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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 13 July 2023

Time: 4.00 pm

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

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Julian Nedelcu
Councillor Les Sibley
Councillor Amanda Watkins

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Phil Chapman
Councillor Jean Conway
Councillor Simon Holland
Councillor Lesley McLean
Councillor Lynn Pratt
Councillor Nigel Simpson
Councillor Barry Wood

Substitutes

Councillor Sandy Dallimore
Councillor David Hingley
Councillor Harry Knight
Councillor Ian Middleton
Councillor Dorothy Walker
Councillor Bryn Williams

Councillor John Donaldson
Councillor Matt Hodgson
Councillor Andrew McHugh
Councillor Dan Sames
Councillor Douglas Webb
Councillor Sean Woodcock

AGENDA

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

2. **Declarations of Interest**

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

3. **Requests to Address the Meeting**

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

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

4. Minutes (Pages 5 - 23)

To confirm as a correct record the Minutes of the meeting of the Committee held on 15 June 2023.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

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

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

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

Planning Applications

- 8. Land Used For Motorcross, Stratford Road, A422, Wroxton, OX15 6HX (Pages 27 - 96) 21/00517/F**
- 9. Land South of Green Lane, Chesterton (Pages 97 - 154) 23/00173/OUT**
- 10. Land East of Ploughley Road, Ambrosden (Pages 155 - 184) 22/02866/OUT**
- 11. Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden (Pages 185 - 234) 22/02455/OUT**
- 12. Land To The North Of Wimborn Close And Mackley Close, Deddington (Pages 235 - 268) 22/03869/OUT**
- 13. OS Parcel 6982 South Of School Farm And East Of Railway Line, Station Road, Cropredy (Pages 269 - 300) 23/00976/F**
- 14. Caravan Park, Station Approach, Banbury, OX16 5AB (Pages 301 - 319) 22/01564/OUT**
- 15. Borough House, Marlborough Road, Banbury (Pages 320 - 338) 23/00401/F**
- 16. Borough House, Marlborough Road, Banbury (Pages 339 - 346) 23/00402/LB**

Review and Monitoring Reports

17. Appeals Progress Report (Pages 347 - 355)

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 / Matt Swinford, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Wednesday 5 July 2023

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 15 June 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Fiona Mawson
Councillor Julian Nedelcu
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Amanda Watkins
Councillor Barry Wood

Substitute Members:

Councillor David Hingley (In place of Councillor Jean Conway)
Councillor Andrew McHugh (In place of Councillor Ian Harwood)
Councillor Dorothy Walker (In place of Councillor Lesley McLean)

Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)
Councillor Jean Conway
Councillor Ian Harwood
Councillor Simon Holland
Councillor Lesley McLean

Officers:

Paul Seckington, Senior Manager Development Management
Andrew Thompson, Principal Planning Officer
Imogen Hopkin, Senior Planning Officer
Katherine Daniels, Principal Planning Officer
David Mytton, Solicitor
Aaron Hetherington, Democratic and Elections Team Leader
Matt Swinford, Democratic and Elections Officer

3 **Declarations of Interest**

13. Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury.

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

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

Councillor Andrew McHugh, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Nigel Simpson, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Phil Chapman, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

4 **Requests to Address the Meeting**

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

5 **Minutes**

The Minutes of the meetings held on 13 April 2023 and 23 May 2023 were agreed as correct records and signed by the Chairman.

6 **Chairman's Announcements**

The Chairman made the following announcements:

1. Welcomed new Members sitting on the Planning Committee for this municipal year.
2. Advised the Committee that following the officer's presentation and public speaking, Members would have the opportunity to ask officers questions regarding the application before the debate.

7 **Urgent Business**

There were no items of urgent business.

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

There are no proposed Pre-Committee site visits.

9 **Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN**

The Committee considered application 23/00915/F for the development within Use Classes E(g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and associated works including access and parking (relating to proposed Buildings 8, 9, 10 and 11) at Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN for OxTec Developments Ltd.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Development to grant permission subject to the conditions set out below 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, or an alternative agreed mechanism to secure the heads of terms as set out in the annex of the Minutes as set out in the Minute book (and any amendments as seemed 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:
 - Drawing Ref: 2786-02-PL2 – 'Site Location Plan'
 - Drawing Ref: 2786-01-PL4 – 'Proposed Site Location Plan'
 - Drawing Ref: 2786-100-PL3 – 'Cycle Stores Plan'
 - Drawing Ref: 2786-101-PL3 – 'Bin storage'
 - Drawing Ref: 2786-10 PL3 – 'Building 8 Proposed Ground Floor Plan'
 - Drawing Ref: 2786-11 PL3 – 'Building 8 Proposed First Floor Plan'

- Drawing Ref: 2786-12 PL4 – ‘Building 8 Proposed Roof Plan’
- Drawing Ref: 2786-05 PL2 – ‘Building 8 Proposed Hard Landscaping Plan’
- Drawing Ref: 2786-14 PL2 – ‘Building 8 Proposed Elevations 1’
- Drawing Ref: 2786-15 PL2 – ‘Building 8 Proposed Elevations 2’
- Drawing Ref: 2786-16 PL2 – ‘Building 8 Proposed Sectional Elevations’
- Drawing Ref: 2760-10 PL5 – ‘Building 9 Proposed Ground Floor Plan’
- Drawing Ref: 2760-11 PL4 – ‘Building 9 Proposed First Floor Plan’
- Drawing Ref: 2760-12 PL5 – ‘Building 9 Proposed Roof Plan’
- Drawing Ref: 2760-05 PL4 – ‘Building 9 Proposed Hard Landscaping Plan’
- Drawing Ref: 2760-14 PL3 – ‘Building 9 Proposed Elevations 1’
- Drawing Ref: 2760-15 PL3 – ‘Building 9 Proposed Elevations 2’
- Drawing Ref: 2760-16 PL3 – ‘Building 9 Proposed Sectional Elevations’
- Drawing Ref: 2787-10 PL3 – ‘Building 10 Proposed Ground Floor Plan’
- Drawing Ref: 2787-11 PL5 – ‘Building 10 Proposed First Floor Plan’
- Drawing Ref: 2787-12 PL2 – ‘Building 10 Proposed Roof Plan’
- Drawing Ref: 2787-05 PL3 – ‘Building 10 Proposed Hard Landscaping Plan’
- Drawing Ref: 2787-14 PL1 – ‘Building 10 Proposed Elevations 1’
- Drawing Ref: 2787-15 PL1 – ‘Building 10 Proposed Elevations 2’
- Drawing Ref: 2787-16 PL1 – ‘Building 10 Proposed Sectional Elevations’
- Drawing Ref: 2788-10 PL4 – ‘Building 11 Proposed Ground Floor Plan’
- Drawing Ref: 2788-11 PL4 – ‘Building 11 Proposed First Floor Plan’
- Drawing Ref: 2788-12 PL3 – ‘Building 11 Proposed Roof Plan’
- Drawing Ref: 2788-05 PL3 – ‘Building 11 Proposed Hard Landscaping Plan’
- Drawing Ref: 2788-14 PL3 – ‘Building 11 Proposed Elevations 1’
- Drawing Ref: 2788-15 PL3 – ‘Building 11 Proposed Elevations 2’
- Drawing Ref: 2788-16 PL2 – ‘Building 11 Proposed Sectional Elevations’
- Drawing Ref: 5214-OTP-ICS-08-XX-DR-C-0200-S2 Rev P02 - Building 8 Drainage Design
- Drawing Ref: 5214-OTP-ICS-08-XX-DR-C-0300-S2 Rev P02 - Building 8 Drainage Design
- Drawing Ref: 5214-OTP-ICS-09-XX-DR-C-0200-S2 Rev P02 - Building 9 Drainage Design
- Drawing Ref: 5214-OTP-ICS-09-XX-DR-C-0300-S2 Rev P02 - Building 9 Drainage Design

- Drawing Ref: 5214-OTP-ICS-10-XX-DR-C-0200-S2 Rev P02 - Building 10 Drainage Design
- Drawing Ref: 5214-OTP-ICS-10-XX-DR-C-0300-S2 Rev P02- Building 10 Surface Finishes and Kerb Specification Design
- Drawing Ref: 5214-OTP-ICS-11-XX-DR-C-0200-S2 Rev P02- Building 11 Drainage Design
- Drawing Ref: 5214-OTP-ICS-11-XX-DR-C-0300-S2 P02 - Building 11 Surface Finishes and Kerb Specification Design

Transport Assessment prepared by Vectos
Planning and Economic Statement prepared by Savills
Design and Access Statement prepared by Savills
Construction and Environmental Management Plan
Great Crested Newt eDNA Survey prepared by BSG Ecology
Sustainability and Energy Statement prepared by Lauren Bates
Oxford Technology Park, Units 8, 9, 10 & 11 – Drainage
Statement prepared by Infrastruct CS Ltd (Ref: 5214-OTP-ICS-
RP-C-03.001)

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.

Approved Use Class

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

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

Travel Plan

4. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

EV Charging Points

5. Prior to first occupation of the building hereby approved all electric vehicle charging points shown on plan numbers 2786-05 PL2, 2760-05 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be implemented. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

Parking area

6. The vehicle parking area shown on plan numbers 2786-05 PL2, 2760-05 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring or their purpose.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

External Lighting

7. Other than lighting shown on the approved plans, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

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

BREEAM Sustainability Standard

8. The development hereby permitted shall be constructed to meet at least BREEAM 'Excellent' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

No outdoor storage

9. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

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

Noise Emissions

10. The cumulative plant noise emissions from fixed plant and equipment on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT. These being measured at 1m from a residential window shall not exceed:
- 45dBA (between 07:00 and 23:00 hours)
 - 35dBA (between 23:00 and 07:00hours)
 - 35dBA (for equipment operating over a 24hr period)

Reason: To ensure a satisfactory noise environment to comply with Policy ENV1 of the Cherwell Local Plan 1996

Construction Environmental Management Plan

11. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process.

Bin and Cycle Storage

12. Prior to the first occupation all cycle and refuse stores numbers 2786-05 PL2, 276005 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory provision for the parking of bicycles.

Total Floorspace

13. The total maximum floorspace of the approved development shall be 16,909 sq. m.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development to cater for a maximum of total floorspace as part of the previous outline permission.

SuDS Implementation

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

the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

Reason: In the interests of satisfactory drainage and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented.

Cycleway Implementation

15. Prior to first occupation of the development hereby approved, details of the timetable for implementation of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT, shall be submitted to and agreed in writing by Local Planning Authority. The cycleway shall be implemented in accordance with the agreed timescale.

Reason: To encourage the use of sustainable modes of transport and to ensure appropriate infrastructure is delivered in accordance with Policy INF1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Policy TR1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Biodiversity

16. Prior to first occupation details of Biodiversity Net Gain to be achieved over the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating achieving biodiversity net gain

Informative

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

10

New Science Park Land West Of The Junction With The Boulevard, Oxford Airport, Langford Lane, Kidlington

The Committee considered application 23/00517/F for the redevelopment of the site to include the demolition of existing buildings and development of new accommodation across 5 buildings for employment uses (Class E(g)(ii) and (iii)) plus ancillary amenity building, outdoor amenity space, car parking, cycle parking, landscaping and associated works at New Science Park, Land West Of The Junction With The Boulevard, Oxford Airport, Langford Lane, Kidlington for Oxford Aviation Services Limited.

Nick Alton, Planning Consultant for the applicant and Adam Maker, Project Architect for the applicant addressed the Committee in support of the application.

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

Resolved

1. That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 23/00517/F, subject to
 - (a) The conditions set out below and any amendments to those conditions as deemed necessary and
 - (b) The completion of a Planning Obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the infrastructure as set out set out in the annex to the Minutes, as set out in the Minute book (and any amendments 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:

Plans:

- 21.926.PL.001 - Existing Location Plan
- 21.926.PL.002 - Existing Site Plan
- 21.926.PL.003 - Demolition Site Plan
- 21.926.PL.004 - Existing Site Sections
- 21.926.PL.005 - Proposed Site Plan
- 21.926.PL.006 - Proposed Site Sections
- 21.926.PL.010 – Existing Building 1 Plan & Elevation
- 21.926.PL.011 – Existing Building 2 Plan & Elevation
- 21.926.PL.012 – Existing Building 3 Plan & Elevation
- 21.926.PL.015 – Existing Building 5 Plan & Elevation
- 21.926.PL.016 – Existing Building 6&7 Plan & Elev.
- 21.926.PL.020 (Rev A) – Proposed Building A Plans
- 21.926.PL.021 (Rev A) – Proposed Building A Elevations

21.926.PL.022 (Rev A) – Proposed Building B Plans
21.926.PL.023 (Rev A) – Proposed Building B Elevations
21.926.PL.024 (Rev A) – Proposed Building C Plans
21.926.PL.025 – Proposed Building C Elevations
21.926.PL.026 (Rev A) – Proposed Building D Plans
21.926.PL.027 – Proposed Building D Elevations
21.926.PL.028 – Proposed Building E Plans
21.926.PL.029 – Proposed Building E Elevations
21.926.PL.030 – Amenity Building Plans & Elevations
21.926.PL.031 (Rev A) – Outbuildings Plans & Elevations
1493.OA.003 (Rev B) – Science Park Landscape Masterplan

Documents:

Planning Statement (including Statement of Community Involvement,
Public Benefits Statement & S106 Head of Terms)
Design & Access Statement (including landscape plans/strategy &
photographs/montages)
Landscape and Visual Impact Assessment
Transport Assessment (including Travel Plan & Servicing and Delivery
Strategy) Phase 1 Ecological Survey (inc. BNG Report)
Flood Risk Assessment
Surface Water Drainage/Management Strategy
Utilities Strategy
Economic Needs Assessment and Benefits Statement
Energy and Sustainability Strategy (including BREEAM pre-assessment)
Land Contamination Assessment (Baseline)
Tree Survey
Archaeological Watching Brief WSI
Draft Construction Environmental Management Plan
Lighting Strategy

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

Materials

3. Prior to above ground works commencing on each building hereby approved a schedule of materials to be used on external walls and surfaces shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the principles set out in the approved Design and Access Statement.

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.

Landscaping

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

Such details shall be provided prior to the development progressing above slab level and shall include a time frame for phasing or implementation. The approved scheme shall be implemented in accordance with the submitted timescale or by the end of the first planting season following occupation of the development.

Any tree, shrub or landscape feature that dies or is diseased in the first five years post implementation shall be removed at the earliest available opportunity and replaced by a specimen of equal or commensurate landscape value in the first available planting season.

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

Approved Use Classes

5. The floorspace hereby approved for Buildings A, B, C, D and E as shown on drawing number 21.926.PL.005 - Proposed Site Plan is permitted to be used for uses in classes E(g) (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Classes Eg(i) and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g)(ii), Eg(iii) or B2 operation.

The amenity hub building as shown on drawing number 21.926.PL.005 - Proposed Site Plan is permitted to be used for uses in classes E(a), (b) and F2(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only. Uses for the sale of food and drink to be consumed

off the premises are also permitted where they are ancillary to the function of an individual Class E(a), (b) and F2(a) operation.

Reason: Having regard to the location of the development and the assessment of Green Belt purposes and to comply with the employment requirements of Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

Travel Plan

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

EV Charging Points

7. Prior to first occupation of each building hereby approved details of all electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be implemented prior to each building's car parking spaces being brought into use. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be implemented on a minimum of 25% of parking spaces and 100% of disabled parking provision. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

Parking Space provision

8. The proposed vehicle parking shall be laid out in accordance with plan 21.926.PL.005 – Proposed Site Plan. Prior to first occupation of each building no more than 1 car parking space per 45sqm in accordance with Oxfordshire County Council's Parking Standards 2022 shall be provided. The total car parking provision for the completed development shall not exceed 322 car parking spaces.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

Lighting

9. Prior to the implementation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting details shall include measures to reduce light spillage, account for ecologically sensitive receptors and provide appropriate lighting to walking and cycling facilities and a phasing detail for implementation. Prior to the first occupation of the development the approved details shall be installed and in operation. No other external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and future users of the development, to promote ecology on the site and to comply with Government guidance contained within the National Planning Policy Framework, Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2015 and Saved Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996

BREEAM Standard

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

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

No outdoor storage

11. No goods, materials, plant, or machinery, excluding the approved external plant enclosures shown on plan 21.926.PL.005 - Proposed Site Plan, shall be stored, repaired, operated or displayed outside the buildings hereby approved.

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

CEMP

12. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

Outbuildings and ancillary structures

13. Prior to the first occupation of each building, phasing details of all outbuildings and ancillary buildings shown on drawing numbers 21.926.PL.005 (Proposed Site Plan) and 21.926.PL.031 (Outbuildings Plans & Elevations) shall be submitted to and approved in writing by the

Local Planning Authority. Prior to the first occupation of each building, all associated cycle and refuse stores shown on drawing 21.926.PL.005 (Proposed Site Plan) shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory servicing of the site

Total approved floorspace

14. The total maximum GIA floorspace of the approved development including mezzanine floors shall be 18,767sqm.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development.

Water Strategy

15. Prior to first occupation, a detailed potable water and surface water strategy and drainage plans shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the management of water within the Development Parcel accords with the submitted Flood Risk Assessment and Drainage Strategy. The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site. Details shall include any onsite water infrastructure (e.g. pumping stations) which shall be positioned and designed in a manner to reflect the need for high quality public realm and details of a timetable or any phased implementation shall be included.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of satisfactory drainage and provision of potable water and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented in accordance with Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2015.

WSI Watching Brief

16. Development on site shall be carried out in accordance with the recommendations of the approved Archaeological Report and Watching Brief.
- a) An archaeologist (Project Officer or Supervisor) will be present on site during ground work that has the potential to reveal archaeological remains.
- b) Any archaeological deposits and features revealed will be cleaned by hand and recorded in plan before being excavated and/or recorded in an appropriate manner. Any archaeological features or other remains i.e. concentrations of artefacts, will be recorded by written, drawn and photographic record.

c) Post-excavation assessment (to be produced for each archaeological site within 12 months of the completion of fieldwork or an alternative agreed timescale including the development of on-site interpretation resources containing information on heritage assets (as derived from the archaeological investigations)

d) Completion of post-excavation analysis; preparation and deposition of site archive at a store agreed with the local planning authority; completion of an archive report; and the submission of a publication report (to be completed to an agreed timescale following completion of the post-excavation assessments) and a strategy for community engagement and presentation to the general public and local groups at a facility to be agreed.

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).

Solar panels on roofs

17. Prior to the first occupation of each building hereby approved details of solar panels on the roofs of each unit shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be implemented prior to each building being brought into use. Passive provision for the remaining roofs to allow the installation of further solar panels shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the requirement for renewable energy sources and progression away from the reliance on fossil fuels.

SUDS

18. Prior to the commencement of development, except site preparation and enabling works, details of the site wide surface water drainage (following the principles of the approved Flood Risk Assessment and Drainage Strategy) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

i) measures to maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

ii) include details of all flow control systems and the design, location and capacity of all Sustainable Urban Drainage Systems (SuDS) relevant to that phase of development as part of a wider SuDS network on the site and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities. The details should also demonstrate that the exceedance of the

designed system has been considered through the provision of overland flow routes.

iii) The development of the phase shall be carried out in full accordance with the relevant approved detailed surface water strategy.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site.

Contamination

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework

Informative:

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. Thames Water highlight that additional infrastructure may be needed to support the connection of the development but this is not yet defined. Considering the undefined nature of the infrastructure, the matter should be taken forward with Thames Water via thameswater.co.uk/preplanning.

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

The application had been withdrawn from the planning process by the applicant.

12 **Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ**

The Committee considered application 22/02104/F for the erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works at Land To The Rear Of No.12 And South Of Dismantled Railway Heath Close, Milcombe, OX15 4RZ for Stoic Roofing and Construction and Abbeymill Homes.

Chris Hill, local resident, addressed the Committee in objection to the application.

Tim Northey, on behalf of the applicant, Abbeymill Homes, addressed the Committee in support of the application.

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

Resolved

That application 22/02014/F be refused, contrary to the officer's recommendation, for the following reasons:

1. Cherwell District Council is able to demonstrate 5.4 years housing land supply and therefore the housing strategy Policies in the Local Plan are up-to-date. The development of this site would conflict with the adopted policies in the Cherwell Local Plan and would undermine the housing strategy in the Cherwell Local Plan. The site is located outside the built form of the village, and within an area of open countryside and the proposed development would not contribute to the enhancement of the built environment of Milcombe, which is further exacerbated by the low density of the development. The principle of this development is therefore unacceptable and the application is as contrary to Policies BSC1, BSC2, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

13

Formerly The Bungalow, Queen Street, Bloxham

The Committee considered application 22/03445/F for a single storey reduced level extension to an existing bungalow, with associated landscaping at Formerly The Bungalow, Queen Street, Bloxham for Mr John Tibbetts.

Ian Cox, local resident, addressed the Committee in objection to the application.

Cat Ablitt, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

That application 22/03445/F be refused, contrary to the officer's recommendation, for the following reason:

1. By reason of its overall design, appearance, materials and scale the proposed extension would be out of keeping with and have a detrimental visual impact upon this part of the village. It would also fail to preserve the character and appearance of the conservation area and causes harm to it. This harm would be less than substantial. The public benefits of the scheme do not outweigh the identified harm. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policies BL10, BL11 and BL12 of the Bloxham Neighbourhood Plan and Government guidance in the National Planning Policy Framework.

14 **Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 23/01337/DISC for the discharge of condition 7 (Landscape Management Plan) of 17/00284/REM at Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

- (1) That application 23/01337/DISC be approved subject to the expiry of the consultee publicity period with no new material objection that condition 7 to 17/00284/REM be discharged in accordance with the 'Landscape Maintenance & Management Plan' prepared by Gillespies, Ref: P21450-00-001-0500 Rev 01, dated 6 April 2023.

15 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions

received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.09 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 13 July 2023

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	Land Used For Motorcross, Stratford Road, A422, Wroxton, OX15 6HX	21/00517/F	Cropredy, Sibfords And Wroxton	Approval*	Gemma Magnuson
9	Land South of Green Lane, Chesterton	23/00173/OUT	Fringford and Heyfords	Refusal	Andrew Thompson
10	Land East of Ploughley Road, Ambrosden	22/02866/OUT	Bicester South and Ambrosden	Refusal	Natasha McCann
11	Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden	22/02455/OUT	Launton And Otmoor	Approval*	Natasha McCann
12	Land To The North Of Wimborn Close And Mackley Close, Deddington	22/03869/OUT	Deddington	Approval*	Katherine Daniels
13	OS Parcel 6982 South Of School Farm And East Of Railway Line, Station Road, Cropredy	23/00976/F	Cropredy, Sibfords And Wroxton	Refusal	Imogen Hopkin
14	Caravan Park, Station Approach, Banbury, OX16 5AB	22/01564/OUT	Banbury Grimsbury and Hightown	Approval*	Chris Wentworth
15	Borough House, Marlborough Road, Banbury	23/00401/F	Banbury Cross And Neithrop	Refusal	Imogen Hopkin

16	Borough House, Marlborough Road, Banbury	23/00402/LB	Banbury Cross And Neithrop	Refusal	Imogen Hopkin
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*Subject to conditions

21/00517/F

Land Used For Motorcross
Stratford Road A422
Wroxton
OX15 6HX



1:4,000

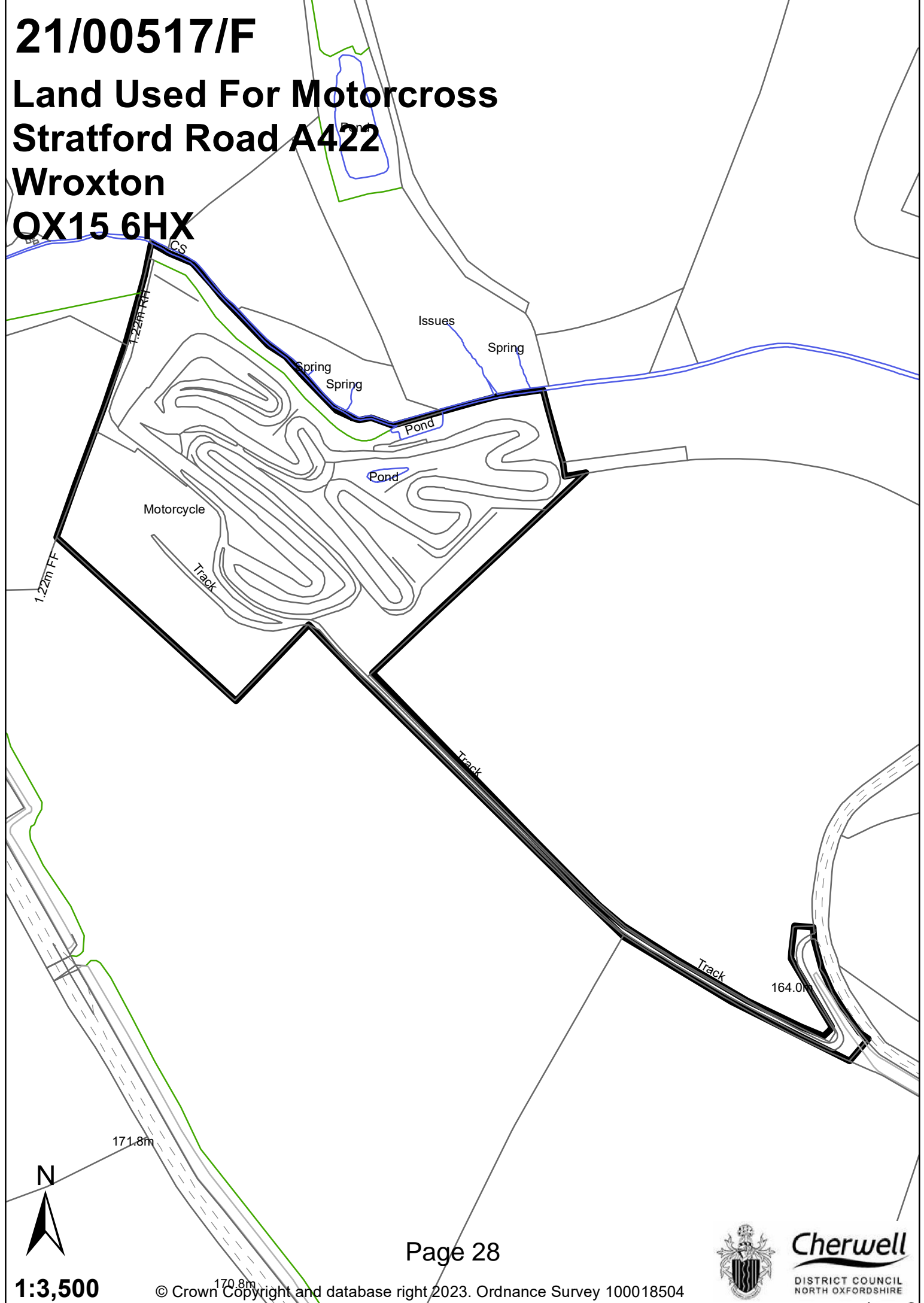


21/00517/F

**Land Used For Motorcross
Stratford Road A422**

Wroxton

OX15 6HX

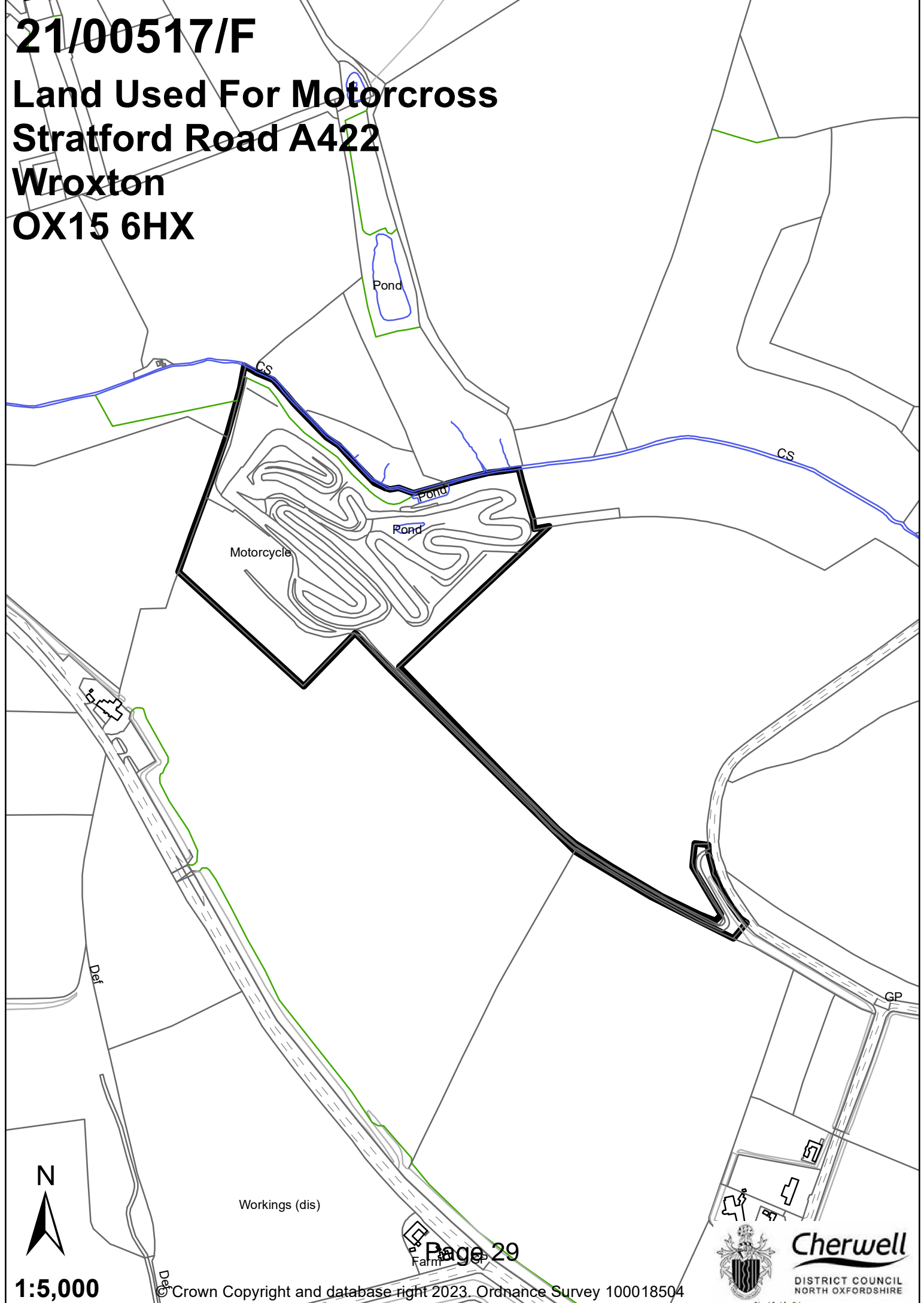


21/00517/F

**Land Used For Motorcross
Stratford Road A422**

Wroxton

OX15 6HX



1:5,000



Case Officer: Gemma Magnuson

Applicant: Hedges & Kerwood

Proposal: Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

Reason for Referral: To update Members on progress following the resolution to grant planning permission and seek approval of Members prior to issuing the decision

Expiry Date: 22 June 2021

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing motocross track situated in the open countryside to north-west of the town of Banbury. The villages of Shenington, Alkerton, Balscote, Wroxton, Horley and Hornton are positioned around the motocross track, the closest of these being Hornton at a distance of 1km. There are several dwellings beyond the built-up limits of settlements in closer proximity to the site, the closest being Grade II listed Hornton Grounds Farmhouse around 500m to the north-west of the track.
- 1.2. The site sits within a rural context, with agricultural fields and associated boundary hedgerows surrounding. A tributary of the Sor Brook flows alongside the northern boundary of the site.

2. CONSTRAINTS

- 2.1. The application site is partially within a Conservation Target Area and partially within a Natural Environment and Rural Communities Act Section 41 Habitat – namely a Lowland Mixed Deciduous Woodland. A Traditional Orchards Habitat is located nearby. The site is bounded on the western side by a footpath (339/18/10). Another footpath (255/4/10) runs close to the entrance to the site from the west. The site sits on potentially contaminated land that has naturally elevated arsenic.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. On 16 February 2021 the applicant applied for retrospective planning permission for the creation of a motocross track, together with a soft landscaping scheme, and the change of use of agricultural land to hold motocross events, including the set-up, take down, private practice sessions and associated camping, for up to 65 days per year. The site would also be used for agricultural grazing.
- 3.2. The applicant requests that 65 days use per year include 24 event days, with set-up and set-down days to either side of an event (i.e. not 65 race days).

- 3.3. With regard to visitors to the site during race days, a national event can be expected to attract around 400-600 vehicles, consisting of a maximum of 320 competitors and 1,300 – 1,500 people in total. Smaller club events are expected to attract around 600-800 people, travelling in 250-350 vehicles.
- 3.4. Typically events are held on a Sunday, with competitors arriving with immediate family and support crew on the Saturday before the event day and camping overnight. The majority of campers are expected to arrive between 5pm and 8pm, with around 180-220 people camping.
- 3.5. This application was originally reported to Cherwell District Council Planning Committee on 17 June 2021 where the Council formally resolved to grant planning permission subject to:
- An amendment to condition 1 limiting the total number of days the track could be used for racing or practising to be no more than 20 days in any calendar year (as opposed to the 24 days requested) where the motocross track is used for racing or practising , with the timings and frequency of these 20 days to be agreed in consultation with the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and the applicant.
 - No responses being received before the expiry of the consultation period that raise new material issues that, in the view of the Assistant Director for Planning and Development, have not been dealt with in the assessment of the application.
 - The resolution of objections from the Lead Local Flood Authority, the Council's Ecology Officer and Berks, Bucks and Oxon Wildlife Trust.
 - Conditions (and any amendments to those conditions as deemed necessary) as set out in the appended printed minutes.
- 3.6. A copy of the original Committee report, written updates and minutes from the meeting have been appended to this report.
- 3.7. It is now over two years since Members resolved to grant retrospective planning permission for the creation of a motocross track, together with associated landscaping and camping site, and the use of the site for motocross events including set-up, take down and private practice sessions for up to 65 days per year, with agricultural grazing. Since this time, Officers have been in discussions with the applicant and relevant consultees in order to seek to overcome the objections that were outstanding when the original resolution was passed on 17 June 2021.
- 3.8. Officers now consider that all of the requirements from the original resolution have been met. Due to the length of time that had elapsed, and an amendment to the blue line area on the site location plan, Officers are returning the item to Committee prior to the issuing of the decision. In addition, and although covered within the resolution, officers seek Members' agreement to the proposed changes to the conditions as resolved by Members in June 2021 and the wording of further conditions added pursuant to the resolution of consultee objections.

4. RELEVANT PLANNING HISTORY

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

20/02126/CLUE - Certificate of Lawfulness of Existing Use for the use of the land for a mixed use of agriculture and as a motocross track with race meetings for up to 24

days a year (excluding set up, preparation, clear up and private practice sessions) – Withdrawn

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. Due to the change made to the blue line on the site location plan, that is its increase to cover a wider area than that indicated on the original site location plan, Officers considered it prudent to re-publicise the application via site notice and neighbour letter. The final date for comments was **14 February 2023**. 70 responses have been received in total during 2023; 51 objecting to the application and 19 commenting. Numbers correct as of 27 June 2023

On 17 June 2021 a total of 172 objections, 4 comments and 11 comments in support of the scheme were reported as having been received. A further 5 objections and 5 comments were received following publication of the Committee report. Please refer to the Appended 17 June 2021 Committee report and written update for a summary of the comments raised by third parties in 2021.

6.2. The comments raised by third parties in 2023 are summarised as follows:

- Visual impact – planting will not screen, little confidence it will be maintained
- Noise impact – planting will not screen
- Ecological impact
- Protected species
- Club from South Wales booked in July 2023 – not for local use
- Unauthorised widening of gateway
- No use of circuit until planning process is complete
- Centred on commercial proposition
- Littering on race days
- If approved, implies Cherwell has no real interest in decreasing use of fossil fuels or carbon footprint – generating carbon
- Damage to local roads
- Require stringent conditions
- Drainage – watercourse damage, silting has already occurred, abstracting water from pond, creation of syphon pond , damming stream
- Lack of detail on landscaping
- Cherwell needs to take same approach as other authorities with regard to motocross
- Conditions need to be monitored
- Undesirable precedent
- Already have to contend with quarry/tip expansion
- Large volume of traffic
- Devalue properties
- Contrary to Policy
- Impact on setting of Area of Outstanding Natural Beauty
- Inconsistency in presented information
- Comments on draft conditions – inadequate/ambiguous – suggested revised wording
- Number of gaps in statutory requirements
- No Banbury Motocross Club anymore – no local riders or events
- Replace with electric bikes
- Had no idea motocross location existed

- How will conditions be enforced?
- Conditions drawn up without consultation with Hornton Parish Council, environmental agencies or Councillor Phil Chapman
- Conditions are vague, weak, poorly researched, unenforceable, ambiguous, full of loopholes, contain omissions
- Council faces prospect of legal action/Judicial Review
- Ignored conditions suggested by Hornton Parish Council
- Refusal to allow Hornton Parish Council to address Committee meeting
- Urge Members to defer the application so it can be reconsidered in full, or conditions rewritten to ensure that they adopt best practice from other Council's and national bodies, and are enforceable
- Lack of protection for the environment
- Time for fresh look at problematical application – it has taken 18 months to get this far
- Applicant has let watercourse fall into greater disrepair in the meantime
- More conditions of greater complexity than normal – indicates how much is wrong with location/nature of track
- Not too late to refuse permission, numerous valid reasons to refuse that were ignored the first time around
- Applicants have not established lawful use of the site – they withdrew lawful development certificate. Committee should be invited to judge the application on basis that there is no such lawful use – on that basis refusal on landscape impact and residential amenity grounds
- Committee is not bound by resolution of June 2021, Committee may lawfully revisit that resolution and change their minds
- If scaled-up track goes live again massive CDC resources will be needed to enforce, monitor, deal with complaints and legal challenges from at least 6 Parishes (CDC Planning, Environmental Health, Ecology, Enforcement, Building Control and Legal), - measure of how much is wrong with application
- There is another Cherwell national scale motocross at Arcott, Bicester, near the M40, in the right location. Don't need one to desecrate Ironstone Downs conservation-status landscape and ecologically protected wildlife habitat
- Massive number of objections to the application cannot be ignored
- Reports from experts on noise levels and the environment disregarded in draft conditions
- Sanctioning the continued destruction of our precious environment
- Green light to unregulated noise, light, watercourse, flora pollution and/or destruction essential for all our futures, especially those blighted by Committee decision to allow a national motocross track within its authority, with little or no active monitoring or regulation
- Clear lack of local consultation – this planning process is fundamentally flawed
- Demand conditions significantly tightened, measurable and enforceable, with commitment from CDC that they will ensure both measurement and enforcement, and provide resources to do so
- Do not understand how CDC decisions have been consistently skewed in favour of land owner/track operator given significant noise pollution
- Motor cross track does not bring revenue to local economy given it is self-contained site with mobile homes (ergo not local/Banbury based riders) but externalities entirely shouldered by Hornton residents
- CDC presumably wouldn't encourage fly tippers from across the country, so why this?
- Require sound measurement/limits during races but as it stands track will be able to operate without impunity with no redress for Hornton residents

- Track owner has demonstrated in the past willingness to take full advantage of CDC's feeble approach to planning constraints - unless stringent conditions are applied, monitored and enforced effectively, track will continue to abuse the situation
- If other councils have imposed conditions used by the sport's governing body the Auto Cycle Union (ACU) to regulate the operation of motocross tracks then why is Cherwell not proposing the same?
- Applicant should also follow and enforce guidelines laid down by the sports governing body the ACU
- Have been told by Hornton Parish Council that conditions are not fit for purpose but this has been ignored, refused to bring in the conditions to control Wroxton, one of the largest MX tracks in Europe and a track set up without planning permission
- Brought out set of draft planning conditions after no proper consultation and now want to rush them through Committee
- Stipulate 96 decibels, is this in total, each bike, how far away? How will this be checked? Noise travels across our valley and hits all houses on the hills around top of village. 96 decibels is not quiet. Sure that one day there will be electric bikes but not there yet.
- Does not need to be rammed through just so the land owner can make money this summer from hiring out her agricultural field
- Quick fix and getting it passed and off desks is not the best course of action for all concerned, not least for residents of Hornton
- Have you denied Hornton Parish Council a voice at the meeting because you fear we will again highlight areas of concern you have missed or refused to address?
- Loud noise and disruption from this track and racetrack at Shenington, and illegal racing along old ironstone railway and farmland in Parishes of Horley and Drayton, every weekend during fine weather, quite appalling for a number of years
- Waste disposal concerns

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 during 2022 and 2023, following re-consultation, at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. Please refer to the Appended 17 June 2021 Committee report and written update for a summary of the consultation responses received during 2021.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.3. HORLEY PARISH COUNCIL: **Objects** to the application on the following grounds:

This subject has been raised at Horley Parish Council level by residents of the village. The Parish Council remain to be persuaded that the planned 'soundproofing' will be effective in lowering/dismissing the noise pollution the village has encountered in the past from the current site.

HORNTON PARISH COUNCIL: **Objects** to the application on the following grounds:

- 7.4. *In relation to the specific amendments submitted by the track, in the Parish Council's view, they are wholly inadequate and will do very little to address the track's damage*

to wildlife and the environment. Given the past environmental record (e.g. open plastic incineration) we are sceptical that there is sufficient commitment to long term management of any such scheme.

- 7.5. Officers seeking rubber stamp of complex document of conditions that has taken them almost two years to produce. Given little notice that this was to be an agenda item and have been refused permission to speak at the meeting. Document is seriously flawed – ambiguous, crucial omissions, loopholes, inaccurate, unbalanced and on vital points wholly unenforceable. There was a written commitment that it should be developed in consultation with our Ward Member (and Planning Committee Reserve) Cllr Phil Chapman – this has not happened.
- 7.6. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects** to the application on the following grounds:

Continue to object in the strongest terms dur to blight caused by noise at the events – more noise than uses of karting track to west of our village. Concern that the application is made in retrospect – disregard for legal requirements. Dismay at destruction of part of Ironstone Downs, a valued landscape and area of tranquillity. Landscape Officer concerns, applicant now seeking to further avoid requirements of planning system by failing to comply with conditions. Highways around the area do not support volume of traffic. Applicant seems to scorn principle of democracy and proceed solely in self interest. Urge Planning Committee to reject any proposal to proceed on grounds that applicant seems to have failed to demonstrate any understanding of the impact of proposal on local communities, neither have they shown good faith towards the rule of law.

- 7.7. WROXTON AND BALSCOTE PARISH COUNCIL: no comments received at time of writing.

OTHER CONSULTEES

- 7.8. BERKSHIRE, BUCKINGHAMSHIRE and OXFORDSHIRE WILDLIFE TRUST: comment as follows:

We have reviewed the conditions and think they are reasonable so have no further comments.

- 7.9. BRITISH HORSE SOCIETY: no comments received at time of writing.

- 7.10. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** to the application on the following grounds:

Continue to strongly object for original reasons expressed in letter dated 07 April 2021 that cannot be addressed by ongoing proposal and its updated documents. Area of rural countryside has been destroyed without planning approval, landowner blatantly ignored authority of the Council and its Planning Committee. Conditions are vague and ambiguous in a number of respects. Given disregard of applicant for Council authority and laissez-faire approach taken to enforcement, it is major concern that once permission has been granted applicant will feel little compunction to comply with conditions, nor will Council supervise or enforce against failure to do so. Landscape Officer has indicated failure to supply necessary level of response and reassurance in respect of landscape requirements, failed to employ someone of adequate expertise, failed to provide sufficient analysis or detail, failed to address list of short comings and requirements to allow proposal to proceed. Further demonstrates overall level of bad faith that applicant has thus far demonstrated. Contrary to principle of democracy – overlooking large number of concerns in favour

of individual local landowner who has shown no regard for neighbours. Noise pollution.

7.11. RAMBLERS ASSOCIATION: no comments received at time of writing.

7.12. OCC SINGLE RESPONSE: do not have any comments for this amendment.

7.13. OCC RIGHTS OF WAY: no comments received at time of writing.

7.14. CDC ARBORICULTURE: **comment** as follows:

Landscape plan shows where trees are proposed but no detail as to species/size etc. Offsite enhancement map only shows flower rich margin/plot creation area, all other features show in legend are largely off the map.

7.15. CDC ECOLOGY: **No objection** subject to conditions requiring the submission of an external lighting strategy and a walkover survey to be undertaken prior to the commencement of any works on site to ensure that no protected species have moved onto the site and to identify habitat changes since the previous surveys were carried out.

7.16. CDC ENVIRONMENTAL HEALTH: no comments to make.

7.17. CDC LANDSCAPE: **comment** as follows:

Landscaping plan does not address the entire area of application site, nor provide sufficient detail and reassurance that site is going to be adequately screened. LVA requires amendments to justify reasoning behind landscape proposals and landscape management plan. 10-year landscape management plan required to ensure the successful establishment of the landscaping, including the offsite habitat enhancement.

7.18. CDC RECREATION AND LEISURE: no comments received at time of writing.

7.19. CDC LAND DRAINAGE: **comment** as follows:

No further substantive comments, applicant requires consents under Section 23 Land Drainage Act for all works on and discharges to the watercourse, in addition to planning or other consents that may be given.

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

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
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- The Town and Country Planning Act 1990
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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
- Highway safety
- Ecology impact
- Flood risk and drainage
- Sustainability and mitigating climate change

Principle of development

- 9.2. Government guidance contained within the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Further, planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.3. The NPPF also states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.4. The NPPF explains that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.5. With regard to sport, the NPPF advises that the access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that existing open space, sports and recreation buildings and land, 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 needs for which clearly outweigh the loss.
- 9.6. Policy BSC 10 of the CLP 2015 states that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and addressing deficiencies in provision through enhancement to existing sites or securing new provision. In determining the nature of new provision, the Council will be guided by the evidence base and consult with parish and town councils.
- 9.7. The supporting text notes that development which result in the loss of facilities will be assessed in accordance with the NPPF and will not be permitted unless the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided in an agreed time period. Further, paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2.
- 9.8. The current application is retrospective and was submitted as the result of an enforcement investigation. The application is therefore being put forward by the applicant to regularise the existing motocross facility. The applicant states that the track has been in situ since 1981. However, the track has gradually expanded from an informal local facility to one capable of hosting international events, with a

significant upturn in activity at the site c.2018. All activity on site has now ceased pending the outcome of this planning application.

- 9.9. The current application follows the withdrawal of an application for a Certificate of Lawfulness for an Existing Use (CLUE) that sought to demonstrate that the motocross facility was now immune from enforcement action due to the length of time that it had been operating. As per section 171B of the Town and Country Planning Act 1990, development involving a change of use (other than to a single dwellinghouse) is immune from enforcement action should no action be taken within 10 years of such a breach.
- 9.10. The use of the majority of the site for motocross purposes, but for two small sections in the east and north-east, is considered to be well established, having been used for motorsport purposes for approximately 40 years. It is therefore considered that there is a fallback position for the unrestricted use of the site for motocross purposes and Officers have taken this into account as a material consideration. A third party has suggested that a change of use of the site through intensification has occurred, although Officers do not consider that the character of the land has altered – or that the type of land use has changed - as a result of the use of the site for national, as opposed to local, events.
- 9.11. The current application seeks the use of a parcel of land for motocross purposes for 65 days per year, with 24 days where the track is used for practice or racing. On 17 June 2021, Members resolved to approve the application, subject to an amendment to condition 1 restricting the number of days where the track is used for practice or racing to 20 days per calendar year, as opposed to the 24 days requested, and this is reflected in the conditions suggested here.
- 9.12. The site lies within the open countryside and not within a sustainable settlement. Given the remote location, the nature of the development and a lack of public transport alternatives, it is considered that visitors to the facility would be heavily reliant upon the use of the private motor vehicles. Access to the site would be via the route of minor rural roads.
- 9.13. The NPPF provides a definition of a Main Town Centre Use (MTCU), although as a motocross use is not considered similar to the uses listed within the definition Officers conclude that it is not a MTCU. Further, due to its nature, Officers do not consider that a motocross use could reasonably be expected to be provided within a town centre location.
- 9.14. The Council's Sports and Leisure Team did not provide comments as part of the re-consultation, although they had previously advised that there was insufficient evidence to demonstrate that the provision of a motocross facility meets a local need, or that an increased use would address deficiencies in provision. Officers continue to agree with this view and note, based on the submitted information, that the facility hosts national events with participants from across the country, rather than meeting a local need.
- 9.15. Also of relevance to the consideration of this application is that Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) enables the site to be used for the purposes of motorcycle racing including trials of speed, and practicing for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use, for a total of 14 days in any calendar year as permitted development. This would be subject to the removal of any permanent structures on the site and the land reverting back to an agricultural use for the remainder of the calendar year.

