlington

Proposed 15.0m Phase 8 Monopole C/W wraparound 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

k) 21/04211/F – 5 Milton Street, Banbury, OX16 9PL

Two storey rear extension

Officer recommendation: Non-Determination
Method of determination: Written Representations
Start Date: 12.09.2022
Statement due: 17.10.2022
Appeal reference: 22/00041/NON

l) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)
Method of determination: Written Representations
Start Date: 02.09.2022
Statement due: 07.10.2022
Appeal reference: 22/00040/REF

m) 22/00173/CLUP – 15 Arcott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 05.05.2022
Statement Due: 16.06.2022
Appeal reference: 22/00023/REF

n) 22/00540/F – Land adjacent 58 Corncrake Way, Bicester, OX26 6UE

Change of use of land to residential garden land in association with 58 Corncrake Way with the removal of some existing boundary fences and erection of new boundary fences.

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 14.09.2022
Statement due: 19.10.2022
Appeal reference: 22/00043/REF

o) 22/00985/TEL56 - Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy

Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 13.09.2022
Statement due: 18.10.2022
Appeal reference: 22/00042/REF

3.4 Enforcement Appeals in Progress

a) 20/00236/ENF - Land Rear Of PO Merton Road And Adjoining No 2 Chapel Drive, Ambrosden, Bicester

Method of determination: Written Representations
Start Date: 13.09.2022
Statement Due: 25.10.2022
Appeal reference: 22/00043/ENF

3.5 Forthcoming Public Inquires and Hearings between 3 November 2022 and 8 December 2022

None

3.6 Appeal Results

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

a) 21/04166/F – The Planning Inspector dismissed the appeal by Mr Geoffrey Noquet against a refusal of permission to re-position and amend the structure of the previously allowed 3 bedroom building at The Pheasant Pluckers Inn, Burdrop, OX15 5RQ

Method of determination: Hearing
Hearing date: 4th October 2022 Start Time: 10:00
Appeal reference: 22/00035/REF

The Inspector identified the main issue as 'whether or not the proposal for a new building would preserve or enhance the character or appearance of the

Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA), and whether or not it would have an adverse effect upon the setting of a non-designated heritage asset’.

The Inspector concluded that ‘the development would be contrary to the design aims and heritage protection objectives of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 2015, and saved policies C28, C30 and C33 of the Cherwell Local Plan 1996. It would also not conserve and enhance the historic environment in accordance with the National Planning Policy Framework.

In addition, the proposal would lead to conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

The associated ‘Costs’ application was also refused.

- b) 21/04112/OUT – The Planning Inspector allowed the appeal by Richborough Estates against a refusal of permission for the ‘Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road) at OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton**

Officer recommendation: Approval (Committee)

Method of determination: Hearing

Hearing date: 11th October 2022 Start Time: 10:00

Appeal reference: 22/00039/REF

The inspector identified the main issues as:

- The effect upon the character and appearance of the village of Launton and the surrounding area; and
- Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

The Inspector noted that Launton had historically evolved as a cruciform village with linear development focussed along and providing active frontages to four routes that meet a central crossroads, but that there have been various modern developments on the north-western side of Station Road. The Inspector found that the depth of the appeal site is respectful of the depth of close by cul-de-sac development at Blenheim Drive and Yew Tree Close, although at the north-eastern end of Launton the depth of built development recedes and there is a more fragmented and informal development pattern.

The Inspector noted the agreement between the main parties that the proposal “would have a limited and localised visual envelope” and found that on-site woodland and established boundary planting would “heavily filter” views of the proposed development from different publicly accessible vantage points, including from along Station Road. The Inspector observed that where views into the site were available these tended to be influenced by the presence of built form on or adjacent to the site. In disagreeing with the Council, the Inspector held that users of the footpath close to and through the site would not be adversely affected by the

development.

Overall, the Inspector held that significant adverse landscape impacts would be avoided but that the loss of agricultural land and the amount of development proposed in an edge-of-settlement location would cause some harm to the character and appearance of Launton and the surrounding rural area and some conflict with Policies ESD15 and Villages 2.

On the second issue, the Inspector noted the number of services from which Launton benefits, but that the walking distance from the site to the village's convenience store would be c.1km and to the primary school c.1.3km, and that the National Design Guide (January 2021) indicates that walkable local facilities should be no more than around 800m away. The Inspector noted that there was a bus service into/from the village (as well as Bicester and Aylesbury), and that facilities in Bicester "would be cyclable" as the Ambrosden inspector had concluded in 2019. Insofar as the site was more than 800m from key village amenities the Inspector found some harm would arise from the site's location and some conflict with Policies ESD15 and Villages 2.

On other matters the Inspector agreed with the main parties that there would be a low level of less than substantial harm to heritage assets in the vicinity but that this would be outweighed by the scheme's public benefits, and was satisfied that, despite permissions now exceeding 1,100 in the Plan period and commencements at sites with planning permission now exceeding 750, the proposal would not prejudice the Council's current housing strategy or conflict with Policies BSC1 or Villages 2 in this regard.

The Inspector considered in some detail the objections of interested parties with regard to highway safety and drainage but concluded that the proposals would be acceptable in these respects as well as in relation to the existing commercial operations.

The Inspector was satisfied with all of the elements of the draft legal agreement other than the suggested £200,000 towards redeveloping Launton Parish Hall, which was found not to meet the relevant tests.

Turning to the planning balance, the Inspector noted the Council's housing supply position and that the presumption in favour of sustainable development was therefore engaged. The proposal's benefits included the provision of additional housing including affordable housing as well as eight live-work units (to which "considerable weight" was afforded). The Inspector also held the benefits included the provision of publicly accessible open space and the delivery of biodiversity net gain.

Overall, the Inspector concluded that the harm identified to the character and appearance of Launton and its surrounding area and by the site's distance to surrounding facilities and services would not significantly and demonstrably outweigh the proposal's benefits and found that accordingly the appeal should be allowed.

4.0 Conclusion and Reasons for Recommendations

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

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Joanne Kaye, Strategic Finance Business Partner – 01295 221545

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Shahin Ismail, Interim Monitoring Officer – shahin.ismail@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. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556

Celia.Prado-Teeling@Cherwell-dc.gov.uk

7.4 Equality & Diversity Implications

This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556

Celia.Prado-Teeling@Cherwell-dc.gov.uk

7.5 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2022-2023:

- Housing that meets your needs
- Supporting environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

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