- 9.16. Therefore, whilst it is accepted that the site is not sustainably located, the nature of the use is not considered compatible with a location within or at the edge of a settlement and, given the scope of permitted development and the length of time that a motorsport facility has existed on the site and potential fallback position, i.e. that the track could be returned to its pre-2018 extent and a lawful development certificate then issued, the principle of the development is considered acceptable.
- 9.17. The overall acceptability of the development is dependent on it not causing material harm in other respects, and these are assessed in the remainder of this section.

Design, and impact on the character of the area

- 9.18. 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.
- 9.19. Policy ESD 13 of the CLP 2015 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 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. Saved Policy C28 of the CLP 1996 seeks development that is sympathetic to its context.
- 9.20. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The site is solely within the Northamptonshire Uplands, Cotswolds and Chilterns character area. This landscape type includes pastoral and wooded landscapes associated with the steep slopes and valleys of small streams and main rivers.
- 9.21. The site is on agricultural land in the open countryside, with land undulating and sloping down to a small valley with a small stream running along the valley floor.
- 9.22. The position of the site within the valley means that it is not readily visible from the majority of public vistas in the locality. However, the site is clearly visible from the footpath (339/18/10) which runs along the north-western boundary of the site. The submitted LVIA notes that the Motocross track is an established landscape feature in the landscape, with events and races having been held throughout the year for approximately 40 years. It adds that the track has been specially designed so as to reflect the existing site levels which make the track a popular and challenging race circuit.
- 9.23. As noted above, much of the development at least in terms of its size and area has occupied the site for 40 years, although Officers acknowledge that the site has developed more significantly over the last 4-6 years, with the track now longer and wider, with additional jumps and green space reduced within the track confines.
- 9.24. There is no doubt that the motocross track has a landscape impact, being clearly visible from the footpath to the east and in several other vistas, including local roads. The track is not visible from any settlement, due to topography and distance.
- 9.25. The track associated infrastructure such as the toilets and marshal huts also have a visual impact, but this is infrastructure that is clearly related to the use of the site for

motocross purposes and, whilst visible, due to their small size they do not represent intrusive features of the landscape.

9.26. The caravans and motorhomes, which occupy the camping area during an event, also have a visual impact. They occupy a portion of the site to the south and east of the track. If planning permission were to be granted for this application, caravans/motorhomes could occupy the site for 65 days per year.

9.27. The Council's Landscape Officer had raised no objections to the original proposal but explained that it is essential to achieve the appropriate standard of landscaping for this development, and that the landscape proposals must indicate:

- Planting positions of all trees with projected canopy growth at 25 years to ensure a continuously linked canopy
- A double-staggered row hedgerow with planting distances indicated
- Trees and shrub supplied sizes of all the shrubs
- Planting and 2-year aftercare specification.
- A management and maintenance plan for 15 years.
- The access track to the site must be landscaped with native trees and hedgerows to ensure its use is screened on busy race days.
- Latin names of trees and shrubs.
- Tree pit planting details.

9.28. In light of the request from the CDC Landscape Officer, a condition seeking a revised Landscaping Scheme has been suggested, including the requirement for a management and maintenance plan covering 15 years.

9.29. Subject to a suitable landscaping scheme and management and maintenance plans being submitted, which can be sought via condition, Officers are satisfied that the landscape impact of the proposed motocross track, associated infrastructure and the occasional occupation of the camping area can be successfully mitigated against.

9.30. The development is therefore considered to accord with saved Policy C28 of the CLP 1996, Policies ESD 13 and ESD 15 of the CLP 2015 and Government guidance contained within the NPPF in terms of visual impact.

Heritage impact

9.31. The site is approximately 1km from the nearest Conservation Area boundary. Horton Grounds Farm is a Grade II listed building.

9.32. 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 with special attention being paid to the desirability of preserving or enhancing the character or appearance of that area.

9.33. Conservation Areas are designated heritage assets, and the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

(and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.34. Given the nature of the proposal and its distance from the Conservation Area boundaries of nearest villages, Officers are satisfied that the proposal does not result in harm to the setting or significance of heritage assets. The proposal is therefore considered acceptable on these grounds.

Residential amenity

- 9.35. 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.
- 9.36. Policy ESD 15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. 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.
- 9.37. The track is located c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxtton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote, c1.2km from the eastern edge of Alkerton.
- 9.38. There are a number of other out of settlement dwellings located closer to the site, the closest being Hornton Grounds Farm at c.550 metres.
- 9.39. The motocross facility is considered to be positioned a sufficient distance from all neighbouring properties to avoid any harm in terms of a loss of light, outlook or privacy. Whilst concern has been raised regarding the burning of waste, the Environmental Health Officer explained within their original comments that this issue would be addressed by the Environmental Protection Team outside of the planning process. The activities on site are also not considered to trigger a requirement for an air quality assessment.
- 9.40. A large number of concerns and objections raised to the development relate to the impact of noise arising from the facility when in use, and the impact that this has in terms of living amenities enjoyed by nearby residents.
- 9.41. The applicant submitted a Noise Impact Assessment (NIA) from Parker Jones Acoustics for consideration. The report sets out that noise emissions, when the track is in typical use of 20-30 bikes at a time, and levels reach 29-33 decibels in the south and central parts of Hornton, increasing to 37 decibels in the northern part of the village where ground levels are higher. Noise levels are at 44-46 decibels at isolated properties closer to the track than Hornton and are at around 32 decibels at the outskirts of Alkerton and Balscote. The report concludes that, whilst noise from the motocross is audible, it is not so significant as to be considered a statutory noise nuisance, i.e. it is at or below the LOAEL (Lowest Observed Adverse Effect Level), which is a sound above 50 decibels.
- 9.42. In response to the applicant's NIA, Hornton Parish Council conducted their own independent Noise Impact Assessment Review undertaken by Clarke Saunders Acoustics. The assessment concludes that the Parker Jones Acoustics NIA is 'highly suspect' and, in some cases, 'fundamentally flawed' in its calculations and reasoning. The consultant also questions the validity of the applicant's report due to

the readings being taken on a practice day rather than a race day, together with a lack of consideration relating to the directivity (orientation of the machines).

- 9.43. The Council's Environmental Health Officer originally raised no objection to the application and has provided no further comments as part of the latest re-consultation exercise. On 01 June 2021 the Environmental Protection Officer provided further comments on the issue of noise and addressed the conclusion drawn by the consultant in the Noise Impact Assessment Review undertaken by Clarke Saunders Acoustics. They commented as follows:
- 9.44. *"The first complaint was received in 2016. An officer visited the circuit on a day when events were not running and gave advice to the organisers. A second complaint was received in 2018, an officer visited and observed the noise levels from locations close to the track and from various locations around Hornton. They concluded that the noise did not constitute a nuisance. Three further complaints were received at the same time in 2019. The complaints had been made after an email was sent out by a complainant to other residents of Hornton encouraging them to voice their displeasure at the noise from the motocross track.*
- 9.45. *Measurements were taken with a sound level meter in Hornton during full race events on 15/09/19, 22/09/19 and 20/10/19. Measurements were taken at locations in both the north and south of Hornton, with the noise being close to inaudible at the southern side of the village compared with on the northern side. During the first two of these events the wind was blowing from the south, carrying the noise of the track towards Hornton, on the third site visit the wind was northerly and, as such, the racing was barely audible anywhere in Hornton. Over the course of all three events the noise was not determined to be significant enough to constitute a nuisance in Hornton.*
- 9.46. *I have reviewed the report submitted on behalf of Hornton Parish Council by Clarke Saunders and the report submitted by Parker Jones Associates on behalf of Wroxton MX Track, along with the materials submitted by Hornton Parish Council. While the measurements taken for the noise report compiled by Parker Jones Associates were from a practice session, they consistent with the levels measured when CDC visited to measure the noise in relation to complaints from Hornton parish Council in 2019. While the directivity of motorcycle engines is an important factor in determining the noise levels on or close to the site, the nearest receptors are between 800 m and 1 km away. Therefore, when assessing the impact of the noise from the track on nearby sensitive receptors we do not believe the directivity to be an important factor, especially given the bikes continuous change in direction as they travel around the track."*
- 9.47. Your Officers have no reason to disagree with the assessment of the Environmental Protection Officer and, on the basis of the advice received, it is not considered that a refusal on the grounds of an unacceptable noise nuisance could be sustained at appeal.
- 9.48. However, Officers do accept the potential for the motocross facility to generate noise nuisance in the future and therefore recommend that the planning permission be subject to a condition requiring the submission of a Noise Management Plan.
- 9.49. It is for the above reasons that your Officers do not consider that the development would generate detrimental levels of environmental pollution, subject to the suggested conditions, in accordance with saved Policy ENV1 of the CLP 1995, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway safety

- 9.50. 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.
- 9.51. Policy SLE 4 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. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in.
- 9.52. Regarding the access to the site, the Local Highway Authority (LHA) recognises that motocross events have been taking place here for a number of years, so the principle of the access to the highway is well established. However, given the size and quantity of vehicles that now use this access, the LHA considers that the entrance must be formalised with a kerbed bell mouth junction and asphalt surfacing. A condition has been suggested accordingly.
- 9.53. Regarding traffic, the LHA notes that congestion can occur on connecting roads to and from the A422. The LHA states that this is not necessarily a road safety issue and is relatively short term in duration and thus cannot reasonably form an objection. The number of visitors would also be capped by the space available within the site for parking/camping. Officers have suggested a condition requiring agreement as to the number of vehicles that can be accommodated on the site, and that the number of vehicles shall not exceed that specified number at any time. Further, a condition has been suggested requiring the submission of a Spectator and Access Strategy for consideration, to include details of how the calendar of events would be regulated, an event ticketing strategy and a vehicle permitting strategy. Your Officers consider that the suggested conditions would alleviate queuing or congestion on the highway.
- 9.54. The LHA has advised that a passing place condition could be required should Members see this as necessary, to mitigate against highway impacts at peak times, although they have not stated that this condition is necessary for the development to be acceptable.
- 9.55. The OCC Rights of Way Officer considers that a fence should be erected on the western boundary, to ensure that members of the public do not enter the site from this side. A fence would also go some way to avoiding the public footpath being used as an informal toilet facility, as has also been raised as a concern by OCC Rights of Way. Officers have suggested a condition requiring a revised Landscaping Scheme and a fence can be sought as part of this.

9.56. Overall, subject to conditions, the proposal is considered not to have a severe detrimental impact on the highway network or safety of its road users. The proposal is therefore considered in accordance with Policies SLE4 and ESD15 of the CLP 2015, and Government guidance contained within the NPPF.

Ecology impact

9.57. Government guidance contained within 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.

9.58. Further, it goes on to state that when determining planning applications, local planning authorities (LPAs) should apply the following principles:

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

b) 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.

9.59. Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.60. Policy ESD10 of the CLP 2015 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.

9.61. Policy ESD 11 of the CLP 2015 states that where a development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, biodiversity enhancement will be sought to help achieve the aims of the Conservation Target Area.

9.62. 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.

- 9.63. The original Committee resolution was to approve the application subject to the objections from the CDC Ecology Officer and Berks, Bucks and Oxon Wildlife Trust ('BBOWT') being overcome.
- 9.64. Due to proximity of the site to a stream, and with a number of mature trees and hedgerows both within and adjacent to the site, it was considered that the site had the potential for suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates. An Ecology Survey was submitted with the original application, although the CDC Ecologist and BBOWT both raised objections as it failed to demonstrate that the proposal would not cause harm to any protected species or their habitat, which is reasonably likely to be present and affected by the development.
- 9.65. Prior the Committee meeting on 17 June 2021 the applicant carried out a Great Crested Newt Survey and submitted a Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures, although at the time of the meeting a period of re-consultation had not yet expired. Officers considered that, provided the additional information addressed the objections by the CDC Ecologist and BBOWT, a refusal of the application on ecological grounds could not be warranted.
- 9.66. Since the Committee resolution to approve the application on 17 June 2021, discussions have taken place between the applicant, BBOWT and the CDC Ecologist in order to address concerns regarding the impact of the development upon protected species and their habitat. In summary, these discussions related to the following:
- Great crested newt mitigation.
 - Biodiversity enhancement using a Biodiversity Metric Calculation
 - A Landscape Ecology Management Plan
 - The silting of the Sor Brook impacting upon biodiversity and the Horley Local Wildlife Site
 - An Exit Strategy Management Plan for when the motocross use ceases
- 9.67. The Great Crested Newt Mitigation measures document submitted on 11 March 2022 included reasonable avoidance measures to minimise the risk of an offence occurring and confirmed that, as long as the measures were fully implemented, no Conservation of Habitats and Species Regulations derogation Licence would be required.
- 9.68. The Biodiversity Metric Calculation submitted during September 2022 indicated that the net gain would need to be provided off-site. This net gain would consist of an area of modified grassland with a nectar rich arable margin in the field to the east of the motocross site. This off-site enhancement would be within land that is owned and controlled by the applicant, although due to the scale of the original site location plan the blue line area did not include the entirety of the land. A revised site location plan was sought and received by Officers that included this land. Officers consider that a condition requiring the submission of a revised Landscaping Scheme, to include details of planting, retained trees and hedgerows, a Schedule of Landscape Maintenance and a Landscaping Amenity Plan would meet the requirements of the CDC Ecologist with regard to the management of the habitat enhancement.

- 9.69. With regard to the potential silting of the Sor Brook impacting upon the biodiversity of the watercourse and the Horley Local Wildlife Site, both the CDC Ecologist and BBOWT had raised concern regarding the use of phrases “have been recommended” or “has identified”, as opposed to “will take place” or similar, in the Design and Access Statement and Flood Risk Assessment that do not give sufficient surety to ensure that all of the measures would be both put in place, and maintained for the duration of the existence of the motocross site. Officers consider that this would be resolved via a condition requiring the submission of an overarching document detailing what action would be taken on site with regard to the control of run-off into the brook and the potential impact of this on the Local Wildlife Site. A condition has therefore been suggested by Officers that would require the submission of this document within three months of the date of this decision.
- 9.70. BBOWT had also raised concern regarding the potential silting of the Sor Brook impacting upon the biodiversity of the watercourse and the Horley Local Wildlife Site should the motocross use cease. Officers have suggested a condition requiring the submission of an Exit Strategy Management Plan that would specify the works to be undertaken and ongoing management regime to be implemented at the site when activities cease.
- 9.71. A later request was received from the CDC Ecologist for a condition requiring the submission of an external lighting strategy and for the site to be checked for protected species prior to the first use of the track. Officers have included these in the suggested conditions.
- 9.72. Both BBOWT and the CDC Ecologist are now content with the scheme. Officers therefore consider the proposal to accord with Policies ESD 10 and ESD 11 of the CLP 2015 and Government guidance contained within the NPPF in terms of protected species and their habitat, and biodiversity enhancement.

Flood risk and drainage

- 9.73. Government guidance contained within the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 9.74. Policy ESD 6 of the CLP 2015 echoes Government guidance, requiring the submission of a Flood Risk Assessment (FRA) and demonstration that developments would be safe and remain operational (where necessary), and that surface water would be managed effectively on site and that the development will not increase the flood risk elsewhere. Policy ESD 7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.75. The site is located in Flood Zone 1, which has the lowest probability of flooding. A Flood Risk Assessment and drainage strategy had been submitted with the original application, although the Lead Local Flood Authority (LLFA) had advised that the applicant had failed to demonstrate that the development would provide adequate drainage on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites. The applicant subsequently provided further clarification, although at the time of the Committee meeting on 17 June 2021 a response had not been received from the LLFA.

Officers had commented that providing the additional information addressed the objections raised, the refusal of the application on flood risk and drainage grounds would not be warranted. Delegated authority was sought from Members for Officers to resolve this outstanding issue.

- 9.76. After direct contact between the applicant and LLFA on 23 February 2022, the LLFA advised that after having reviewed all the relevant documentation they had no objection to the application. They advised that there are no works being carried out to increase impermeable areas to the site. The submitted FRA (Lidar-Logic, Report LL071 - February 2021) shows that the existing drainage system on site would be retained and ongoing maintenance is carried out through the year by Wroxton Motocross. Therefore, as long as the maintenance regime as per the FRA is carried out, the LLFA has no objection to the application.
- 9.77. The response from the LLFA informed the wording for a suggested condition requiring the development to be carried out in accordance with the approved drainage system detailed in the FRA. Officers therefore consider the development accords with Policies ESD 6 and ESD 7 of the CLP 2015 and Government guidance contained within the NPPF in terms of flood risk and drainage.

Sustainability and Mitigating Climate Change

- 9.78. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the CLP 2015. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.
- 9.79. Local Plan Policy ESD1 requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. It contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.
- 9.80. Policy ESD2 of the CLP 2015 requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.81. Policy ESD 3 of the CLP 2015 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.

9.82. Policy ESD 4 of the CLP 2015 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments. Policy ESD 5 of the CLP 2015 states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

9.83. As previously mentioned, the use of the site for a motocross use is long established. It is hoped that the evolution of the electric vehicles would allow in the future for electric bikes to participate, in line with local and national directives. However, bearing in mind the long-established use, Officers do not consider that it would be reasonable for such a condition to be attached to any planning permission given. There is also very little built development on site (i.e. only marshal huts and a shelter for portable toilets). Therefore, sustainable construction and renewable energy principles do not apply.

10. PLANNING BALANCE AND CONCLUSION

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

10.2. The principle of the motocross track development is considered acceptable, and the development has no significant impact in heritage terms, and subject to conditions, is acceptable in terms of highway safety, residential amenity, landscape impact, ecology, flood risk and drainage. The proposal would deliver some benefits in terms of sport and recreation, although it contributes little to the local economy. However, it is considered that the adverse impacts of the development do not demonstrably outweigh the benefits and Officers therefore recommend that planning permission be granted subject to the suggested conditions.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Approved Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be in accordance with the application forms and the following plans and documents: Design and Access Statement dated February 2021, Planning Statement dated February 2021, Ecological Appraisal dated January 2021, Flood Risk Assessment dated February 2021 reference Report LL071, Transport Statement dated February 2021, Wroxton MotoCross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022, Biodiversity Metric 3.1 dated 09 September 2022, Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, Drawing No's: KERWOOD PL-01 Rev. 0, KERWOOD PL-02 Rev. 1, KERWOOD PL-03 Rev. 2, SU2192 2D-1, SU2192 2D-2, SU2192 2D-3, SU2192

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.

Drainage System

2. Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the approved drainage system detailed in the Flood Risk Assessment prepared and submitted by Lidar-Logic, reference Report LL071 - February 2021.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Ecological Enhancements

3. Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the recommendations set out in the Wroxton Motocross Circuit – Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, and The Wroxton MotoCross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 unless otherwise agreed in writing by the Local Planning Authority. The 'Reasonable Avoidance Measures' set out in the Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 shall be followed at all times that the site is in use for the development hereby approved.

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE FIRST USE OF MOTORCROSS SITE

Ecological Walkover Survey

4. Prior to any ground disturbance on site, including reinstatement works of the track, practising or competing, a walkover survey shall be carried out by a qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site and to identify habitat changes on site since the previous surveys were carried out. Should any protected species be found or changes in habitat identified, full details of any additional mitigation, avoidance measures or EPS licensing required to prevent 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 details.

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

Schedule of Activity and Events

5. (a) Prior to the first use of the motocross site hereby approved, a schedule of

proposed activity and events for the remainder of the calendar year in which it is first used shall be submitted to and agreed in writing by the Local Planning Authority; and thereafter

(b) Prior to 31 December of each year, a schedule of proposed activity and events for the following calendar year shall be submitted to and agreed in writing by the Local Planning Authority.

The motocross site hereby approved shall be operated in accordance with the schedules agreed under this condition, unless otherwise agreed in writing by the Local Planning Authority.

The submitted schedule shall include details of each event, including:

- the intended programme of track use including practicing and racing;
- likely number of participants and spectators; and
- a written supporting statement demonstrating how the proposed programme of events has been designed to ensure that there are periods of inactivity between race events.

Notwithstanding the details of any agreed schedule, practice or race days upon the site shall not exceed 20 days in any calendar year. The total number of days that the site is used for motocross purposes shall not exceed 65 days in any calendar year.

Reason – In the interests of highway safety, the general amenity of the area, the living conditions of local residents, and to comply with saved Policies ENV1 of the Cherwell Local Plan 1996, Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Informative:

You are advised that there is an expectation that there will be a maximum of 6 race days within any 3 month period. Any schedule of proposed activity and events submitted under this condition that seeks to secure approval of a programme that fails to accord with this frequency should set out:

- (i) why this is necessary; and
- (ii) what mitigations are proposed to protect the amenity of local residents.

The Local Planning Authority's assessment of any submission made under this condition shall be circulated to the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and Hornton Parish Council, Wroxton and Balscote Parish Council, Shenington with Alkerton Parish Council and Horley Parish Council.

External Lighting

6. Prior to the first use of the motocross site hereby approved, an External Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved strategy prior to the first use and retained as such thereafter.

Reason - In the interests of wildlife and nature conservation, the general amenity of the area, and to ensure compliance with Policies ESD10 and ESD 15, saved Policies C28 and ENV1 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE FIRST USE
OF MOTORCROSS SITE FOR PRACTICE OR COMPETITIVE RACING

Noise Management Plan

7. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a Noise Management Plan detailing how the operator will manage noise levels at or from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the use of the motocross site for practice or competitive racing shall be undertaken in accordance with the approved Noise Management Plan. This plan shall include:
- (a) Identification and specification of noise generating sources throughout the site, to include any amplified sound such as sound systems and P.A. systems;
 - (b) Monitoring of noise levels from individual bikes on track in accordance with current Auto Cycle Union (ACU) noise standards;
 - (c) A written procedure for excluding bikes from the site exceeding the current Auto Cycle Union (ACU) noise standards;
 - (d) Notwithstanding point (b) the noise from the bikes shall not exceed 81 dBA at 100 metres from the track edge;
 - (e) A statement detailing any noise mitigation and commitment to its maintenance, which could include the use of silencers;
 - (f) Details of the procedure for managing noise from bikes not on the track;
 - (g) Details of the procedure for limiting the number of bikes on the track at any one time;
 - (h) Details of the procedure for off-site noise monitoring during events.

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

Access Details

8. Prior to the first use of the motocross site hereby approved for practice or competitive racing, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton, and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access and vision splays shall be constructed in strict accordance with the approved details prior to any practice or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Spectator and Access Strategy

9. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a Spectator and Access Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Spectator and Access Strategy shall include:

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used for practice or competitive racing other than in accordance with the approved Spectator and Access Strategy.

Reason - In the interests of general amenity and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Exit Strategy Management Plan

10. Prior to the first use of the motocross site hereby approved for practice or competitive racing (and notwithstanding the details set out within the Wroxton Motocross Circuit – Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, The Wroxton Motocross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 or the Flood Risk Assessment prepared and submitted by Lidar-Logic reference Report LL071 - February 2021, and maintenance regime approved pursuant to the requirements of Condition 12 of this permission, an Exit Strategy Management Plan (ESMP) shall be submitted to and agreed in writing by the Local Planning Authority. The purpose of this ESMP is to specify the works to be undertaken and ongoing management regime to be implemented at the site when activities cease in order to protect the biodiversity of the Sor Brook and the Horley Local Wildlife Site from silt migrating downstream.

The submitted ESMP must include:

- i. Landscaping Scheme: This shall detail positions for the re-instatement of grass cover across the site, planting of additional hedgerows and scrub along land contours. The scheme shall identify the planting arrangements and timings, together with details of inspection and maintenance protocols and responsibilities to ensure the identification and then timely replacement of any dead, dying or diseased landscaping elements for a minimum period of five years from the point of initial planting.
- ii. Monitoring and Management Plan: A scheme for the monitoring and management of the site once motocross activities cease, to include provisions to ensure that silt ponds are cleaned out on a set schedule in a manner that is compatible with the landscaping of the site and ecological mitigation and enhancement measures.

Where no submission has been made to the Local Planning Authority to discharge condition 5(b) prior to 31 December, the commencement of the agreed Exit Strategy Management Plan (ESMP) shall be triggered. Thereafter the agreed ESMP shall be implemented in full unless a new schedule of proposed activities and events for that calendar year has been submitted to and agreed in writing by

the Local Planning Authority under the terms of condition 5(b).

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

Parking Provision

11. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a plan showing parking provision for a specified number of vehicles to be accommodated within the site shall be submitted to and approved in writing by the Local Planning Authority. The parking area approved by this condition shall be provided in accordance with the approved details prior to the first use of the motocross site for practice or competitive racing and shall remain unobstructed and retained for the parking of vehicles at all times thereafter. The number of vehicles using the approved parking area shall not exceed the number specified upon the approved plan at any time.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Policies SLE 4 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE WITHIN THREE MONTHS

Revised Drainage Maintenance Regime

12. Within three months of the dates of this decision (and notwithstanding the details contained within the Flood Risk Assessment prepared and submitted by Lidar-Logic reference Report LL071 - February 2021) a revised maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the maintenance regime shall be carried out in accordance with the approved details at all times that the site is in use for motocross purposes.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal in a manner that is compatible with the landscaping of the site and ecological mitigation and enhancement measures, and to ensure compliance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Informative:

The revised maintenance regime shall detail specific steps that will be carried out as part of the maintenance of the site without ambiguity. The applicant should ensure that maintenance regime is compatible with the proposed landscaping, ecological enhancement measures and great crested newt mitigation measures.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE PLANTING SEASON

Revised Landscaping Scheme

13. Prior to the first full planting season after the date of this permission (mid-November to end of March) (and notwithstanding any details shown with the Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022) a revised landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

- (a) Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- (b) Details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- (c) A Schedule of Landscape Maintenance for a minimum period of fifteen years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting;
- (d) A Landscape Amenity Plan, to include the timing of the implementation of the plan, long term design objectives (to include consideration of the restoration of the land), management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas. The Landscape Amenity Plan shall also include provisions to ensure that the existing hedgerow on the south-east boundary adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and that sections of the hedgerow that die or are damaged are replaced.

The details approved under points (a) (b) (c) and (d). of this condition shall be implemented in the first full planting season (mid-November to end of March) following their approval and shall be carried out in accordance with the most up to date and current British Standard.

The Schedule of Landscape Maintenance shall be carried out in full accordance with the implementation details agreed pursuant to point (c) above.

The Landscape Amenity Plan shall be carried out in full accordance with the implementation details agreed pursuant to point (d) above.

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

Reason – To safeguard the character and appearance of the area, and the surrounding landscape in a manner that is compatible with the ecological enhancement measures being secured at the site to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Restriction on use

- 14. There shall be no use of the track or set-up or take down of events on the first

Bank Holiday Monday in May of each year.

Reason – In the interests of highway safety and to comply with Policies SLE 4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Operating Hours

15. The track shall only be used for motocross purposes, to include both the operation and maintenance of the race circuit, between the hours of 9:00am and 6:00pm.

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

Vision Splays

16. The vision splays shown in the plans approved pursuant to the requirements of Condition 8 of this permission shall not at any time be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

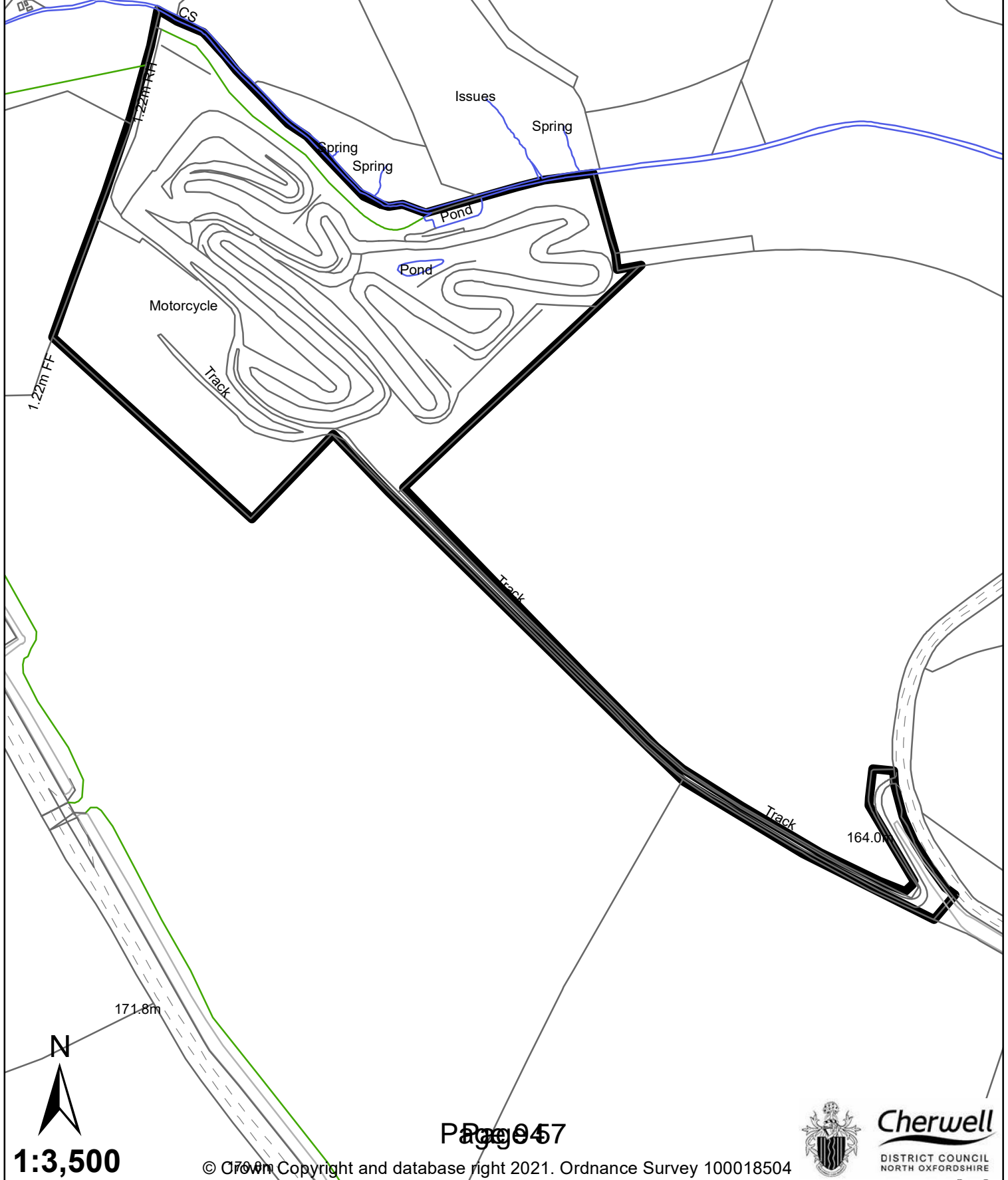
Informative

1. The applicant is advised that any alteration to the layout and/or configuration of the track from that hereby approved would likely require planning permission.

CASE OFFICER: Gemma Magnuson

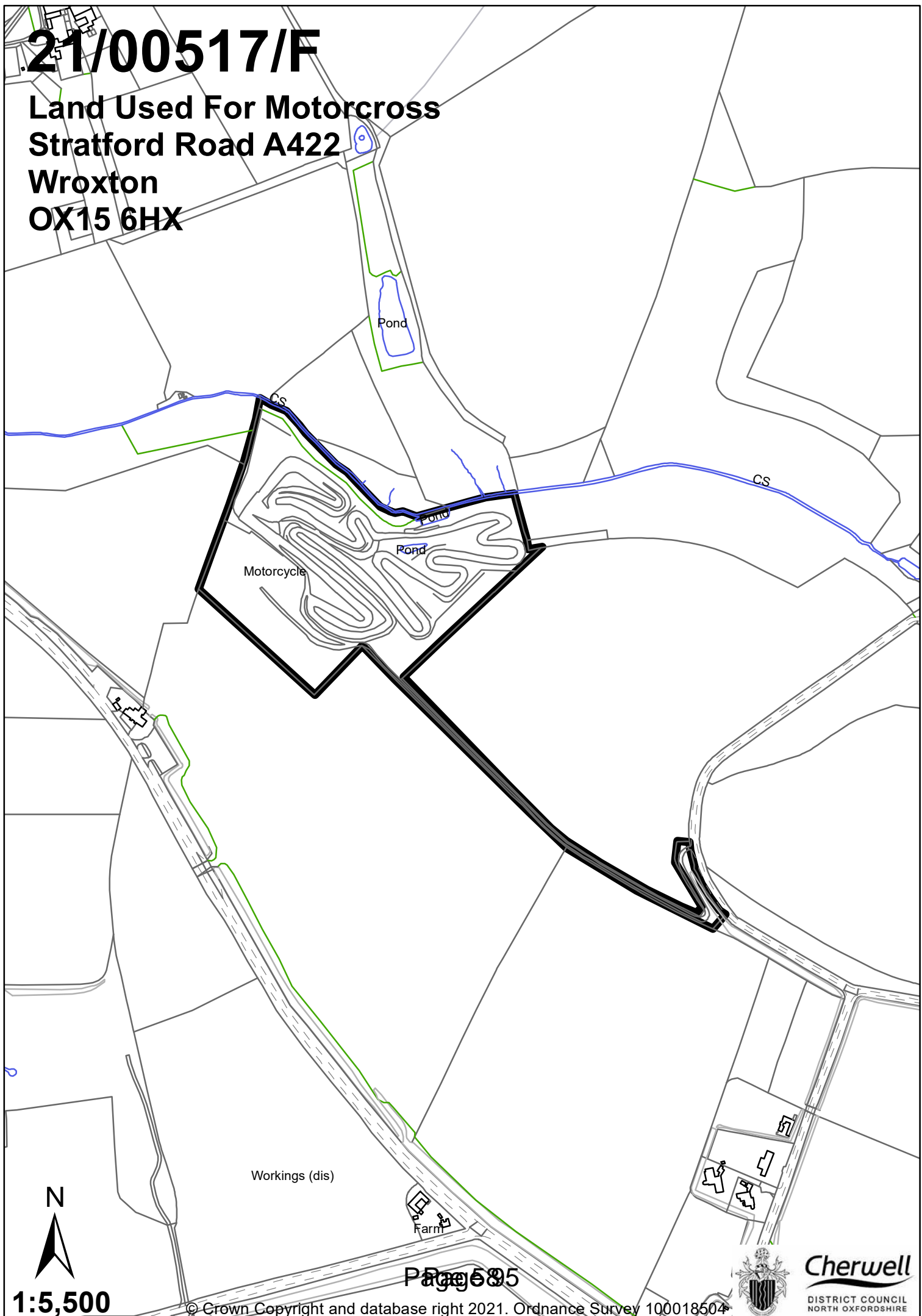
TEL: 01295 221827

**Land Used For Motorcross
Stratford Road A422
Wroxton
OX15 6HX**



21/00517/F

Land Used For Motorcross
Stratford Road A422
Wroxton
OX15 6HX



1:5,500



Case Officer: George Smith

Applicant: Hedges & Kerwood

Proposal: Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

Reason for Referral: Level of public interest

Expiry Date: 22 June 2021

Committee Date: 17 June 2021

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

- 1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;**
- 2) THE RESOLUTION OF THE OBJECTIONS FROM:
(i) THE LEAD LOCAL FLOOD AUTHORITY;
(ii) THE COUNCIL'S ECOLOGY OFFICER; AND
(iii) BBOWT
INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND**
- 3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is occupied by a motocross track, accessed off the unnamed lane to the east.
- 1.2. The track is located in open countryside, being c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote and c1.2km from the eastern edge of Alkerton. There are several out-of-settlement dwellings in closer proximity, the closest being Hornton Grounds (550m).

2. CONSTRAINTS

- 2.1. The application site is partially within a Conservation Target Area and partially within a NERC Act S41 Habitat – namely Lowland Mixed Deciduous Woodland. The Traditional Orchards Habitat is located nearby. The site is bound on the western side by a footpath (339/18/10). Another footpath (255/4/10) runs close to the entrance to the site from the west. The site sits on potentially contaminated land and naturally elevated arsenic, which are common features across the Cherwell District.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks use of the parcel of land for motocross purposes for 65 days per year. This would include 24 event days i.e. the application if approved would not grant permission for 65 event days. The 65 days would include the 24 events, as well as set-up and set-down days either side of an event.
- 3.2. The Transport Statement explains in more detail the nature of the use. A typical event is held on Sunday, with an average rider entry of 160-200, and most riders arriving with immediate family and support crew on the Saturday before the event day. The majority of campers are said to arrive between 5pm and 8pm. The report estimates that 180-220 people would typically camp.
- 3.3. The Transport Statement sets out that, during a Club event, there may be around 600 – 800 people on site over the course of race day, travelling in 250 – 350 vehicles
- 3.4. The Transport Statement sets out that a National event are said to occur once or twice a year and can attract a maximum of 320 competitors and 1,300 to 1,500 people in total. A National event can attract around 400 – 600 vehicles, depending upon how many people travel together in each one.

4. RELEVANT PLANNING HISTORY

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

20/02126/CLUE: Certificate of Lawfulness of Existing Use for the use of the land for a mixed use of agriculture and as a motocross track with race meetings for up to 24 days a year (excluding set up, preparation, clear up and private practice sessions) – Withdrawn

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3 June 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Officers have counted the number of objections received as 172 and the number of letters in support to be 11. Four representations have been recorded as *comments*. The representations made by third parties are summarised as follows:

Objection

Principle of development

- The application does not provide any material/substantive information in respect of the claims that the proposals support local policy
- Up until 2017 the track was operated within the 14-day permitted development limited but have not done so since. It should be reinstated to this 14-day use.
- There is no access via public transport and poor walking and cycling routes, which would not reduce need to travel by private vehicle, not offering alternative travel modes.
- Provision of this facility is not needed as four other similar developments and approved sites are within easy travel distance
- Does not support tourism as people camp and do not spend money in local area or mix with local villagers
- It is only a commercial success for the landowner rather than local community
- Could harm local B&Bs and pubs
- Sheep have never been seen grazing at the track
- Track operators have continued to flaunt regulations through this planning application process
- Is suitable as a local club, reverting back to its former use. Is not suitable to be an international track.
- Several third-party representations have raised concern that the track would hold motocross racing or practice on 65 days of the year and made comments on this basis. Whilst the proposal seeks 24 race or practice days, several have raised this ambiguity as a concern.
- There is no local need for the facility.
- At what point does this go from farm diversification to being the primary business.

Landscape and visual impact (including heritage)

- Approval would result in further expansion
- This area is valued for its tranquillity and beauty, something the track is ruining.
- Contrary to the LVIA, the current track does not use natural landform as there has been extensive excavation and raising of the land in many areas. LVIA report contains various misinformation.
- Cherwell District Council themselves have sought to protect the Ironstone Downs in their own Local Plan.

- The landscape assessment identifies that the site is currently in poor condition and the works have been done to a poor standard and further remediation is required to put the site in good condition.
- Track did not used to be visible but can now be seen from 3 different roads and the footpath adjacent. This is as a result of bigger jumps and more prominent features such as railings.
- The resulting highways, visual, and noise impact that would arise from the proposal on the nearby AONB would outweigh its public benefit, contrary to paragraph 172 of the NPPF.
- Events look like a large music festival.

Noise

- Unfavourable wind direction increases the perceived level of noise, which is the norm rather than the exception due to prevailing wind.
- Was tolerated by locals prior to 2016, but increase in size and the events are now starting earlier, finishing later, are noisier as the size of bikes have increased, and the number of events has virtually doubled
- Causes stress and annoyance for people who want to enjoy peace and quiet in gardens. Note in summer this is particularly vexatious as it is often necessary to keep windows and doors open to keep the house cool. Impacts on mental health and drives people to go away for the weekend.
- Rather than an occasional disturbance a Motocross event can affect a whole weekend if the wind is blowing in a certain direction as the noise is so loud it is not a pleasant experience to be outside in the garden.
- Noise on occasional weekends was tolerable, but noise is now incessant.
- Third party took several noise meter readings in 2019 and have records to show sound levels frequently between 65dB and 95dB during race time.
- Questioning of the usefulness of the noise survey being undertaken on a practice day in the off-season. Evidence is potentially deliberately misleading.
- It may be that measurements of noise are beneath the British Standards and WHO indicative level of 50 decibels, but this may not be the most appropriate measure in an environment with much lower levels of ambient noise.
- Noise nuisance to Indian Queen restaurant and instances of anti-social behaviour.
- The Council's Environmental Health Officer appears not to have taken account of other data provided, outside of the applicant's report. Applicant's report is incorrect on the noise effect.
- Additional screening would not make the noise impact acceptable.

Highways

- Increased vehicle movements, vans and cars going over speed limit through villages of Wroxton, Hornton, the A422 and surrounds.
- There has been an increase in vehicle movements in the locality over a number of years more generally, due to other developments (Hornton Quarry, Banbury expansion etc.)
- Up to 200 vehicles are camped there at weekends impacting on entry and exit on narrow country lanes. Objections to positioning of site entrance
- This road should never be blocked by heavy traffic, which it certainly would be if this planning permission were approved. Limits access for emergency service vehicles
- Would eventually cause death or serious injury
- Access to the site and the surrounding roads should be reviewed and improved if this application is approved. The windy country roads are not suitable for the development. Vehicles travelling to track has led to potholes and damaged verges.
- Unsafe to walk along footpath adjacent to track on race days. Also, a risk to cyclists and children.
- Damage to surrounding roads from the large vehicles and camper vans that are associated with the use. Small roads are unsuitable for 100+ larger vehicles all arriving for weekend use
- Mud is dragged out onto the road from the access

Ecology

- Effect on local wildlife and countryside
- This whole valley forms part of the Northern Valleys Conservation Target Area (NVCTA). The NVCTA is an important wildlife site which has been targeted specifically for biodiversity conservation. Cherwell District Council's (CDC) Local Plan 2040 states that CTAs would be the most important areas to target for biodiversity improvement. Locating large BMX track capable of hosting international motocross events in this CTA is clearly contrary to that ambition.
- Track would have a significant detrimental impact on biodiversity in areas surrounding the site and the loss of at least some of the red list/internationally threatened species in the area.
- The area surrounding the proposed site is richly biodiverse, holding healthy remnant populations of farmland birds, mammals and plants which have experienced huge declines with the industrialisation of agriculture, which continues today. Many of these species are internationally threatened, indicating that this area has International Conservation Importance and must be protected from development.
- The potential risk to contamination from fuel leaks, chemical toilets and general waste of the Sor Brook, including the potential downstream impact to wildlife.

- It is just a few hundred metres from a Site of Special Scientific Interest, managed by the Banbury Ornithological Society, where many rare species of bird can be found including the curlew. The noise pollution from the track may prevent birds from staying in this area as they are sensitive to noise.
- Ecology walk over survey undertaken at massively suboptimal season. Report points at potential for GCN as well as protected species including bats, but no mitigation/compensation is identified.
- Policy ESD11 - insufficient information has been provided to show the proposal adheres with the policy; demonstrating the proposal does not conflict with the aims of the conservation target area as well as identifying constraints and opportunities for biodiversity enhancement.

Pollution

- Diesel fuelled vans travelling large distances to get to event
- Believe the CDC should not be supporting further expansion of a sport which is potentially detrimental to the health of the participants and local people. These are not 'essential' emissions.
- Litter from track including plastic helmet visors are found nearby to track and lining the tributary of Sor Brook, having an impact on ecology also.
- Rubbish is stored or burnt on site.
- Littering along Wroxton main road
- In contravention of Government stated objectives to reduce CO2 emissions which are proven to adversely affect climate

Drainage

- there have been breaches of the Land Drainage Act in that unauthorised works have happened in damming and draining the watercourse
- Drainage and pollution of the water levels threaten the surrounding area.

Other

- Disregard for planning and process
- Implies weekday events as well as weekends
- Devalues properties
- Why CDC has allowed this Wroxton Motocross development to get to this point without adequate planning permission.

Support

- Safe and accessible motorsport facilities is key to avoid illegal riding and driving on roads
- Benefits to physical and mental health

- Supports local businesses
- Oxfordshire has insufficient motorsport facilities relative to size
- Additional screening would reduce the noise impact

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. HORNTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Unjustified and unsustainable form of development in a rural location – contrary to the provisions and aims of SLE1, SLE4 and ESD1 of the Local Plan
- Development is an alien feature within the rural landscape, out of scale and character within setting. Detrimental visual impact on rural character and appearance of locality, including adverse disturbance for wildlife habitats and species and harm to the rights of way amenity and open rural landscape of the area – contrary to Policies ESD13 and ESD15.
- Adverse traffic congestions on Friday – Sunday, with hundreds of vehicles using the narrow local lane network. The proposals are therefore contrary to saved Policies TR10 and C31 of the 1996 LP and ESD15 of the CLP 2015.
- The change of use cannot be to a mixed agricultural use as the vast majority of the racetrack is bare mud and could not support sheep grazing.
- The application form, Design and Access Statement and technical submissions contain numerous factual inaccuracies.
- A Hornton Parish Council commissioned “Expert Witness Statement” from Air Photo Services Ltd Report, taking evidence from aerial and satellite photography and Lidar data, concluded that between 2012 and 2020; the racing track was lengthened by over 500m (33%), the track area and bare earth features increased by over 1500sqm and the average width of the track increased from 11.08m to 12.15m.
- A Hornton Parish Council commissioned “Noise Impact Assessment Review” from Clarke Saunders Acoustics has been submitted, which considers that the applicants Noise Impact Assessment does not address many key requirements, concluding that it cannot be relied upon to describe the community impact of the proposals.
- The Parish Council have provided a list of events, stating that greater events had taken place (or at least been planned) than the applicant asserts, with 26 events having been listed in 2019.

7.3. WROXTON AND BALSCOTE PARISH COUNCIL: **Objects** – for reasons summarised below:

- Brings no benefit to the local economy as competitors and guests stay in caravans on-site and are likely to self-cater.
- Disbenefits in terms of noise, increased traffic, damage to verges and anti-social behaviour
- Wroxton and Balscote residents in general accepted the original intention of the operation for the first 35 years or so i.e. recreational activities for local people on several weekends annually. However, the nature of the activity has changed, increasing in size and frequency and interfering significantly with the local environment
- Wroxton and Balscote Parish Council would support strict conditions imposed limiting the number of racing/practice days, to the prior acceptable volume of activity. Conditions should also protect immediate environmental requirements i.e. litter, toilets and protection of watercourses.

7.4. SHENINGTON AND ALKERTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Noise nuisance to parish residents. 65 days is unreasonable, the applicant should request a more reasonable level of activity. The Parish Council would like to see calendar coordinated with Shenington Kart Club as the noise complaints are received for this as well.

7.5. HORLEY PARISH COUNCIL: **Objects** – for reasons summarised below:

- Increased intensity of the use of the site.
- Parish Council are concerned about increased number of events to 65 days per year, over one per week.
- Noise pollution is a major concern which can already be heard throughout the village – increasing if this is approved.
- Parish Council has received individual complaints from residents in the village regarding existing site.

CONSULTEES

- 7.6. CDC ECOLOGY: **Comments** – that the information is currently insufficient in relation to ecology enhancement and great crested newt mitigation
- 7.7. CDC ENVIRONMENTAL HEALTH: **No objections** – on grounds of noise, contaminated land, air quality, odour or light.
- 7.8. CDC LANDSCAPE: **Comments** that a landscaping scheme and management/mitigation measures are required.
- 7.9. CDC ARBORICULTURE: **Comments** – that the landscaping plan as submitted requires further clarifications.
- 7.10. CDC DRAINAGE: **Comments** – that the Flood Risk Assessment is acceptable in hydraulic terms. Comments that the watercourse could be affected by ecology in regard to siltation and loss of amenity to allow fish/invertebrate passage along the watercourse, however they note that they are not qualified to comment on this aspect.

- 7.11. CDC SPORT AND LEISURE: **Comment** – that there is insufficient evidence which demonstrates that the provision meets a local need, or that its increased use addresses deficiencies in provision.
- 7.12. OCC HIGHWAYS: **No objections** – subject to conditions for; means of access improvements, vision splays to be non-obstructed, provision of two pairs of passing places and for the submission of an Event Traffic Management Plan.
- 7.13. OCC RIGHTS OF WAY: **No objections** – subject to condition relating to fence along western boundary.
- 7.14. OCC DRAINAGE: **Objections** – as a detailed surface water management strategy has not been submitted.
- 7.15. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** – due to impact on tranquillity of area
- 7.16. COTSWOLD NATIONAL LANDSCAPE: **Neither support nor object**
- 7.17. ENVIRONMENT AGENCY: **Comments** – that application falls outside remit
- 7.18. BERKS, BUCKS & OXON WILDLIFE TRUST (BBOWT): **Comments** – that they would object to any increase in the extent of the track or increase in events. Comment that there should be less exposed soil overall, particularly next to the brook, and certainly no increase. They advocate requirements to be made for biodiversity net gain, stating this should be at a 20% level, to be achieved on site. A series of recommendations are made.

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
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- ESD8: Water Resources

- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

Other material considerations

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

9. APPRAISAL

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

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

Principle of Development

Policy Context

9.2. The application is retrospective and was submitted as the result of an enforcement investigation. The current application is being put forward by the applicant to regularise the existing motocross facility. The applicant states that the track has been in situ since 1981. However, the track has gradually expanded from an informal local facility to one capable of hosting international events. Figures 1 to 4 below show the gradual expansion of the track over the last 20 years.

Area



Figure 1 – 1999 aerial photography



Figure 2 – 2009 aerial photography

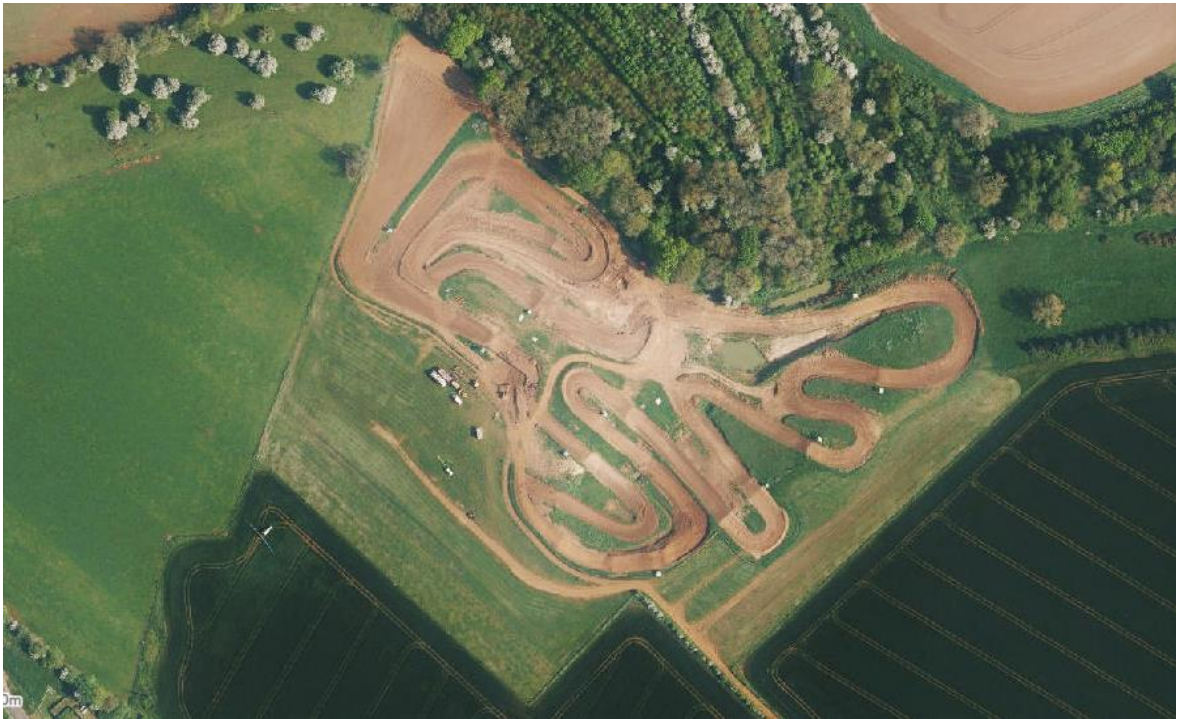


Figure 3 - 2014/15 aerial photography



Figure 4 – 2019 aerial photography

- 9.3. Policy BSC 12 of the CLP 2015, which governs the provision of community sporting and recreational facilities states *'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.'*
- 9.4. Policy BSC 10 of the CLP 2015 states that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and through addressing deficiencies in provision

through enhancement to existing sites or securing new provision. In determining the nature of new provision, the Council will be guided by the evidence base and consult with parish and town councils. The supporting text notes that development which result in the loss of facilities will be assessed in accordance with the NPPF and will not be permitted unless the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided in an agreed time period. Paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2 (now the review of the Local Plan).

- 9.5. The NPPF at paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.6. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.7. NPPF paragraph 84 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.8. Paragraph 86 and 87 of the NPPF state that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.9. The NPPF advises that the access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and paragraph 97 of the NPPF states existing open space, sports and recreation buildings and land, 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 needs for which clearly outweigh the loss.

Assessment

- 9.10. This application seeks use of the parcel of land for motocross purposes for 65 days per year, with 24 days where the track is used. The site is outside of a sustainable settlement and set in a rural context. Given the location, nature of the development and lack of public transport links the proposed development would be heavily reliant on the use of the private motor vehicle to access the facility via the route of minor rural roads.
- 9.11. It is relevant to assess whether the use is a 'Main Town Centre Use' as defined by the NPPF. The NPPF definition names sport and recreation, as well as leisure.

Whilst one might ordinarily deduce that the motocross track could be a leisure use, those two things are intended to be different, i.e. this is under sport and recreation rather than leisure. The question is then whether it's a "more intensive" sports and recreation use, (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls). As this motocross use is not similar to those listed within the NPPF, Officers would conclude that that it is not a main town centre use. It is also not a use that could reasonably be expected to be provided in the town centre due to its nature.

- 9.12. The Council's Sport and Leisure Team states that there is insufficient evidence to demonstrate that the provision meets a local need, or that its increased use addresses deficiencies in provision. Officers agree with this view and recognise based on the submitted information that the facility holds national events and draws participant from across the country, rather than providing a local need. Therefore, Policies BSC10 and BSC12 of the CLP 2015 are not necessarily met.
- 9.13. The applicant contends that the track can currently operate under permitted development right allowances. However, Officers consider the land is not returned to agricultural use whilst the track is not being used for motocross events, and that a permanent change of use has taken place, in particular because there has been operational development, for instance through the formation of track jumps, which require planning permission.
- 9.14. As per section 171B of the Town and Country Planning Act 1990, development involving a change of use (other than to a single dwellinghouse) is immune from enforcement action should no action be taken within 10 years of such a breach. The parcel of land has been used for motorsport purposes for approximately 40 years and but for track expansion having taken place in the preceding 10 years a lawful development certificate would likely have been granted. The use of the majority of the site for motocross purposes, but for two small sections in the east and northeast, is considered to be well established. The lawful development certificate application was subsequently withdrawn and the applicant invited to submit a full planning application.
- 9.15. On this basis, your officers are satisfied that the development is acceptable in principle.

Conclusion

- 9.16. The site is not sustainably located, but a similar facility could be achieved here within permitted development rights. The nature of the use means that it is not likely compatible with a location within or at the edge of a settlement. The principle of the development is therefore considered acceptable; its overall acceptability is dependent on the proposal not causing material harm in other respects. These are outlined in more detail below.

Design and landscape and visual impact

Policy Context

- 9.17. Policy ESD13 of the CLP 2015 advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.

- 9.18. Policy ESD15 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.
- 9.19. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.20. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - (d) establish or maintain a strong sense of place.
- 9.21. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Assessment

- 9.22. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The site is solely within the Northamptonshire Uplands, Cotswolds and Chilterns character area. This landscape type includes pastoral and wooded landscapes associated with the steep slopes and valleys of small streams and main rivers.
- 9.23. The Landscaping Scheme identifies that the site is on agricultural land in the open countryside, with land undulating and sloping down to a small valley with a small stream running along the valley floor.
- 9.24. The site's position within the valley means that it is not readily visible from the majority of public vistas in the locality. The site is clearly visible from the footpath (339/18/10) which runs along the north-western boundary of the site.
- 9.25. The applicant's LVIA notes that the Motocross track is an established landscape feature in the landscape, with events and races having been held for approximately 40 years throughout the year. It adds that the track has been specially designed so as to reflect the existing site levels which make the track a popular and challenging race circuit.

- 9.26. As noted above, much of the development at least in terms of its size and area has occupied the site for 40 years. Much of the development would have been immune from enforcement action under the 10-year rule.
- 9.27. Officers note that the site has developed more significantly over the last 3-5 years, with the track now longer and wider, with additional jumps and green space reduced within the track confines. There is no doubt that the motocross track has a landscape impact, being clearly visible from the footpath to the east and in several other vistas, including local roads. The track is not visible from any settlement, due to topography and distance.
- 9.28. The track associated infrastructure, i.e. toilets and marshal huts also have a visual impact, but this is infrastructure that is clearly related to the use of the site for these purposes. They are structures which are not particularly large so, although visible from some public vantage points, they are not considered intrusive.
- 9.29. The caravans and motorhomes, which occupy the camping area during an event, also have a visual impact. They occupy a portion of the site to the south and east of the track. Were planning permission to be granted for this application, caravans/motorhomes could occupy the site for 65 days per year.
- 9.30. The Council's Landscape Officer had raised no objections to the proposal as originally submitted but states that it is essential to achieve the appropriate standard of landscaping for this development, and that the landscape proposals must indicate:
- Planting positions of all trees with projected canopy growth at 25 years to ensure a continuously linked canopy
 - A double-staggered row hedgerow with planting distances indicated
 - Trees and shrub supplied sizes of all the shrubs
 - Planting and 2-year aftercare specification.
 - A management and maintenance plan for 15 years.
 - The access track to the site must be landscaped with native trees and hedgerows to ensure its use is screened on busy race days.
 - Latin names of trees and shrubs.
 - Tree pit planting details.
- 9.31. Subject to a suitable landscaping scheme and management and maintenance plans being submitted, which can be sought via condition, Officers are satisfied that the landscape impact of the proposed motocross track, associated infrastructure and the occasional occupation of the camping area can be successfully mitigated against.
- 9.32. The applicant has latterly submitted a revised landscape plan, contained within the Ecological Enhancement Measures documentation. As this alters the existing landscaping provision that our Landscape Officer had commented on, planning officers considered this warranted re-consultation. The recommendation to Planning Committee reflects this consultation.

Conclusion

- 9.33. Subject to conditions and no new issues being raised by consultees, the development subject of this application is considered to be acceptable in visual and landscape terms, compliant with Policy ESD13 and ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Heritage Impact

- 9.34. The site is approximately 1km from the nearest Conservation Area boundary.
- 9.35. 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.*
- 9.36. Conservation Areas are designated heritage assets, and paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.37. Given the nature of the proposal and its distance from Conservation Area boundaries of nearest villages, Officers are satisfied that the proposal does not result in harm to the setting or significance of heritage assets. The proposal is therefore considered acceptable on these grounds.

Residential impact

Policy

- 9.38. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development. Local Plan Saved Policy ENV1 of CLP 1996 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment

- 9.39. The track is located c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote, c1.2km from the eastern edge of Alkerton.
- 9.40. There are other out of settlement dwellings located closer to the site, including, but not exclusively; Meddoms Farm Barn (c.900m), Manor Farm (c.750m), Hornton Grounds (c.550m), The Dairy Cottage (c.700m), Wroxton Hall (c.700m), Heath Farm (c.700m) and Langley House (c.900m).
- 9.41. Given the nature of activity and proximity to neighbours, no third party is considered materially harmed in terms of loss of light, outlook or privacy.
- 9.42. The Council's Environmental Health Officer (EHO) notes the concerns raised around disposal of waste through burning but advises this will be dealt with by the Environmental Protection team outside of the planning process.
- 9.43. Furthermore, the EHO notes that the activities at the site do not trigger a requirement for an air quality assessment.

- 9.44. The applicant has submitted a Noise Impact Assessment (NIA) from Parker Jones Acoustics. The report sets out that noise emissions, when the track is in typical use of 20-30 bikes at a time, levels reach 29-33 decibels in the south and central parts of Hornton, increasing to 37 decibels in the northern part of the village where ground levels are higher. Noise levels are at 44-46 decibels at isolated properties closer to the track than Hornton and are at around 32 decibels at the outskirts of Alkerton and Balscote. The report concludes that, whilst noise from the Motocross is audible, it is not so significant as to be considered a statutory noise nuisance, i.e. it is at or below the LOAEL (Lowest Observed Adverse Effect Level), which is a sound above 50 decibels.
- 9.45. It is noted that Hornton Parish Council has objected on the grounds of noise nuisance and several third-party representations have objected on these grounds. Hornton Parish Council has conducted an independent Noise Impact Assessment Review, from Clarke Saunders Acoustics. This concludes that the Parker Jones Acoustics NIA is 'highly suspect' and, in some cases, 'fundamentally flawed' in its calculations and reasoning. The HPC consultant also questions the validity of the applicant's report due to the readings being taken on a practice day rather than a race day, together with a lack of consideration relating to the directivity (i.e. orientation of the machines).
- 9.46. The Council's EHO has commented on this application, offering no objections. The EHO undertook their own noise measurements of three full race events in 2019. The EHO acknowledges that the NIA was undertaken on a practice day but notes that the measurements are consistent with the findings of Council Officers in 2019. The EHO notes that, whilst directivity is an important factor in determining noise levels on or close to the subject, the distance of nearest receptors in this case, together with the continuous change of direction as the bikes travel around the track, means that this is not an important factor in this case.
- 9.47. Your Officers see no reason to disagree with the assessment made by the EHO in this case and on the basis of the advice given do not consider that a refusal reason on these grounds of an unacceptable noise nuisance could be sustained. Therefore, for the level of activity proposed, Officers consider that the proposal is acceptable in this regard.

Conclusion

- 9.48. For the reasons set out, the proposed development would not have a significant detrimental impact upon residential amenity in terms of reduction in privacy, impact upon light, light pollution, air quality and noise and vibration which cannot be mitigated via a planning condition. The proposal is therefore considered acceptable in terms of residential impact, compliant with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Highway safety

- 9.49. Strategic objective 13 of the CLP 2015 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars.
- 9.50. Regarding the access to the site, the Local Highway Authority (LHA) recognises that motocross events have been taking place here for a number of years, so the principle of the access to the highway is well established. However, given the size

and quantity of vehicles that now use this access, the LPA considers that the entrance must be formalised with a kerbed bellmouth junction and asphalt surfacing. This can be conditioned.

- 9.51. Regarding traffic, the LHA notes that congestion can occur on connecting roads to and from the A422. The LHA states that this is not necessarily a road safety issue and is relatively short term in duration and thus cannot reasonably form an objection. The number of visitors would also be capped by the space available within the site for parking/camping. Your Officers have considered factors which could mitigate queuing or congestion on the highway, for instance an access management condition. However, we do not consider that such a condition would meet the tests of paragraph 55 of the NPPF. We note that OCC Highways have suggested that this condition *could* be imposed, but do not state that this is *required* to make the development acceptable.
- 9.52. OCC Highways also advise that a passing place condition *could* be required should members see this as necessary, to mitigate against highway impacts at peak times. Again, OCC Highways have not stated that this condition is necessary for the development to be acceptable.
- 9.53. The OCC Rights of Way Officer considers that a fence shall be erected on the western boundary, to ensure that members of the public do not enter the site from this side. This matter can be controlled via condition.
- 9.54. Overall, the proposal is considered not to have a severe detrimental impact on the highway network or safety of its road users, subject to conditions. The proposal is thus considered in accordance with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Ecology Impact

Legislative context

- 9.55. 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.
- 9.56. 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.
- 9.57. 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, pipelines, 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 that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.62. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.63. 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.

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

Assessment

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

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

It also states that LPAs can also ask for:

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

- 9.67. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.68. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.69. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.70. The Council's Ecologist and BBOWT have raised objections related to the information submitted with the application. The Ecology Survey submitted with the application fails to demonstrate that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. At present the proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and NE's Standing Advice, and section 15 of the National Planning Policy Framework.

9.71. That said, the applicant has latterly carried out a Great Crested Newt survey and has submitted a Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures, on which a two week re-consultation has commenced. Providing that the additional information addresses the objections raised by the Council's Ecologist and BBOWT, then officers consider that a refusal of the current application on ecological grounds would not be warranted. The recommendation to Planning Committee reflects this.

Conclusion

9.72. At present, Officers are not satisfied that the development has shown to be acceptable on ecology grounds. Officers therefore request that authority is delegated to Officers to resolve this outstanding issue.

Flood risk and drainage

9.73. A Flood Risk Assessment and drainage strategy is submitted with the application in line with the requirements of Policy ESD6 of the CLP 2015 and the NPPF. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.

9.74. The site is located in Flood Zone 1, which has the lowest probability of flooding and is considered to be appropriate for such facilities.

9.75. The LLFA has commented on the application and states that the FRA submitted with the application has failed to demonstrate that the development would provide adequate drainage on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites.

9.76. The applicant has provided further clarification. This information has been published on the Council's website and officers have initiated a two week consultation on the additional information submitted.

9.77. Providing that the additional information addresses the objections raised, then a refusal of the application on flood risk and drainage grounds would not be warranted in this case. Officers seek delegated authority to resolve this outstanding issue.

Sustainability and Mitigating Climate Change

Policy

9.78. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the CLP 2015. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.

9.79. Local Plan Policy ESD1: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.

- 9.80. Policy ESD2 of the CLP 2015 requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.81. Local Plan Policy ESD3 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.
- 9.82. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments.
- 9.83. ESD5: Renewable Energy states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

Assessment

- 9.84. The use of the site for a motocross use is long established. It is hoped that the evolution of the electric vehicles would allow in the future for electric bikes to participate, in line with local and national directives. However, bearing in mind the long-established use, it would not be reasonable for such a condition to be inserted on any planning permission given.
- 9.85. There is also very little built development on site (i.e. only marshal huts and a shelter for portable toilets). Therefore, sustainable construction and renewable energy principles do not apply.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The principle of the motocross track development is considered acceptable, and the development has no significant impact in heritage terms, and subject to conditions is acceptable in terms of highway safety, residential amenity and landscape impact. The development has impacts on ecology and drainage / flood risk which need to be

resolved. The proposal has some benefits in terms of sport and recreation, though it contributes little to the local economy. However, subject to resolution of the ecology and drainage issues, the adverse impacts of the development do not demonstrably outweigh the benefits and officers therefore recommend that planning permission be granted subject to resolution of outstanding matters relating to ecology and drainage.

11. RECOMMENDATION

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

1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;

2) THE RESOLUTION OF THE OBJECTIONS FROM:

- (i) THE LEAD LOCAL FLOOD AUTHORITY;**
- (ii) THE COUNCIL’S ECOLOGY OFFICER; AND**
- (iii) BBOWT**

INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND

3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

1. The site shall not be used for motocross purposes for more than 65 days in any calendar year and that 65 days shall be comprised of no more than 24 days on which the motocross track is used (that is, for racing or practising) in any calendar year. The site shall not be used for motocross purposes for more than 18 days in any three-month period and in that three month period the motocross track shall not be used (that is, for racing or practising) for more than 6 days.

Reason – In the interests of highway safety, the general amenity of the area, the living conditions of local residents, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. The vision splays shown in the plans approved pursuant to the requirements of Condition 2 of this permission shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. There shall be no further practising or competitive racing unless and until a landscaping scheme has been submitted to the Local Planning Authority. The scheme for landscaping the site shall include: -
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.

Reason – To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Within three months of the date of this planning permission, a schedule of landscape maintenance for a minimum period of two years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to the Local Planning Authority.

The development shall not take place other than in accordance with the landscape maintenance schedule approved pursuant to the requirements of this condition.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. There shall be no further practising or competitive racing unless and until a landscape amenity plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The site shall not be used for the purposes stated in the application description other than in strict accordance with the approved details.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

9. The existing hedgerow adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details submitted, there shall be no further practising or competitive racing no development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved drainage system has been implemented in accordance with the approved Detailed Design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policy ESD7 of the Cherwell Local Plan

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

11. Notwithstanding the details submitted, there shall be no further practising or competitive racing until further ecological surveys have been carried out (in optimum conditions) and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved mitigation measures have been implemented and the said measures shall be retained as such thereafter.

Reason: In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: George Smith

wording should be that *the recommendation is that outline planning permission be approved in this instance.*

Recommendation

Remains as per the officer report with the changes to conditions 11 and 12.

Agenda Item 9

21/00517/F – Land Used for Motocross, Stratford Road A422, Wroxton, OX15 6HX

Additional representations received

- 1) Hornton Parish Council ('HPC') has made further comments, urging refusal of the application, drawing attention to the outstanding matters, and making requests for the imposition of additional conditions in the event the planning application is approved. These suggested conditions relate to restrictions on the number of active days to 20 per year with no more than 5 per quarter (officers recommend 24 and 6 respectively), no more than 2 per month between May and September, no use of the track on the first Bank Holiday Monday of each year, restrictions on the running of motorbike engines to between 9am and 4pm, exploring decibel limits, and obtaining noise measurements closer to the track. HPC has also requested conditions to restrict changes to the circuit, prohibit further permanent structures, restrict the boundary of the circuit, restrict the number of vehicles on the site at any one time and to require three months' notice of any fixtures and bookings. HPC also requests a temporary stop of all activity until conditions are discharged and requests that compliance with conditions is enforced.
 - i) The local highway authority ('LHA') has commented on HPC's representation, and advises that a May Day event restriction could be reasonably required by condition. Alternatively, they suggest that a condition could be in place to ensure that motocross events to only take place on Sunday and for the site to be vacated by Sunday evening.
 - ii) The Council's Environmental Protection team has commented on HPC's representation, reiterating that EP officers have no objections to the development on noise grounds, but that an hours of event condition could reduce local concern. They state that 24 event days is reasonable to require by condition. The EP team states that if the guideline level (96dB(A) at trackside) is adhered to, then no further monitoring is required.
- 2) Hornton Parish Council has responded to the LHA's comments made on 4th June, stating that there are errors and omissions in the LHA's response, including failure to mention narrow roads from Wroxton and underplaying of blind bends near gateway of track. HPC states that the assumption made that there are one or two national events per year is untrue. HPC add that one of the passing places mentioned in the comments is a weak bridge and is not suitable for heavy vehicles to use. HPC also note that vehicle speeds can reach 60mph.
- 3) Hornton Parish Council has commented that the application counters the principles of the CDC Climate Action Framework.
- 4) Hornton Parish Council has commented on the applicant's "*Mitigation Measures for Great Crested Newts*" document, raising concerns that the measures suggested will

not avoid, mitigate or compensate against any danger or harm against Great Crested Newts.

- 5) Hornton Parish Council has submitted a rebuttal of the Environmental Health Officer's comments. Their comments focus on the days on which the EHO took sound readings of events in the Hornton village. HPC states on 15.09.2019 it was a Girls National event, on which they state that different bikes are used to male/adult bikes which are larger. HPC states that the readings on 22.09.2019 were taken from a schoolboy scrambling event, with children on small bikes. HPC states that the third reading, taken on 20.10.2020 [assumed 20.10.2019], was not southerly and therefore the noise impact was reduced.
- 6) Further third-party objections have been received, contesting elements of the committee report, making objections to additional ecological information received, responding to the further LHA representation and suggesting conditions should the planning committee be minded to grant permission.

Officer comment

- 1) Compliance with conditions and the question of whether activity would need to stop are matters for the Council's Planning Enforcement team. Conditions relating to further growth and expansion do not meet the tests for conditions – they do not relate to the development subject of the current application and are not reasonable or necessary, as further permission would be required for any further development, including any material changes in levels across the site. Officers' view is that conditions can reasonably be imposed to restrict use of the site on bank holidays and to restrict the number of vehicles attending the site.
- 2) There is no evidence that the LHA has not considered all matters in hand. The development is considered acceptable in highway safety terms, subject to conditions.
- 3) Your Officers have considered sustainability and climate change in paragraphs 9.78 – 9.85 of the committee report (beginning on page 117).
- 4) A further consultation response from the Council's Ecologist is yet to be received. At this time officers are unable to confirm whether the "*Mitigation Measures for Great Crested Newts*" document alleviates previous concerns raised.
- 5) HPC's comments that the noise levels of those events were lower than other events are not evidenced. Officers acknowledge that the applicant's Noise Impact Assessment submitted with the application provides a modelled noise level in different scenarios, including in the case of a large event (40 bikes on track) and in the case that there are strong southerly winds. Officers therefore consider that the development is acceptable in terms of noise and therefore in residential amenity terms.
- 6) The neighbour objections received do not raise any new issues that have not been previously considered, or which are not otherwise explained in points 1 – 5 above.

Change to recommendation

As per published report, but with additional conditions as set out below:

12. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the application forms and the following plans and documents:

- PI 01
- PI 02
- SU2192 2D-1
- SU2192 2D-2
- SU2192 2D-3
- SU2192 2D-4

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.

13. There shall be no use of the track or set-up or take down of events on the first Bank Holiday Monday in May of each year.

Reason - in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. There shall be no further practising or competitive racing unless and until a plan showing parking provision for vehicles to be accommodated within the site have been submitted to and approved in writing by the Local Planning Authority. The site shall not be used other than in accordance with the approved details, and the number of vehicles parking within the site shall not exceed this capacity.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Government guidance contained within the National Planning Policy Framework.

15. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes between the hours of 9:00am and 6:00pm.

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

16. There shall be no further practising or competitive racing unless and until a spectator and access strategy has been submitted to and approved in writing by the Local Planning Authority. The spectator and access strategy shall include: -

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used other than in accordance with the approved details thereafter.

Reason - in the interests of general amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

And Condition 2 to be amended as follows:

There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton , and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access shall be constructed in strict accordance with the

approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Agenda item 10

21/01330/F – Symmetry Park, Morrell Way, Ambrosden

Additional Representations received

Environment Agency – object to the application because it involves the use on non-mains foul drainage.

CDC Tree Officer – the tree officer has noted that an arboricultural report has not been submitted.

CDC Ecology – no issues raised with the ecological documents submitted or protective/avoidance measures to be taken for protected species but recommends that additional information be provided in respect of the submitted CEMP.

Officer comments

With regards to the objection from the EA. The discharge of foul drainage will be subject to a separate consenting regime with the statutory authority (EA). The applicant has confirmed that they are in discussion with the EA to secure environmental permits to discharge to the watercourse and are confident of resolving the matter.

Within the wider Symmetry Park site, other units have been permitted to discharge to on site package treatment works and then to surface water as is also proposed within this site.

The approach to the use of Private Sewage Treatment Plant has been consistent throughout the construction of the Park, and was approved at the 2016 Hybrid stage (15/02316/OUT), for Unit B (18/0091/F), the DPD Parcel Depot (20/00530/F) and the extant planning permission (19/00388/F).

On this basis, officers would not wish to recommend the refusal of planning permission.

In respect of the comment made by the Council's tree officer, the baseline arboricultural report for the site accompanied the outline planning application for the site. The current application is supported by a robust landscape scheme which demonstrates that no trees are to be removed and there is considerable structural planting of new trees within the site.

As such, it is considered that this matter has been satisfactorily addressed and that the submission of further reports would not be necessary.

The comments of the Council's ecology officer are noted. The applicant has submitted a CEMP to support the application in order to reduce the imposition of pre-commencement conditions. The applicant has been made aware of the ecology officer's comments and the need to revise the submitted CEMP. If a satisfactory CEMP has not been submitted prior to the issue of the planning consent, then a condition will be imposed to secure the required information as follows;

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

There were no proposed pre-committee site visits.

26 **Land North Of Railway House, Station Road, Hook Norton**

The Committee considered application 21/00500/OUT for the erection of up to 43 new homes, access from Station Road and associated works including attenuation pond at Land North of Railway House, Station Road, Hook Norton for Greystoke Land Limited.

Janeen Wilson representing Hook Norton Parish Council, addressed the Committee in objection to the application.

Killian Garvey representing the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Brown that application 21/00500/OUT be refused, contrary to the officer recommendations, as the harm of the application outweighed the benefit.

On being put to the vote the motion was carried and the application was refused.

It was subsequently proposed by Councillor Brown and seconded by Councillor Corkin that, as no Section 106 agreement had been agreed, this should be added as a second reason for refusal. On being put to the vote the motion was carried.

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

Resolved

- (1) That application 21/00500/OUT be refused contrary to the officer recommendation for the following reasons (with the exact wording of the reasons for refusal delegated to the Assistant Director Planning and Development):
 - (i) Landscape impact
 - (ii) Lack of S106 agreement to secure necessary infrastructure

27 **Land Used For Motocross, Stratford Road A422, Wroxton, OX15 6HX**

The Committee considered application 21/00517/F a retrospective application for the creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold motocross events including set-up, take down and private practice sessions, with associated camping site, for up

to 65 days per year and agricultural grazing at land used for Motocross, Stratford Road (A422), Wroxton, OX15 6HX for Hedges & Kerwood.

Local Ward Member, Councillor Phil Chapman addressed the meeting.

Martin Leay on behalf of Hornton Parish Council and John Offord, Chairman of Hornton Parish Council addressed the Committee in objection to the application.

Fred Quatermain, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Perry and seconded by Councillor Broad that application 21/00517/F be approved subject to additional conditions in relation to track usage, the exact wording to be delegated to the Assistant Director Planning and Development in consultation with the local Ward Members for Cropredy, Sibfords and Wroxton.

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

It was proposed by Councillor Reynolds and seconded by Councillor Brown that application 21/00517/F be approved subject to an amendment of condition 1 to limit the total number of days the track could be used for racing or practising to be no more than 20 days in any calendar year where the motocross track is used for racing or practising with the timings and frequency of these 20 days to be agreed in consultation with the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and the Applicant.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00517/F subject to:
 - 1) No responses being received before the expiry of the consultation period ending 18 June 2021 that raise new material issues that, in the view of the Assistant Director, have not been dealt with in the assessment of the application
 - 2) The resolution of the objections from:
 - (i) The lead local flood authority;
 - (ii) The council's ecology officer; and
 - (iii) Berks, Bucks and Oxon Wildlife Trust
 - 3) The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

1. The site shall not be used for motocross purposes for more than 65 days in any calendar year and that 65 days shall be comprised of no more than 20 days on which the motocross track is used (that is, for racing or practising) in any calendar year. The timing and frequency of these 20 days to be agreed in consultation with the Ward Members for Cropredy, Sibfords and Wroxton Ward, and the Applicant. The site shall not be used for motocross purposes for more than 18 days in any three-month period and in that three month period the motocross track shall not be used (that is, for racing or practising) for more than 6 days.

Reason – In the interests of highway safety, the general amenity of the area, the living conditions of local residents, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton , and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access shall be constructed in strict accordance with the approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. The vision splays shown in the plans approved pursuant to the requirements of Condition 2 of this permission shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. There shall be no further practising or competitive racing unless and until a landscaping scheme has been submitted to the Local Planning Authority. The scheme for landscaping the site shall include: -

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.

Reason – To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6. Within three months of the date of this planning permission, a schedule of landscape maintenance for a minimum period of two years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to the Local Planning Authority.

The development shall not take place other than in accordance with the landscape maintenance schedule approved pursuant to the requirements of this condition.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7. There shall be no further practising or competitive racing unless and until a landscape amenity plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas has been submitted to and approved in

writing by the Local Planning Authority. The site shall not be used for the purposes stated in the application description other than in strict accordance with the approved details.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

9. The existing hedgerow adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details submitted, there shall be no further practising or competitive racing no development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. There shall be no

further practising or competitive racing unless and until the approved drainage system has been implemented in accordance with the approved Detailed Design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

11. Notwithstanding the details submitted, there shall be no further practising or competitive racing until further ecological surveys have been carried out (in optimum conditions) and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved mitigation measures have been implemented and the said measures shall be retained as such thereafter.

Reason: In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

12. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the application forms and the following plans and documents:

- PI 01
- PI 02
- SU2192 2D-1
- SU2192 2D-2
- SU2192 2D-3
- SU2192 2D-4

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.

13. There shall be no use of the track or set-up or take down of events on the first Bank Holiday Monday in May of each year.

Reason - in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. There shall be no further practising or competitive racing unless and until a plan showing parking provision for vehicles to be accommodated within the site have been submitted to and approved in writing by the Local Planning Authority. The site shall not be used other than in accordance

with the approved details, and the number of vehicles parking within the site shall not exceed this capacity.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Government guidance contained within the National Planning Policy Framework.

15. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes between the hours of 9:00am and 6:00pm.

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

16. There shall be no further practising or competitive racing unless and until a spectator and access strategy has been submitted to and approved in writing by the Local Planning Authority. The spectator and access strategy shall include: -

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used other than in accordance with the approved details thereafter.

Reason - in the interests of general amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28

Symmetry Park Morrell Way Ambrosden - 1330

The Committee considered application 21/01330/F for 23,195sqm of logistics floor space within Class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary Class E(g)(i) (offices) (1,750 sqm), erection of security gatehouse (24sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road; associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12, storm water drainage infrastructure and private sewage treatment plant at Symmetry Park, Morrell Way, Ambrosden for Tritax Symmetry (Bicester Reid) Limited.

Debbie Jones, agent for the application, addressed the Committee in support of the application.

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

23/00173/OUT

Agenda Item 9

**Land South Of
Green Lane
Chesterton**

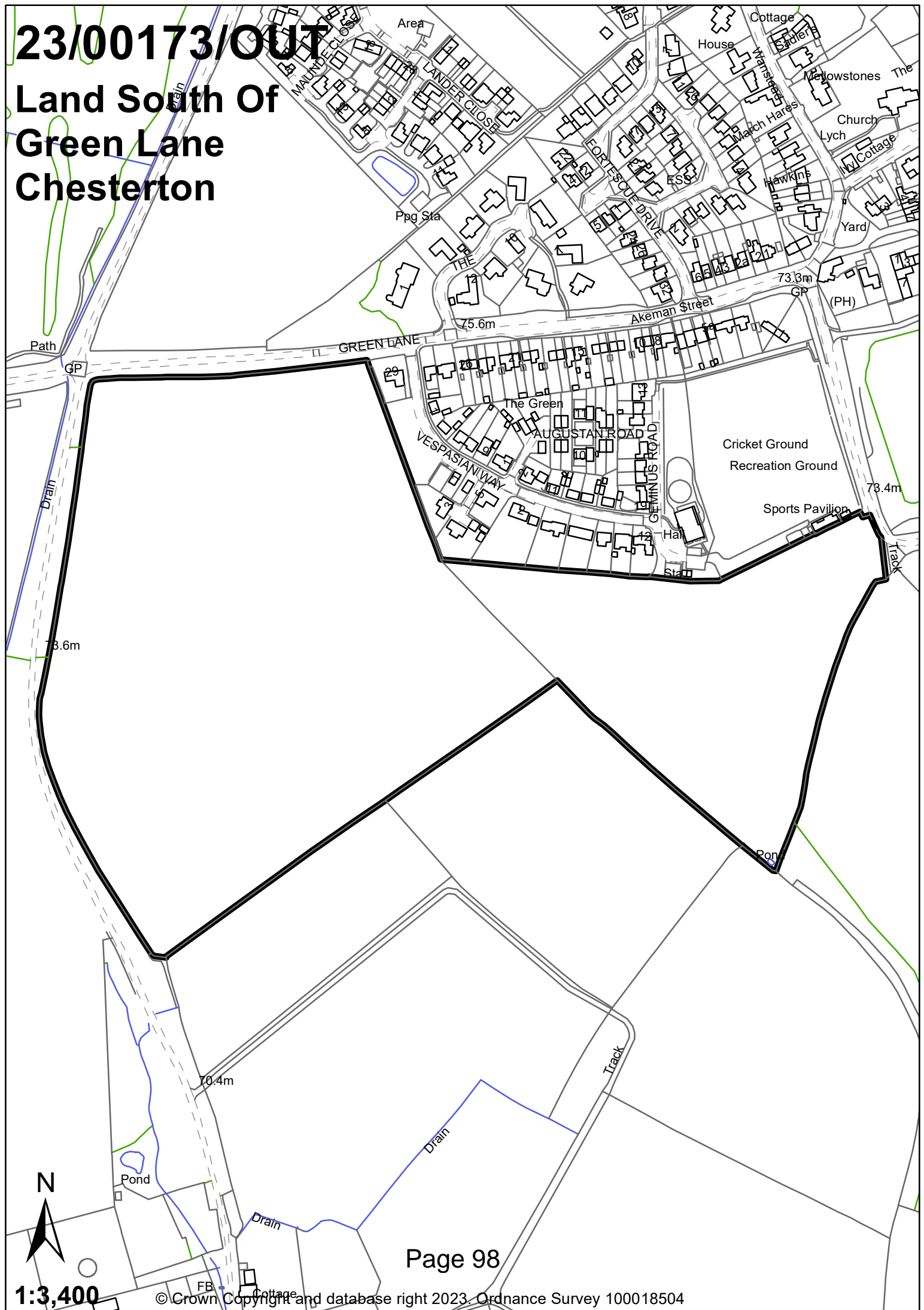


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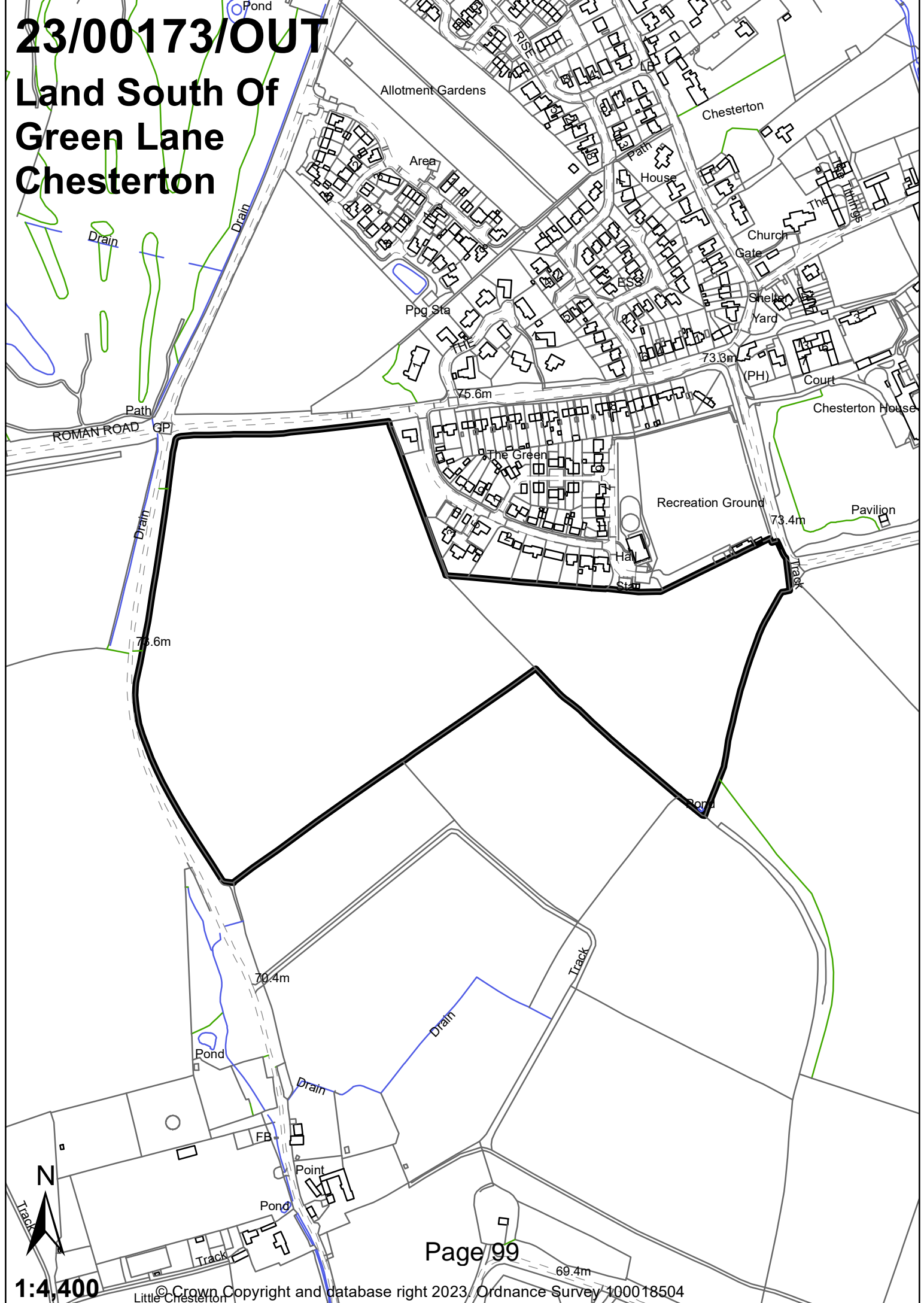
23/00173/OUT

Land South Of Green Lane Chesterton



23/00173/OUT

Land South Of Green Lane Chesterton



Case Officer: Andrew Thompson

Applicant: Wates Developments

Proposal: Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Ward: Fringford And Heyfords

Councillors: Cllr. Patrick Clarke, Cllr. Nigel Simpson and Cllr. Barry Wood

Reason for Referral: Major development

Expiry Date: 20 July 2023

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is approximately 14.9 hectares in size and is comprised of two field parcels, which are currently used for agricultural purposes. The site is accessed via an opening at the northern boundary off Green Lane and is bounded by unnamed roads both to the west and east.
- 1.2. The site is irregularly shaped and is predominantly flat with a small, narrow ditch running from north to south separating the two fields down the centre of the site. The site's boundaries are defined by trees and hedgerows to the east and south, and to the north along Green Lane.
- 1.3. Along the section of northern boundary with the existing community centre and playing pitches off Gemini Road, there is a wooden rail and post fence with parking spaces immediately behind. There is no vegetation. There is a storage building associated with the pitches at the north-eastern corner. Planting at the western boundary is more sporadic to the south-west.
- 1.4. Ground levels within the site range between 74.4m and 71.3m AOD, falling with a gentle slope from the north to the south.
- 1.5. To the east / north of the site lies a recent residential development, on Vespasian Way, alongside Chesterton Community Centre and a playing field and football pitches.
- 1.6. To the east of the sports pitches, beyond an unnamed road, lies the Chesterton Conservation Area. Several Grade II and II* Listed Buildings are located within a around the centre of the village including Chesterton Lodge located approximately 250m from the site. Chesterton Lodge is occupied by Bruern Abbey School which is an independent school.
- 1.7. To the north of the site, beyond Green Lane, lies an agricultural field and areas of existing residential development. To the west, on the other side of the unnamed road, lies the Bicester Sports Association. This land benefits from planning permission (Ref:

19/00934/F), for the extension of facilities including a variety of new pitches and a clubhouse with event space.

- 1.8. Bicester Golf Club is located northwest of the site (north of Green Lane). This site benefits from planning permission (Ref: 19/02550/F) for the development of a new water park resort, entitled 'Great Wolf Lodge'. Facilities at the Great Wolf site will include a 498-bedroom hotel, indoor water park and adventure park, conference facilities, restaurants and cafes, and a newly designed golf course.
- 1.9. The application site benefits from an existing pedestrian connection along Green Lane which begins at the north eastern corner of the site (near Vespasian Way). From this point, the site has access to a range of amenities within Chesterton such as a Primary School, public house, church, village hall, community centre, church, village green and allotments. This is in addition to the Bruern Abbey Preparatory School.
- 1.10. The site connects to a footpath/cycle route leading to Bicester. The closest railway stations are Bicester Village and Bicester North, both located approximately 4.8km away. Bicester Park and Ride is located circa 1.8km to the east of the site (which represents a 5-minute cycle ride).
- 1.11. In addition, the site is situated approximately 1km from the new 'Siemens Healthineers' facility which is to be built at Little Chesterton.

2. CONSTRAINTS

- 2.1. The application site is within the open countryside with agricultural land designated as Class 3a (or Best and Most Versatile Land).
- 2.2. The site immediately adjoins, but lies outside of, the adopted settlement boundary for Chesterton, and is therefore located within the 'countryside'. Local Plan Policy Villages 1 'Village Categorisation' identifies Chesterton as a Category A Service Village.
- 2.3. There are no on-site Public Rights of Way (PROWs), but three footpaths (refs. 161-5-10; 161-4-10 and 161-3-10) abut the site's boundary, at its western and eastern edges respectively.
- 2.4. There are no trees which are subject to Tree Preservation Orders (TPOs). Hedgerows would be protected under Hedgerow Regulations.
- 2.5. With respect to ecology, the site is not subject to any statutory or local biodiversity-related designations however there are known species and habitats in the vicinity of the site in relation to great crested newts, badgers, swifts, brown hairstreak butterfly. There are at least two ponds located on-site and two are within the vicinity.
- 2.6. In terms of heritage, the site is adjacent to the Chesterton Conservation Area. The nearest Listed Building is the Grade II Listed building, Chesterton Lodge and (part of the Bruern Abbey School to the east), is located 250m east of the site, along with several other Grade II and II* Listed buildings located within 1km of the site.
- 2.7. The site is in Flood Zone 1 however surface water flood maps indicate that there is a low to high risk of surface water flooding in the low-lying southern areas of both fields. As such there may be a risk of ground water flooding in the lower lying areas of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application is in outline considering the matter of access. The principal parameters of the outline planning permission are set out by the application as:

- Up to 147 homes;
- Net zero carbon development;
- 35% affordable housing (including First Homes);
- Homes limited to two storeys in height;
- Development density of approximately 30 dwellings per hectare (net);
- A new priority junction on Green Lane;
- Parking provision in accordance with relevant standards;
- Additional points of pedestrian access to Green Lane and Little Chesterton Lane;
- Green infrastructure and biodiversity enhancements, achieving a positive biodiversity net gain;
- Public open space with recreational walking paths and trim trails
- Provision of Local Areas of Play (LAPs), a Locally Equipped Area for Play (LEAP) and a Neighbourhood Equipped Area for Plan (NEAP);
- A recreational playing field area which, could include formal sports pitches with associated parking, within the eastern parcel of the site;
- Sustainable Drainage systems including swales throughout the site, as a part of the green infrastructure;
- A permeable layout with a clearly defined street pattern, separating the public and private realms; and,
- Retaining existing trees along the boundary of the site and integrating existing landscaping features.

3.2. Detailed planning permission is sought for all new accesses into the site, notably the main vehicular and pedestrian / cycle access. This will be via Green Lane (a 5.5m wide residential road, with 2m wide footway on the eastern side of the carriageway), making use of an existing road and proposed footway as part of the Great Wolf resort proposals.

3.3. The application is supported by the following plans:

- 353-ACG-XX-00-DR-A-1000 Rev 3 – Site Location Plan
- 353-ACG-XX-00-DR-A-1050 Rev 2 - Illustrative Masterplan
- 2930-LA-02 Rev P3 - Illustrative Landscape Masterplan
- C86354-JNP-92-XX-DR-C-2003 Rev P03 - Drainage Strategy Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2004 Rev P01 - Drainage Strategy Sheet 2 of 2
- C86354-JNP-92-XX-DR-C-2005 Rev P01 – Exceedance Flow Plan Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2006 Rev P01 - Exceedance Flow Plan Sheet 2 of 2
- C86354-JNP-92-XX-DR-C-2007 Rev P01 - Pipe Catchment Plan Sheet 1 of 2
- C86354-JNP-92-XX-DR-C-2008 Rev P01 - Pipe Catchment Plan Sheet 2 of 2

- 3.4. The proposed access shown on plan ITB14377-GA-007 Rev B (Part of the Submitted Transport Assessment) shows a proposed access of 5.5m in width with an adjacent 2m wide footpath onto Green Lane. This is likely to require some removal of planting on the northern boundary. In addition, it is noted that as part of the Great Wolf development a new footpath/cycleway on Green Lane frontage of 3m in width is to be delivered. The application proposes to provide cycle and pedestrian links onto Green Lane and this enhancement. Further internal accesses and links would need to be secured through the Reserved Matters consideration, if approved.
- 3.5. The application is also supported by the following suite of documents:
- Planning Statement (including Affordable Housing Assessment) prepared by Boyer
 - Design and Access Statement prepared by ACG Architects
 - Heritage Statement prepared by Orion Heritage
 - Arboriculture Impact Assessment prepared by SJA Trees
 - LVIA and Landscape Strategy (including Open Space Assessment) prepared by Allen Pyke
 - Economic Benefits Summary Infographic prepared by Turley
 - Archaeological Evaluation prepared by Cotswold Archaeology
 - Utilities Assessment prepared by JNP Group
 - Flood Risk Assessment and Drainage prepared by JNP Group
 - Phase II Geo-environmental Report prepared by JNP Group
 - Biodiversity Survey and Report prepared by BSG Ecology
 - Biodiversity Net Gain Calculation and Strategy prepared by BSG Ecology
 - Transport Assessment (Part 1-4) prepared by I-Transport
 - Travel Plan prepared by I-Transport
 - Agricultural Land Quality Assessment prepared by Reading Agricultural Consultants
 - Energy and Sustainability Assessment prepared by Energist (updated during the course of the application)
 - Statement of Community Involvement prepared by SP Broadway
- 3.6. Further information has been provided through the course of the application consideration in relation to responses to consultation responses and a Technical Highways Note. An addendum to the Landscape and Visual Assessment has also been received.

4. RELEVANT PLANNING HISTORY

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

Application Site

22/01135/SO - A formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA) was submitted under reference A formal opinion was not provided by the Local Planning Authority within the requisite timescale as set out in the Regulations. It is noted that the applicant, to the knowledge of the Local Planning Authority did not submit a formal Screening Direction to the Secretary of State. Officers carried out a screening exercise once the application submission was made.

Other Residential Development in Chesterton within the plan period (i.e. since 2011)

12/00305/OUT - Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping. Refused. Appeal Ref - APP/C3105/A/12/2183183 – Allowed.

13/01525/REM - Reserved Matters to Outline application 12/00305/OUT - Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping – Approved.

14/01737/OUT and 16/00219/REM - erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and all other ancillary and enabling works. Approved

15/00454/OUT - outline planning permission for up to 51 dwellings with vehicular access from The Hale, together with public open space, and surface water retention pond and associated infrastructure. All matters other than the main site access reserved. Refused. Appeal Reference - APP/C3105/W/15/3130576 - Dismissed.

Bicester Sports Association Development

19/00934/F Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works. Approved.

Great Wolf Site

19/02550/F - Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping – Refused – Appeal Ref: APP/C3105/W/20/3259189 – Allowed.

Siemens

22/01144/F - Full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including: formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse. Approved.

- 4.2. It is noted that since the beginning of the plan period there has been a total of 45 dwellings approved within Chesterton under Policy Villages 2. It is noted that as the development at Vespasian Way under reference 12/00305/OUT) had been completed alongside the sports pitches and community building was not included in the Policy Villages 2 calculation as it was approved prior to the adoption of the plan.
- 4.3. The Inspector into 15/00454/OUT, highlighted the consideration into the settlement at Chesterton and whilst from 2016 and noting the changes in policy, in particular at national level the assessment on Policy, the appeal decision is noted and raises some salient comments.
- 4.4. At Paragraph 14 the Inspector noted that “The position at the time of the Hearing (15 December 2015) was that 571 dwellings out of the 750 were anticipated to come forward over the next 5 years, leaving 179 to be provided over the whole of the remainder of the plan period. There is no phasing requirement in Policy Villages 2, but the strategy in the 2015 LP is for the provision of sustainable development over the whole of the plan period and the whole of the district. If disproportionate numbers

of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy.”

4.5. At paragraphs 17 and 18 the Inspector noted that:

“17. If the 750 dwellings required by Villages 2 were to be distributed across the Category A villages pro rata on the basis of population, only 15 dwellings would be required in Chesterton. But in fact, Chesterton is already committed to provide 45 dwellings, which have been approved in principle subject to a section 106 undertaking being completed. These will be on land immediately to the north of the appeal site, now known as The Paddocks. If the appeal proposal were permitted as well, then 12% of the 750 district wide total would be provided in one relatively small village. This would be disproportionate.

18. The development at The Paddocks is in addition to 44 dwellings approved on appeal on land off Green Lane in 2013, which do not count towards the 750. That development is in the course of construction. Together with the developments already permitted, if the appeal proposal were to be allowed there would be a significant increase in the population of the village over a short timescale.”

4.6. The Inspector also noted that “Chesterton has a limited range of facilities within the village itself. These include a primary school and nursery, a public house, a village hall and playing fields, and a bus service (25/25A). There are very limited employment opportunities, and most or all of those who live in the village would have to travel to work, to do their shopping and to access most public services.”

4.7. The Inspector continued at Paragraph 20:

“Although the edge of the Bicester urban area is reasonably close to the village, roads are not pedestrian or cycle friendly due to their width and the traffic using them, there are no footways, and consequently cycling or walking to any part of Bicester, including the newly opened park and ride facility just off the A41, is unlikely to be a realistic option for most people.”

4.8. The Section 106 (S106) Agreement for the approved development at Great Wolf site, requires the provision of improved public transport (in the form of a subsidy for a bus route) between Chesterton and Bicester.

5. PRE-APPLICATION DISCUSSIONS

5.1. The Council received a request for pre-application advice on 21 October 2021, with the relevant payment being processed in November 2021. Subsequently, on 06 January 2022, the appointed Case Officer met with the applicant and consultants to walk the site and to discuss the proposals. The applicant’s view of the detail discussed is set out in the applicant’s supporting documentation. There has been no written response to the pre-application request.

5.2. The applicant states that during the meeting, the Case Officer identified the housing land supply shortfall within Cherwell the apparent lack of site constraints. The Case Officer advised that an appropriate and well-designed proposal for a residential scheme, would be considered in the context of the presumption in favour of sustainable development and may therefore attract a recommendation for approval, subject to technical assessment.

- 5.3. The Case Officer advised that there was some debate (at CDC) regarding the appropriate scale of development at Category A Villages, particularly those within the vicinity of Bicester and Banbury.
- 5.4. With respect to the proposed design, the Case Officer advised that the scheme would need to maximise opportunities to promote pedestrian and cycle connectivity through the site and within the wider settlement. This should include adding to committed improvements associated with the Bicester Sports Association and Great Wolf developments, in order to facilitate wider connectivity.
- 5.5. The Case Officer also identified surface water drainage as a key consideration, noting that CDC's expectations would be that this was addressed as part of a holistic green infrastructure strategy. It was explained that this would provide landscape and biodiversity benefits, which would soften the edges of this proposal for an 'edge of settlement development'.
- 5.6. The applicant states they were advised that existing planning policies did not require development to be net zero carbon, it was indicated that CDC had declared a climate emergency and would therefore give substantial weight to the benefits of proposals that can achieve this level of sustainability.
- 5.7. Whilst the discussions are noted and not disputed, no formal written advice was prepared prior to the submission of the application.

Local Plan Review

- 5.8. The applicant highlights that the proposals have also been submitted as part of the Local Plan Review Call for Sites. In August 2022 the Planning Policy Team at CDC requested information on the site (specifically relating to ecology) as part of their preparation for the Draft Local Plan. A subsequent on-site meeting was arranged with a Planning Policy Officer on 13 September 2022. The Officer advised that the site was to be included within a potential larger allocation. On 9 November 2022 the applicant received a 'site proforma' for a proposed allocation at Chesterton (500 dwellings). The proposed allocation includes the application site and land extending southwards to the A41. Whilst the applicant continues to work with the Council on the Local Plan Review, the proposed allocation will be subject to public consultation, following approval through the appropriate mechanisms.

Community Engagement

- 5.9. Prior to submitting this application, a range of community engagement activities has been undertaken by the applicant team. Several meetings (between March and September 2022) have taken place with Chesterton Parish Council, as well as Chesterton Football Club, in order to help understand the needs of the local community.
- 5.10. To engage the wider community, the consultation included creating a project website and hosting a traditional public exhibition. To raise awareness, leaflets were distributed (by post) to residents in the area. The leaflets directed people to the time and date of the public exhibition, along with the details of the website. Contact details were also included for people to ask questions before the exhibition took place.
- 5.11. The public exhibition was held on Tuesday 12 April between 15:00 and 19:30 at the Chesterton Community Centre, which is located adjacent to part of the northern boundary of the site. The online exhibition www.wateschesterton.com was live from midday on 12 April – 29 April 2022.

- 5.12. In total 72 residents attended the public exhibition with 15 of them completing a feedback form on the day. 69 users visited the online exhibition and 7 of these completed a feedback form online.
- 5.13. In response to discussions with the Parish Council, Chesterton Football Club, and community engagement activities, the applicant highlights that the following changes have been made to the proposals:
- The entirety of the eastern field is to be provided as public open space and is envisaged as an extension to the existing playing field to the north. The intention is to provide the village with a substantial park that meet identified needs;
 - The new parkland will include recreational playing fields, alongside play-space and informal areas. These will be provided alongside an additional car parking area to cater for busy match-days;
 - Additional landscaping and biodiversity enhancements are now to be provided at the northern boundary of the site to the rear of Vespasian Way, providing defensive planting and deterring people from walking along the rear of gardens; and,
 - The proposed street layout has been altered, bringing the primary street to the western boundary of the site, thereby moving it away from the existing Vespasian Way development.
- 5.14. The applicant notes that the Parish Council undertook a consultation over the summer of 2022, in order to understand what residents' priorities are in relation to recreation and sports pitches. The Parish Council has subsequently fed back and identified a requirement for a grass football pitch, alongside tennis courts which can also be used for netball / basketball.
- 5.15. It is noted that the applicant has also submitted a Statement of Community Involvement setting out the response from public exhibitions. Whilst many comments have been captured regarding positive elements of the scheme (i.e. sports provision) it is noted that the written responses included in Appendix to the Statement included comments that in principle some residents were against further housing development which has not been captured by the applicant.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of two site notices 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 **13 May 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A total of 97 objections have been received and 1 supporting comment to the application on the proposals. The comments raised by third parties are summarised as follows:
- Number of developments in the village including housing and leisure developments. The village character has been subsumed by large housing estates. Merging of Chesterton and Little Chesterton are also concerns.
 - No more development/enough development has been approved in the village
 - Previous appeal refusal in 2015 for housing on land opposite

- Development is too big for the village
- Concern with regard to the merging of the village with Bicester and impacts of Great Wolf and Bicester Sports Association along with Kingsmere development.
- The Council has reported a 5.4year supply – no need to approve this in this village
- More traffic will be unsustainable to roads in terms of the infrastructure and the safety and speed of cars
- Environmental impact of noise and air pollution and construction noise and disturbance
- Impact on wildlife – species reported by residents include a small group of deer that appear in this field. There is an abundance of other wildlife, an otter, a red kite nest, orchids, buzzards, barn owl, and a kingfisher.
- Lack of facilities in the village including shops, doctors, safe pavements, school facilities and a regular bus service.
- School has been extended and cannot be extended further.
- Sewage a problem in the village
- Paths are very dark for walking with no cycle paths it is not a good idea and not sustainable.
- Impact on the amenity of the Vespasian Way/Flavian Close development with no landscaping on the boundary.
- Loss of farmland used for growing food.
- Is there a need for sports pitches given the Bicester Sports Association Development – not identified in the Local Plan evidence base.

The supporting comment raises the following comments:

- We don't build enough housing and this is a big driver of the cost of living crisis and puts a drag on the economy.
- Would much prefer to see more dense development near public transport, but given the dire state of things, this is better than nothing.
- Given the seriousness of the housing crisis, proposals such as this should have to meet a high threshold before they are thrown out.

6.3. University College (agent Bidwells) – who own the land which forms the other part of the Draft Local Plan allocation have also written in objection stating the applicant has not approached University College in developing their proposals for the site, despite the proposed allocation of the wider site. Whilst the allocation has not been confirmed, we see any cross-boundary discussion as essential to achieving a high quality and sustainable development in case the allocation progresses. Such matters were uppermost in the Council's mind when it drafted the principles that would underpin the wider site allocation. It is clear from reading these principles, the Council was reasonably expecting some level of coordination across the allocation as the following extracted objectives demonstrate.

University College highlight that the key coordination objectives can be found under Urban Design Approach and Access and Transport within the draft allocation:

- Development of the site should have regard to Chesterton village settlement pattern and Little Chesterton.

- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities, with a legible hierarchy of routes, with new footpaths and cycleways provided on site that link to existing networks beyond the site.
- Public open space to form a well connected network of green areas suitable for formal and informal recreation.
- A well designed approach at the periphery taking account of its rural setting and Chesterton village.
- Good accessibility to public transport services should be provided for, including if necessary, the provision of bus routes through the site with buses stopping on the site.

On reviewing the plans prepared by the applicant, University College suggest it is not possible to determine how these principles have been addressed and how they might evolve in response to the Draft Plan proceeding. We understand the Draft Plan has yet to be issued for consultation, but it is not without some status. Indeed, the status of the Plan is likely to accrue weight during the life of this application and there is a risk that many of the sound principles identified above will have to be removed on the basis of opportunities missed.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CHESTERTON PARISH COUNCIL: Strongly objects. In a detailed response outlining concerns relating to the scale of development, lack of public transport, transport impacts and the availability of walking and cycling alternative, water and sewage issues, landscape and heritage issues. In its conclusion the Parish states that

"The proposed development is not an allocated development in the local plan and cannot be considered as yet in the emerging Local Plan. The proposed development does not appear to meet any existing needs in the village. Nor is it required to meet any shortfall in Cherwell's housing land supply. Chesterton Parish Council believes that the proposed housing development will cause considerable harm to the village, outweighing any possible benefits, and should therefore be refused."

- 7.3. WESTON ON THE GREEN PARISH COUNCIL: Chesterton has expanded significantly with two developments on the western side abutting Green Lane and the Bicester Golf and Health Spa Hotel. The Water Park development on half of the Bicester golf course area is now underway. The principal concern is that further development is proposed before the infrastructure is in place to cope with more population expansion and that not enough value is given to the preservation and retention of biodiversity corridors to protect the rural environment. Traffic issues in the area, where the rural villages are already plagued by heavy industrial traffic and high numbers of commuting vehicles on small rural roads, will only increase as very few effective public transport options have been established in rural areas.

- 7.4. MIDDLETON STONEY PARISH COUNCIL: has concerns at another development of green fields running counter to our biodiversity objectives Support Highways concerns that M40 junction 9 is already overloaded Therefore concerned that traffic coming from North to development will seek to divert down B4030 through Middleton Stoney where the traffic light junction with B4030 is already over capacity. Particular concerns regarding HGVs during the construction phase.

CONSULTEES

- 7.5. OCC HIGHWAYS: No objection subject to the following S106 Contributions (totalling £209,664), an obligation to enter into a S278 agreement and planning conditions and informatives.
- 7.6. NATIONAL HIGHWAYS: No objection
- 7.7. CDC LAND DRAINAGE: No comments at this outline stage. It is accepted that the site is at very low risk of flooding from any source, except a small area near the southern boundary which is locally indicated to be a medium risk of surface water flooding. This can be mitigated by appropriate infrastructure. The applicant has followed pre-application advice and proposed a surface water management strategy that is broadly in accordance with the LLFA Local Guidance. Subject also to comments from the LLFA.
- 7.8. CDC BUILDING CONTROL: A Building Regulations application will be required. Please note that the proposed dwellings will need to meet the additional requirements of Part M: 'Access to and use of buildings', Part R: 'Infrastructure for electronic communications' and Part S: 'Infrastructure for charging electric vehicles'.
- 7.9. HISTORIC ENGLAND: No comment - suggest that you seek the views of your specialist conservation and archaeological advisers.
- 7.10. SPORT ENGLAND: offers its support for this this application, as it is considered to meet Objective Provide. Sport England recommends, based on their assessment, that if the Council is minded to approve the application, planning conditions relating to the final design, layout, ground conditions and drainage of sports pitches are imposed.
- 7.11. ENVIRONMENTAL PROTECTION: No objection

Noise: A Construction Environment Management Plan (CEMP), should be conditioned

Contaminated Land: The Geo-environmental reports submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed

Air Quality: No comments

Odour: No comments

Light: Full details of the lighting scheme should be submitted prior to commencement of development.

- 7.12. STAGECOACH: Objects to the proposals - On balance, we consider it self-evident that should this development be consented, and irrespective of what passenger transport is provided by the nearby planned resort, the vast majority of residents will use cars to pursue their daily activities. This will only add to serious traffic congestion in the immediate vicinity, and in particular on the A41 and A34, towards Oxford and

crossing the M40 at junction 9. This is the route used by the trunk X5 and S5 services between Bicester and Oxford. This already seriously compromises the efficiency, attractiveness and viability of the established public transport corridor on which many thousands of weekly bus journeys take place. The cumulative impact of this and other car dependent development – wherever located in the wider locality – can be expected to materially aggravate these conditions, given the degree of saturation of key links and junctions on this route.

We do not consider that consenting the proposals reflects a decision that actively manages patterns of development to support national policy goals set out in NPPF chapter 9, nor local policy set out in the adopted Local Plan, nor the County's Local Transport and Connectivity Plan.

Given these circumstances, we consider that consenting these proposals is premature pending the proper consideration of the wider allocation that the Council has been evaluating, through the Local Plan process. While we can see that there may be case supporting a larger development, including the scope to secure better access to frequent bus services operating on the A41, and much better cycle connectivity towards Bicester, we still have fundamental concerns about the sustainability of this location.

- 7.13. RECREATION AND LEISURE: Seek contributions in accordance with the Council's SPD as follows:

Community Facility - £168,081.04 – towards Chesterton Village Hall

Outdoor Sport - £296,503.41 – towards changing facilities (in addition to facilities provided as part of the development)

Indoor Sport - £122,737.18 – towards swimming facilities in Bicester

Community Development Worker – £16,995.89 – to support new residents moving into the area.

Community Fund - £6,615 – towards initiatives to support local groups.

- 7.14. OCC WASTE MANAGEMENT: Seek contributions of £13,812 towards enhancement of Household Waste and Recycling Centre.

- 7.15. ENVIRONMENT AGENCY: No comment

- 7.16. ECOLOGY: The applicant has submitted an ecological appraisal which is sufficient in scope and depth at this stage. Should permission be granted a full CEMP would be required to protect retained habitats and species on site during construction. A walkover/update survey should be conditioned to be carried out prior to any works commencing on site. In general there are few protected species issues on site which cannot be overcome through mitigation. The exception is farmland birds. Skylark and Yellow wagtails (both red list species) were found to be nesting on site and under current proposals there is no specific mitigation for these red list species. Compensation for these species should be considered. A biodiversity impact assessment has been submitted which shows a good level of gain in both hedgerows and habitat units could be achievable under the illustrative layout. This relies on the creation of areas of neutral grassland and scrub reaching a moderate condition within five years which is an ambitious target given the baseline habitat and its achievability will be dependent on careful management both of the habitat and of access to it. A full LEMP would need to be conditioned which shows how the various proposed habitats are to be managed, funded and give details of monitoring and review periods

to ensure biodiversity net gain is achieved for the lifetime of the development. Any LEMP should include details of integrated bat and bird provisions as well as any proposed on trees, measures for hedgehogs, reptiles and invertebrates. A full lighting strategy would need to be conditioned to ensure that dark corridors remain on site for nocturnal wildlife.

7.17. OCC EDUCATION: Seek contributions towards the following:

Primary School - Currently, Chesterton CE Primary School accommodates pupils from outside its catchment area, predominantly living in Bicester, and needs to do so due to an existing shortage of primary school places in SW Bicester, where St Edburg's CE Primary School has been persistently and significantly over-subscribed from within its catchment areas since 2019. To address this shortage, St Edburg's CE Primary School is being expanded onto a split site within the Kingsmere development by building accommodation equivalent to a 1 form entry primary school. This will enable it to accommodate 3 forms of entry, including an expanded Nursery, with sufficient site area to expand to 4 forms of entry should that be required by local population growth. This will provide sufficient school places in SW Bicester for the local population, removing the need for children to travel outside of the town to school such as Chesterton, This expansion is therefore necessary to free up sufficient school places in the local area to meet the expected demand generated by the proposed development, and to make the proposed development acceptable in planning terms. The expansion is therefore directly related to the proposed development. A contribution of £1,494,584 is therefore sought.

Secondary School - The scale of housing growth in Bicester requires another new secondary school, in addition to that previously opened at SW Bicester, to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is currently forecast to be required by 2028, although this is subject to the speed of housing delivery. A contribution of £1,196,532 is sought plus a contribution of £126,288 towards land costs.

SEND: Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school. A contribution of £80,767 is therefore sought.

7.18. OCC ARCHAEOLOGY: The applicant has submitted the approved archaeological desk based assessment, supported by a geophysical survey and evaluation report. These investigations have recorded areas of archaeological features which will need to be subject to a further phase of archaeological excavation.

7.19. CDC CONSERVATION - Overall the proposal is not considered to result in harm to the significance of the heritage assets through development within their setting.

7.20. LEAD LOCAL FLOOD AUTHORITY: No objection subject to conditions.

7.21. THAMES WATER: No objection - the scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and

cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

- 7.22. CDC HOUSING: This outline planning application is for the development of up to 147 homes, with all matters reserved except for means of access. The site is within the rural settlement of Chesterton, therefore at least 35% affordable housing is required in accordance with CDC Local Plan Policy BSC 3: Affordable Housing. The tenure split required by this policy is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 52 dwellings (rounded up) with 37 as rented and 15 as Low-Cost Home Ownership. National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes
- 7.23. CPRE: strongly objects to this housing development proposal. The proposed development is not an allocated development in the local plan and if approved would add to other recently unallocated developments in Chesterton and its environs. CPRE believe that the applicant has failed to address many of the concerns which were raised following the consultation meeting such as distance from services and facilities and infrastructure. Given the ongoing issues that residents are experiencing with flooding and the further impacts that this development will have on village infrastructure, CPRE would have expected an environmental impact assessment to accompany this application which hopefully would have highlighted some of these issues and the mitigations that would be put in place to address these concerns.

The development does not appear to be meeting an existing need within the village nor is it required to meet any housing supply shortfall in Cherwell as the Council has announced that it now has adequate housing land supply. Measured against the requirements for housing development in Local Plan Village Policy 2, CPRE believes that the development fails to meet this criterion. CPRE therefore contends that any benefits from this development will be more than outweighed by the harm that it will create and that this application should therefore be refused.

- 7.24. CDC LANDSCAPE: The Landscape and Visual Assessment (LVA) is comprehensive and proportionate and within the report a sufficient selection of viewpoints demonstrate the degree to which the Site and the proposals may be visible in the near, middle and longer distance views. The majority of views (VP 1-11) are contained to within 1km of the Site boundary. Beyond that the views are distant and filtered / obscured by intervening vegetation associated with the level landscape. These include: VP 12 which is within a 2km radius, VP 13 and 15 which are within a 3km radius and VP 14 which is within a 4km radius. Having 4 walked and driven several of the PRoW and connecting roads I confirm that the selected 15 representative views have incorporated the obvious elevated views whereby the development site may be seen. It is evident that the Site is mainly visible from residents at Vespasian Way and road users along Green Lane and the unnamed access road to Little Chesterton. There are limited views from the edge of the Chesterton Conservation Area which abuts the Site along its north eastern edge. In the wider landscape potential views of the new development may be possible from the footpaths leading to Little Chesterton; the Bicester and North Oxfordshire Cricket Club and the grounds of Bicester Health Club and Spa.
- 7.25. The overall the visibility of the site from the PRoW is as mentioned in the report is limited due to the site's existing boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

- 7.26. Although the park and ride is approximately 1.6 miles away and 4 minutes in the car (possibly longer if cycled) it would be another car-dependent dormitory. The current tree belt to the north of the development forms a strong, clear boundary between the village and countryside which visually demarcates the village from open countryside. This is an existing natural edge and should be protected and maintained for landscape and visual reasons.

Settlement Character

- 7.27. The inter-relationship between the landscape and newly built form would be seen as a significant change, certainly when receptors approach the village. The land of the proposed development forms the landscape setting for the gateway into the village from the western end. Additional screening is proposed for this development and this in itself suggests that if this is necessary then the development will not fit easily into the landscape. And as is clearly apparent, building on this site invariably pushes development further out into open countryside, whilst adding another relatively busy access point off Green Lane and two further access points for pedestrians. Being an extension beyond existing boundaries will alter the interpretation and approach from the open landscape and into the village which will have a detrimental impact on the settlement and landscape character, but will also add further pressure onto existing facilities and infrastructure. The last Census suggests that the population in Chesterton was around 850 in 2011 and since this time there have been two developments, each with 45 homes. Based on the 2.49 average household calculation, this makes an additional 224, so a current population of around 1,074. If another 147 homes are added to the village this pushes the population further by an additional 366 which makes a consequential 34% increase.
- 7.28. The proposals include additional recreational facilities and new footpaths to help accommodate this number, however the cumulative effects that the new development would impose on the village may be too significant to counterbalance.
- 7.29. THAMES VALLEY POLICE: Whilst I do not wish to object to this application, I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible. In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides for homes, schools and commercial areas can be found here: <https://www.securedbydesign.com/guidance/design-guides>.

- 7.30. Separately the Police seek contributions as follows:

Staff: In order to mitigate against the impact of growth TVP have calculated that the "cost" of policing new growth in the area equates to £27,678 to fund the future purchase of infrastructure to serve the development.

Staff Set Up (including Uniform and Workspace): On the basis that the development generates 1.40 uniformed officers and 0.40 CID/staff the set up costs equate to £1,357

Vehicles: Equates to a cost of £22.30 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £3,278

Mobile IT: Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item = £4,250, therefore for this development (which generates 0.7 additional uniformed officers, the cost would be £1,743 (4250 x 0.41).

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of £5,550 towards the provision of ANPR in the area.

Premises: At present within the Cherwell area Policing is principally delivered from premises at Banbury and Bicester, with a number of smaller satellite offices also serving the area. On the whole TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1,800 per sqm. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. Applying this ratio his development will generate 1.80 officers/staff the cost is £15,800 (16.88 x 1800 x 0.51).

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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs

- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Bicester10: Bicester Gateway
- INF1: Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR22 - Reservation of land for road schemes in the countryside
- R1 - Allocation of land for recreation use R1 (part replaced)
- C8 – Sporadic development in the open countryside
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings
- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C32 – Provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- National Model Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Chesterton Conservation Area Appraisal (January 2008)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Equalities Act 2010 (“EA”) and Public Sector Equalities Duty
- Human Rights Act
- Environmental Impact Assessment Regulations

9. APPRAISAL

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

- Principle of development
- Landscape and Settlement Character
- Loss of Agricultural Land
- Highways safety and traffic impact
- Heritage impact
- Design, Layout, Residential amenity and impact on neighbouring residential occupiers.
- Ecology impact
- Mitigation towards Climate Change
- Noise, Air Quality and Ground Conditions
- Flood Risk and Drainage
- S106 contributions
- Environmental Impact Assessment Regulations

Principle of Development

Policy Context

- 9.2. Policy PSD1 of the Local Plan echoes the policies contained within the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. 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
- 9.3. Chesterton is identified within Policy Villages 1 as a Category A which is appropriate for minor development, infilling and conversions. Policy Villages 2 identifies 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. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.
- 9.4. The Council’s Executive meeting on 6th February 2023 confirmed that the Council has a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method, as set out by the Council’s Annual Monitoring Report and Housing Land Supply Statement. The Council can therefore demonstrate a five-year housing land supply and therefore Paragraph 11(d) would not be engaged at this time.

- 9.5. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus housing growth in Banbury and Bicester with a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.6. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the rural areas. However as stated in the 2016 appeal on this site that is not to say all Category A Villages are the same or have high levels of sustainability and can accommodate the same level of growth. With limited facilities and being small in size, Chesterton's sustainability relies on its proximity to Bicester.
- 9.7. Policy Villages 2 of the CLP 2015 states that a total of 750 homes will be delivered at Category A villages. Since 2014 there have been a total of 703 completions (as of 31 March 2022) and a further 101 units are on sites under construction but not yet completed, giving a total of 804 dwellings which contribute to the Policy Villages 2 requirement of 750 dwellings. There are an additional 270 units on sites with planning permission but not yet started. The Policy requirement has therefore been met. However, rural sites are likely to continue to be an important source of supply in the district.
- 9.8. In February 2023 Cherwell District Council approved a review of its adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "in need of updating".
- 9.9. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology. As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is now able to demonstrate a 5.4 year supply.
- 9.10. However, it should be noted that whilst it is for the emerging Cherwell Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance". The merits of providing additional homes (including affordable homes) on this site are therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.
- 9.11. As a Category A village, in principle, the provision of some additional housing at Chesterton could accord with the Development Plan but given current permissions and completion rates there is no pressing need for additional housing at this time considering the permissions and developments carried out in recent times. As such, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.
- 9.12. Policy BSC3 states that sites of 11 or more dwellings will be required to provide affordable housing. In areas outside of Banbury and Bicester the policy requirement is that 35% of the developed units should be affordable housing.

- 9.13. The application site, if developed, would extend the current built up limits of Chesterton into open countryside and in particular to the South and West. The site is not allocated for development in the development plan. Previous versions of the Local Plan review are noted but this has not been advanced to a stage to give detailed weight.
- 9.14. Policy ESD13 requires development to respect and enhance local landscape character. Proposals will not be permitted if they would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local character.
- 9.15. The proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC11.
- 9.16. Proposals should be considered against and informed by Policy ESD15 and consider matters such as public access, routes, views, urban spaces, development frontage, building heights and all aspects of design more generally.
- 9.17. The relationship of the development to the existing settlement pattern of Chesterton and connectivity to existing services and facilities will also need to be considered. The site is located adjacent to the Chesterton Conservation Area.
- 9.18. The proposal will require careful consideration against the NPPF, government guidance and local planning policy relating to the conservation and enhancement of the historic environment.
- 9.19. The Council is currently undertaking a review of the adopted CLP 2015 which will cover the period to 2040 with the draft due to be presented to the Council's Executive in September 2023 having been deferred from January 2023.

Assessment

- 9.20. Chesterton is centred upon Alchester Road passing north to south forming the spine of the village. The core of the village along Alchester Road is characterised by a mixture of historic and newer infill development although the thatched roofs of older properties are a key feature. To the south west of the village is an area of new build housing which was under construction at the time of survey; this area of new build housing varies in comparison to the older properties set back from the road within a mature landscape. The landscape surrounding the village is primarily woodland and farmland with views in most directions possible in particular towards the southern edge of Bicester with the remaining agricultural land to the south of Vendee Drive forming an important landscape buffer between the two settlements.
- 9.21. The village is located on a valley side and the valley bottom in which Gaggle Brook is located forms a natural boundary and setting for the Conservation Area into which development should not extend. There are no designated ecological sites within the village or on the boundary of the village. Bignell Park Ecologically Important Landscape and NERC Act S41 habitat does however border the village to the north west with further possible NERC Act S41 Grassland habitat to the north east of the village.
- 9.22. The Chesterton Conservation Area follows the alignment of Alchester Road and includes the area of Bruern Abbey School in the south of the village. There are eight listed buildings within the Conservation Area including the 13th century Church of St Mary and Manor Farmhouse which are both Grade II* listed.

9.23. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

9.24. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.

9.25. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.

9.26. Policy Villages 1 sets out that proposals for residential development within the built-up limits of villages (including Kidlington) will be considered having regard to the categorisation below. Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.

9.27. Policy Villages 2 states in identifying and considering sites, particular regard will be given to the following criteria:

- Whether the land has been previously developed land or is of lesser environmental value
- Whether significant adverse impact on heritage or 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 and 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

- Whether the development would have an adverse impact on flood risk.
- 9.28. From consultee and resident responses, the impact of further extensions, adding to approved housing, the impact of Bicester Sports Association and the Great Wolf developments yet to be implemented and mitigation delivered there are concerns that a further 147 dwellings on top of the village would be disproportionate and harm the character and setting of the village.
- 9.29. It remains that there is no shop for day to day needs and no health facilities in Chesterton and the facilities of development of Kingsmere is not readily accessible by means other than the car. School places are oversubscribed and there is limited opportunity or scope either through the application or otherwise to provide alternative modes of transport. Whilst it is acknowledged that the growth of online delivery services has altered the retail environment, there remains no facilities for day-to-day needs.
- 9.30. There is concern raised by Thames Water as to the capacity of the water network to deliver water at an appropriate pressure. However, discussions with Thames Water have indicated that supply issues could be provided within a reasonable timescale but it is not clear what infrastructure is needed. Thames Water has suggested a condition requiring no occupation prior to the implementation of as yet undefined infrastructure.

Conclusion

- 9.31. In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria: the size of the village and the level of service provision the site's context within the existing built environment whether it is in keeping with the character and form of the village its local landscape setting. Careful consideration of the appropriate scale of development will also be given.
- 9.32. At c.850 dwellings currently Chesterton lies 15th out of the 23 Category A Villages in terms of size. Further Chesterton has been extended in recent times with two significant residential developments, a development of a further 147 dwellings would be disproportionate to the scale of the village. The leisure developments (Great Wolf and Bicester Sports Association) on the edge of the village will also impact on roads and infrastructure however this has yet to be delivered. The proposals would be further west and beyond clear boundaries of the current village.
- 9.33. The proposals would therefore cumulatively lead to a significant number of houses beyond the 750 figure and cause harm and would cause unacceptable harm to the village.
- 9.34. Whilst the site benefits from existing services, including a nursery, primary school, a community centre/village hall, a public house and sports facilities there is no village shop and limited public transport and therefore would be reliant on the private car for day to day needs.
- 9.35. Bicester is readily accessible, via a 10 minute bike ride along a dedicated cycle route however the comments that when considering winter or night activity when footpaths could be muddy and/or unlit and therefore usability would be diminished.
- 9.36. Chesterton also lies in the vicinity of Bicester Park & Ride, from which regular bus services to Bicester and Oxford operate. However, the use of the car for short trips (e.g. to the park and ride or supermarkets and Bicester Village) are more likely. Whilst the village is accessible to further services and employment opportunities available at larger settlements the attractiveness of such facilities or sustainable modes of transport is a matter of debate, particularly when the bus service has been reduced

in recent times. The subsidisation of a bus service by the Great Wolf development is noted but the access to such a facility for other residents should be questioned. The comments of Stagecoach are noted in this regard.

- 9.37. The comments of University College are noted in respect of the lack of coordination that may affect judgements made under existing policy, notably Policy Villages 2. This Policy requires consideration of whether there are the necessary facilities and services and other infrastructure available such as education facilities. This was considered appropriate in terms of the larger draft allocation, but the application does not presently make the case for this limited parcel. Whilst noted, the limited considerations of prematurity as set out in caselaw and national policy, a case could not be made due to the lack of progress on the draft local plan.
- 9.38. The inclusion of sports pitches and ecological mitigation are considered positive features but with the planned growth of Bicester Sports Association and the pitches already approved as part of the Vespasian Way development are matters which should be factored in the balance when assessing the benefit arising for the village residents.
- 9.39. Overall, therefore there is a conflict with policies of the Development Plan when considered as a whole in terms of the scale and relationship to a small village and the aims and objectives of the National Planning Policy Framework.

Landscape and Settlement Character

- 9.40. The village lies approximately 0.5km to the southwest of Bicester and is located within NCA 108: Upper Thames Clay Valley in the south and NCA 107: Cotswolds in the north. At a regional level the village lies within the Cotswolds landscape character area, with the Upper Thames Vale situated to the southeast of the village outskirts. The village lies within the Wooded Estatelands landscape character type; other landscape types within the surrounding area include Clay Vale to the southeast, and Alluvial lowlands beyond.
- 9.41. At a district level, the Landscape Character Assessment supporting the Local Plan identifies the village as being within the Otmoor Lowlands. This is 'essentially a flat, low lying landscape' with much of the grassland now divided into fields with hedge and ditch boundaries with a substantial part now in arable cultivation.
- 9.42. The countryside is crossed with water filled drainage ditches and overgrown hawthorn hedges and lines of willow divide the fields and limit the views. The spread of development from the adjacent urban edge of Bicester is dominant to the north and east with Bicester Gateway and Kingsmere development to the south also prevalent in terms of employment. The growth of the Bicester Sports Association and Great Wolf leisure developments will, in time also change the character to the west.
- 9.43. Within 2 km of the village there are some small areas of ancient and semi-natural woodland situated to the south west, but in general there are no other landscape designations. Just outside 2km to the north west lies Middleton Park, a Registered Park and Garden.
- 9.44. Situated just outside the edge of Bicester, this historic linear village is centred on the Alchester Road, with a large portion of the more recent residential part of the village located to the west of this main thoroughfare. With the central spine of the village being designated as a Conservation Area, the historic elements of the village, including St Mary's Church (dating from the 12th Century), the Old Vicarage, Bruern Abbey School (dating from early 19th Century) and its associated buildings and grounds, provide a historic context to the village setting. Thatched properties can be

seen interspersed with newer properties along this main spine road and Bignell View (the A4095) to the north of the village.

- 9.45. The residential housing within the village comprises a variety of housing styles and types from that within the Conservation Area including post war housing (70s and 80s bungalows), semi and detached houses in cul-de-sacs, to more recent constructions towards the south west of the village.
- 9.46. This new area of housing is a relatively large but compact housing estate, with little internal green space, atypical of the rest of the village, and situated behind the properties along The Green. The housing will expand the size of the village and dominate the views from the properties along The Green and is also visible from northern aspects of the village.
- 9.47. Other properties within the village are generally set back from the road with front and rear gardens, and some with large areas of open space associated with them. Old and new properties are juxtaposed within the village centre although the busy road network through the village detracts from its setting as does the sound of traffic on the M40, heard in the background.
- 9.48. The site's most valued landscape features are the mature hedgerows and trees which form its boundaries and provide a sense of containment from the wider, relatively flat landscape, whilst also filtering views from the village's southern edge.
- 9.49. Woodland and farmland are prominent within the surrounding countryside view, except where views over the woodland, particularly from the north and central western edge of the village, are available towards new housing construction on the outskirts of Bicester to the north east.
- 9.50. It is evident that the site is mainly visible from residents at Vespasian Way and road users along Green Lane and the unnamed access road to Little Chesterton. There are limited views from the edge of the Chesterton Conservation Area which abuts the site along its north eastern edge. In the wider landscape potential views of the new development may be possible from the footpaths leading to Little Chesterton; the Bicester and North Oxfordshire Cricket Club and the grounds of Bicester Health Club and Spa.
- 9.51. Officers are in agreement with the Landscape Visual Assessment (LVA) that the most sensitive Visual Receptors are those overlooking the site at Vespasian Way, from Green Lane and walkers, cyclists, horse riders and motorists passing the Site on its northern and western boundaries. It seems that the majority of views are contained to within 1km of the Site boundary. Beyond that the views are distant and filtered or obscured by intervening vegetation associated with the level landscape.
- 9.52. Of the 16 Visual Receptors within the LVA, 7-16 are seen as having a Poor View of the Site, with a Low - Medium Susceptibility of Change, of Moderate Value and Low - Moderate Sensitivity of VR. However, VR 1, 2 and 5 have a High Susceptibility of Change and with a High Sensitivity of VR.
- 9.53. The overall visibility of the site from the PRow is as mentioned in the LVA is limited due to the site's existing boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

- 9.54. The inter-relationship between the landscape and newly built form would be seen as a significant change, certainly when receptors approach the village. The land of the proposed development forms the landscape setting for the gateway into the village from the western end. Additional screening is proposed for this development, and this in itself suggests that if this is necessary then the development would not fit easily into the landscape. And as is clearly apparent, building on this site invariably pushes development further out into open countryside, whilst adding another relatively busy access point off Green Lane and two further access points for pedestrians.
- 9.55. Being an extension beyond existing boundaries will alter the interpretation and approach from the open landscape and into the village which will have a detrimental impact on the settlement and landscape character but would also add further pressure onto existing facilities and infrastructure.
- 9.56. The remaining open countryside to the south west of Vendee Drive between Chesterton and Bicester creates an important buffer between the village and Bicester. To the north of the village the planting associated with the golf course and Bignell House and Park restricts views north and provides a wooded setting to the northern aspect of the village.
- 9.57. Therefore, the village of Chesterton has been, and will continue to be for the near future through the Great Wolf and Bicester Sports Association, subject to change. The village has already been extended through recent development to the southwest.
- 9.58. The proposed masterplan shows that the development proposed would be well beyond the southern boundary of the Vespasian Way development and significant expansion to the west beyond the existing village entrance and traffic mitigation location. This will harm the village character and setting, in particular without facilities available at the core of the village.
- 9.59. Further the development, whilst illustrative would appear of a different character than the historic village and would appear to be out of keeping with the overall character of the village. The scheme therefore would not be an appropriate transition at the edge of the settlement into the countryside.
- 9.60. Whilst the green landscape proposals to the southern boundary offer some mitigation, and the overall design of the proposals include reasonable levels of green space, the overall feel of the development would be a significant alteration to the landscape and village setting which would be harmful to the prevailing character.
- 9.61. Further it is likely that mitigation necessary to make the development acceptable, e.g. highway mitigation, would have an adverse impact on the rural character and village setting further urbanising the rural character of the area.

Loss of Agricultural Land

- 9.62. Paragraph 112 of the NPPF states that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”. The PPG provides further guidance on this matter and states that the Agricultural Land Classification (ALC) system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient to best deliver food and non-food crops for future generations.

- 9.63. An examination of Natural England's ALC maps indicates that the agricultural land proposed to be developed is of moderate quality (Class 3b) and not sufficient to classify it as 'best and most versatile land'. As a result, in this respect no objection is raised in principle to the loss of this agricultural land.
- 9.64. Therefore, whilst the site is actively farmed, and may include elements of BMV, the loss is not significant however the impact on farmland should be part of the planning balance.

Highways safety and traffic impact

- 9.65. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.66. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code. The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.
- 9.67. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.
- 9.68. It is considered in guidance that planning applications and proposals should:
- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
 - Demonstrate how Sustrans design manual guidance has been incorporated;
 - Address and ensure connectivity along the major routes;
 - Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.
- 9.69. The NPPF also sets out at Paragraph 104 that 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.
- 9.70. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.71. Paragraph 111 of the Framework also stipulates 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
- 9.72. Taking on board the original Transport Assessment and the additional documents include a technical note (TN) which addresses the comments put forward by the County. The comments of the County Council and Stagecoach are particularly noted.

Accessibility

- 9.73. The village is relatively close to the edge of Bicester and there are a substantial range of services and facilities in existence and planned within a 3km radius of the site. This includes the Park and Ride facility at 7 Vendee Drive. In due course new bus stops will be provided on the A41 south of Chesterton following implementation of the access arrangements for 22/01144/F Siemens, southwest of Grange Farm. Both these provides access to frequent and well established services, seven days a week, to Oxford and Kidlington. As previously stated however the attractiveness of routes designed for active travel in the evening or wet conditions are not part of the proposals. Were safe lit pedestrian and cycle facilities to be provided to all these, the kinds of relevant choices that are required by local and national policy might be more credibly said to be available.
- 9.74. There is no doubt that if a larger and wider allocation is progressed through the Local Plan process this could enhance further links to the wider area and consider the scope to secure better access to frequent bus services operating on the A41, and much better cycle connectivity towards Bicester which would reduce the level of traffic and car based activity. However, the proposals and Local Plan are not at an advanced stage and prematurity could not be argued in this respect.
- 9.75. Section 3.4 of the Transport Assessment acknowledges that the public transport provision to Chesterton is currently extremely poor with only one journey into Bicester town centre at 0725 and no return journey. However, it correctly notes that the County has secured a significant financial contribution towards a bus service to the Great Wolf leisure resort which will be located to the west of Chesterton village.

- 9.76. There is legitimate concern raised by Stagecoach that the proposals would fail to provide sufficient comfort on their relevance and effectiveness on the one hand, or their likely longer-term sustainability.
- 9.77. The County's request for Section 106 public transport services and public transport infrastructure contributions are noted and the applicant is prepared to make these contributions.
- 9.78. An updated Travel Plan will need to be secured prior to the first occupation at the site. The Travel Plan will then need to be updated again after the site is 50% occupied. This updated travel Plan will need to provide details of the Travel Plan Coordinator, an updated action plan, and details of how the travel interventions will be funded along with any updated base line travel survey information.
- 9.79. However, even with improvements through planned and additional contributions irrespective of what passenger transport is provided by the nearby planned resort, the vast majority of residents will use cars to pursue their daily activities.

Access and Off-site Highway Works

- 9.80. The Transport Assessment included an offer to refresh road markings, improve signage and enhance the visibility and reading of the junction of Green Lane and the Hale. It then notes that since this offer was made the road markings have been refreshed by the County, and states that further enhancement of the junction is not therefore considered necessary. However, it also notes that this "...junction is included within the scope of the proposed access junction works, which itself proposes various improvements to Green Lane and its junction to the Hale...", and suggests that these improvements could be included in the Section 278 agreement.
- 9.81. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
- Site access arrangements as set out in drawing Nos.ITB4377-GA-001F, ITB14377-GA-001F and ITB14377-GA-006A;
 - Off site cycle improvements as set out in drawing Nos.ITB14377-GA-003C and ITB14377-GA-004B. This is to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.
- 9.82. Stagecoach comments are noted that the proposals would result particular on the A41 and A34, towards Oxford and crossing the M40 at junction 9 are noted. However this position is not supported by either National Highways or County Council Officers following the receipt of further information.
- 9.83. There are not concerns raised in relation to highway safety of the proposed access subject to appropriate conditions and contributions.

Car and Cycle Parking Standards

- 9.84. The car and cycle parking standards will need to be addressed at the Reserved Matters stage. There is also a commitment to providing electric vehicle charging points as set out in policy EV 8 of the County's Oxfordshire Electric Vehicle Infrastructure Strategy and policies of the Development Plan.

Public Rights of Way

- 9.85. Having regard to Public Rights of Way (PRoW) it is noted that the applicant is prepared "...in principle, to make a reasonable and proportionate contribution towards the improvements of Public Rights of Way where these are shown to be justified and directly related to the proposed development in the context of the CIL Regulations."
- 9.86. The current public rights of way are designed more for recreational and countryside use having regard to their current semi-rural location. County Council has suggested improvements to specific footpaths. In addition to the statutory functions of recording, protecting, and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that would have an impact on the public rights of way and access land network in order to make those developments acceptable.
- 9.87. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025 but whether these improvements would have a substantive impact on traffic impact and car based activity remains doubted.

Conclusion

- 9.88. Overall, having regard to the comments of OCC Highways, Stagecoach and objectors and the submitted information, the proposals, when considering the impact of the proposals and the enhancement proposed as part of the Great Wolf development, would not result in a severe adverse impact on highway safety.
- 9.89. Due to the lack of facilities, including public transport, a significant proportion of traffic from the development will be private car based.
- 9.90. The improvements and contributions sought are noted. The level of public transport, as noted by Stagecoach, would not be significantly enhanced to alter travel habits. Improvements to public rights of way would also be welcomed but would not significantly create commutable routes, rather they would be utilised primarily as recreational and informal routes. There would be a significantly increased level of enhancement required to create routes as commuter facilities to take account of winter conditions, e.g. including lighting and widening of footpaths to allow cycling at speed for commuting. This in turn however would have an impact on landscape.
- 9.91. Overall, taking on board all comments and considering the development as a whole, whilst there are no technical objections to support a refusal on highways grounds, the conflicting transport matters which are related to the sustainability of Chesterton as a village do raise conflict with the policies of the Development Plan and the aims and objectives of the NPPF to reduce the reliance on the car.

Heritage Impact

Legislative and policy context

- 9.92. The village of Chesterton has a conservation area which contains eight listed buildings. Two of these buildings, the 13th century Church of St Mary and Manor Farmhouse are Grade II* listed, whilst the remainder are Grade II listed. The conservation area also includes numerous unlisted buildings which are identified within the Conservation Area Appraisal as making a positive contribution to the historic character of the Conservation Area.
- 9.93. The historic core of the village is focussed around an area to the east of Alchester Road and reflects a village which grew from largely agricultural origins. Both Grade II* listed buildings are located in this area of the village. The village green at Bignell at the north end of the village forms a second focal point; Chesterton Lodge, now

Bruern Abbey School, with its associated parkland, forms the third and final character area within the Conservation Area.

- 9.94. The coherence and character of the Conservation Area, as noted in the supporting Conservation Area Appraisal, has been gradually eroded by infill development, barn conversions and the use of inappropriate materials. The modern residential development to the west of Alcester Road and around The Green is excluded from the Conservation Area and is not considered to have built heritage interest. The surrounding rural landscape, including the fields to the east of the village toward Gagle Brook, forms the setting to the village and makes a contribution to its character. Bignell Park to the north of the village has a parkland, rather than agricultural character.
- 9.95. The village has heritage sensitivity arising from the listed buildings and the Conservation Area. The statutory designations of the Conservation Area and listed buildings form an important element of the historic character and context of the settlement and contribute to its historic sensitivity. Appropriate weight should be given to the protection of these assets and their settings.
- 9.96. Chesterton is located within an area which has a high density of archaeological remains and there is potential for buried archaeological remains within the village and the surrounding area. Within the village there are two Archaeological Constraint Priority Areas associated with the historic core of the village and the deserted medieval village of Bignell to the north, although it should be noted archaeological remains could extend beyond this boundary.
- 9.97. In the wider study area a number of Archaeological Constraint Priority Areas and archaeological assets are identified. These are primarily associated with prehistoric and Roman period archaeological remains. A number of the sites have been identified from cropmarks and represent a range of features including settlements, ring ditches and enclosures, but others have been identified from archaeological evaluations and excavations. The Roman town of Alcester, a Scheduled Monument, is located to the southeast of the village and Akeman Street Roman Road between Alcester and Cirencester passes through the parkland associated with Chesterton Lodge.
- 9.98. There is considered to be high potential to identify archaeological remains within all areas of undeveloped land surrounding and within the village. Although the potential for buried archaeological remains to be preserved within developed areas is lower, it cannot be discounted.
- 9.99. 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.*
- 9.100. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.101. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to*

substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.102. Although the site lies outside of the conservation area the relationship between the site and the conservation area including Chesterton Lodge (Bruern Abbey School) is taken into account when assessing the potential impact on these heritage assets. It is important to note that the modern development that exists along Green Lane means that there is separation between the majority of the development site and the conservation area. Furthermore, the approach to the conservation area along Green Lane is not synonymous with the approach to the village. The village is approached through a rural landscape whereas because it is to the eastern side of the village the conservation area is approached through more modern development along Green Lane. Therefore, the direct setting and approach to the conservation area from this direction is not considered to be harmfully altered by proposed development on this site.
- 9.103. With regards to the potential impact to the listed building this needs to be assessed with regards to the building's significance and any harm to that significance. A notable part of what is special about the Chesterton Lodge (Bruern Abbey School) is its character as a Victorian country house and its intact interiors. Surrounding this Victorian country house is open countryside predominantly to the south and east. Because of the location of the proposed development to the west this arc of open countryside to the south and east will be maintained. Again because of the distances from the built development and the indication on the proposed plan for playing fields and more open recreational land to the east of the site the impact on Chesterton Lodge (Bruern Abbey School) is considered to be reduced. This approach to the layout of the development would replicate the existing character of the sports pitches and ensure a greener and more open buffer surrounding the conservation area and Chesterton Lodge (Bruern Abbey School).
- 9.104. It is recognised that this application is an outline application for means of access only and therefore the plans are indicative and more detailed plans would follow at a further stage were permission to be granted. Therefore, the treatment of the playing fields and public space, particularly any hardstanding for car parking etc and boundary treatments need to be carefully designed to retain openness and ensure minimal impact on the heritage assets through development within their setting.
- 9.105. It is acknowledged that the proposed development would result in notable changes to the landscape, and this may be harmful in landscape and settlement character terms, but this does not necessarily equate to harm to significance of the heritage assets through development within their setting. Whilst travelling around the village there is not felt to be a strong connection or relationship between the development site and the conservation area or Listed Buildings, therefore the proposals are not considered to reduce the ability to appreciate what is special about the heritage assets. In particular the development of Vespasian Way, the surrounding roads and the sports ground are considered to have altered the setting of Chesterton Lodge (Bruern Abbey School) and to some extent the conservation area and this was not considered harmful to the heritage assets.
- 9.106. In heritage terms the proposal in its outline form and from the indicative plans is not considered to result in unacceptable harm to the heritage assets. However, the open space indicated should be maintained in any further applications that come forward.
- 9.107. The impacts on archaeology the comments of the County Council Archaeology Advisor are noted and could be progressed through planning condition.

- 9.108. Overall the proposal is not considered to result in harm to the significance of the heritage assets through development within their setting which should be weighed against the balance and positive benefits of the scheme.

Design, Layout, Residential amenity and impact on neighbouring residential occupiers.

Policy Context

- 9.109. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ED15 which advises that new development should build on the character of Cherwell. It also advises that design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The CLP 1196 contains saved Policy C28, which states that *'control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'*. Saved Policy C30 states that *'design control will be exercised to ensure....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*.
- 9.110. The proposed development provides for up to 147 new dwellings on the site. No details of housing mix are secured at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2025 seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect.
- 9.111. Policy BSC3 requires the provision of 35% affordable housing which equates to 53 dwellings. The required tenure split required by this policy is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 52 dwellings (rounded up) with 37 as rented and 15 as Low-Cost Home Ownership. National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes.
- 9.112. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably the submission makes little reference to the Design Guide and therefore how the scheme has been designed having regard to its requirements and advice. It is however considered that the design guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.
- 9.113. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve.

9.114. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about the physical appearance of a development but how it works, functions, and fits together, ensuring a quality of life for those who live there.

Assessment

9.115. The application is supported by an illustrative masterplan, however details of landscaping, layout and scale are Reserved Matters which will require assessment. That said development parameters, including those within the Design and Access Statement form the basis for consideration of the application. The comments and concerns of neighbouring residents and University College are noted.

9.116. The existing landscaping to Vespasian Way and Flavian Close is limited in a number of areas and where absent the predominant feature being close boarded fencing to a number of properties, in particular but not exclusively, those facing south.

9.117. The proposed layout shows new landscaping to the boundary with existing properties and whilst there would be noise and disturbance as a result of construction work, there would be a need to ensure that construction management is appropriate through a Construction Management Plan.

9.118. The proposed illustrative layout shows a scheme that includes green space and sustainable drainage within the proposals however the illustrative layout appears to be car dominated and there is a need to ensure that the road hierarchy and character of the village would be reflected in the eventual design and that matters such as affordable housing are appropriately distributed throughout the site with an appropriate mix to ensure that the scheme is tenure blind.

9.119. In addition, the proposals would need to ensure that there is a high quality landscape edge to the development and that the proposals deliver an appropriate design-led approach to Green Lane and creates a sense of community and place.

9.120. As a minimum, pedestrian and cycling links between sports pitches and to the Village Hall would also need to be included. Parking provision and access for the sports pitches should also be carefully considered to allow cohesive use between existing and proposed provision and to ensure that emergency access can be provided.

9.121. Noting the comments of University College, the illustrative layout would not allow for vehicle access between the application site and the remainder of the proposed draft allocation illustrated in the draft Local Plan. Pedestrian and cycling linkages should be possible.

9.122. The proposed woodland to the southern boundary would be an essential section of landscape enhancement.

9.123. Therefore, whilst the illustrative masterplan demonstrates that the site could achieve 147 dwellings on the site but there would be a need for significant amendment to the layout to be considered acceptable however, this would be a matter for Reserved Matters. If approved conditions relating to appropriate parameters to guide the Reserved Matters submission, housing mix, access and layout requirements would form part of the approval.

Ecology Impact

Legislative context

- 9.124. 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.
- 9.125. 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

- 9.126. 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.
- 9.127. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.128. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.129. 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.
- 9.130. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.131. 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.

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

Assessment

9.133. Natural England's Standing Advice and the comments of the Council's own Ecology Officers are noted.

9.134. As stated by the Council's Ecology Officer's a biodiversity impact assessment has been submitted which shows a good level of gain in both hedgerows (54.84% gain) and habitat units (20.68% gain) could be achievable under the illustrative layout.

9.135. The majority of the site supports habitats of low intrinsic value. Therefore, their loss is considered of negligible value. The hedgerows are largely being retained with the exception of a new access between the two fields. The proposals for the Site will also include large areas of mixed scrub, new meadows, attenuation basins seeded with appropriate grass mixes and two community woodlands. These have been located in order to maximise connectivity with existing off site habitats, such as the southern boundary of the western field.

9.136. The existing ditches will be retained, with the exception of a small loss to a culvert, resulting in a loss to ditches of 0.37%. However, a new drainage features is being created, but as this is included in the area habitats, this does not also count towards creating a new drain. If this is considered, given the poor quality of the ditched being culverted, there is likely to be a gain for these habitat types overall.

9.137. This relies on the creation of areas of neutral grassland and scrub reaching a moderate condition within five years which is an ambitious target given the baseline habitat and its achievability would be dependent on careful management both of the habitat and of access to it.

9.138. If approved a full Landscape and Environmental Management Plan (LEMP) would need to be conditioned which shows how the various proposed habitats are to be managed, funded and give details of monitoring and review periods to ensure biodiversity net gain is achieved for the lifetime of the development. Any LEMP should include details of integrated bat and bird provisions as well as any proposed on trees, measures for hedgehogs, reptiles and invertebrates. A full lighting strategy would need to be conditioned to ensure that dark corridors remain on site for nocturnal wildlife.

9.139. The development should also include new landscaping and detail within the built form (e.g. street trees, bird and bat boxes) and this would potentially enhance the biodiversity further. This would be a matter to safeguard through conditions to allow consideration at the Reserved Matters stage.

9.140. Overall, the proposals show a suitable level of biodiversity net gain, subject to appropriate safeguarding and planning conditions if the application was recommended for approval and would be in accordance with the requirements of Development Plan policies and the aims and objectives of National Planning Policy.

Mitigation towards Climate Change

Policy Context

- 9.141. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this matter.
- 9.142. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.143. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and 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 and making use of allowable solutions.* Any new development will be expected to consider these and address the energy needs of the development.
- 9.144. Policy ESD3 considers Sustainable Construction and states 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*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.145. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.146. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

- 9.147. During the course of the application the applicant has updated the Energy Statement and standards being progressed on the development.
- 9.148. The Development has been designed to generate a total reduction in CO2 emissions of 101% compared to the Total Emission Rate under current Approved Document Part L 2021 standards or net zero carbon.
- 9.149. This energy standard is delivered through a fabric-first approach to design with low-carbon measures and renewable energy. A combination of demand-reduction measures, energy-efficiency measures low-carbon heating and renewable energy will deliver the Applicant's target for on-site reduction in CO2 emissions.
- 9.150. Measures to be incorporated as part of the fabric first approach and Demand-reduction measures
- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.

- High-efficiency triple-glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results throughout.
- Efficient-building services including high-efficiency heating systems.
- Natural ventilation
- Low-energy lighting throughout the development

9.151. Further in terms of renewable energy the proposals would include air-source heat pumps, solar thermal and photovoltaic panels across the development totalling 665kWp. The application would also include EV charging points.

9.152. Should the development be considered to be acceptable this standard of development would be secured as part of the permission and considered to be fundamental to the acceptability of the scheme.

Overall the proposals would be in accordance with Section 14 of the NPPF and Policies ESD1-5 of the CLP 2015.

Noise, Air Quality and Ground Conditions

Policy Context

9.153. The NPPF sets out at Paragraph 183 that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

9.154. Paragraph 185 of the NPPF states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Saved Policies ENV1 and ENV12 of the CLP 1996 echoes these principles.

Assessment

9.155. The application is supported by a Geo-environmental assessment to support the assessment of ground conditions. The comments of the Council's Environmental Health Officers are noted. The concerns about noise and disturbance from construction from local residents are also noted.

9.156. In respect of contamination and ground conditions, the proposals submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed. There is therefore no reason to suggest that the application site could not come forward.

- 9.157. In respect of noise and as stated above, the layout will need to ensure that there is an appropriate buffer in relation to the eventual layout if approved through an appropriate reserved matters submission and that landscaping to the boundary with residential properties is appropriate. Further the Construction Environment Management Plan (CEMP), should be conditioned. Whilst it would be inevitable that there would be some level of disturbance to the neighbouring residents, the CEMP should aim to manage the construction activities to minimise the level of disturbance through working hours management and reducing the need for piling, for example.
- 9.158. In respect of air quality, the relationship between the application proposals and Green Lane would be important in ensuring that the residential environment created should also be appropriate. The development should, through being a no-gas development, providing electric vehicle charging points, promoting renewable energy are important considerations. Management of the construction process through dust suppression, for example would also be important through the CEMP.

Conclusion

- 9.159. Overall, taking into account the comments and responses received, the application would not raise any significant issues in relation to contamination and matters such as air quality and noise impacts could be managed through an appropriate reserved matters submission and conditions including the CEMP.

Flood Risk and Drainage

- 9.160. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*'.
- 9.161. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and 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.
- 9.162. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.163. The application is supported by a Flood Risk and Drainage Strategy. The comments of the LLFA and CDC Drainage Officers are noted.
- 9.164. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk

Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.

- 9.165. Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes.
- 9.166. Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain.
- 9.167. In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. There are also some isolated areas of low risk. Within the western field there is an area of low to medium risk at the south-west corner and an area of low to high risk towards the south-east corner which upon review of the topographical survey is caused by a localised low spot.
- 9.168. Development is not proposed within these areas where the risk of surface water flooding and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement would be required through the reserved matters details.

Conclusion

- 9.169. The comments and concerns of local residents have been carefully considered and the comments of CDC Land Drainage and the LLFA have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions and appropriate Reserved Matters submissions.

S106 Contributions

Policy Context

- 9.170. 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.
- 9.171. 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.

9.172. 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.

9.173. 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.

9.174. 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 35 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.

9.175. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 12.25 units which would be rounded up to 13 units with a tenure split of 70% rented and 30% intermediate including First Homes provision. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes. The applicant has confirmed that the development would provide the necessary element of affordable housing as required under this Policy, and the submitted plans show 13 units.

9.176. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, highway infrastructure improvements contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.

On Site Infrastructure and Enhancement to Open Space and Sport

9.177. The key on-site infrastructure includes the following which will be secured under planning conditions and s106s:

- Sports pitches, changing facilities and car parking
- Woodland planting and recreational routes to the south of the site
- Play Facilities (LAPs, LEAPs and a NEAP) and
- Affordable Housing (35%)
- Access improvements as part of the access to Green Lane and new pedestrian and cycle access points

9.178. The application proposes an area of sports pitches and recreation on the eastern section of the application site and to the south of the existing sports pitches and Parish Hall which was developed as part of the Vespasian Way development. Whilst the Bicester Sports Association development is noted this is for separate users but it is likely that there would be some level of overlap and the provision therefore the social benefits arising from such proposals would be lessened. Nonetheless, appropriate access, drainage, pitch design (to Sports England standards) and transfer arrangements to the Parish Council would be required as part of the s106 clauses.

9.179. Similarly the woodland planting to the south of the site is also noted as a benefit but forms part of the recommendation and landscape mitigation of the proposed development.

Offsite S106 Contributions

9.180. The contributions sought include the following:

- Primary and Nursery Education - £1,494,584
- Secondary Education - £1,196,532 plus £126,288 land costs
- SEND - £80,000
- Police - £27,678
- Public Transport - £166,551 plus £11,223 towards bus stops
- Travel Plan Monitoring - £1,890 plus a Residential Information Pack
- Public Rights of Way - £30,000
- Community Hall Facilities - £168,081.04
- Outdoor Sports Provision - £296,503.41
- Indoor Sports Provision - £122,737.18
- Community Development Worker - £16,995.89
- Community Development Fund - £6,615.00
- Household Waste and Recycling - £13,812

9.181. Whilst necessary to make the development acceptable the contributions to primary schools are to deliver capacity within the South West Bicester development and therefore the existing village school would not be used as increased capacity cannot be delivered at this site. Therefore, it is likely that children from the proposed development would need to travel (either by car or bus) to schools outside of the village. The proposed development is not large enough to require a new village school.

9.182. The recent case of R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 (Admin) is of particular importance in the relationship to the consideration of the CIL Regulation compliance and has been factored into the consideration of contributions. The Police contributions in particular are an area where this case is of relevance.

EIA Regulations

9.183. As part of the application submission, Officers assessed the proposals against the EIA Regulations. The proposal is below the threshold of 150 dwellings a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a 'sensitive area' as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

10. PLANNING BALANCE AND CONCLUSION

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

Positive benefits - Economic

10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support the local public house in the village and shopping facilities and employment in the wider Bicester area. This is afforded significant weight taking into account the scale of the proposed development.

Positive benefits - Social

10.3. The proposals would create the opportunity for affordable housing provision, however whilst this is likely to be beyond the local need (as set out in the 2016 Chesterton Appeal) this should still attract significant positive weight. The benefits of new recreational routes, sports pitches and woodland should also be afforded moderate positive weight. Other s106 contributions should also be afforded moderate positive weight.

Positive benefits - Environmental

10.4. Environmentally the proposals would offer a net zero carbon development and biodiversity net gain are significant benefits but only if delivered to the level delivered, indeed the delivery of net zero carbon may be a matter which may be considered at the heart of acceptability of the development proposals.

10.5. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

- 10.6. Negative economic impacts include the increased pressure on local services and the area and without additional facilities being provided in the village the proposals would result in a loss of economic capability of the village to adapt and sustain the local economy with increased queuing and car based activity likely. This impact, however, taking on board the comments of consultees, can only be afforded limited weight.
- 10.7. The proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and undermine the growth strategy for the District which is a fundamental criteria for delivering economic growth. This is a significant negative economic consideration.

Negative Impacts – Social

- 10.8. The proposals would impact on the identity and character of the village with the development extending significantly beyond the existing boundaries and creating a scale of development that would change the character of the village. This would have a negative impact on existing residents who value and seek a village lifestyle. In the absence of facilities, the integration of new residents and to create a cohesive village community would also have a negative consideration.
- 10.9. Whilst s106 contributions are noted, and provide an element of positive contribution, on the negative side the spend of education contributions in southwest Bicester and would not provide infrastructure to support the village itself. This would also undermine the village identity and benefits surrounding the development.
- 10.10. Overall this would be a significant negative social impact.
- 10.11. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a moderate negative consideration on the social well-being of residents.

Negative Impacts – Environmental

- 10.12. As stated above, the proposals would significantly change the character of the village and extend beyond the existing boundaries and the harm to the character and identity of the village in an unplanned manner and beyond organic or normal levels of growth that would otherwise be expected for a village akin to Chesterton. This would be a significant negative impact on the village and environment.
- 10.13. The proposals would be predominantly car based in accessing the vital day-to-day facilities, this combined with the scale of development in comparison to the village and would have a significant negative impact on the environmental aspirations and mitigating climate change and reducing the need to travel.
- 10.14. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.
- 10.15. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be moderate.

Conclusion

- 10.16. The Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.17. The site is unallocated in the CLP 2015. The proposal seeks permission for 147 houses on the edge of a Category A Village. Whilst Chesterton has a village school and public house, the level of facilities are limited and public transport, even with the Great Wolf mitigation, would be poor in terms of providing alternatives. The proposed bus service as part of the Great Wolf development has not been delivered and its potential to alter travel habits therefore cannot be given significant weight.
- 10.18. While the total number of houses completed under Policy Villages 2 has exceeded or will soon exceed 750 and the level of permissions will comfortably exceed this figure. The policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. The 750 figure is not an upper limit however considering the level of facilities in Chesterton itself is limited and the scale of the development is out of scale with the village to be considered appropriate growth. Development of this scale should be progressed through the Local Plan process in order to ensure that infrastructure and facilities needed can be assessed and form part of an appropriate allocation.
- 10.19. Overall, irrespective of the Council's Housing Land Supply, it is considered that the identified harm to the character and appearance of the locality significantly and demonstrably outweighs the benefits of the scheme, and it is recommended that planning permission is refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to existing services and facilities. The proposals would cause significant adverse landscape and impacts to the settlement character which could not be avoided or mitigated by the proposed development. Further the delivery of infrastructure necessary to make the development acceptable would not be capable of being accommodated within the village and instead would need to be provided elsewhere which would be predominantly reliant by private car and would be contrary to the aims of sustainable growth of housing across the District set out in the Local Plan and sustainable travel initiatives to use sustainable modes of transport. The proposals would be harmful development to the village of Chesterton and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.
2. The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton, and to the overall

character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside in particular to the south and west of the existing village. This combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton. The proposals would therefore be contrary to Policies PSD1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Andrew Thompson

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	Overall - 35% - 37no rented dwellings (rounded up) - 13no First Homes (25% of affordable) - 2no shared ownership dwellings	To be agreed in terms of delivery and transfer arrangements pepper-potted across the site	<p>Necessary – To meet the requirements of Policy BSC3 of the Local Plan</p> <p>Directly related – Yes although the scale of provision may stretch beyond local need to wider Bicester housing need.</p> <p>Fairly and reasonably related in scale and kind – Set out in development plan policy and follows national planning guidance in respect of First Homes.</p>
Primary and Nursery Education	£1,494,584	To be agreed with Oxfordshire County Council	<p>Necessary – The cost of building new primary school accommodation in SW Bicester</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Secondary School Education (including sixth form)	£1,196,532	To be agreed with Oxfordshire County Council	<p>Necessary – The cost of building a new secondary school in Bicester</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Secondary land costs	£126,288	To be agreed with Oxfordshire County Council	<p>Necessary – Towards the cost of acquiring land for secondary education purposes</p> <p>Directly related – To be confirmed</p>

			Fairly and reasonably related in scale and kind – To be confirmed
SEN Development	£80,000	To be agreed with Oxfordshire County Council	<p>Necessary – Towards SEN capacity serving the Site</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Off-Site Highway Works	Improvement as a result of access arrangements (including potential relocation of existing traffic calming on Green Lane)	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Public Transport Services	£166,551	<p>If the first occupation on the development site occurs prior to the opening date of the Great Wolf leisure resort, the full contribution will be payable on first occupation.</p> <p>Should first occupation take place after the opening of the Great Wolf resort, then 50% of the contribution will be</p>	<p>Necessary – Section 3.4 of the Transport Assessment acknowledges that the public transport provision to Chesterton is currently extremely poor with only one journey into Bicester town centre at 0725 and no return journey</p> <p>Directly related – Improvement of bus services in Chesterton.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>

		payable on first occupation and 50% on the first anniversary of first occupation.	
Public Transport Infrastructure	£11,223	To be agreed with Oxfordshire County Council	<p>Necessary – The exact route of the bus around Chesterton is not confirmed at the present time and therefore the nearest bus stop locations are unknown. Rather than requesting direct delivery of stops on Green Lane, a contribution is requested to provide two new poles, flags and timetable cases, plus a two bay shelter, in the vicinity of the Green Lane/Alchester Road junction.</p> <p>Directly related – Improvement of bus services in Chesterton.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Public Rights of Way	£30,000	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – The contribution would be spent on improvements to the public rights of way in the vicinity of the development in the impact area up to 2km from the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included, including on Green Lane.</p>

			Fairly and reasonably related in scale and kind – To be confirmed
Residential Travel Information Pack	Direct Delivery	Prior to first occupation	<p>Necessary – To promote sustainable travel choices and make the future residents aware of such choices. This should be produced prior occupation and then distributed to all residents at the point of occupation. This will ensure all residents are aware of the travel choices available to them from the outset.</p> <p>Directly related – For future residents as part of the Travel Plan initiatives</p> <p>Fairly and reasonably related in scale and kind – Guidance is available to the content and cost of production should be provided as part of the Welcome Pack and is a sales initiative.</p>
Travel Plan Monitoring fees	£1,890	To be agreed with Oxfordshire County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Sports Pitches delivery and transfer arrangements including Pitch Quality Standard (PQS) assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used.	Direct Delivery	Prior to coming into use and at an appropriate time in the development delivery	<p>Necessary – Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p> <p>Directly related – Part of the development proposal.</p>

			<p>Fairly and reasonably related in scale and kind – Mitigation proposed for outdoor sport and recreation enhancement.</p>
Community Hall Facilities	£168,081.04	To be agreed	<p>Necessary – Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p> <p>Directly related – Improvements are required at Chesterton Village Hall, in order to increase the capacity / ability of the hall to accommodate more users. In particular, improvements to the kitchen will ensure the facility remains fit for purpose.</p> <p>Fairly and reasonably related in scale and kind – A sum based on the requirement to provide 0.185m² community space per occupier of the Dwellings at a cost of £2,482 per m²</p>
Outdoor Sports Provision	£296,503.41 (in addition to onsite provision)	To be agreed	<p>Necessary – Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p> <p>Directly related – The contribution would be towards the expansion of the changing pavilion on the perimeter of the site to accommodate an increase in users.</p> <p>Fairly and reasonably related in scale and kind – A new adult football pitch requires access to a suitable changing pavilion to enable formal league matches to take place. The existing pavilion will need an</p>

			expansion in order to accommodate increased use. The proposed car park will need to meet Sport England guidance on the number of parking bays, plus an allowance for other park users.
Indoor Sport Provision	£122,737.18		<p>Necessary – Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>Directly related – To expand the swimming offer at Bicester Leisure Centre which serves the proposed development.</p> <p>Fairly and reasonably related in scale and kind – The sum is based on a contribution of £335.32 per occupier of each Dwelling</p>
Community Development Worker	£16,995.89.	To be agreed – first occupation likely trigger	<p>Necessary – Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p>

			<p>Furthermore, evidence gathered in preparing the 2017 Cherwell Community Spaces Development Study strongly endorses the value in having a Community Development Worker available at an early stage in a new development to kickstart the process of bringing people together, developing new activities and putting in place the start of a strong community. Further Strategic Objective SO14 seeks to create more sustainable communities.</p> <p>Directly related – towards employment of a community development worker to work to integrate residents into the community and wider area.</p> <p>Fairly and reasonably related in scale and kind – As the development is between 100 and 250 dwellings, developers are expected to provide the costs of employing a community development worker for 0.4 FTE for 1 year. Costs calculated at Grade G, £33,722.00 per annum plus 26% on costs.</p>
Community Development Fund	£6,615.00	To be agreed – first occupation likely trigger	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote.... "opportunities for meetings between members of the community who might not otherwise come in contact with each other". Paragraph 17 states that planning should "take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs. Also supported by strategic objectives SO10 and SO14.</p>

			<p>Directly related – Towards community development work which will include initiatives to support groups for residents of the development</p> <p>Fairly and reasonably related in scale and kind – Calculated at £45 per dwelling. The contribution is reasonable in scope to provide assistance in start up of contributions and support to Parish Council and community initiatives.</p>
Police Staff Set up costs	£1,357	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – On the basis that the development generates 1.40 uniformed officers and 0.40 CID/staff the set up costs</p>
Police Vehicle - The purchase of vehicles including response and neighbourhood patrol cars and bicycles.	£3,278	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – This equates to a cost of £22.30 per household.</p>
Police Mobile IT - Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence.	£1,743	To be agreed	<p>Necessary – To be confirmed</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – Cost of each item = £4250, therefore for this development (which generates 0.7 additional uniformed officer</p>

Police Automatic Number Plate Recognition (ANPR) Cameras	£5,550	To be agreed	<p>Necessary – There is a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development.</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
Police Premises Contribution	£15,800	To be agreed	<p>Necessary – Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sqm. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. Applying this ratio his development will generate 1.80 officers/staff</p> <p>Directly related – To be confirmed</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>

Household Waste & Recycling Centre	£13,812	To be agreed with County Council	<p>Necessary – To be confirmed</p> <p>Directly related – To create additional capacity to deal with waste and recycling associated with the development.</p> <p>Fairly and reasonably related in scale and kind – To be confirmed</p>
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22/02866/OUT

Agenda Item 10

Land East Of
Ploughley Road
Ambrosden

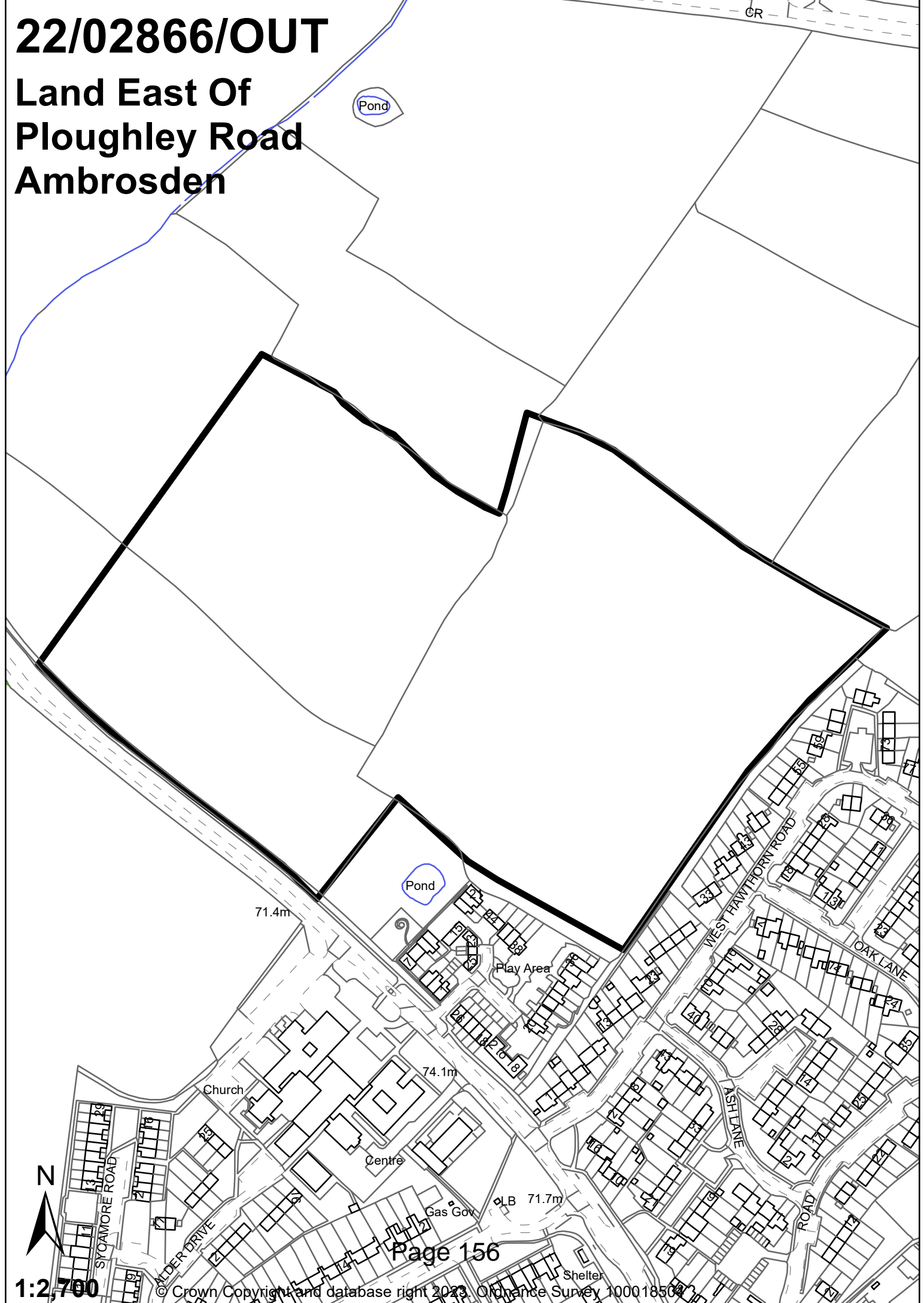


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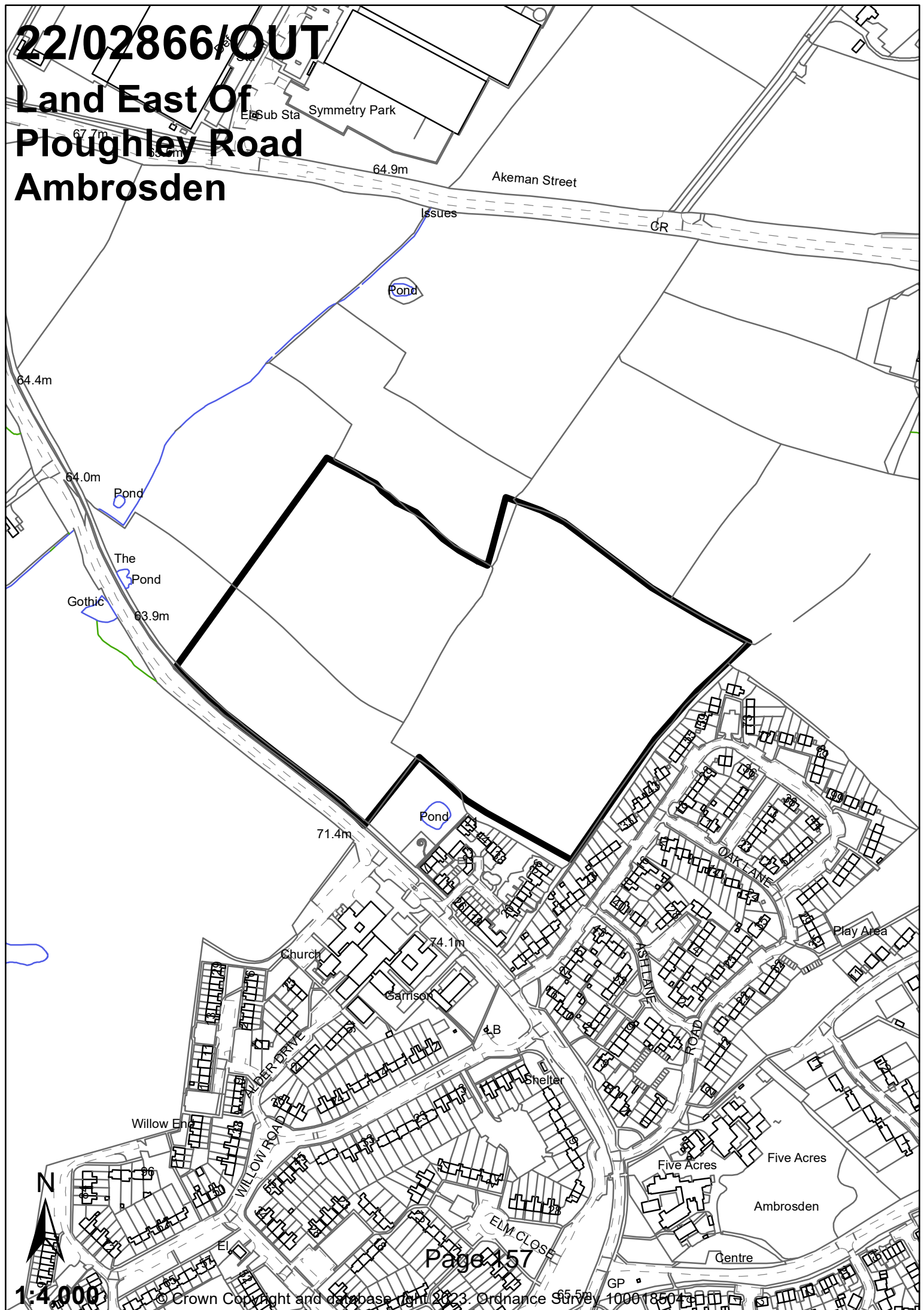
22/02866/OUT

Land East Of Ploughley Road Ambrosden



22/02866/OUT

Land East Of Ploughley Road Ambrosden



Case Officer: Natasha McCann

Applicant: Archstone Ambrosden Ltd, Bellway Homes Ltd and Ros

Proposal: OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration

Ward: Bicester South And Ambrosden

Councillors: Cllr. Sames, Cllr. Pruden and Cllr. Cotter

Reason for Referral: Major development

Expiry Date: 14 July 2023

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is c.9.46ha of agricultural land located to the north of Ambrosden, on the fringe of the village and backs onto the settlement edge. The site consists of agricultural fields and is currently accessed from Ploughley Road. Ploughley Road runs through the centre of the village linking to the A41 in the North and Arncott in the south. The land slopes gently from the eastern boundary at circa. 77-78m AOD to the western boundary, at circa. 65m AOD. The site is surrounded by established field boundaries to north, west and south, with additional hedgerows and sporadic trees forming the internal field boundaries. The site is bounded by residential development to the east and southeast.
- 1.2. Ploughley Road is subject to a 60mph speed limit which reduces to 30mph at the southern end of the frontage. A pedestrian/cycle path runs north-south adjacent to Ploughley Road and on the development site side. This connects Ambrosden with the A41 and beyond to Bicester. An existing Bridlepath/Public Right of Way reference 105/6/20 is located on the Eastern boundary of the site running from the A41/B4011 Junction at Blackthorne Farm to Ploughley Road opposite the Bicester Garrison Gym.

2. CONSTRAINTS

- 2.1. The application site has the following constraints:
 - Within Flood Zone 1 – i.e., the land is the lowest flood risk
 - The Site does not fall within any Conservation Areas, nor does it contain any designated heritage assets

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal seeks outline planning consent for the development of the site up to 120 new dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian

access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. All matters are reserved except access.

- 3.2. Vehicle access to the proposed development will be provided via a new priority T-junction off Ploughley Road, located approximately 155m northeast of the existing Bicester Garrison access and approximately 110m north-east of the existing field access gate to the site. The proposed development would have a mix of 2, 3 & 4 bedroom homes with the site split up into two areas with higher density plots averaging 30-40dph condensed to the west and southwest area of the plot and lower density plots averaging 20-30dph surrounding the higher density area to the southwest, north and west.
- 3.3. A large part of the western half of the site would be reserved for public open space, a locally equipped area of play, planting and attenuation for the proposed drainage strategy. The site would provide 35% affordable housing and proposes a net gain in habitat units of 10.01% and a net gain of 18.17% in hedgerow units.

4. RELEVANT PLANNING HISTORY

- 4.1. Other Policy Villages 2 residential development in Ambrosden.

Application: 13/00621/OUT Appeal Allowed 2 April 2014
(Against Refusal)

Address: Ambrosden Court, Merton Road, Ambrosden, Bicester

OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

Application: 16/02370/F Permitted 25 January 2018

Address: Church Leys Fields

Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

Application: 16/02611/OUT Refused 4 August 2017

Address: OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road

Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure. Application was refused for three reasons:

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the

objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.

2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

Application: 18/02056/OUT Appeal Allowed 20 February 2019
(Against Refusal)

Address: Land to the north of Merton Road, Ambrosden

OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

Application: 22/01976/OUT Approved subject to S106

Address: OS Parcel 3489 Adjoining And South West Of B4011 Allectus Avenue (Land to the northeast of the site)

Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure.

Application: 22/02455/OUT To be determined

Address: Land West of Church Ley Field Adjacent To Blackthorn Road, Ambrosden

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre application undertaken.

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 application went through a formal public re-consultation and the final date for comments was 3 May 2023, although comments received after this date and subsequent comments relating to additional information/amendments received and before finalising this report have also been taken into account.

6.2. A total of 80 letters of objection letters have been received from local residents. The comments raised by third parties are summarised as follows:

- Cumulative impact of developments in Ambrosden
- Over intensification of the site
- Loss of agricultural land
- Detrimental to wildlife/habitats
- Loss of open public green space which is used for recreation
- Potential flooding
- Lack of drainage/water pipe issues
- Increased traffic and congestion
- Noise during construction
- Dangerous road – 60mph
- Lack of infrastructure i.e.; doctors surgery, shops
- Lack of education provision in surrounding area
- Setting unwelcomed precedent for future growth in the village
- Increased pressure for existing facilities in the area
- Loss of views
- Loss of privacy
- Impact to air quality
- Loss of recreational spaces

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. AMBROSDEN PARISH COUNCIL: **Objects to the application**

On the grounds of no clear statement on population growth making the impact on resident amenity immeasurable, scale of development, detrimental impact to infrastructure, amenity and biodiversity and also raised concerns regarding lack of engagement.

CONSULTEES

- 7.3. CDC LANDSCAPE OFFICER: **No comments received.**
- 7.4. OCC HIGHWAYS: **No objection** subject to conditions and S106 contributions.
- 7.5. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.6. CDC DRAINAGE: **No objection.**
- 7.7. THAMES WATER: **No objection** subject to conditions.
- 7.8. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.9. CDC ECOLOGY: **No objection** subject to conditions.
- 7.10. CDC STRATEGIC HOUSING: No comments received.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to CEMP, Noise and air quality.
- 7.12. OCC EDUCATION: **No objection** subject to financial contributions towards secondary (including land contribution) and SEN school provision in Ambrosden and surrounding area.
- 7.13. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity.
- 7.14. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.15. CDC PLANNING POLICY: **No comments received.**
- 7.16. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects.** Raised concern for sustainability of the site, cumulative impact from surrounding planning applications, biodiversity net gain, loss of arable land and impact on ecology of the site and adjacent Ray Conservation Target Area.
- 7.17. NATURE SPACE: **Objection** on the grounds of impact on great crested newts.
- 7.18. NATIONAL HIGHWAYS: **No objection**
- 7.19. CDC ARBORICULTURE: 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 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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD5: Renewable Energy
- ESD8: Water Resources
- 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
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C32 – Provision of facilities for disabled people

- ENV1: Environmental pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity.
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- TR7 - Development attracting traffic on minor roads.
- R1 - Allocation of land for recreation use R1 (part replaced)

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (AMR) (December 2021)
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

9. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Design, and Illustrative Layout
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Ecological Implications
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality
- Sustainable Construction and Energy Efficiency
- Impact on Local Infrastructure

Principle of Development

Policy Context

9.2. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996.

9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.

- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.5. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.6. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.7. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.8. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not put forward or identified in the 2018 HELAA as being a site suitable or achievable for housing.
- 9.9. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Ambrosden is a Category A village and is considered among the most sustainable villages in planning terms.
- 9.10. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'*. This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'*.
- 9.11. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. *'Whether the land has been previously developed land or is of less environmental value'*;
 - ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided'*;
 - iii. *'Whether development would contribute in enhancing the built environment'*;
 - iv. *'Whether best and most versatile agricultural land could be avoided'*;
 - v. *'Whether significant adverse landscape and visual impacts could be avoided'*;

- vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. *'Whether the site is well located to services and facilities';*
- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

National Planning Policy Framework

- 9.12. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.13. 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.
- 9.14. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.15. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.16. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

- 9.17. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.18. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply

- 9.19. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies, including Policy BSC1 need updating. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the government's standard methodology.
- 9.20. As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4-year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.21. The merits of providing additional homes (including affordable homes) on this site is therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.

Assessment

- 9.22. The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.23. Policy Villages 1 of the CLP 2015 designates Ambrosden as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the

level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.

- 9.24. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Ambrosden village and therefore allocated as an area of open countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. The site is bounded by existing residential properties to the west and agricultural land to the north, east and west.
- 9.25. Ambrosden is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). By population size (2011 Census) Ambrosden is the 5th largest Category A settlement. It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2021 appeal for a development of 84 houses APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP.
- 9.26. Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.27. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.
- 9.28. The Inspector commented that Policy Villages 2 does not contain any time dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it falls that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015.
- 9.29. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply Policy Villages 2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under Policy Villages 2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

- 9.30. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.
- 9.31. Applying the conclusions of the Launton and Tappers Farm Inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.32. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

Policy Villages 2 Criteria

- 9.33. The applicable criteria of Policy Villages 2 are set out above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.34. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in Policy Villages 2.
- 9.35. It is noted that the appeal at Land at Merton Road, Ambrosden, reference APP/C3105/W/19/3228169 was dismissed in which the planning inspector gave significant weight to the sustainability of the settlement and the appropriateness of growth in these locations under Policy Villages 2 in coming to their decision. Other appeals in smaller Category A villages such as Weston on the Green (APP/C3105/W/16/3158925 and APP/C3105/W/19/3233293), Chesterton

(APP/C3105/W/15/3130576), Finmere (APP/C3105/W/17/3169168) and Fringford (APP/C3105/W/18/3204920) were also dismissed, again with the planning inspectors give significant weight to sustainability despite these settlements have a lesser sustainability level. None of these Inspectors undertook a comparative exercise – they weighed the sustainability of the settlement subject of the appeal with which they were dealing. In the same way, officers have not compared Ambrosden to other settlements in assessing its sustainability credentials, but instead made an assessment of the settlement in relation to available amenities.

- 9.36. Whilst it is accepted that there are clear benefits of the additional housing including the provision of affordable housing in the area and the inclusion of bungalows, it is nevertheless a prominent site clearly visible on the approach to Ambrosden and therefore significant weight is given to the impact of the proposal on visual amenity terms which is assessed below.

Conclusion

- 9.37. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages has been met, the provision of housing represents a significant positive material consideration to weigh in the planning balance, and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

Landscape and Visual Impact

Policy context

- 9.38. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.39. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development*. Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity*.

- 9.40. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.41. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*.
- 9.42. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.
- 9.43. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.44. 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*

Assessment

- 9.45. A Landscape and Visual Impact Appraisal accompanies the application. The site is located in Clay Vale LCT and Pasture Hills LCT. The site currently has a pastoral land use and fits with the description of pastureland being the predominant land use. The field patterns fit with the description of small to medium hedged fields with hedgerow trees comprising of oak, ash with some willow and field maple. The presence of tree cover associated with hedgerows filters views especially along the eastern boundary of the site. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages

with planting characteristic of the area and maintain the nucleated pattern of settlements.

- 9.46. The site is located to the north of Ambrosden and would have the residential settlement as its backdrop. The residential developments to the west and southwest of the site are bordered by densely vegetated boundaries which detach the settlement boundary from the host agricultural land with a defined visual separation. Due to field entrance gates and a break in vegetation along the southern boundary of the host site, the discontinuation between the existing residential development at Briar Furlong and West Hawthorn Road exacerbates the sharp contrast between the existing village settlement boundary and countryside. This site forms part of the northern most edge of the village representing an important characteristic to the wider visual appearance of Ambrosden. The dissolution of this flush border which is symmetrical to the adjacent side of Ploughley Road is considered to result in detrimental harm to the character and appearance of the village edge. This weighs against the proposals.
- 9.47. Furthermore, Ploughley Road is the main approach into Ambrosden from the west and benefits from the open views towards the site appearing as a noticeable undeveloped area of land before the existing built form offers a balanced introduction to the settlement area across both sides of the road. The Landscape and Visual Impact Appraisal states that the proposal would have a moderate/minor adverse effect on views from Ploughley Road. Due to the undulating landform and rise in topography towards the east of the site, parts of the site and the established settlement edge are easily discernible. As such, the proposed extensive levels of built form would largely dilute these views creating an insensitive and disrupted end to the village settlement boundary. This northern settlement boundary is bordered by extensive agricultural land with the built form on this northern side of Ploughley Road declining in concentration from West Hawthorn Road to Briar Furlough. This adds to the slow decline in density of this side of the village to which the introduction of a large 120 residential development would negatively disrupt.
- 9.48. Along with the proposals' impact on the wider landscape, it remains the case that the site lies outside the built-up limits of Ambrosden. Criteria 'v' of Policy Villages 2 highlights the need to assess *whether significant adverse landscape and visual impacts could be avoided*. In this particular case, it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. The site is sensitive in terms of its relationship with the wider countryside and its position at the entrance to the village. The development would therefore have an adverse effect on the character and appearance of the countryside as well as the approach to and of the northern gateway to Ambrosden. Due to the prominent position of the site and the limited landscaping protection along the southern and partly western boundary the development would represent significant and demonstrable harm which should be taken into account in the planning balance.
- 9.49. Overall, it is considered that the development would not contribute to enhancing the built environment but would result in a significant and adverse impact on the local landscape. The proposal therefore conflicts with Policies ESD13, ESD15 and Villages 2 of the CLP 2015 and Government guidance in the NPPF. This weighs significantly against the development.

Design and illustrative layout

Policy Context

- 9.50. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 9.51. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.52. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by a parameter density, scale and land use plan which details how the site would be laid out and densities would be arranged. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 120 residential dwellings that will include the provision of bungalows. A multifunctional green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP and other green space and Sustainable Urban Drainage (SuDS).
- 9.53. The illustrative plan indicates that the residential dwellings will be confined largely to the eastern half of the site with dwelling immediately to the frontage extending to the north-eastern corner. The site will have an average density of 30dph with higher density plots between 30-40dph condensed to the west and southwest area of the building footprint and lower density plots between 20-30dph surrounding the higher density area to the southwest, north and a split boarder the western edge. The west half of the slight will be largely used to green public open space, LEAP and drainage systems.
- 9.54. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided. The development proposals a Locally Equipped area of Play (LEAP) in accordance with Policy BSC11. If the application was recommended for approval, conditions would be added regarding hard landscaping/surface, habitat/landscape typologies and management plan of the public open spaces within the site. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas.
- 9.55. The submitted Design and Access Statement does go into some design principles for the site however these both illustrative and limited with little weight to the actual proposed layout, scale, design and form of the proposed 120 dwellings. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully

accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

Residential Amenity

Policy Context

- 9.56. 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'.

Assessment

- 9.57. The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.58. The proposed development would be located to the east of the existing residential dwellings along Briar Furlong and West Hawthorne Road. Due to the orientation of the sites and separation distance available, the proposal could accommodate a minimum back to back separation between neighbours that would preserve the amenity standards of the neighbouring residents. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

Conclusion

- 9.59. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

Highway Safety

Policy Context

- 9.60. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions." Policy SLE4 states that: "All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported." The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would

be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

Assessment

- 9.61. The site is accessed via a vehicular access on Ploughley Road. OCC Highways raised an objection to the initial proposal stating that the information provided did not demonstrate that the visibility splays available from the proposed site access are adequate for the vehicle speeds along Ploughley Road. Two revised Transport Assessment Addendum (TAA) were submitted and following re-consultation, OCC Highways considered that the amended scheme overcame the previous issue, and the objection was removed. The revised scheme also addressed initial concerns regarding the re-surfacing of a short length of the Public Right of Way.
- 9.62. Ploughley Road toward the north of the site is subject to a 60mph speed limit which reduces to 30mph at the southern end of the site frontage. This 30mph limit then applies throughout the built-up area of the village. In order to reduce the approach speed of southbound vehicles, a build-out traffic calming feature would be introduced to the north of the site access. This feature replicates those on the Ploughley Road at the south entrance of the village. The effect of the build-out is three-fold: 1. Some vehicles will have to slow or stop to give way to northbound traffic 2. The full-width cushion will encourage vehicles to reduce speed 3. Southbound vehicles would be diverted to the northbound lane when passing the build-out, so will be more visible from the site access. This calming feature would be visible to northbound traffic leaving the village and so will tend to dampen vehicle speeds towards and past the site access. The length of road up to and just past the feature will be reduced to a 30mph limit. OCC Highways confirmed that this was an appropriate and effective approach subject to Road Safety Audits which would be addressed during the S278 works process.
- 9.63. Ambrosden is served by two bus routes which both call at the Ploughley Road/Willow Road stops approximately 350m (4 minutes' walk) from the site entrance. The 29 route, operated by Stagecoach, offers a frequent service between Bicester and Bullingdon Prison / Arncott. The H5 route, also operated by Stagecoach, provides a service between Oxford St John Radcliffe Hospital and Bicester. A crossing point would be required to ensure a safe pedestrian route across Ploughley Road to the northbound bus stop however OCC agreed that this could be incorporated into the traffic calming measures.

Conclusion

- 9.64. In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access subject to suitably worded conditions and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policies SLE4 and ESD15 of the CLP 2015 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

Flooding Risk and Drainage

Policy context

9.65. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 16 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.*

9.66. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

9.67. 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.

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

Assessment

9.69. A site-specific Flood Risk Assessment (FRA) has been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in Flood Zone 1 at lowest risk from flooding. The Flood Risk assessment has noted the indicated presence of surface water flood risk at parts of the site. This can be addressed and mitigated as part of the detailed drainage design.

9.70. The applicant has submitted a Flood Risk Assessment (FRA) which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin feature which also doubles up as part of the area of open space serving the development. The proposal refers to the use attenuation which is line with Oxfordshire LLFA guidance. The LLFA sought additional information regarding calculations for greenfield run off rate, drainage strategy, attenuation volumes, SUD's and phasing plan. Following submission of said details, the LLFA raise no objection subject to

detailed conditions regarding to a surface water drainage scheme and future maintenance.

Conclusion

- 9.71. Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLP 2015. Policy Villages 2 also includes a criterion relating to “*whether the proposals would have an adverse impact on flood risk*”. As the proposed dwellings would not adversely affect flood risk either locally or elsewhere subject to condition the proposals score favourably in this respect.

Ecological Implications

Legislative context

- 9.72. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

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

Policy Context

- 9.73. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. It goes onto state that when determining planning applications, local planning authorities should apply the following principles:

- 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;

- 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.

- 9.74. The NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.75. 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.
- 9.76. The PPG post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.77. The site is not located in any statutory or non-statutory designated sites. The application is accommodated by an Ecological Assessment which was considered acceptable by the Ecology Officer subject to suitably worded conditions. The Ecology Officer did note that no specific farmland bird surveys were carried out so the presence of a range of species must be assumed. Mitigation for species is generally considered within the design of the site. Public access across the site will need to be considered however as in order to mitigate for some species (birds in particular) there should be some areas of little or no disturbance to act as a refuge for wildlife for nesting and foraging.
- 9.78. Great crested newt habitat is likely to be impacted by the development so great crested newt licence will be required to be in place before any works commence on site. The EA recommends either using the CDC district licence or applying for an EPS licence through Natural England and this would have been agreed via condition had the application been recommended for approval. A CEMP specifically for biodiversity would also have been considered to ensure retained vegetation and protected and priority species on site will be protected during construction. The EA makes recommendations for reptiles, badgers etc, which would be required to be included in the CEMP along with identification of ecological protection zones and any ECoW that may be on site.
- 9.79. A Biodiversity Impact Assessment Summary has been submitted which states that a 10% net gain in habitats is achievable on site which would also have been secured by condition. The EA makes some recommendations for bat/bird boxes on site. CDC seeks the equivalent of one bat/bird/invertebrate provision per dwelling (albeit these may be best clustered). The majority of these should be integrated into the fabric of the buildings to ensure retention for the lifetime of the development. In addition, hedgehog highways or similar should be included on site to ensure permeability for wildlife throughout the residential areas. The location/plan for these should be included within the LEMP or a sperate biodiversity enhancement scheme. In light that the application was to be recommended for refusal, these additional documents have

not been sought at this time and would have likely been dealt with via condition where appropriate.

- 9.80. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policy ESD10 of the CLP 2015 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

Housing Mix/Affordable Housing

- 9.81. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.

- 9.82. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:

- a) 25% First Homes
- b) 70% Social/affordable rent
- c) 5% Intermediate housing such as shared ownership

- 9.83. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2, 3 & 4 bed units. The proposal seeks to provide a level of bungalow provision which is supported.

- 9.84. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 42 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This would be secured as a benefit of the scheme through S106 agreement.

Noise, Contamination and Air Quality

- 9.85. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.

9.86. The Environmental Protection Officer has recommended pre-commencement conditions relating to noise (CEMP) to ensure the works do not adversely affect residential properties on, adjacent to or surrounding the site and air quality to ensure no development shall take place until the local planning authority has given written approval that it is satisfied that the impact of the development on air quality has been adequately quantified. A condition was also recommended in relation to contaminated land appropriate measures are put in place in the event of contamination risk. The Environmental Protection Officer has raised no comment/objection in relation to odour or light.

Sustainable Construction and Energy Efficiency

9.87. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.

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

Impact on Local Infrastructure

Policy Context

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

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

9.91. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and

infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

9.92. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

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

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

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

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35%
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £135,960 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Travel Plan Monitoring of £1,558
- Public Rights of Way of £30,000 to mitigate the impact to the PROW in the vicinity of the site.
- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 1. A new site access bellmouth junction on Ploughley Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0007 Rev. P06).
 2. Relocation of the speed limit signs, village gateway and “dragon’s teeth” road markings, including public consultation and TRO (as shown

indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).

3. Widening of the cycletrack beside Ploughley Road to 3.0m (where practical to do so) between the A41 and Briar Furlong (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0007 Rev. P06).
4. Traffic-calming measures adjacent to the site access on Ploughley Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
5. Two bus stops on Ploughley Road. Each to comprise a two-bay shelter, Premium standard pole, flag and timetable case. The shelters are to include electrical connections for a future real time information screen (by others) (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
6. A crossing of Ploughley Road to the northbound bus stop (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-DR-C-0012 Rev. P02).
7. Improvements to the bridleway between the site and West Hawthorn Road (as shown indicatively on Clarkebond drawing B05927-CLK-XX-XX-SK-C-0001 Rev. P01). This may be on a separate short-form S278.
 - £963,873 towards secondary education capacity and £101,732 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
 - £62,819 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
 - £11,275 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
 - Monitoring Fee

Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

Conclusion

- 9.95. Although the applicant has confirmed that they are willing to enter into a S106 agreement this application is not supported by any draft heads of terms. As part of the process of the application the applicant has confirmed that on granting outline planning permission work on the S106 will progress to an agreement which is policy compliant. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.96. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.
- 9.97. However, in the event of a refusal of planning permission, and in order to safeguard the Council's position and be able secure planning obligations should there be a

resubmitted application or an appeal, an additional refusal reason relating to the lack of a completed legal agreement should be included.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF.

10.2. 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.

Positive benefits

Economic

10.3. The proposals would provide a short-term benefit through creation of construction jobs and would also support facilities and employment in businesses, shops and services within the area. Given the scale of the development these should also be afforded limited positive weight.

Social

10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.

10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing with very significant weight afforded to the benefits of affordable housing.

10.6. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy on-site recreation and play facilities.

10.7. The applicant has committed to providing a Locally Equipped Area of Play which would be a benefit to the existing residents in Ambrosden as well as the new residents on this development site.

Environmental

10.8. The proposals commit to provide mitigation measure to mitigate any loss of ecological features on or near the site.

10.9. The illustrative layout plan shows that a large part of the development would be allocated as a green public open space with additional trees, landscaping and vegetation. This would have the added benefit of improving / enhancing the biodiversity on the site.

10.10. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.

Negative impacts

- 10.11. The site is located beyond the built-up area of Ambrosden and as such is located in an area of open countryside. The site is prominently located at the northern gateway to Ambrosden with limited shielding. The development would appear as a detached estate projecting the built form further into the open countryside in a manner that would be detrimental to the rural character. This adverse visual impact weighs heavily against the proposal.
- 10.12. The site is not allocated in the Development Plan and for the reasons set out in this report the proposal would be contrary to the Council's housing strategy, as set out in Policies BSC1, Villages 1 and Villages 2 of the CLP 2015 on to which significant weight is also attached.

Conclusion

- 10.13. Overall, and in accordance with the NPPF, the adverse effects are considered to significantly and demonstrably outweigh the proposal's benefits and the proposed development is considered to represent unsustainable development and planning permission should therefore be refused, for the reasons given below.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Natasha McCann

22/02455/OUT

Agenda Item 11

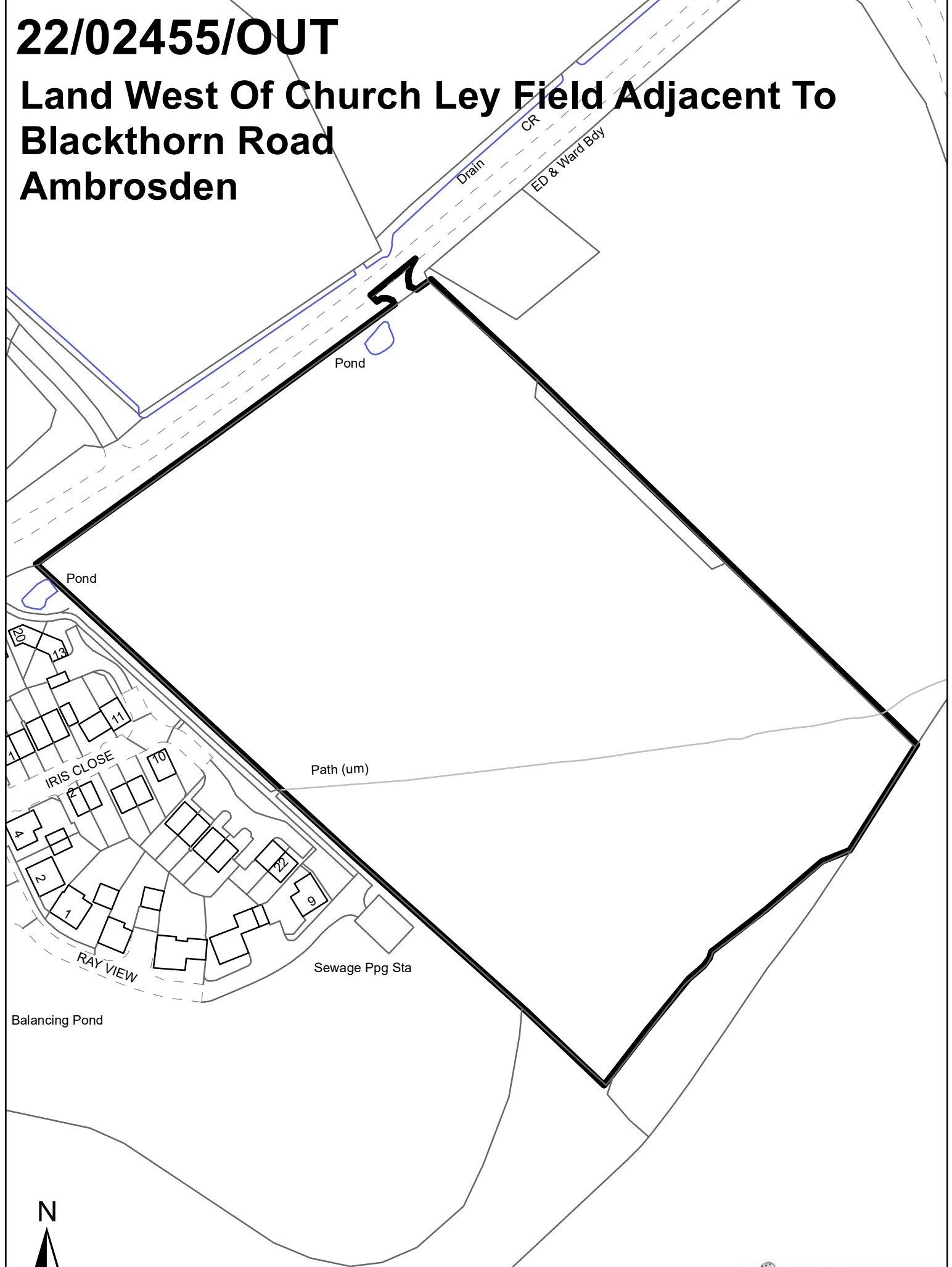
**Land West Of Church Ley Field Adjacent To
Blackthorn Road
Ambrosden**



1:2,000

22/02455/OUT

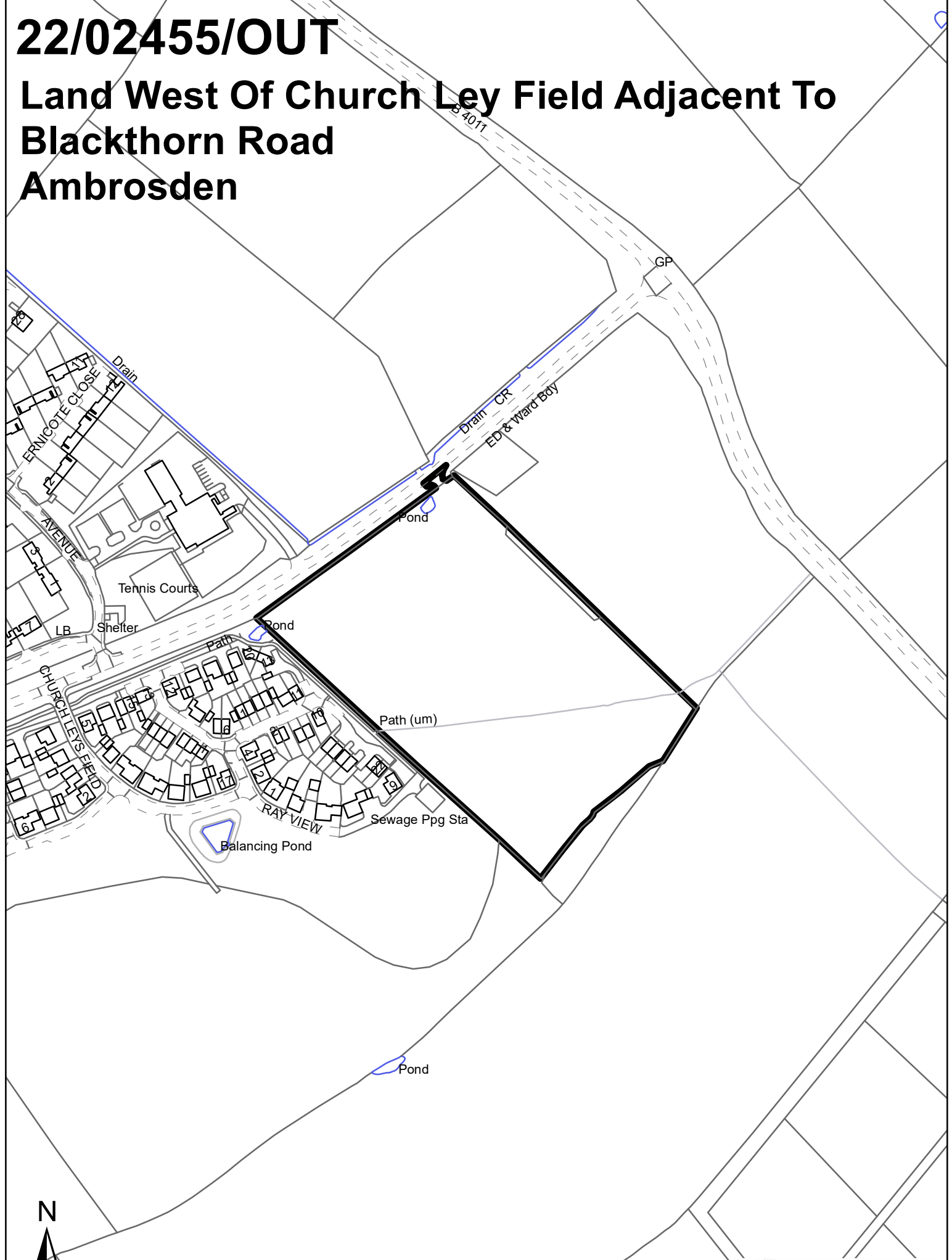
Land West Of Church Ley Field Adjacent To Blackthorn Road Ambrosden



1:1,500

22/02455/OUT

Land West Of Church Ley Field Adjacent To Blackthorn Road Ambrosden



1:3,000



Case Officer: Natasha McCann

Applicant: L&Q Estates

Proposal: Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works

Ward: Launton And Otmoor

Councillors: Cllr. Cotton, Cllr. Holland and Cllr. Nedelcu

Reason for Referral: Major development

Expiry Date: 14 July 2023

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 800m to the east of the centre of Ambrosden and approximately 4.4km to the south-east of the centre of Bicester. The comprises an area of approximately 3.52ha of agricultural land (greenfield site), which lies to the south of Blackthorn Road and is situated between residential development in the west and agricultural land to the east of the B4011.
- 1.2. The Site lies within the 'Clay Vale' Landscape Character Type (LCT), and within that the 'Launton' Local Character Area (LCA). The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site.
- 1.3. The site is enclosed by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is sparse in places, including where there is an access track and so views across the site can be seen. The Public Right of Way (PRoW) 131/7/20 crosses the site from south-west to north-east.
- 1.4. A mature hedgerow and trees form the north eastern and south eastern boundaries of the site with Blackthorn Road forming the north western boundary, connecting to the village centre and the B4011. The southwestern boundary of the site adjoins a recently developed residential scheme (16/02370/F) of 85 homes. The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its vegetated boundaries and the boundary features are generally representative of local patterns.

2. CONSTRAINTS

2.1. The application site has the following constraints:

- Within Flood Zone 1 – i.e., the land is the lowest flood risk
- The Site does not fall within a Conservation Area, nor does it contain any designated heritage assets
- The site is covered by the Ray Conservation Target Area, in addition to three Local Wildlife Sites within 1km of the site including, Blackthorn Meadows LWS (around 270m north-east), Fields by River Ray LWS (around 520m south-east) and Fields south of Ambrosden Cherwell District Wildlife Site (around 800m south west), as well as a Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust reserve (around 900m south west).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal seeks outline planning consent for the development of the site up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works. All matters are reserved except access.
- 3.2. Access would be maintained off Blackthorn Road served by a single point of access in the form of a priority T-junction. The proposed development would have a mix of terraced, semi-detached and detached homes with an average density of 35dph lowering to 25dph along the southern border.
- 3.3. The illustrative masterplan (Drawing P01) proposed an area of LEAP between the dwellings and southern boundary of the site which is split by the existing Public Right of Way. The green space would also include attenuation as part of the proposed SUDs strategy and wildlife ponds in contribution to the proposals biodiversity net gain. The site would provide 35% affordable housing. The proposed development seeks to deliver a net gain of 2.70 habitat units (11.69% net gain) and 2.79 linear hedgerow units (18.69% net gain).

4. RELEVANT PLANNING HISTORY

4.1. Other Policy Villages 2 residential development in Ambrosden

Application: 13/00621/OUT Appeal Allowed 2 April 2014
(Against Refusal)

Address: Ambrosden Court, Merton Road, Ambrosden, Bicester

OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

Application: 16/02370/F Permitted 25 January 2018

Address: Church Leys Fields
(Located to the west of the proposed site)

Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

Application: 16/02611/OUT

Refused

4 August 2017

Address: OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road

(Located to the northeast of the proposed site)

Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure. Application was refused for three reasons:

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.
2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

Application: 18/02056/OUT

Appeal Allowed

20 February 2019

(Against Refusal)

OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

Application: 22/01976/OUT Approved subject to S106

Address: OS Parcel 3489 Adjoining and South West Of B4011 Allectus Avenue, Ambrosden (Land to the northeast of the site)

Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure.

Application: 22/02866/OUT To be determined

Address: Land East of Ploughley Road, Ambrosden

Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

5. PRE-APPLICATION DISCUSSIONS

5.1. Application 21/01786/PREAPP

The erection of approximately 70 dwellings and other associated works

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 15 September 2022, although comments received after this date and subsequent comments relating to additional information/amendments received and before finalising this report have also been taken into account.

6.2. A total of 44 letters of objection letters have been received from local residents. The comments raised by third parties are summarised as follows:

- Overdevelopment/over intensification of Ambrosden
- Cumulative impact from three housing developments in the village
- Loss of green space which is used for recreation
- Loss of agricultural/countryside land
- Lack of facilities for the growth of the village – resulting in increased pressures on the existing community
- Concerns of merging with Bicester
- Detrimental impact to education provision
- Noise pollution
- Increased traffic congestion
- Detrimental to local wildlife and habitats
- Setting an unwelcomed precedent for future developments in the area

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. Ambrosden Parish Council: **Objects to the application**

On the grounds of lack of community engagement, current local circumstances i.e.: water supply and telephone lines, contrary to policy, loss of open space, detrimental visual impact, harmful impact to biodiversity, brownfield sites and lack of education provision leading to increase traffic congestion.

- 7.3. Blackthorn Parish Council: **Comments as follows**

Whilst the Parish Council recognises that the proposed amended plan shows the formation of a new vehicular access from Blackthorn Road; it previously advised that the speed limit on the B4011 and the visibility splay drawing were incorrect and still has concerns about the additional cars that will be leaving the proposed access onto the B4011.

CONSULTEES

- 7.4. CDC LANDSCAPE OFFICER: **No objection** subject to conditions.
- 7.5. OCC HIGHWAYS: **No objection** subject to conditions and S106 contributions.
- 7.6. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.7. CDC DRAINAGE: **No objection.**
- 7.8. THAMES WATER: **No objection** subject to pre-commencement condition.
- 7.9. OCC ARCHAEOLOGY: **No objection.**
- 7.10. CDC ECOLOGY: **No objection** subject to conditions.
- 7.11. CDC STRATEGIC HOUSING: No comments received.
- 7.12. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to CEMP, Noise and air quality.
- 7.13. OCC EDUCATION: **No objection** subject to financial contributions towards secondary (including land contribution) and SEN school provision in Ambrosden and surrounding area.
- 7.14. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity.

- 7.15. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.16. CDC PLANNING POLICY: **No comments received.**
- 7.17. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects.** Raised concern for sustainability of the site, cumulative impact from surrounding planning applications, biodiversity net gain, loss of arable land and impact on ecology of the site and adjacent Ray Conservation Target Area.
- 7.18. NATURE SPACE: **Objection** on the grounds of impact on great crested newts.
- 7.19. NATIONAL HIGHWAYS: **No objection**
- 7.20. CDC ARBORICULTURE: **No objection** subject to condition.
- 7.21. NATURAL ENGLAND: **No objection**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems

- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD5: Renewable Energy
- ESD8: Water Resources
- 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
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C32 – Provision of facilities for disabled people
- ENV1: Environmental pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- TR7 - Development attracting traffic on minor roads
- R1 - Allocation of land for recreation use R1 (part replaced)

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

9. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Design, and Illustrative Layout
- Residential Amenity

- Highway Safety
- Flood Risk and Drainage
- Ecological Implications
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality
- Sustainable Construction and Energy Efficiency
- Impact on Local Infrastructure

Principle of Development

Policy Context

- 9.2. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996.
- 9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.5. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.6. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.7. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.8. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not considered suitable or achievable for housing within the 2018 HELAA. However, it is considered important to note that the site directly adjacent to the West, Church Leys Field, was identified as site HELAA015 as being suitable or achievable for housing stating;

Greenfield site outside the built-up limits. Ambrosden is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the

district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. The adjacent site to the west has recently been redeveloped for 97 homes. There are frequent bus services to Bicester and Arncott with several facilities and services such as a primary school, post office, food shop and a doctor's surgery. Although the majority of the site falls within the Ray Conservation Target Area, the development to the west in effect establishes a precedent for development on the southern side of the road. The area that is in line with the adjacent development (3 ha approx.) is considered suitable in principle if the Council requires additional development land outside the built-up area of Ambrosden. This will need to respect Ambrosden's development pattern but also achieve satisfactory relationship with the approved development to the west. A soft built edge would need to be designed in view of the openness of the countryside to the south. The site could accommodate 90 dwellings based on 30 dph on 3 ha. With regard to assisting Oxford with its unmet housing need, Ambrosden lies outside Areas of Search A and B.

- 9.9. This site was subsequently approved for 85 homes under application 16/02370/F which has since been built out. Furthermore, the site directly to the northeast of the site, referenced as HELAA252 was also identified as a site which would be suitable or achievable for housing. This site was also subsequently approved for 75 homes under application 22/01976/OUT in February 2023. This site has not yet been built out. Whilst it is recognised that each application is assessed within its own merits, the above HELAA considerations and subsequently planning approvals are considered important factors in the context of the both the proposed site and immediately surrounding sites.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Ambrosden is a Category A village and is considered among the most sustainable villages in planning terms.
- 9.11. Policy Villages 2 of the CLP 2015 states, '*A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014*'. This Policy notes, '*Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission*'.
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. 'Whether the land has been previously developed land or is of less environmental value';*
 - ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
 - iii. 'Whether development would contribute in enhancing the built environment';*
 - iv. 'Whether best and most versatile agricultural land could be avoided';*
 - v. 'Whether significant adverse landscape and visual impacts could be avoided;*
 - vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
 - vii. 'Whether the site is well located to services and facilities';*

- viii. *'Whether necessary infrastructure could be provided';*
 - ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
 - x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
 - xi. *'Whether development would have an adverse impact on flood risk'.*
- 9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.14. 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.
- 9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.17. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward*

where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.

- 9.19. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell’s case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell’s current circumstances (moved forward from later in the plan period).

Housing Land Supply

- 9.20. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies, including Policy BSC1 need updating. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the government’s standard methodology.
- 9.21. As set out in the Council’s Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4-year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.22. The merits of providing additional homes (including affordable homes) on this site is therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.

Assessment

- 9.23. The Council’s housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.24. Policy Villages 1 of the CLP 2015 designates Ambrosden as a ‘service village’ where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable ‘minor development’, regard will be given to the size of the village and the level of service provision, the site’s context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.

- 9.25. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Ambrosden village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. A mature hedgerow and trees form the north-eastern and south-eastern boundaries of the site with Blackthorn Road forming the north-western boundary, connecting to the village centre and the B4011. The south-western boundary of the site adjoins a recently developed residential development, built by Bellway Homes (known as Blackthorn Meadows), an agricultural field south of Blackthorn Road which has seen a number of dwellings constructed on it. It is noted that the site immediately to the north was recently approved for 75 dwellings under application 22/01976/OUT.
- 9.26. Ambrosden is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). By population size (2011 Census) Ambrosden is the 5th largest Category A settlement. It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2021 appeal for a development of 84 houses APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP.
- 9.27. Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.28. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.
- 9.29. The Inspector commented that Policy Villages 2 does not contain any time dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it follows that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015.
- 9.30. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply Policy Villages 2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under Policy Villages 2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

- 9.31. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.
- 9.32. Applying the conclusions of the Launton and Tappers Farm Inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.33. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

Policy Villages 2 Criteria

- 9.34. The applicable criteria of Policy Villages 2 are set out above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.35. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in Policy Villages 2.
- 9.36. It is noted that the appeal at Land at Merton Road, Ambrosden, reference APP/C3105/W/19/3228169 was dismissed in which the planning inspector gave significant weight to the sustainability of the settlement and the appropriateness of growth in these locations under Policy Villages 2 in coming to their decision. Other appeals in smaller Category A villages such as Weston on the Green (APP/C3105/W/16/3158925 and APP/C3105/W/19/3233293), Chesterton

(APP/C3105/W/15/3130576), Finmere (APP/C3105/W/17/3169168) and Fringford (APP/C3105/W/18/3204920) were also dismissed, again with the planning inspectors give significant weight to sustainability despite these settlements have a lesser sustainability level. None of these Inspectors undertook a comparative exercise – they weighed the sustainability of the settlement subject of the appeal with which they were dealing. In the same way, officers have not compared Ambrosden to other settlements in assessing its sustainability credentials, but instead made an assessment of the settlement in relation to available amenities.

- 9.37. There are benefits of the additional housing including the provision of affordable housing in the area, the inclusion of bungalows which is in demand within the village and the sites visual relationship with the existing boundary of the settlement, as well as betterment to the existing residents through the shared woodland alongside the public right of way and LEAP. Regard is also had to the relative size of the development proposed and to the positive conclusions of the 2018 HELAA in relation to the sites immediately to the north and west of the site.

Conclusion

- 9.38. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

Landscape and Visual Impact

Policy context

- 9.39. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.40. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*

- 9.41. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.42. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*.
- 9.43. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.
- 9.44. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.45. 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*

Assessment

- 9.46. A Landscape and Visual Impact Appraisal accompanies the application. The site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a flat, low-lying vale landscape, associated with small to medium pasture fields, many watercourses and hedgerow trees with small to medium sized nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages with planting characteristic of the area and maintain the nucleated pattern of settlements.

- 9.47. The Site lies within the 'Clay Vale' Landscape Character Type (LCT), and within that the 'Launton' Local Character Area (LCA). These areas are typified by flat low lying landform dominated by pasture land and small to medium sized hedged fields. The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape. The Council's Landscape Officer largely agrees that the judgement made in the design statement and the viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal.
- 9.48. The application site is located approximately 800m to the east of the centre of Ambrosden and would have the settlement as its backdrop. The location of the site sees a housing development immediately to the west as approved under application 16/02370/F and residential development to the northwest. The village eastern boundary immediately to the northeast of the site (adjacent the tennis courts) already extends beyond the boarder of that of the Church Leys development built out under application 16/02370/F with one third of the proposes site aligning with this furthest settlement line. This orientation results in the site being seen in conjunction with the recent development of Blackthorn Meadows immediately to the west and would not appear as an isolated plot and would read as an extension of the existing built form in visual terms. The proposed density would also be similar to that of the immediately adjacent housing development resulting in a spatially and visually comparative design. The palette of materials and design of the dwellings would be given careful consideration at reserved matters stage to ensure the new development further emphasis' the comparison and conjunction to the recent development site and would not support a completely contrasting fabric.
- 9.49. The proposal seems to use boundary vegetation to provide visual screening where appropriate which would help soften the visual amenity upon entrance to the village west along Blackthorn Road. Whilst the footprint of the site is larger than that of the neighbouring development to the west, the building line to the front and rear of the site is proportional to that of Blackthorn Meadows. This further heightens the view that the site is read as an extension of the neighbouring site. The southern part of the site has been allocated as a landscape buffer area which will include play provision of a LEAP and trim trail. A condition would be added for a strategy to be provided for the location of each to ensure they are located in the most suitable location and meet distance requirements from the residential dwellings. The landscape buffer would ensure that views from the neighbouring Public Open Space (POS) and the Public Right of Way (PRoW) in the south-east of the Site would be retained. This would ensure that an element of the visual relationship with the Site's surrounding landscape context is maintained. The proposed Public Open Space also helps to provide a soft transition between the site's vegetated boundary and proposed built form. The eastern boundary would be comparative to that of the eastern boundary of the recently approved housing development to the north (application 22/01976/OUT) creating a more flush boarder to the east of the Ambrosden which is then preserved by agricultural fields abutting the highway B4011.
- 9.50. The Landscape Officer concluded that assessment of the site has found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting. The

visibility of the site from the public right of way is limited due to the site's extensive boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

Conclusion

9.51. As outlined in Policy Villages 2 there is a requirement that a number of key criteria be taken into account in considering the development of housing in the village. Of these criteria the following are relevant to this application:

- *Whether the land has been previously developed land or is of less environmental value;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether significant adverse landscape impacts could be avoided*

9.52. In considering these points, the development of this site would not be on previously development land, on land of high environmental value or attached to any landscape designations. Despite the incursion into characteristic open countryside, the site and therefore the proposed development is relatively well related to the existing form and pattern of the village. The site layout, building formation and density is similar to the adjacent residential development to the west resulting in a development which is read as an extension to the neighbouring sites rather than an isolated plot. Furthermore, as noted above, the eastern boarder would reflect that of the eastern boarder approved under application 22/01976/OUT which is considered to create an established end to the east of settlement with the mirrored agricultural land to the east of both sites buffering the contained settlement pattern improving the visual impact of the development from the wider viewpoints. On balance, the development of the site as proposed would not be considered especially incongruous against the existing or prevailing built form of this section of the village and would help create a more smooth and attractive symmetrical finish to the settlement boundary.

9.53. As outlined in the paragraphs above, the proposal would result in less than sustainable harm in terms of landscaping and visual impact and a balanced view concludes that the development would appropriately integrate within the village of Ambrosden. For these reasons, the development of the site is considered to comply with the criteria under Policy Villages 2 and the benefits of the residential development would outweigh the harm. The landscape and visual impact of the proposal has been assessed against Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 and the NPPF and considered acceptable.

Design and illustrative layout

Policy Context

9.54. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that

new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.

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

Assessment

- 9.56. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan and Development Framework Plan which demonstrate the one way the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 55 residential dwellings that will include the provision of bungalows. A multifunctional green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP and other green space and Sustainable Urban Drainage (SuDS).
- 9.57. The illustrative plan indicates that the residential dwellings will be confined to the front half of the site mirroring the form of the dwellings within the immediately adjacent residential development. The site will have an average density of 35dph. The density of the residential area is in accordance with section B.102 of Policy BSC1 and represents a similar density to the residential development across Ambrosden. A strip of the site along the southern border of the residential layout will be reduced to 25dph to ensure a soft transition from the proposal with the adjacent countryside.
- 9.58. The mix of public open space, trim trail, wildlife ponds and locally Equipped area of Play is considered to be sympathetic to the rural vernacular type of development which would be required within an edge of village location. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided. The development proposals a Locally Equipped area of Play (LEAP) in accordance with Policy BSC11. The Landscape Officer raises no objection to the proposed LEAP and a condition will be added to ensure that the necessary details are agreed regarding hard landscaping/surface, habitat/landscape typologies and management plan to ensure the public realm is maintained appropriately at reserved matters stage. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas. A contribution for Landscape and Ecology Monitoring has been agreed. The enhancement of the existing public right of way and opening up the east of the site to the public for recreation space is considered valuable for the existing and future residents of the village.
- 9.59. The submitted Design and Access Statement does go into some design principles for the site however these both illustrative and limited with little weight to the actual proposed layout, scale, design and form of the proposed 75 dwellings. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully

accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

Residential Amenity

Policy Context

- 9.60. 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'.

Assessment

- 9.61. The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.62. The proposed development would be located to the west of the existing residential dwellings, Blackthorn Meadows. Due to the orientation of the sites and separation distance available, the proposal could accommodate a minimum back to back separation between neighbours and a 14m side to flank separation between neighbours which establishes that the amenity standards of the neighbouring residents can be retained. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

Conclusion

- 9.63. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

Highway Safety

Policy Context

- 9.64. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions." Policy SLE4 states that: "All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported." The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

Assessment

- 9.65. The site is accessed via a vehicular access onto Blackthorn Road. OCC Highways explained that the originally proposed entrance to the northern corner of the site would conflict with the entrance of the recently approved application opposite the site (22/01976/OUT) and if both were to be approved, the vehicular accesses would be unsafe. Amended plans were received which moved the entrance to the site further west, now located within the middle of the site which was considered acceptable the OCC Highways in terms of safety, functionality and could provide appropriate visibility splays. The vehicle access would necessitate the relocation of the 40mph (southbound) and 50mph (northbound) speed limit signs however it is agreed that this can be included as part of the section 278 agreement between OCC and the applicant.
- 9.66. The amended plans also overcame concerns from the OCC Highways regarding the shared pedestrian/cycle way leading into Ambrosden from the site adjacent to Church Leys Field. The amended plans demonstrated that the 3m wide shared path was deliverable. Some minor additional amendments would be required to ensure functionality and deliverability which would be dealt with via condition and ensured at reserved matters stage.
- 9.67. The site is served by bus routes 29, S5 and H5 Bus routes with the nearest bus stop 1km away at Ploughley Road or 1.2km away at Merton Road equating a 13/14 minute walk. The nearest railway station is Bicester Village, approximately 4.1km to the northwest of the site, equating to a 17-minute cycle. OCC confirmed that this distance does not comply with guidance necessary to ensure bus is an attractive option for providing a meaningful modal share of journeys generated for the proposed development which would result in a highly car dependant scheme which is not supported in terms of sustainability. In the event that the application is approved, officers recommend that a financial contribution of £1,133/dwelling is secured via a planning contribution towards improving the frequency of the service through Ambrosden. This would ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLP 2015. The OCC have also sought contribution for a Cantilever Shelter 5 Bus Bay at either the northbound or southbound stop at Ploughley Road to encourage the use of public transport by providing attractive waiting facilities. A contribution is also sought to mitigate against the impacts of the additional foot traffic and to improve the existing local PRow network. These can be secured through a legal agreement.

Conclusion

- 9.68. In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policies ESD15 and SLE4 of the CLP 2015 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

Flooding Risk and Drainage

Policy context

9.69. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 16 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.*

9.70. Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

9.71. 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.

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

Assessment

9.73. A site-specific Flood Risk Assessment (FRA) has been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in Flood Zone 1 at lowest risk from flooding. The Flood Risk Assessment has noted the indicated presence of surface water flood risk at parts of the site. This can be addressed and mitigated as part of the detailed drainage design.

9.74. The applicant has submitted an FRA which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin feature which also doubles up as part of the area of open space serving the development. The proposal refers to the use attenuation which is line with Oxfordshire LLFA guidance. The LLFA sought additional information regarding impermeable area inputs, ownership details of the existing ditch and permission to discharge surface water at the proposed rate, capacity for the existing surface water ditch, phasing and surface water treatment.

Following submission of said details, the LLFA raise no objection subject to detailed conditions regarding to a surface water drainage scheme and future maintenance.

Conclusion

- 9.75. Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLP 2015. Policy Villages 2 also includes a criterion relating to “*whether the proposals would have an adverse impact on flood risk*”. As the proposed dwellings would not adversely affect flood risk either locally or elsewhere subject to condition the proposals score favourably in this respect.

Ecological Implications

Legislative context

- 9.76. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

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

Policy Context

- 9.77. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. It goes onto state that when determining planning applications, local planning authorities should apply the following principles:

- 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;

- 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.

- 9.78. The NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.79. 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.
- 9.80. The PPG post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.81. The site is not located in any statutory or non-statutory designated sites although the Ray Conservation Target Area is located to the north and east of the site, on the opposite side of the B4011 and Blackthorn Road. The application is supported by an Ecological Assessment which has been revised in order address initial concerns of the Ecology Officer.
- 9.82. As the proposal involves the loss of arable habitat, which is of low ecological value, the retention of habitats of higher value such as hedgerows and trees and the introduction of a community woodland area which could provide refuges and corridors for wildlife. The Ecology Officer agrees that the revised Biodiversity Impact Assessment includes off setting in order to achieve a 10% net gain in biodiversity units. The Ecology Officer raised no objection to this as this would be sited on adjacent land within the ownership of the applicants and subject to this being secured by agreement within a biodiversity management and monitoring plan for a minimum of 30 years and ideally for the lifetime of the development. Specific targets relating to bats and birds' habitats will be satisfied via condition and adopted at reserved matters stage in accordance with Policy ESD10. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.
- 9.83. A full lighting strategy which is sensitive to the presence of commuting and foraging bats (including rarer, light sensitive species) will also be conditioned as agreed with the Ecology Officer. A full CEMP for biodiversity will also be ensured by condition to protect retained vegetation, bat roost checks for any removed trees and protect nesting bats. Furthermore, a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required, and timing will also be ensured by condition.
- 9.84. NatureSpace objected to the proposed on the grounds of lack of information in respect of the impact on great crested newts (GCN). The site does have suitable terrestrial habitat for GCN and would require a survey of surrounding ponds to ensure that GCN

are adequately protected. This would be dealt with via a district license scheme as ensured by condition to be dealt with at reserved matters stage.

- 9.85. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLP 2015 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

Housing Mix/Affordable Housing

- 9.86. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.

- 9.87. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:

- a) 25% First Homes
- b) 70% Social/affordable rent
- c) 5% Intermediate housing such as shared ownership

- 9.88. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2 and 3 bed units. The proposal seeks to provide a level of bungalow provision which is supported.

- 9.89. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 20 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This will be secured as a benefit of the scheme through S106 agreement.

Noise, Contamination and Air Quality

- 9.90. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.

- 9.91. The Council's Environmental Protection Officer has reviewed the application and is satisfied that acceptable internal and external noise environments can be achieved on the site subject to detailed mitigation which can be secured by condition. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority which will be ensured by condition.
- 9.92. In relation to land contamination, the Environmental Protection Officer has raised no objection subject to a 'unexpected contamination' condition is attached. No air quality assessment has been submitted alongside the application however the environmental officer has agreed to a condition in the event of planning approval which will secure a detailed air quality impact assessment to identify the impact of the development on local air quality which will be required to give regard to Cherwell District Council Air Quality Action Plan. The condition will ensure no development shall take place until the local planning authority has given written approval that it is satisfied that the impact of the development on air quality has been adequately quantified. The Environmental Protection Officer has raised no comment/objection in relation to odour or light.

Sustainable Construction and Energy Efficiency

- 9.93. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.
- 9.94. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

Impact on Local Infrastructure

Policy Context

- 9.95. Policy INF1 of the CLP 2015 states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*
- 9.96. Policy BSC11 of the CLP 2015 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be*

made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement." Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

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

Assessment

9.98. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

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

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

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

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £ 62,315 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Public Transport Infrastructure Contribution of £15,347 to provide a bus shelter at either the northbound or southbound stop at Ploughley Road.
- Public Rights of Way of £15,000 to mitigate the impact to the PROW in the vicinity of the site.
- Delivery of an LTN 1/20 compliant pedestrian and cycleway along the south side of Blackthorn Road connecting the site access to Ambrosden and the bellmouth vehicular site access in the form of an S278 agreement
- Obligation to enter into an S38 agreement to provide a spine road as part of the highway network and an on-site right of way will be required for the development.
- £432,081 towards secondary education capacity and £45,604 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
- £26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £5,168 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
- Monitoring Fee

Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

Conclusion

9.101. The application is not supported by any draft head of terms for a S106 however written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. Given the address to the S106 in the submission and written confirmation from the agent as noted to agreement of entering into an S106/S278/S38, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106/S278/S38.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position

and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits

Economic

- 10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.

Social

- 10.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.
- 10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

- 10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.6. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.7. The proposals commit to the provision of a sustainable construction methods, which is given positive weight.
- 10.8. The proposed drainage strategy would improve the drainage on the site and have the potential to assist in reducing the issue of water logging rear gardens of properties in Health Close. This would be a positive contribution and weighs in favour of the application.

Negative Impacts

- 10.9. The application site is positioned beyond the existing built-up limits of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.10. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, it is considered that the proposed development would round off the existing village. As such the development would have limited impact on the wider landscape and would not be seen as an isolated development in the open countryside.

Conclusion

- 10.11. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

- 10.12. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 55 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded or will soon exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District.
- 10.13. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. However, on balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and wider village setting.
- 10.14. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme, and it is recommended that planning permission is granted.

11. RECOMMENDATION

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

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1.**

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 27 units)
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Oxfordshire County Council

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- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

CONDITIONS

Time Limit

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 three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later

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

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 application form and the following plans and documents: Drawing 382_L01, 382_P01,

382_P02, 382_P03, 382_P04, 382_P05, 382_P06, 080633-CUR-XX-XX-D-TP-75006-p03 and 080633-CUR-XX-XX-D-TP-75004-P08 received 04/04/2023.

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

Levels

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

Reason: 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.

Contamination

5. 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 Policy ENV12 of the Cherwell Local Plan 1996 and government guidance within the National Planning Policy Framework.

Drainage

6. Construction shall not begin until/prior to the approval of; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.

- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

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

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Environmental Protection

8. Construction Environmental Management Plan (CEMP) Prior to commencement of any development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction, including deliveries;
 - j) the temporary site compound including temporary structures
 - k) the location and noise levels of any temporary generators or other fixed mechanical plant.
 - l) details of external lighting and proposed operation times.
 - m) contact details for the site manager or other persons associated with the management of operations on the site. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. Prior to the development commencing a report should be provided and

approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details. If alternative means of ventilation are required then an overheating assessment should be carried out.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Natural Environment

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

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Highways

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

Reason - In the interests of highway safety, 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.

13. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction,

drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

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

14. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

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. Prior to commencement of the development hereby approved; a construction traffic management plan shall be 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.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved

by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4, ESD1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained in the National Planning Policy Framework.

Water

17. 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 and Government guidance contained in the National Planning Policy Framework.

Ecology

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. No development shall commence until a CEMP for biodiversity which includes measures to protect retained vegetation, bat roost checks for any removed trees and protect nesting birds is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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.

20. The development shall be constructed in accordance with the details agreed within the Ecological Appraisal Reference edp7101 r001c. The enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

21. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP. This should include how created and retained habitats on site will be managed for people and biodiversity and to achieve the habitat conditions denoted within the BIA and how this fits together with the off site plan. This should include measures within the built environment also. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.

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

22. No development shall commence until a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required and timing is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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

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

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

Sustainability

24. As part of any submission for reserved matters, full details of a renewable

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

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

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

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

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

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

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

Planning obligation	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked)	Trigger points	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<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>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).	To be delegated to officers	<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>

	Details of ongoing management company if no commuted sum		Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	55 x £2,017.03 per dwelling = £110,936.65	To be delegated to officers	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities. Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	A sum based on a contribution of £335.32 per occupier of each Dwelling as follows: • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development • Result multiplied	To be delegated to officers	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities.

	<p>by £335.32 Example at 55 Dwellings 55 x 2.49 = 136.95 136.95 x £335.32 = £45,922.07</p>		<p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
<p>Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.</p>	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows: • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development • The result multiplied by 0.185 (0.185m2 community space required per resident)</p> <p>That result multiplied by £2,482.00 (cost per</p>	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>

	<p>m2 of provision of community space) Example at 55 Dwellings 55 x 2.49 = 136.95 residents $136.95 \times 0.185\text{m}^2 = 25.34\text{m}^2$ $25.43 \times \text{£}2,482.00 = \text{£}62,893.88$</p>		
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will required adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p>	To be delegated to officers	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p>

	<p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>		<p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
<p>Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.</p>	<p>To be provided and managed long term in accordance with the LEMP</p>	<p>To be delegated to officers</p>	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p>Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.</p>
<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p>

			<p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution of £1,133 per dwelling to maintain the operation of the bus service serving Launton	£1,133 per dwelling	To be delegated to officers	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development</p>
Public transport infrastructure contribution of £96,305	£15,347		

			and would be directly benefiting residents of the future development.
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£15,000		<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

<p>Obligation to enter into a S278 agreement to secure:</p> <p>Delivery of an LTN 1/20 compliant pedestrian and cycleway along the south side of Blackthorn Road connecting the site access to Ambrosden and the bellmouth vehicular site access</p>	<p>To be delivered on and off site</p>	<p>To be delegated to officers</p>	<p>Necessary to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p>Directly related. This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
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<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£432,081 towards secondary education capacity and £45,604 towards secondary school land contribution for secondary school places in Bicester to ensure adequate secondary school provision</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
<p>Special School contribution to be spent on expansion of SEN school capacity</p>	<p>£26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

<p>Contribution towards expansion and efficiency of Household Waste Recycling Centres.</p>	<p>£5,168</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision based on build costs.</p>
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22/03869/OUT

Agenda Item 12

**Land To The North Of Wimborn Close And
Mackley Close
Deddington**



1:2,000

22/03869/OUT

Land To The North Of Wimborn Close And Mackley Close Deddington

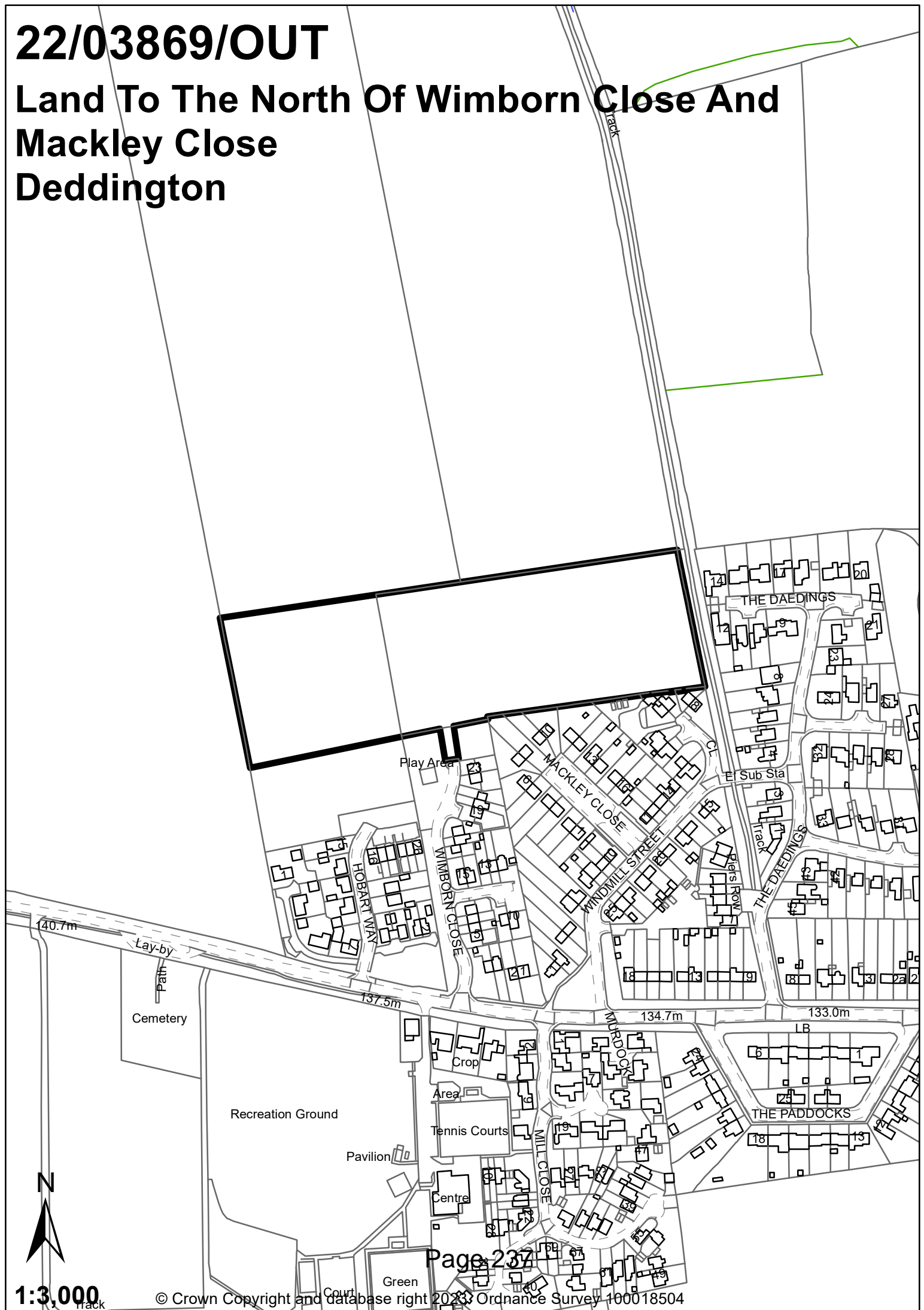


137.5m

134.7m

22/03869/OUT

Land To The North Of Wimborn Close And Mackley Close Deddington



140.7m

Lay-by

Path

Cemetery

Recreation Ground

Play Area

137.5m

Crop Area

Tennis Courts

Pavilion

Centre

Court

Green

MACKLEY CLOSE

HOBART WAY

WIMBORN CLOSE

WINDMILL STREET

MILL CLOSE

MURDOCK CLOSE

El Sub Sta

Track

THE DAEDINGS

134.7m

133.0m

THE PADDOCKS

Case Officer: Katherine Daniels

Applicant: Pembury Webb Ltd

Proposal: Residential development for up to 53 dwellings with All Matters Reserved except for Access

Ward: Deddington

Councillors: Cllr McHugh, Cllr Reeves, Cllr Williams

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 22 June 2023 **Committee Date:** 13 July 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located off Hempton Road in Deddington. The site is proposed to be accessed off Winborn Close, which is a late 1990s estate. To the west of the application site is a new development recently constructed. Part of this site is still being constructed. A public Bridleway is located to the east of the application site. This Bridleway eventually links with Adderbury. This footpath is well used by walkers. The boundary treatment with the application site and the footpath consists of a mature, well-maintained hedgerow.
- 1.2. Residential properties are located to the east of the Bridleway, and other residential properties are located to the south. Some of the northern boundary of the site consists of a mature and well-managed hedgerow. The site is relatively flat, however, the ground slopes slightly downhill from south to north. The ground level falls away significantly from the north of the site. The application site is located on the brow of the hill.
- 1.3. At present the site is being used for the purposes of an arable field.

2. CONSTRAINTS

- 2.1. The application site is within an area of low level natural elevated arsenic area, a radon area. The site is within the best and most versatile land. The site is located within Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal has been amended reducing the number of dwellings from up to 60 to up to 53 dwellings, creation of new vehicular access off Wimborn Close, and

associated works. The application is accompanied by an indicative masterplan, which shows 2 parcels of residential development.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 18/02147/OUT – Outline planning application for up to 21 dwellings comprising 1, 2, 3, and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except for access). Permitted.
- 4.3. 20/02083/OUT – Erection of 14 two-storey dwellings. Permitted.
- 4.4. 20/03660/REM – Reserved matters application to 18/02147/OUT – erection of 21 dwellings (appearance, landscaping, layout and scale). Permitted.
- 4.5. 22/02570/REM – Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details. Permitted.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **10 July 2023**, although comments received after this have been taken into account.

6.2. 5 letters of representation have been received to date. The comments raised by third parties are summarised as follows:

- Speculative development
- Infrastructure cannot cope
- Has been submitted prior to the Neighbourhood Plan being adopted
- Highway Safety
- Loss of Grade 1 agricultural land
- Distance to village centre

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. DEDDINGTON PARISH COUNCIL – **Objection** on the following grounds:

- It is premature
- Total of 95 dwellings in this location, too many
- 30 dwellings per hectare is too many and not in keeping with the surroundings.
- Unbalance Deddington
- Highway Safety
- Impact on green space
- Too far from centre of village
- Impact on the landscape
- Housing requirements for Deddington have already been met

CONSULTEES

- 7.3. OCC HIGHWAYS: **no objections** subject to Section 106 contributions to public transport and public right of way, obligation for a S278 agreement and planning conditions relating to construction management plan, travel information pack and informatives.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No Objections** subject to conditions relating to surface water drainage and SUDS.
- 7.5. OCC EDUCATION: **No Objection** subject to section 106 contribution towards early years and primary schools.
- 7.6. OCC PROPERTY: **No objection** subject to Section 106 contributions to library provision.
- 7.7. OCC ARCHAEOLOGY: **No Objections** subject to conditions
- 7.8. OCC WASTE MANAGEMENT: **No Objections** subject to contribution towards the expansion of household waste recycling centres.
- 7.9. CDC RECREATION AND COMMUNITY: **No objections** subject to contributions towards community hall facilities, outdoor sports provision, indoor sports provision, public art
- 7.10. CDC Landscape: **No Objections** subject to details on landscaping, LAP and LEAP.
- 7.11. CDC Arboriculture: **No Objections** subject to condition for an Arboricultural method statement
- 7.12. CDC Environmental Health: **No Comments** on Odour or Noise. **Comments** on contamination, air quality and lighting. Recommends planning conditions.
- 7.13. CDC Policy: No comments received to date

- 7.14. CDC Housing: No comments received to date
- 7.15. CDC Ecology: No comments received to date
- 7.16. CDC Land Drainage: No Comments or Objections
- 7.17. Environment Agency: No comments received to date
- 7.18. CPRE: No comments received to date
- 7.19. Ramblers Association: No comments received to date

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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2022)

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
- Drainage
- Residential
- Ecology
- Heritage
- Sustainable Construction
- S106

Principle of Development

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

Development Plan

9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable

development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.

- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.8. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was reviewed in the HELAA as site reference HELAA116. The accompanying HELAA report confirmed that this site is unsuitable for development, as it could cause a significant landscape and visual impact.
- 9.11. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Deddington is a Category A village.
- 9.12. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'*. This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'*.

9.13. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:

- i. *'Whether the land has been previously developed land or is of less environmental value';*
- ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
- iii. *'Whether development would contribute in enhancing the built environment';*
- iv. *'Whether best and most versatile agricultural land could be avoided';*
- v. *'Whether significant adverse landscape and visual impacts could be avoided;*
- vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. *'Whether the site is well located to services and facilities';*
- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

National Planning Policy Framework

9.14. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.15. 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.

9.16. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.17. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.18. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.19. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.20. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Housing Land Supply

- 9.21. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.
- 9.22. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

Assessment

- 9.23. The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are

afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.

- 9.24. Policy Villages 1 of the CLP 2015 designates Deddington as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.25. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Deddington village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 9.26. The assessment in the 2018 HELAA is material albeit of limited weight: The purpose the use of a HELAA is to inform assessments of housing land supply and although that is an important evidence source to inform plan making it does not in itself determine whether a site should be allocated for development; it is the role of the HELAA to provide information on the range of sites which are available to meet need but it is for the development plan to determine which of the sites are the most suitable to meet those needs.
- 9.27. Deddington is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Deddington is one of the most served category A villages and has a large number of services and facilities.
- 9.28. Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.29. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,
- “There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”*
- 9.30. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.

- 9.31. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.32. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

Policy Villages 2 Criteria

- 9.33. The applicable criteria of Policy Villages 2 are provided at paragraph 9.13 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.34. In this instance, the site is adjacent to a Category A village, which has a convenience store, 3 pubs, butchers, deli, clothes store, bike shop, primary school, playing fields, nursery etc. The village is also served by an hourly bus service (Oxford to Banbury). The site is considered to be within a sustainable location.
- 9.35. There are benefits of the additional housing, including the provision of affordable housing in the area, and the site would be contained (see later in this report), the green infrastructure proposed on the edge of the application site. Regard is had to the relative size of the development of the conclusions of the 2018 HELAA.

Conclusion

- 9.36. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations, which Deddington is one of the larger more sustainable villages within the district. Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Policy

- 9.37. 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.

- 9.38. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.39. 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.
- 9.40. 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*
- 9.41. With regards to this current proposal, it is confirmed that the density of the development is at 30 dwellings per hectare which in accordance with the requirements of Policy BSC2.

Assessment

- 9.42. This is an outline application, which all matters are reserved, except for access, to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside. This includes Sustainable Urban Drainage features and a pumping station. The indicative road layout also separates the green buffer with the proposed dwellings. In effect, the proposal seeks to have a perimeter road.
- 9.43. The site comes under the Ironstone Hills and Valleys within the Cherwell Landscape Character Assessment. The main distinguishing features of these are extremely complex topography and style of vernacular buildings. The sensitivity of the landscape is considered to be medium sensitivity.
- 9.44. The Landscape Officer agrees with the LVIA, that the impact of the proposed development of the Landscape would be moderate and the impact upon the Landscape Character is minor to moderate. There will be some urbanisation effects as a result of the proposed development, however, this will be seen in context to the existing residential properties to the east. The proposed development would not extend further into the countryside than the existing development to the east and west of the site. In effect, the proposal is 'rounding off' the village in this location.

- 9.45. The application states that the dwellings would be a maximum of two-storey dwellings (up to 11m in height). This is tall for two-storeys – the largest two-storey dwellings are c.9m. However, scale is a reserved matter and not to be assessed here. The Council's landscape officers advise that a Reserved Matters scheme would need to include single-storey dwellings to the north edge of the development to minimise the visual impacts. This would then reduce the receptors from the Public Right of Way. It is agreed that this is a reasonable approach and would be seen as a stepping-up effect when approaching the village from the PRow. A condition can be imposed to ensure building height details are submitted as part of any approval.
- 9.46. The materials of any development would also have to be carefully considered, as the colours of the brick/stone and roofing tiles could blend in within the locality. The duller the materials, the less impact the proposal would have on the wider landscape. This would assist with creating a high-quality scheme, which respects and enhances the site's surroundings.
- 9.47. The 2018 HELAA suggested that the development of this site, would have a negative impact on the wider landscape; however, as mentioned above, this is given limited weight. Since the 2018 HELAA, further development has occurred along the Hempton Road, which has altered the site's context.
- 9.48. Overall, although there would be some change to the overall landscape, the development would be seen in conjunction with the existing developments that have occurred and currently being developed. This reduces any harm caused to the setting of Deddington. The impact on the character and appearance is considered to be acceptable, and the development could result in a high-quality scheme.

HIGHWAYS IMPACT

- 9.49. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.50. In addition, paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 9.51. The proposed access into the site is off Wimborn Close, which is an existing cul-de-sac. The Local Highway Authority has not objected to the proposal, subject to the securing of S106 obligations towards public transport and public rights of way. A carriageway and footway along the full length of the west side of Wimborn Close. Planning conditions are also recommended.
- 9.52. Overall, therefore, it is considered that the proposal would not result in a danger in those using the highway, and the impact is considered to be satisfactory.

9.53. 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 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.*

9.55. 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. 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.

9.57. 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 situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this, and does not have an objection to the scheme provided suitably worded conditions are imposed. For this reason, it is considered that the drainage of the site is acceptable.

RESIDENTIAL AMENITY

9.59. 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.

- 9.60. The application is in outline form at this stage; therefore the consideration of residential amenity is greater at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.61. There would be an increase in vehicular traffic through Winborn Close and is likely to have a negative impact on the living conditions of the residential properties in Winborn Close. However, the additional traffic is no different to any other residential street. The proposed development will not create a rat run within Deddington. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

Ecology Impact

Legislative context

- 9.62. 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.
- 9.63. 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.
- 9.64. 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.
- 9.65. 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.

9.66. 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

9.67. 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.

9.68. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.69. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.70. 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.

9.71. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.72. 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.

9.73. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should

only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.74. The applicants have provided an ecology statement, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.75. The ecology statement carries a number of recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity. Another recommendation relates to Bat Boxes, and 5 bat boxes should be incorporated within the new residential dwellings. Sensitive Lighting is another recommendation so not to cause an adverse impact to bats. Development that may have an impact on a birds nest should avoid the nesting bird season, and a walk about is recommended prior to development works commencing.
- 9.76. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.
- 9.77. The proposal includes a biodiversity net gain of ---%. The applicants will have to use an area to the north for the biodiversity net gain. This area of land is within the ownership of the applicants. In addition, this land slopes downwards away from the village. This will create a green area, which will be used for Biodiversity Net Gain for 30 years.
- 9.78. 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.
- 9.79. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

HERITAGE

- 9.80. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, 'a Local Planning Authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.81. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater

the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.82. The site is not within a Conservation Area nor adjoining a listed building and the proposal is considered not to have significant impacts in these regards.
- 9.83. The County Archaeologist has requested that in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), prior to the determination of any planning application for this site the applicant should be responsible for the implementation of an archaeological field evaluation given the relationship with Deddington Castle which is 860m southeast of the application site.
- 9.84. The applicant has carried out a geophysical survey which shows there are two possible discrete archaeological features within the site. As a result, the County Archaeologist recommends a pre-commencement condition for a staged programme of archaeological matters. Therefore, it is considered that the impact upon archaeology is acceptable provided conditions are imposed.

SUSTAINABLE CONSTRUCTION

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

Development Plan

- 9.86. 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).
- 9.87. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new

development will be expected to take these points into account and address the energy needs of the development.

- 9.88. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.89. The application is at outline stage, therefore it is not clear how the dwellings will be constructed, and how many sustainable features would be used as part of the development of the scheme. Therefore, further consideration would be required at the reserved matters stage. There are no reasons why this application cannot accord with Policy.

S106

- 9.90. 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.
- 9.91. 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.

- 9.92. 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.
- 9.93. 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.
- 9.94. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for up to 53 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.
- 9.95. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 18.55 units which would be rounded up to 19 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.96. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements and health care contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.97. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the 2015 CLP. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.98. It is expected that these matters will be negotiated with the LPA during the course of the planning application process.
- 9.99. Although the draft heads of terms do not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

10. PLANNING BALANCE AND CONCLUSION

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

Positive benefits - Economic

10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.

Social

10.3. The delivery of homes across the district is an important positive material consideration in the planning balance.

10.4. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.5. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

10.6. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

10.7. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.

10.8. Deddington has a number of services, public transport links and employment opportunities, and is one of the larger Category A villages, which should be given positive weight.

Negative impacts

10.9. The application site is positioned beyond the existing built-up limits of the village on the western side and is an area of countryside. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

10.10. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, it is considered that the proposed development would round off the existing village and not extend further out into the open countryside. As such the development would have limited impact on the wider landscape and views of / into the village and would not be seen as an isolated development in the open countryside.

Conclusion

10.11. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.12. The proposal seeks permission for up to 53 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded or will soon exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District, which Deddington is considered to be a sustainable settlement.

10.13. Overall, it is considered that the identified harm to the character and appearance of the locality is outweighed by the benefits of the scheme and it is recommended that planning permission is granted.

11. RECOMMENDATION

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

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) 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 CONTRIBUTIONS AND OBLIGATIONS OUTLINED IN APPENDIX A ATTACHED TO THIS COMMITTEE REPORT.**

Conditions

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

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

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

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

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

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

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

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

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

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

6. Prior to the submission of any reserved matters and prior to the commencement of development 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.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report

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

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

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

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out 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.

10. No development shall commence unless and 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 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;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;

- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

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

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

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

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

14. No development shall take until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a. The parking of vehicles of site operatives and visitors;
 - b. The routing of HGVs to and from the site;
 - c. Storage of plant and materials used in constructing the development;
 - d. Wheel washing facilities/ road sweeping;
 - e. Measures to control the emission of dust and dirt during construction;
 - f. Delivery and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

16. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

17. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

18. No dwelling shall be occupied until details have been submitted to and approved in writing, to demonstrate the dwellings have been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	
Public Transport	£67 980 (RPI-x Dec 21)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way	£18 000 (Baxter 22)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to mitigate against the increase in residential numbers on the right of way network</p> <p>Directly related as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Community Hall facilities	£68 602.48 Final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p>Necessary - contribution towards improvements at windmill Community centre</p> <p>Directly related – For use of future occupiers by the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sport	£121 021.80 Final	Off-site Outdoor Sports Facilities	Necessary - contribution enhancement of the sports

Provision	figure to be agreed	Contribution in the following instalments:- 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	facilities at Windmill Community Centre Directly related – For use by future occupiers of the development Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation
Indoor Sports Provision	£59 096.81 Final figure to be agreed	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	Necessary - off-site indoor sport contribution towards improvements at Windmill Community Centre to allow for the provision of indoor sporting opportunities such as badminton and fitness classes. Directly related – For use by future occupiers of the development Fairly and reasonably related in scale and kind – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access
Public Realm / Public Art	£13 440 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	Necessary - Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development. Directly related – We are seeking public art in the locality of the development. The final location would need

			to be related to the proposed development site. Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.
Primary Education	£391 158 Final Figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	Necessary to provide adequate education provision in Christopher Rawlgs primary school as existing infrastructure is at capacity with planned growth. Directly related. Will provided additional school places for children living at the proposed development Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.
Early Years Education	£75 512 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	Necessary to provide adequate education provision in Deddington as existing infrastructure is at capacity with planned growth. Directly related. Will provide additional school places for children living at the proposed development Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.
Property (Libraries)	£17 433 (BCIS All in TPI 327)	TBC	Necessary to provide adequate library provision in Deddington as existing infrastructure is at capacity with planned growth. Directly related. Will provide additional library facilities in Deddington. Fairly and reasonably related in scale and kind. In

			accordance with the County Councils standards for provision of libraries and is based on floor space.
Waste Management	£5 638 (BCIS All-in TPI 327)	TBC	<p>Necessary The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related. Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
LAP/LEAP to be provided and maintenance towards upkeep	TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – Site based LAP required in accordance with Policy BSC10.</p> <p>Directly related – contribution towards the maintenance of the site-based LAP.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% with tenure to be agreed.	Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>

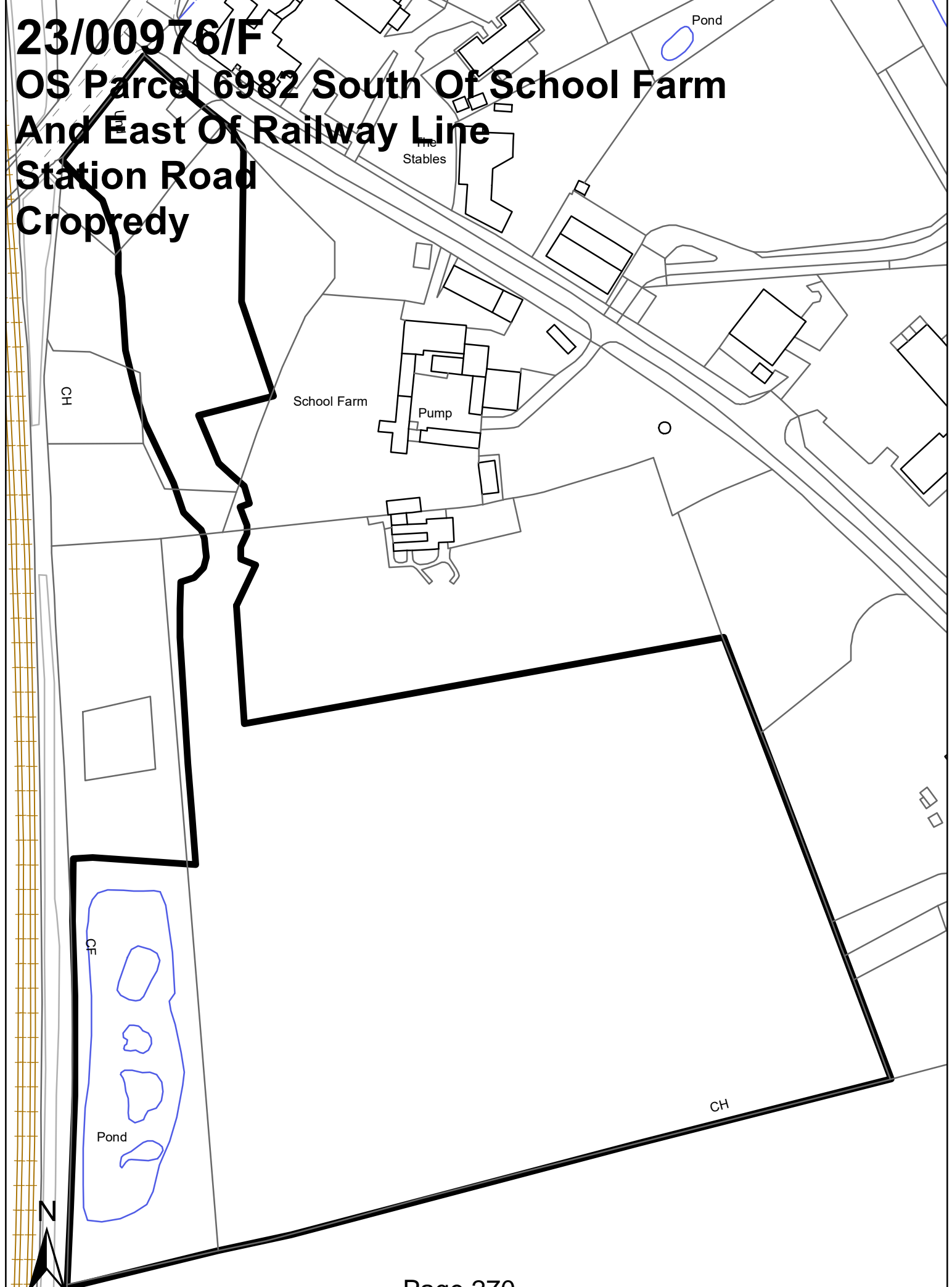
23/00976/F

**OS Parcel 6982 South Of School Farm
And East Of Railway Line
Station Road
Cropredy**



23/00976/F

**OS Parcel 6982 South Of School Farm
And East Of Railway Line
Station Road
Cropredy**



Pond

The Stables

CH

School Farm

Pump

O

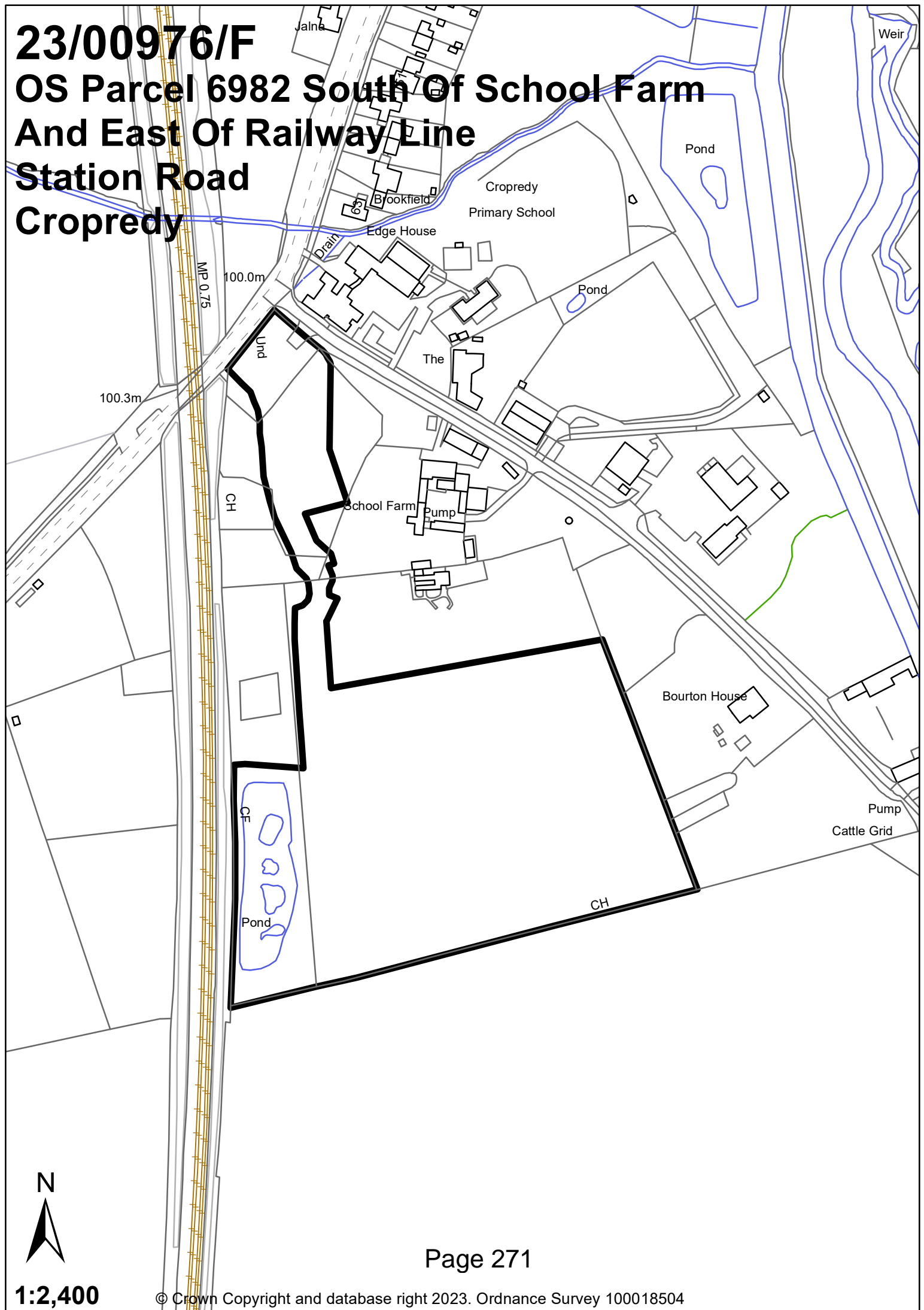
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Pond

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N

23/00976/F OS Parcel 6982 South Of School Farm And East Of Railway Line Station Road Cropredy



1:2,400

Case Officer: Imogen Hopkin

Applicant: Nicholas King Homes

Proposal: Erection of 71 homes including affordable housing, a public car park and all other associated works

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 21th July 2023

Committee Date: 13th July 2023

RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to an area of 3.8 hectares on the southern edge of the village of Cropredy, and is currently used informally as part of the Old Dairy Farm Camping and Caravanning Site to the north. The access to the site is off Station Road, and School Lane is sited to the north-east of the site.
- 1.2. To the east is Bourton House, a Grade II listed building. The Old Dairy Farm is a non-designated heritage asset. The site is not designated within Cropredy Conservation Area, Green Belt or an Area of Outstanding Natural Beauty (AONB).
- 1.3. The northern side of School Lane has sporadic development, and the Oxford Canal along the east going north to south.

2. CONSTRAINTS

- 2.1. The application site is positioned beyond the built-up limits of Cropredy village, and is therefore allocated as an area of open countryside. The site itself relatively flat, although located in a prominent position in the countryside. The south-western part of the site contains an existing pond. The site is categorised within Category 3 of Best and Most Versatile Land. Binding the western boundary is a railway line. Cropredy is a Category A village.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks approval for the erection of 71 homes (including 25 affordable homes), a public car park with 46 spaces, and any associated works. The dwellings will be predominantly 2 storey with a mix of detached, semi-detached and terrace, and would include a 10 unit apartment block over 3 storeys.
- 3.2. Vehicular access would be from station road, and the proposed car park would be sited between the new access and School Lane, with a footpath towards the primary school.

4. RELEVANT PLANNING HISTORY

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

Application: 20/02038/F	Permitted	13 November 2020
Formation of hardstanding and its use as a car park by the school during school hours and by the land owner at other times		

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal. There was a pre-application enquiry submitted on 6th March 2023; however, no fee was paid to validate the pre-application enquiry.

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 **16 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

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

- Site is not included in the local plan
- Cherwell has achieved a 5 year housing supply, and Cropredy is a Category A village in the local plan
- The Housing and Economic Land Availability Assessment (HELAA) 2018 identifies there is sufficient land available for housing without encroaching into rural areas
- Detrimental impact on countryside, and highly visible when viewed from higher ground to west
- Impact on the setting of the Grade II listed building
- Inappropriate in scale to a small village
- Dangerous access and concern for pedestrians
- Road network insufficient for number of cars
- GP surgery would struggle
- Primary school may not cope with increased students
- Flooding along School Lane
- Concerns for local wildlife and endangered species
- Impact on climate change

- Lack of public transport and cycling infrastructure
- Noise and light pollution
- Better affordable houses to be adopted into the scheme
- Query as to how the car park will be maintained
- Detrimental impact on Conservation Area [*Officer note: the site is not located within or adjacent to the Cropredy Conservation Area*]
- Lose its village community, and needs to preserve the tight feel and avoid joining two villages
- Increase of 130 houses, across this application and 23/00977/OUT to the north of Cropredy [*Officer note: each application is assessed on its own merits*]
- Increased traffic along School Lane would further increase potholes

6.3. The letters of support raised by third parties are summarised as follows:

- Benefit of the car park to be used to for the school
- Objectors suggested to have misinterpreted the plans, as the development will reduce traffic off School Lane
- Affordable housing provision is positive
- New play area would benefit children

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. CROPREDY PARISH COUNCIL: **Comment** weighing up advantages and disadvantages of the scheme, and made recommendations that infrastructure and school capacity should be considered.

7.3. THE BOURTONS PARISH COUNCIL: **Objects** due to flooding, sewage disposal, traffic volume, road safety. Design and access, impact on listed building, provision of public car park, availability of public services.

CONSULTEES

7.4. CDC PLANNING POLICY: **Objects** to the principle of development in the location, as it would extend the current built up limits of Cropredy into the open countryside.

7.5. CDC LANDSCAPE: **No objection** subject to conditions and S106.

7.6. CDC RECREATION AND LEISURE: **No objection** subject to S106.

- 7.7. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions relating to a Construction Environment Management Plan (CEMP), noise, contaminated land, air quality and light.
- 7.8. CDC LAND DRAINAGE: **No objection** subject to conditions.
- 7.9. CDC ARBORICULTURE: **No objection** subject to conditions.
- 7.10. CDC BUILDING CONTROL: A Building Regulations application will be required.
- 7.11. CDC STRATEGIC HOUSING: **No objection** subject to S106 and amended affordable housing provision and location.
- 7.12. CDC ECOLOGY: **No objection** subject to conditions.
- 7.13. OCC HIGHWAYS: **Object** to the application, as it is an unsustainable location, and further information is required for highway design. S106 contributions outlined in response.
- 7.14. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.15. OCC EDUCATION: **No objection** subject to S106.
- 7.16. OCC WASTE MANAGEMENT: **No objection** subject to S106.
- 7.17. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.18. THAMES VALLEY POLICE DESIGN ADVISOR: **Object** to the principle of the car park and the design principles within the overall scheme.
- 7.19. THAMES WATER: **No objection** subject to conditions.
- 7.20. NHS CLINICAL COMMISSIONING GROUP: **No objection** subject to S106.

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
- 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
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD (2018)
- Cherwell Developer Contributions SPD (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

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

Principle of Development

- 9.2. 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. Also, of a material consideration is the guidance provided in the National Planning Policy Framework ('NPPF') which sets out the Government's planning policy for England and how this should be applied.

Development Plan

- 9.3. 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.
- 9.4. 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.
- 9.5. 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.*
- 9.6. 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.*
- 9.7. 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. Cropredy is allocated as a Category A village.
- 9.8. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. 'Whether the land has been previously developed land or is of less environmental value';
 - ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';
 - iii. 'Whether development would contribute in enhancing the built environment';
 - iv. 'Whether best and most versatile agricultural land could be avoided';
 - v. 'Whether significant adverse landscape impacts could be avoided';
 - vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';
 - vii. 'Whether the site is well located to services and facilities';

- viii. 'Whether necessary infrastructure could be provided';
- ix. 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';
- x. 'Whether land the subject of an application for planning permission could be delivered within the next five years';
- xi. 'Whether development would have an adverse impact on flood risk'.

9.9. Saved Policy H18 of the CLP 1996 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 Villages 3 (Rural Exception Site).

National Planning Policy

- 9.10. 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.
- 9.11. 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)*. Paragraph 11 defines the presumption in favour of sustainable development for decisions making as *c) approving development proposals that accord with up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.12. Paragraph 12 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 (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.13. 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.

9.14. Paragraph 74 highlights the need for Local Planning Authorities ('LPAs') to *identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period).* Paragraph 75 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

9.15. The Council's latest assessment of housing land availability is its Housing and Economic Land Availability Assessment (HELAA) published in 2018. This is a technical document rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not reviewed in the HELAA.

Housing Land Supply

9.16. In February 2023, Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.

9.17. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

Assessment

9.18. The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.

9.19. Policy Villages 1 of the CLP 2015 designates Cropredy as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute

infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.

- 9.20. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Cropredy village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised.
- 9.21. Cropredy is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet commenced.
- 9.22. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

- 9.23. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.
- 9.24. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.25. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

Policy Villages 2 Criteria

- 9.26. The applicable criteria of Policy Villages 2 are provided at paragraph 9.8 above. The land has not previously been developed. The site is not within a designated landscape and is predicted to be category 3 best and most versatile land, which would have a 20% chance of being best or most versatile land.
- 9.27. In this instance, the site is adjacent to a Category A village, which has a primary school, two public houses, a GP practice, shop, café and a post office, all within around 15 minute walk from the site. Cropredy has a limited and irregular bus service from within the village connecting to Banbury. The nearest bus stop for a regular bus into Banbury is at Williamscoth Turn, a 2 mile walk from the site. This is a different situation than applied at the time of the adoption of the CLP 2015 and weighs against

the proposals, as it did for the Planning Inspector at the time of the 2017 appeal for 37 dwellings.

- 9.28. The built-up limits of villages are not defined within Policies Villages 1 or Villages 2, and therefore it is a matter of professional judgement. Cropredy is a visually contained village, and the application site is physically detached from the village core. While Cropredy C of E Primary School is sited on the northern side of School Lane, and facing Station Road, this could feasibly be considered the most southern point of the built-up limits village, as development to the south-east of this is sporadic and rural in character. Therefore, the application site is considered to be outside of the built-up limits of the village. The proposal results in an urbanising character of the open countryside, due to the position of the site outside of the built-up limits of Cropredy.
- 9.29. There are benefits of the additional housing including the provision of affordable housing in the area. However, the site is positioned in a highly visible position within the open countryside, which can be viewed from Great Bourton, and is not positioned within the built-up limits of the village. The position of the site, along with the detailed design discussed below, would fail to enhance the built environment. The acceptability of the scheme in line with Policy Villages 2 will be considered within the rest of the report.

Conclusion

- 9.30. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance, and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

Design, and impact on the character of the area

Policy

- 9.31. 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.
- 9.32. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

- 9.33. 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. 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
- 9.35. With regards to this current proposal, it is confirmed that the density of the development is at 22 dwellings per hectare (excluding the pond and public car park) which is lower than the 30 dwellings per hectare requirement of Policy BSC2. The density is considered to be out of character with the density of Cropredy village.

Assessment

- 9.36. As noted above, the proposed development would be sited to the southern end of the village and would appear separated/detached from it, having an urbanising effect on its surroundings, and would have a detrimental impact on the character and appearance of the area.
- 9.37. The western boundary of the site has a continuous frontage, which includes a three storey apartment block, which would appear unduly obvious from surrounding vantage points towards the site.
- 9.38. The plan depth of many of the dwellings is overly large, resulting in overly bulky of development. The position and design of the dwellings that would be in visually prominent or nodal positions, such as Plots 25 and 36, do not result in the best level of design for the views within the site.
- 9.39. Part of the development does not include footpaths to the edge of carriageways, for example, the route from Plot 25 to Plot 6 does not benefit from a footpath, and therefore the layout is lacking in connectivity. It is noted elements of the site have a shared surface but the lack of footpaths as noted above is considered to result in poor design to the detriment of the development and its potential future occupiers.
- 9.40. Cherwell's Residential Design Guide SPD highlights that affordable housing should be indistinguishable from market sale homes. The affordable housing position and type is supported by the Developer Contributions SPD, as paragraph 4.18 states "*affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures*".
- 9.41. The proposed dwellings include small gables to the frontage, along with projecting gables, neither of which is typical of Cherwell or supported by the Cherwell Residential Design Guide. In addition, the properties with a full gable, such as Plot 18, appear top heavy. The roof form for some house types includes a cropped gable roof on one side,

such as for Plot 36, which results in a contrived appearance that would not be acceptable. Not all of the dwellings have a chimney, which is an important feature that punctuates the skyline, and should be adopted to all dwellings, in line with the Residential Design Guide SPD.

- 9.42. The proposed apartment building is overly large at three storeys high and in a prominent position within the site, exacerbating the urbanising effect of the proposal. It is not considered appropriate for an edge of village location. The mixed materials of the building appear contrived, as the west elevation is a mix of brick and stone, and the north elevation is brick. While the proposal has wrapped the corner plot, it has not done this in a sensitive way, as the corner point is 1m from the edge of the pavement. This should be better designed to soften the impact on the corner plot, and should be the same material, unless there is a sensitively positioned feature. The roof of the building includes a hipped roof, a half hipped roof, a gable end, with gablets and dormers along the roof. A high level of design could be achieved, and this could be a flagship building which provides a good anchor into the site; however, the current design fails to integrate well and results in an overly bulky and incongruous addition.
- 9.43. The canopy details on Plots 28 to 30 are overly large, as they are over the door and window, and positioned slightly off centre considering the window above.
- 9.44. The proposed garages have an eaves height of 2.6m and ridge height of 6.6m. This results in a top heavy and overly bulky appearance, as the ridge is above the eaves of the main properties, and does not appear sufficiently subservient to the host properties. Further, some of the garages have a dormer window above, which emphasises their scale. In the case of plot 2-5 a traditionally designed two storey element should replace these inset garages.
- 9.45. The position of the LEAP and LAP should be centralised in the site, as it is presently at the southern-most point of the site, and would therefore not be as beneficial to northern residents of the scheme. If it was centralised, there would be a positive contribution of views within the scheme to help provide meaningful green spaces that would be well used and would have a good level of natural surveillance.
- 9.46. The pepper potting of materials in this scheme results in a visually incoherent development that would result in a poor design of development and which is not supported by the Cherwell Residential Design Guide.
- 9.47. The proposed landscape buffer to the east is between 4m and 10m wide, and is positioned behind the eastern dwellings, enabling access to the rear boundaries of these dwellings. This form of design has been highlighted as a safety concern by the Thames Valley Police Design Advisor. They have highlighted the space may result in unauthorised entry, and does not follow secured by design principles. As such, this element needs to be re-designed.
- 9.48. The enclosures map includes some brick boundaries to highly visible enclosures, such as corner plots, and otherwise proposes fences between plots, and in less visible areas. Elevation drawings have not been provided, but there should be an increased level of brick walls to have a better design within the site.
- 9.49. No response has been received from the Conservation Officer with respect to the setting of the Grade II listed building to the east of the site.
- 9.50. The proposed car park at the north of the site proposes a large level of hardstanding to an otherwise green area, although it is noted that the principle of a car park has already been accepted through a previous planning approval. The design does show trees within this element, which would provide a good level of soft landscaping to

mitigate the impact of the hardstanding. As such, this element is supported subject to further details which would be secured by a condition in the event of an approval.

Conclusion

- 9.51. Overall, for the reasons set out above, the proposal amounts to an inappropriate form of development that would not be in keeping with the form and pattern of development in the area. The proposal would significantly alter the character of the site and detrimentally impact the visual amenity of the surrounding area and would not be well integrated with the existing village. The layout and detailed design of the scheme is poor and would result in an incoherent and incongruous development, which should not be supported. The proposal would, therefore, be contrary to saved Policies H18, C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015, Cherwell's Residential Design Guide 2018 and Government guidance contained within the NPPF.

Residential Amenity

Policy

- 9.52. 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, *'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.'*
- 9.53. Cherwell's Residential Design Guide SPD highlights numerical standards that should be incorporated to secure an appropriate level of amenity, including a minimum distance of 22m between back to back properties, a minimum of 14m from rear elevation to a two storey side gable. Furthermore, amenity space should be usable, so building heights, orientation and light must be considered to prevent overshadowing.
- 9.54. The Government has Technical Housing Standards – Nationally Described Space Standards sets out, amongst other things, the minimum floorspace for new dwellings. The Council have not adopted this document, although it provides a useful starting point for assessment of what amounts to a reasonably sized dwelling.

Assessment

- 9.55. The proposals would not adversely affect the amenities of any existing neighbouring properties. Unfortunately, however, there are a number of issues with the proposal in residential amenity terms:
- 9.56. The distance of the rear wall at Plot 38 to the two storey side gable of Plot 45 is 11.5m. The rear walls of Plots 53 and 54 are sited between 11.7m and 13m from the two storey side gable of Plot 56. In each case this is short of the 14m sought under the Council's supplementary planning guidance. In addition, the rear garden of Plot 6 would be overlooked by Plot 4, the rear garden of Plot 17 would be overlooked by Plots 2 and 3, the rear garden of Plot 20 would be overlooked by Plots 21-22, Plot 56 would be overlooked by Plots 52 and 53, and Plots 39 and 45 are an undesirable spatial relationship.
- 9.57. The position of Plot 16 would result in insufficient receipt of light to the front habitable room windows of Plot 21 – Plot 16 is only 0.8m from plot 21, to its south and 8.5m forward of Plot 21, therefore resulting in an unacceptable level of overshadowing to the ground floor kitchen and first floor bedroom windows.

- 9.58. The proposed garages have a maximum height of 6.6m. Plot 46 is bound to the south and west by garages serving Plots 44 and 45. This would therefore enclose the private rear amenity space and would result in a high level of overshadowing, due to the orientation and heights of the garages. This is also an issue in the case of the garages to Plots 1, 31 and 50.
- 9.59. There is no outdoor, private residential amenity area provided for the 10 apartments proposed - they would only be served by a parking area. Cherwell's Residential Design Guide SPD states that flats should be served by balconies, roof gardens or shared gardens. As this is a new scheme, there appears to be no valid reason why these elements could not have been incorporated into the proposals to provide an adequate level of residential amenity.
- 9.60. The sizing of the affordable housing is short of the Nationally Described Space Standards for 2-bed, 4-person and 3-bed, 5 person houses. All dwellings would need to be compliant with the Nationally Described Space Standards to secure an acceptable level of amenity for future occupiers of the properties.

Conclusion

- 9.61. For the reasons above, the proposal fails to secure an acceptable level of residential amenity for the properties proposed, by virtue of the plot positions, resulting in an insufficient outlook or loss of light, garage height and positions, and not being compliant with the Nationally Described Space Standards. As such, this is contrary to local and national policy and would amount to a reason to refuse the application.

Highway Safety

Policy

- 9.62. 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;*
 - c) *the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.63. In addition, paragraph 111 highlights that development “*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 9.64. Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive.
- 9.65. The Local Highway Authority has assessed the proposals and advises of many design elements of the scheme that present concerns: There is insufficient detail showing the carriageway and footway widths, so the application fails to demonstrate it has provision for pedestrians and cyclists. A Stage 1 Road Safety Audit is required in advance of any permission being granted, but there was not one submitted at the

application stage. Refuse vehicle tracking has not been provided for the site entrance, so it is unclear if it would be able to accommodate waste collection. The LHA also has concerns about the intervisibility between the site access and existing School Lane access.

- 9.66. The LHA also notes Cropredy is not a sustainable location, due to the lack of bus provision and sustainable methods of transport. This reflects Officers' concern is set out earlier in this report.

Conclusion

- 9.67. The information outlined by the Local Highway Authority is required in advance of making a decision, to ensure appropriate and safe highway network. In the absence of this information, the application fails to demonstrate it is able to ensure an appropriate provision for pedestrians, nor provides any alternative methods of travel over the private car, thus compounding the unsustainable location outside of the built up limits of the village. The unsustainability and failure to demonstrate that the proposal would not have an adverse effect on the highway, by way of adequate connectivity within the site for pedestrians, a road safety audit, refuse vehicle tracking and intervisibility of both accesses, and is therefore contrary to the aims within the NPPF.

Ecology Impact

Legislative context

- 9.68. 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.
- 9.69. 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.
- 9.70. 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.
- 9.71. 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.

9.72. 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

9.73. 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.

9.74. Paragraph 175 states that when determining planning applications, local planning authorities ('LPAs') should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.75. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.76. 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.

9.77. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.78. 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.

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

Assessment

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

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

It also states that LPAs can also ask for:

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

9.81. The application is supported by an ecological appraisal, which is considered satisfactory in scope and depth by the Ecology Officer. They advise there are no protected habitats on site, but several ponds and protected/priority species, such as reptiles and amphibians.

9.82. A Biodiversity Impact Assessment and metric have been carried out, which demonstrates a 15% gain in net habitat units is possible on site, and a 44% gain in hedgerow units, which is considered an acceptable level of biodiversity net gain under current policy and guidance.

9.83. The Ecology Officer highlights the proposed on site enhancements, such as bat and bird boxes, fall short of what is acceptable in line with 'Biodiversity in the Built Environment' guidance. This could be addressed by a condition, along with conditions relating to a Construction and Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a reptile mitigation strategy and an amphibian avoidance and mitigation strategy.

Conclusion

9.84. The level of biodiversity net gain is acceptable, and the development would require conditions to ensure there would be no ecological impact. There is no objection to the application from the Ecology Officer, subject to conditions for an approval, and therefore the application would be acceptable in relation to Policy ESD10 of the CLP 2015.

Sustainability

9.85. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas

which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 151 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.86. 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).
- 9.87. Policy ESD3 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”*.
- 9.88. Policy ESD5 outlines the need for renewable and low carbon energy provision where possible. It states *“the potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications”*. The policy further goes on to outline that a feasibility assessment for significant on site renewable energy provision is required for residential developments in off-gas areas for 50 dwellings or more. The site is in an off-gas area, and therefore required to comply with this policy.

Assessment

- 9.89. There has been no sustainability information or feasibility assessment submitted as part of the application. Therefore, there is no indication of any sustainable construction practices, nor any evidence of renewable energy to facilitate the development to satisfy Policies ESD3 and ESD5 of the CLP 2015.

Conclusion

- 9.90. The proposal fails to secure sustainable construction or renewable energy methods, therefore does not cover the issue of mitigating and adapting to climate change. As such, the proposal is contrary to Policies ESD1, ESD3 and ESD5 of the CLP 2015, and should be refused for this reason.

S106

- 9.91. 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.”*
- 9.92. Policy INF1 of the CLP 2015 relates to 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.”*
- 9.93. Policy BSC3 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.”*
- 9.94. 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.
- 9.95. 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 71 residential units on the site which is defined as a major development. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.96. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would be 25 units for a total development of 71 dwellings, with a tenure split of 70% rented and 30% intermediate including First Homes provision. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes. The applicant has confirmed that the development would provide the necessary element of affordable housing as required under this Policy, and the submitted plans show 25 units.

9.97. The application includes draft heads of terms of an agreement, Appendix 1, which includes the following:

- Affordable housing;
- Offside sport (indoor and outdoor) and recreation contributions;
- Community hall contributions;
- Education contributions;
- Household waste and recycling contributions;
- Public art;
- Health;
- Highways.

It is expected that these matters will be negotiated during the course of the planning application process.

9.98. The draft heads of terms do not cover all of the areas where a contribution would be required. There has been no confirmation as to whether a Section 106 agreement would be entered into by the applicant if approval were to be given. As such, in the absence of a commitment to enter into a Section 106 legal agreement, the application is contrary to Policy INF1 of the CLP 2015, the Developer Contributions SPD 2018 and the NPPF.

10. PLANNING BALANCE AND CONCLUSION

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

Positive Impacts – Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area.

Positive Impacts – Social

10.3. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be at the level expected by policy. The provision of this would also be of community benefit to existing residents.

10.5. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive Impacts – Environmental

10.6. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.

Negative Impacts

10.7. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.

10.8. In addition, Cropredy has limited employment opportunities and very limited public transport links. Future residents of the development would have no choice but to use their own private cars to access many services. Reliance on the private car does not presently assist in reducing carbon emissions nor help achieve sustainable transport objectives. The site's relatively poor sustainability credentials weigh against the proposals.

10.9. The application site is positioned beyond the existing built-up limits of the village on the south side and is an area of countryside. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

10.10. The proposal fails to provide environmental benefits, such as renewable energy provision or any meaningful climate change mitigation.

Conclusion

10.11. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.12. The site is unallocated within the adopted CLP 2015. The proposal seeks permission for 71 houses outside the built-up limits of a Category A village. While there would be a benefit for the overall housing land supply, the benefits are outweighed by the significant harm identified.

10.13. In terms of planning obligations, the heads of terms for a section 106 has been briefly drafted, although not discussed by either parties. A reason for refusal relating to the lack of a completed Section 106 agreement is therefore also recommended.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Its

development would therefore have an adverse effect on the character and appearance of the open countryside. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies H18, C28, C30 and C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

2. The design of the new dwellings is not considered to represent good quality vernacular or contemporary design and responds poorly to the rural site context. The detailed design of the dwellings, including the lack of chimneys, use of half-hipped roofs, gables, dormers, garage heights, pepper potting of materials, lack of connectivity within the site, results in an overall poor quality design that is harmful to the character and appearance of the area. This is contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide 2018 and guidance in the National Planning Policy Framework, particularly paragraphs 126 and 130.
3. The proposal fails to secure an acceptable level of residential amenity for the properties proposed, by virtue of the plot positions, resulting in an insufficient outlook or loss of light, garage height and positions, and not being compliant with the Nationally Described Space Standards. The proposal would therefore fails to secure an acceptable level of residential amenity of the future occupiers of scheme, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide 2018 and Government guidance contained within the National Planning Policy Framework.
4. There is insufficient information provided to demonstrate that the proposal would not have an adverse effect on highway safety. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
5. The proposal fails to secure sustainable construction or renewable energy methods, therefore does not cover the issue of mitigating and adapting to climate change. As such, the proposal is contrary to Policies ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031, and should be refused for this reason.
6. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	Regulation 122 Assessment
Health	£63,900.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary - Insufficient Consulting rooms in local GP's to cope with increased population growth as a direct result of the increase in dwellings.</p> <p>Directly related – For 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>
Community hall facilities	£81,186.22	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards improvements / enhancements at Cropredy Village Hall or Cropredy Sports and Social Club.</p> <p>Directly related – For use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sports Provision	£143,209.13	Prior to the first occupation of any dwelling on site.	<p>Necessary – contribution towards enhancing provision at Cropredy Tennis, Football, Cricket and Canoe Clubs.</p>

			<p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation.</p>
Indoor Sports Provision	£59,281.22	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards an off-site indoor sport contribution towards additional equipment to increase the provision of short mat bowls in Cropredy.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p>
Public Art	£15,904.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied	Necessary – Public realm and public art can play an important role in enhancing the character of an area,

		until the Practical Completion Certificate has been issued.	<p>enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p>
Primary Education	£509,706.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide adequate education provision in Cropredy primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

Secondary Education		£565,029.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide adequate education provision at secondary schools within the Banbury catchment area as existing infrastructure is at capacity with planned growth.</p> <p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Secondary Contribution	Land	£56,661.00 index lined RPIX from November 2020	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide a contribution to the cost of the planned secondary school proposed within Banbury 12 Policy area.</p> <p>Directly related – The proposed development will generate additional secondary school pupils and as a new school is required, a land contribution is requested to facilitate this. As such, the contribution sought is directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special Education		£35,896.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to provide adequate education provision for SEND students at relevant schools.</p>

			<p>Directly related – Will provide additional school places for children living at the proposed development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Waste Management	£6,671.00	TBC	<p>Necessary – The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related – Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of waste management.</p>
Affordable Housing	35% with a tenure split of 70% rented and 30% intermediate, including 25% First	Not occupy or cause of permit the occupation of more than FIFTY PERCENT(50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider.	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan.</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing.</p>

	Homes provision.		Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.
Highway Works	£160,000.00	To be delegated to officers.	<p>Necessary – to provide safe and suitable access to the site and highway network, to ensure the development does not result in an unacceptable impact on highway safety.</p> <p>Directly related – This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development</p>
Public Transport Services	£80,443.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related – as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Transport Infrastructure	£1,502.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued.	Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.

			<p>Directly related – as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
LAP/LEAP	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 future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
CDC and OCC Section 106 Monitoring Fee	CDC: TBC OCC: TBC	On completion of the S106	<p>The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable.</p> <p>OCC to advise on their monitoring costs.</p>

22/01564/OUT

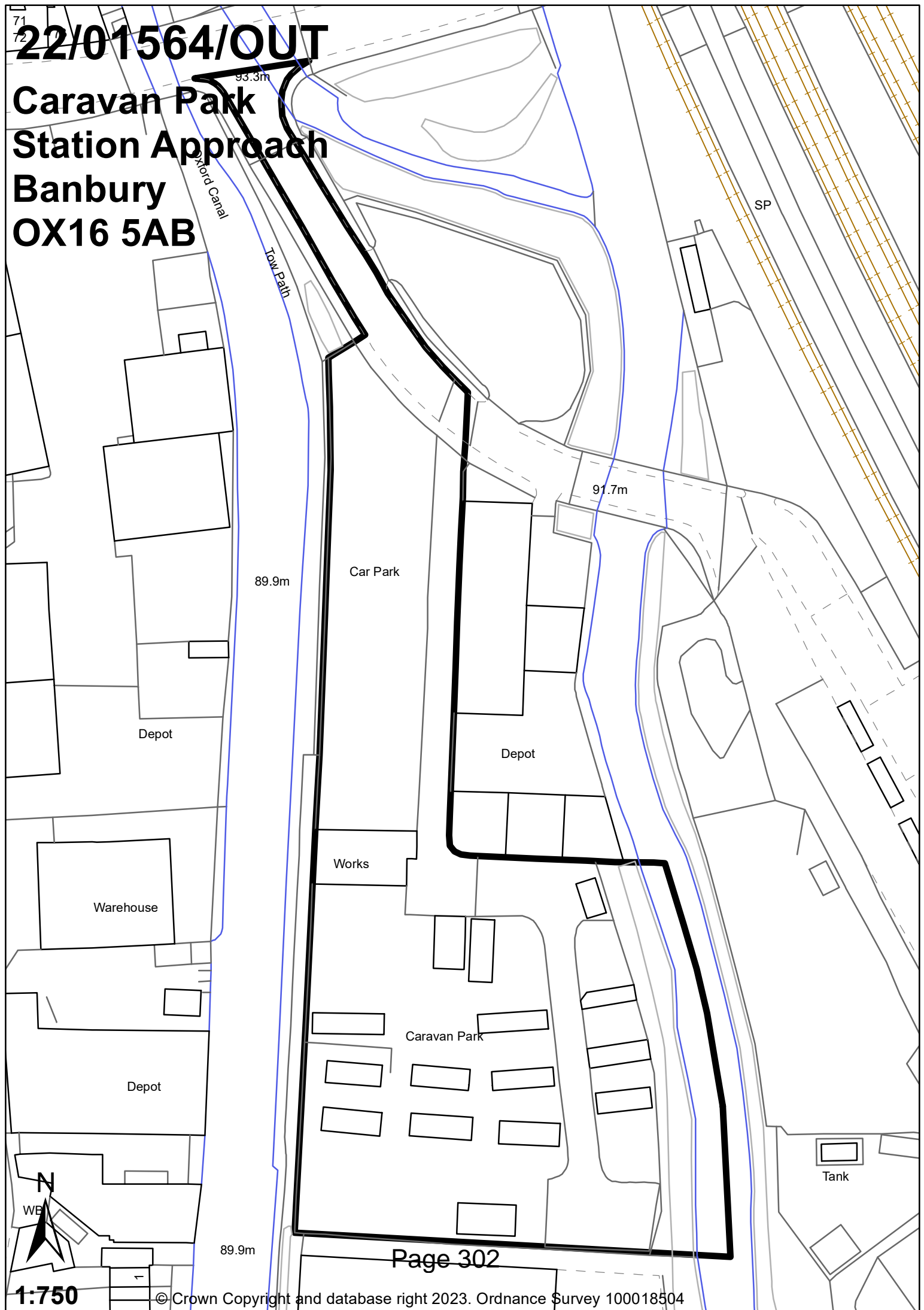
**Caravan Park
Station Approach
Banbury
OX16 5AB**



1:900

22/01564/OUT

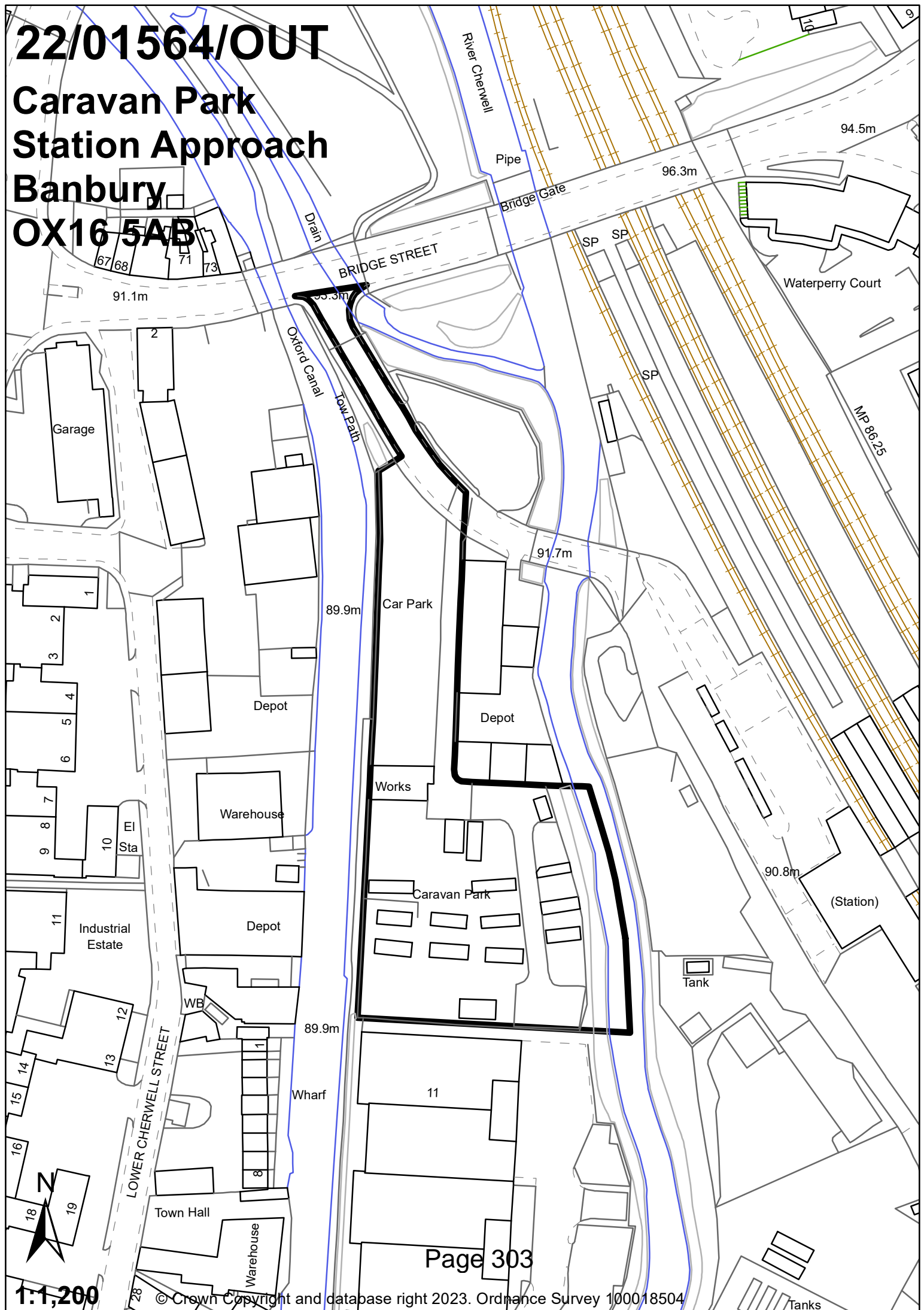
**Caravan Park
Station Approach
Banbury
OX16 5AB**



1:750

22/01564/OUT

Caravan Park Station Approach Banbury OX16 5AB



Case Officer: Chris Wentworth

Applicant: Mr Patrick Rooney

Proposal: Development of car park and caravan park to comprise up to 63 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures (resubmission of 18/00293/OUT)

Ward: Banbury Grimsbury and Hightown

Councillors: Cllr Andrew Beere, Cllr Rebecca Biegel, Cllr Sean Woodcock

Reason for Referral: Major Development

Expiry Date: 24 August 2022

Committee Date: 13 July 2023

SUMMARY RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING & DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. 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 NECESSARY MITIGATION (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a 0.56-hectare parcel of land situated between the Oxford Canal and River Cherwell in the centre of Banbury. The site is within the area covered by Policy Banbury 1: Banbury Canalside.
- 1.2. It is accessed off Station Approach via a roadway that leads between a Chiltern Rail car park and a disused warehouse building. The site is currently in use as a residential caravan park with 18 pitches and a car park. The site also includes a building used as a religious meeting room.
- 1.3. The site is bounded to the west by the Oxford Canal towpath from which it is separated by a 1.8-metre-high fence alongside the current caravan site and by a wall and fence alongside the car park. The towpath is about 1.5 - 2.0 metres below the existing application site level. On the opposite side of the canal are various commercial buildings and uses in Lower Cherwell Street.
- 1.4. To the south are modern warehouse/industrial units in Haslemere Way, which is accessed off Tramway Road. To the east, the existing caravan site is bounded by the River Cherwell, which has extensive tree/shrub growth on both sides of the river.

Further to the east is an area of hardstanding which previously housed a fuel storage yard with above ground tanks. Beyond this is Banbury train station forecourt. To the east of the car park section of the application site lie disused brick buildings (although the surrounding yard areas are used for public car parking). To the north of the site is the road (Station Approach) that leads to the station and provides access to the site.

2. CONSTRAINTS

2.1. The following constraints apply to the site:

- The eastern edge of the site lies in Flood Zone 3;
- Minor groundwater aquifer vulnerability;
- In area of potentially contaminated land;
- Class 1 radon area (0-1% chance of homes being at or above the action level);
- Site lies within Banbury 1 development Allocation area:
- Oxford Canal Conservation Area lies adjacent the western edge of the site;
- Public Right of Way runs along towpath parallel to western edge of the site;
- Bridge 40 metres to north of site is grade II listed.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. This application is in outline with all matters reserved, except for access. The application proposes 63no. residential apartments with access taken from Station Approach to the north. The application is accompanied by an illustrative site layout plan indicating that the flats would be accommodated in three buildings, each three stories high, two fronting towards the canal and one fronting the river. 63no. parking spaces are indicated. Affordable housing is proposed in accordance with Council policy.

3.2. The submitted indicative drawings show the ability to provide an east-west through-route for pedestrians/cycles across the central part of the site, with allowances made for bridges across the river and canal. The application does not include the provision of either of these bridges or routes to them from the station forecourt and Lower Cherwell Street; they would need to cross third party land to do so.

4. RELEVANT PLANNING HISTORY

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

18/00293/OUT – Outline application for the development of a car park and caravan park on land west of Banbury Railway Station to comprise up to 63 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures – PERMITTED.

18/00020/SO – Screening Opinion associated with an outline application for the development of a car park and caravan park on land to the west of Banbury Railway Station to comprise up to 63 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures – EIA NOT REQUIRED.

17/01233/OUT – Outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures – APPEAL DISMISSED.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect to this proposal, which replicates what was previously approved under application 18/00293/OUT.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in a local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 January 2023**, although comments received after this date and before finalising this report would have also been taken into account.

- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

- 7.2. BANBURY TOWN COUNCIL: **Comment** - Banbury Town Council raise no objections to the principle of the application proposed but want to be assured that as much affordable housing as is viable should be provided on site (or as a contribution off site). With regards to the sketch proposals, they have concerns about the suggested density and layout of the southern end of the site. They would also require financial contributions towards enhancement of cemetery facilities.

- 7.3. CDC BUILDING CONTROL: **Comment** – The proposals will require a Full Building Regulations Application. I would advise that plans are sent to OFRS for comment on access and facilities for fire fighting vehicles.

- 7.4. CDC ARBORICULTURE: **Comment** – Trees proposed for removal do not appear to be significant specimens, with the AIA identifying trees onsite in a poor condition, as such I have no objection providing, they are appropriately mitigated with replanting within the site. This, and the illustrative trees drawn on the site plan will need detailing through a landscaping plan, a schedule detailing sizes and numbers of all proposed trees/plants, Sufficient specification to ensure successful establishment and survival of new planting, including tree pit detail, use of guards or other protective measures.

- 7.5. CDC ENVIRONMENTAL PROTECTION: **Comments** as follows:

Noise – CEMP will be required along with a noise report to show that all habitable rooms will achieve compliance with noise level threshold specified in BS8233:2014.

Contaminated Land – Full phased land contamination conditions will be required.

Air quality – EV charging required. Air quality impact assessment required by condition.

Odour – Odour should be assessed given the nearby industrial and commercial units.

Light – Lighting details should be secured by condition.

Officer Note: Officers have confirmed that the above matters can all be handled by planning condition.

7.6. THAMES WATER: **Comments**

The site is affected by wayleaves and easements and the applicant should undertake appropriate searches to confirm this.

Thames Water has been unable to determine the foul water infrastructure needs of this application and therefore a condition relating to foul water is recommended.

The application indicates that surface water will not be discharged to the public network and therefore Thames Water has no objection; however, approval should be sought from the Lead Local Flood Authority. Thames Water recommend that the developer follows the sequential approach to the disposal of surface water.

The existing water supply network infrastructure is unable to accommodate the needs of the development, therefore a condition relating to water supply upgrades is recommended.

There are water mains crossing or close to the development and Thames Water do not permit the building over or construction within 3m of water mains.

7.7. CDC CONSERVATION: **Comments**

Significance: The boundary of the conservation area around the canal that runs through the centre of Banbury runs along the edge of the site taking in the towpath and canal.

The significance of the site is its abutting the conservation area boundary. Presently, it has a negative impact on the heritage setting of the conservation area as it is overgrown and not in use.

Opposite the site is a building which has been highlighted as a non-designated heritage asset, which was formally a wharf building. There is a listed building diagonally across the canal, which is another former warehouse. Both are constructed in brick, one with hipped roof side elevations onto the canal and the other is gable-end onto the canal.

Appraisal: The proposals to create parking, access and apartments on this former caravan site is welcomed from the built heritage perspective.

The correct design and materials will be of great significance to the conservation area. The proposals put forward some concept designs which have insufficient design to consider the impact on the conservation area.

However, the height of the blocks facing onto the canal frontage need to vary as the wharf buildings opposite are only two storeys tall. It is recognised that the recently constructed terrace, on the former Town Hall Wharf are two storeys with attics and therefore opposite some three storey, two-storey with attics and two storey elements would be appropriate leading to varied mixed frontage onto the canal. The apartment blocks need to be more broken up to reflect the wharf buildings opposite being gable end onto the canal and some front facing to the canal.

The materials will need to reflect those found with the opposite original canal buildings, i.e., brick, slate and stone detailing. There is a small amount of timber weather boarding which could be used to break up the solid brick walling. The use of the original type of materials used in the construction of the canal could be used in an imitative way to reflect the fact that the buildings are modern.

The information submitted is insufficient to determine how the site's development will impact on the significance of the designated and non-designated heritage asset bounding and opposite the site. However, the right development will be a significant assistance in the regeneration of the area and would likely improve the setting of the conservation area.

Level of Harm: Less than substantial.

Public Benefit: Yes.

Comments: The development abutting the canal conservation area will have a potentially significant public benefit to the area. However, the materials, layout, scale/massing and architectural detailing will be of utmost importance so that it is an enhancement to the adjacent conservation area and other designated and non-designated heritage assets close by.

Officer Note: Officers have confirmed with the Conservation Officer that the response above can be taken as 'comments' and not as an objection as originally submitted.

7.8. CANAL AND RIVER TRUST: **Comments**

Key issues relating to:

- a) Impact on the heritage, character and appearance of the waterway corridor;
- b) Footbridge;
- c) Increased use of the towpath;
- d) Impact on the structural integrity of the canal due to the proximity of the buildings to the canal;
- e) Impact on the structural integrity of the canal due to the drainage proposals;
- f) Impact on the biodiversity of the waterway corridor;
- g) Sustainable energy.

Suitably worded conditions and a legal agreement are necessary to address these matters.

7.9. OCC TRANSPORT: **No objection** subject to the terms of the existing S106 legal agreement dated 25 June 2019 relating to 18/00293/OUT being applied. Conditions attached to this earlier permission should be reimposed.

7.10. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions in respect to:

- Detailed surface water drainage scheme for the site;
- SuDS As Built and Maintenance Details.

7.11. OCC EDUCATION: **No objection** subject to following contributions:

Secondary Education: £365,607

Secondary land contribution: £36,663

- 7.12. OCC ARCHAEOLOGY: **Comments** – The site is in an area of archaeological interest, southeast of the historic core of Banbury, between the Oxford Canal and River Cherwell; aerial photographs and LiDAR data suggest that the site has not been developed until relatively recently, and so there is potential for prehistoric to Medieval remains to survive on the site.

An Archaeological Desk Based assessment should be prepared to outline and understand the archaeological potential of the site, and the impact the development would have on any remains. This is to be followed by a programme of archaeological investigations.

Officer Note: OCC Archaeology have subsequently confirmed that archaeological investigations can be secured by condition and are not required before determination.

- 7.13. OCC WASTE MANAGEMENT: **No objection** subject to S106 contribution of £5,919 (index linked) requested towards household waste recycling centres.

- 7.14. ENVIRONMENT AGENCY: **No objection** – The proposed development will be acceptable if planning conditions are included on the planning permission to cover the following points:

- Compliance with Flood Risk Assessment
- Detailed plans of the footbridges to be submitted and approved in writing
- 10m buffer zone alongside River Cherwell requirement
- Landscape and Ecological Management Plan

- 7.15. CDC RECREATION AND LEISURE: **No objection** – Requests contributions towards Community Hall Facilities, Outdoor and Indoor Sport Provision, Public Realm/Public Art.

- 7.16. HISTORIC ENGLAND: Does not wish to offer advice. Recommends consulting with Council's own heritage advisers.

- 7.17. NHS CLINICAL COMMISSIONING (BOBICB): Requests S106 contribution towards the enhancement of Primary Care Facilities in Banbury of £54,432.

- 7.18. CDC STRATEGIC HOUSING: **Comment** – The proposal is for up to 63 flats, indicatively shown in three 3-storey blocks. The illustrative mix set out in the Planning Statement consists of 13no. 1-bedroom units, 46no. 2-bedroom units and 4no. 3-bedroom units. The affordable housing contribution of 30% equates to 19 dwellings, with a tenure split of 14 (rounded up) rented and 5 intermediate.

1. Layout/distribution. Requests that affordable units are distributed throughout the scheme.
2. Size. There is a high level of identified need for 1-bed accommodation, particularly in Banbury therefore we wish to see a higher number of 1-beds in the mix if possible and approximately 40% of the 1-beds as affordable, especially rented. Person occupancy to be maximised, so the 1-beds should be 2-person occupation, the 2-bed units should be 4-person occupation and the 3-bed units should be 5-person occupation, all built to NDSS minimum dimensions.
3. Accessibility. The Developer Contributions SPD requires 50% of rented dwellings to be provided as M4(2) Category 2: Accessible and adaptable dwellings. Preferable for these units to be on the ground floor. Request that all ground floor rented dwellings have a Level-Access Shower installed from the outset. Ideally if one of these flats could be built to Category 3: Wheelchair user dwellings, this would meet an identified need in Banbury.

4. Tenure. As the Council are implementing the Government's First Homes guidance, 25% of the affordable dwellings require to be delivered as First Homes. This 25% will form part of the 30% 2 intermediate element, which equates to 5 on this proposal, comprising all of the intermediate element. For the rented dwellings, we expect these to be social rented, unless the applicant puts forward a justifiable case for affordable rent. If we accept affordable rent, it must be capped at LHA rates, and this should be included in the S106 agreement.
 5. Parking. We note that 63 parking spaces are proposed and suggest that this may be inadequate for the number of potential occupants, although we also recognise that there are sustainability factors which mean that 1 space per dwelling is considered adequate.
- 7.19. CDC LANDSCAPE SERVICES: **Comment** – Townscape/Landscape and Visual Impact Assessment (LVIA) required to assess impact on the character of the conservation area, the proposed bridge and the visual receptors on the tow path. Combined LAP/LEAP required of a minimum 500sqm. Equipped activity zone should be minimum of 10m from the nearest dwelling and 20m from the nearest habitable room façade. Commuted sums requested for maintenance of play areas, open space and trees. Suggested that there is a potential for a riverwalk south of the retained depot and to the rear of the apartments. River maintenance access also required. Tree planting on site encouraged.
- 7.20. CDC PLANNING POLICY: **No objection** subject to justification being provided for the inconsistency with Policy Banbury 1 in terms of the area covered by the application and it can be demonstrated that the proposal would satisfactorily fulfil the relevant design and place making principles of Policy Banbury 1.
- 7.21. CDC ECOLOGY: **No objection** – Submitted Ecological Survey is appropriate. Currently little ecological interest on site however the river and canal are ecologically important. Site also borders North Cherwell Conservation Target Area, so measures to help achieve the CTA objectives should be included.
1. Buffer planting to the river would be an ecological enhancement if it extends further than the existing situation. A LEMP is required. Protection of watercourses during construction also required. Any drainage should include assessment of impacts on water quality and ecology. Lighting strategy required.

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 several 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- Policy Banbury 1: Banbury Canalside
- Policy BSC2: Effective and efficient use of land
- Policy [BSC 3: Affordable Housing
- Policy BSC 6 : Travelling Communities

- Policy ESD 6: Sustainable Flood Risk Management
- Policy 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)
- Adopted Banbury Masterplan 2016
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Banbury Canalside SPD 2009

9. APPRAISAL

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

- Principle of development
- Planning history
- Loss of caravan site
- Access for cars and pedestrians
- Heritage impact
- Impact upon canal and river
- Drainage matters
- Environmental health matters
- Infrastructure

Principle of Development

9.2 Policy BAN1 of the adopted Local Plan provides a detailed policy for the regeneration of the Canalside area and the assessment of applications within the area. It proposes that the area will contain 700 houses and 15,000m² of commercial and town centre uses (the latter in the northern part of the site). The policy sets out the infrastructure needs for the development and a whole raft of key site-specific design and place shaping principles.

9.3 Key relevant site-specific design and place shaping principles in Policy BAN 1 are set out below:

- Proposals should comply with Policy ESD15;
- A distinctive residential proposition for Banbury that integrates well and helps make connections with the adjoining town centre and Railway Station;
- An appropriate location for higher density housing to include a mixture of dwelling styles and types;

- A high-quality design and use of innovative architecture, including the use of robust and locally distinctive materials, which reflect the character and appearance of Banbury, respect the setting of the retained historic buildings and in particular reference the canal side location;
- Taking advantage of the accessibility of the town centre, an age friendly neighbourhood with extra care housing and housing for wheelchair users and those with specialist supported housing needs;
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities. New footpaths and cycleways should be provided which link to existing networks, with provision of a designated pedestrian and cycle route from the station to the town centre over the canal and river and a new pedestrian / cycle bridge over the railway;
- New pedestrian and cycle bridges erected over the Oxford Canal and the River Cherwell to enable and encourage walking and cycling through the site;
- The River Cherwell should be maintained in a semi natural state and mature trees should remain;
- Provision of a landscape corridor along the edge of the river to facilitate a footpath and cycleway on one or both sides for the length of the river through Canalside to link the open countryside of the Cherwell Valley to the south with Spiceball Park to the north;
- Open/urban spaces provided in various locations within the site and new trees planted;
- The implementation of proposals in the Movement Strategy including improved junction arrangements on Bridge Street and Cherwell Street to improve traffic capacity but also to facilitate pedestrian movement between the town centre and Canalside;
- Parking provision that complies with County Council's Parking Standards for new Residential Developments Policy and will not exceed maximum standards. Some car free areas or areas of reduced levels of parking with innovative solutions to accommodating the private car;
- A Transport Assessment and Travel Plan to accompany development proposals;
- Development fronting on to the canal and public access to and from the canal;
- Preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration or creation of wildlife corridors (recognising the importance of the river and canal corridors);
- Provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment;
- Compliance with policies ESD 1-5 on climate change mitigation and adaptation;
- Take account of the Council's Strategic Flood Risk Assessment for the site.

9.4 Additional requirements for this large complex site include:

- Development proposals will be expected to be in accordance with a Supplementary Planning Document (SPD) for the site. Ideally proposals should come forward for the whole site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community. Applications should cover significant land area within the site in order to achieve continuity in design and delivery of the vision. Reduced levels of open space may be considered if it can be demonstrated that high quality urban spaces are being provided within the scheme and

strong links are being provided to the open areas to the north and the south by improvements to the Canal walkway.

- The Canalside area falls primarily within Flood Zones 2 and 3 at present. It has been subject to flooding in recent years and the Environment Agency (EA) has completed a scheme to provide flood alleviation to the town centre. The scheme will provide a defence for flood events up to the 1 in 200 year (0.5% annual probability) by constructing a flood storage area upstream of the town centre and bunds in places in the Canalside area. To assess the potential flood risk in the Canalside area, a level 2 Strategic Flood Risk Assessment has been undertaken to assess both the fluvial flood risk to the development proposals from the River Cherwell and the flood risk associated with the Oxford Canal. This confirms that with the implementation of the Flood Alleviation Scheme and the implementation of other measures on the site the site can be redeveloped safely. Applications will be required to follow the requirements set out in the Strategic Flood Risk Assessment and a detailed Flood Risk Assessment (FRA) for the site will be required with any planning application include further consultation with landowners and businesses.

9.5 Para C.137 of the Local Plan and the latter part of the Policy indicate that a Supplementary Planning Document (SPD) will be prepared for the site and that applications will be expected to be in accordance with that SPD. The Policy can be read in full in the Local Plan. The Canalside SPD has yet to be formulated.

9.6 In December 2016 the Council adopted the Banbury Vision and Masterplan as a supplementary planning document. That document includes proposals to connect the town centre to the rail station and has a section that identifies the key urban design and development principles for strategic sites identified in the Masterplan including the Canalside area. It includes the following statements:

- Canalside is a strategic site, which has the potential to have a profound effect on the long-term vitality and attractiveness of the town centre. It is located between the railway station and the retail heart of the town but is separated from it by the busy Cherwell Street. The development area extends to approximately 20 hectares and includes land to the east of Cherwell Street and to the south of Bridge Street. It has the potential to play a vital role in enhancing activity in the town centre by the relocation of traditional employment uses to more appropriate sites and developing the land for residential, mixed use and related town centre uses. It can also play an important role supporting the planned investment in the railway system, by improving connectivity between the station and the town centre and by providing development opportunities next to the station.
- Canalside can become a vibrant, modern, mixed-use quarter containing residential, office, commercial and retail uses. There is the potential for higher density development to the north of Canalside and close to the town centre, and lower density residential development to the east of Tramway. In some places reduced levels of car parking may be appropriate considering that some living near to the town centre may have less need for access to a private car. The density can be achieved with a majority of family homes on the south and east of the development area, with apartments and three storey town houses to the north and closer to the town centre.
- Cherwell District Council will need to lead the redevelopment process by preparing a SPD, promoting change, investing in infrastructure and enabling the development.

9.7 An appendix to the Masterplan contains an urban framework plan and a list of key principles. This can be seen on the Council's website.

- 9.8 In the absence of a Canalside SPD, it is difficult to form an accurate assessment of the way in which this small (but now enlarged) site would integrate into this wider regeneration and development opportunity. In your Officer's opinion, the site should have been brought forward in conjunction with the areas of land to the north, so that all of the area between the canal and the river, north of Haslemere Way could have been considered comprehensively.
- 9.9 The site has now been enlarged to take in the car park land adjacent to Station Approach. It now only lacks the small warehouse site at the north-eastern corner of the land between the river and canal. This is a substantial improvement over the previously refused scheme, and given the appeal Inspector's comments, it is considered acceptable to approve the principle of residential development of this scale at this time.
- 9.10 However, without clear knowledge of the likely land uses and form of development to west and east, on the opposite sides of the canal and river respectively, it still cannot be guaranteed that this development would not prejudice what may subsequently be promoted on those neighbouring sites.
- 9.11 Whilst the illustrative plans show an opportunity to form bridges across the canal and river, it is not known, and will not be known until the adoption of an SPD, whether those necessary connections are located in the right place. The illustrative layout plan now shows the possibility of providing a pedestrian and cycle connection across the site in a central location, rather than the previously shown route at the most southern end. Connections to west and east seem more likely to be able to be achieved on this alignment and again therefore it is considered that this scheme is now broadly acceptable and can be approved.

Loss of caravan site

- 9.12 The site currently contains a caravan site which has been included in the Council's gypsy and traveller site provision. Policy BSC 6 of the adopted Local Plan deals with the issue of making provision for the needs of the travelling community and Para B.139 of the Local Plan specifically refers to the need to ensure re-provision of any loss as a result of the Banbury Canalside proposals.
- 9.13 In the Annual Monitoring Report 2016 it was demonstrated that there continued to be a need to provide new pitches for travellers and gypsies as the Council cannot currently demonstrate a five-year supply. The recently published GTAA identifies a need for 7 additional pitches for households that match the re-defined definition of who constitutes a traveller or gypsy. The study also identifies a need for up to 20 additional pitches for unknown households (where it is not possible to distinguish whether or not they meet the new planning definition). Current occupiers of the site may well fall into this latter category.
- 9.14 The national Planning Policy on Traveller Sites (PPTS) states (para.21 of Policy G) that local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local Planning Authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development of the original site is authorised.

- 9.15 The applicant's agent does not accept that this is a site to which the above policies apply as the tenants are considered by the agent to be non-gypsy and non-traveller. Nonetheless, they seek to demonstrate that the current owner also owns or controls other sites that his tenants could move to.
- 9.16 Those other sites were listed in the previous application as being in Mollington, two in Coventry, Shipston on Stour and Trowbridge. There must be some doubt attached to the agent's assertion as it is claimed that none of the previous tenants are gypsy/travellers but the Mollington site only has permission for occupiers who comply with the definition of gypsy and travellers. Furthermore, the other sites are considered too far distant to meet the needs of these tenants who presumably would wish to remain Banbury based. A further site to the south of Tramway Road has also been tabled, but this seems to be unlikely to be acceptable.
- 9.17 Discussions with the County Council Gypsy and Travellers Officer have confirmed that none of the previous caravan pitch occupiers are Gypsies and Travellers, and that it may be some time since such occupiers have used the facility. Furthermore, that permission granted in the 1970's was not specifically for or limited to such occupiers. In these circumstances your Officers consider that a refusal based on the loss of this facility could not be sustained at appeal and that opinion was endorsed in the 2018 approval for residential redevelopment on site.

Previous Approval

- 9.18 The current planning application is a resubmission of an outline residential scheme (now lapsed) that was approved by the planning authority in 2018. The current application remains unchanged from that previously approved, and the site policy position as discussed above remains unchanged. Therefore, the principal of residential development in this location is supported.

Highway Matters

Vehicular and Pedestrian Access

- 9.19 This outline planning application includes the existing surface car park to the south of Station Road, which allows a sufficient carriageway width to accommodate two-way traffic and a pavement. OCC Highways have raised no objections to the proposal subject to the terms of the existing S106 legal agreement dated 25 June 2019 relating to 18/00293/OUT being applied and that conditions attached to that earlier permission are reimposed, which includes cycle storage provision on site.

Connections

- 9.20 The Canal and River Trust continue to seek a contribution towards the improvement of the towpath, which they assume would be more heavily used by residents accessing their properties. Limited information has been provided by the CRT to justify this assumption. The illustrative layout does not show any connection to the towpath, albeit it is possible to conceive of future layouts that might include such provision. Furthermore, such matters could be addressed, in terms of layout and connectivity, at reserved matters stage.
- 9.21 Policy BAN 1 and the masterplan identify the need to improve connectivity within Canalside and between the rail station and the town centre, and that this would require the provision of more crossings across the canal and river. This application proposal recognises that need and shows positions where these could be readily placed leading to and from their site.

- 9.22 The County Council had previously suggested in the 2018 application that a formula by which bridge contributions could be calculated, and the applicants have indicated their willingness to contribute to that extent. In assessing the earlier applications, the LPA considered that only through the mechanism of an SPD could the infrastructure requirements of the Canalside be identified and quantified and their costs apportioned to individual developments. This was seen as further evidence of how that proposal was prejudicial to the wider delivery of the regeneration proposals and was premature to the conclusion of the SPD. Members will have seen that this view was not accepted by the Inspector, and these current arrangements are therefore considered acceptable.

Heritage impact

- 9.23 The Oxford Canal (and its towpath) and the land between the canal and Lower Cherwell Street is a Conservation Area. A brick commercial building on the opposite bank of the canal is a locally listed building. The listed former town hall building in Lower Cherwell Street lies further away to the south on Lower Cherwell Street. The redevelopment of this site for 3-storey residential use is considered acceptable and the change from a caravan site and an open car park can be seen as positive improvements to the setting of the Conservation Area.
- 9.24 The application is accompanied by illustrative elevations which show building positions and designs which are considered by your Officers to be likely to be acceptable. However, given the outline nature of the current application, the illustrative elevations are not for formal consideration at this time. Consequently, it is considered that the development could be undertaken in such a way that it would not cause harm to the character or appearance of, and setting of the Conservation Area, nor would it be detrimental to the setting of the locally listed building, and that these issues can be appropriately addressed further at reserved matters stage.
- 9.25 With regards to the canal other than heritage which is discussed above there is also the need to consider the impact upon the structural integrity of the canal due to the proximity of the building to the towpath and its ecology. The Canal and Rivers Trust point out that land stability is a material consideration. Both the buildings and any ramps to the towpath have the potential to impact upon the stability of the canal infrastructure. This matter can be adequately dealt with at outline stage however by the imposition of a condition(s) requiring that the details of all earth moving, excavations, and foundation design should be submitted to and approved in writing by the local planning authority prior to any commencement.
- 9.26 The Canal and River Trust express concern about the potential for detrimental impacts upon the biodiversity of the canal throughout the construction period and consequently wish to see a condition requiring a construction and environmental management plan attached to any permission granted. On the previous application the CDC ecologist noted that the phase 1 habitat survey provided good baseline information on all matters except the potential impact upon otters.
- 9.27 The Environment Agency expressed concerns about the scale of proposed development and its proximity to the river channel. They advised that a 10-metre-wide buffer should be provided between any buildings and the top of the river bank and that buildings on that side of the site should be reduced in height. It has been ascertained that a 10m wide buffer zone can be provided without impacting upon the delivery of the number of housing units proposed, as this is now shown on the illustrative layout. The potential to reduce the height of the block on this side of the site could be looked at during detailed design at reserved matters stage.

- 9.28 It is suggested that there are good opportunities to provide ecological enhancement as a function of this development through landscaping, provision of bat and bird boxes, etc.

Drainage Matters

- 9.29 The site lies within a wider area that is within Flood Zones 2 and 3, albeit that it is provided with protection from flooding by the Banbury Flood Alleviation Scheme. The application site itself however is a small island of Zone 1. The Environment Agency raise no objections with respect to site drainage provided that the submitted Flood Risk Assessment proposals are carried out. OCC LLFA raises no objection to the proposal subject to the imposition of planning conditions to secure a detailed surface water drainage scheme for the site along with SuDS Maintenance Details. The LPA raises no objection to this approach.

Environmental Health matters

- 9.30 Issues related to noise, construction environmental and contaminated land can all be dealt with by condition. The EPO also draws attention to the potential for the proposed residential properties to be affected by odour coming from the nearby industrial and commercial units.

Infrastructure

- 9.31 Given the housing mix proposed (26 x 1-bed and 37 x 2-bed) the level of education contributions is relatively low and as a consequence of the CIL Regulations OCC do not consider that contributions are warranted for anything other than nursery school provision. A contribution of £39,462 has been requested by OCC for the footbridges and discussions on this is a matter of continued discussion with the applicant and OCC. This follows a similar premise to the 2018 permission.

- 9.32 The liability for infrastructure contributions on this strategic housing site would be sought through a S106 legal agreement which is likely to cover the following:

- Affordable housing (@35% provision);
- Canal towpath contribution – £57,750 – To be index linked to current 2023 figures;
- Cemetery contribution – as per previous 2018 formula (awaiting confirmation from Banbury Town Council);
- Community hall contribution - £8,673.78 – To be index linked to current 2023 figures;
- Footbridge contribution - £39,462;
- Health and well-being contribution – £54,432 – To be index linked to current 2023 figures;
- Sports facility contribution – 52,601.56 (Off-site Indoor Sports Facility);
- Sports facility contribution – £127,072.89 (Off-site Outdoor Sports Facility);
- Waste contribution – £6,678 – To be index linked to current 2023 figures;
- LEAP off-site provision contribution – £ 20,779.15 – To be index linked to current 2023 figures.

- 9.33 This will cover all of the infrastructure contributions etc. that can reasonably be required from this development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. During the life of this application the illustrative plans and accompanying Design and Access Statement have been amended to produce an outline scheme that demonstrates that a comprehensive, rather than piecemeal, development could be achieved on this site, and subject to conditions, would ensure that the quality on this site would set the standard for other development on nearby sites.
- 10.2. In terms of the connectivity through the site and the appropriate level of contributions, it is considered that the pedestrian/cycle route shown across the site and the negotiated Section 106 package of infrastructure contributions are satisfactory. Overall, therefore the current scheme is considered acceptable and recommended for approval, subject to conditions and the completion of a S.106 agreement.

11. RECOMMENDATION

- DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO**
- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) 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 to follow in full in written updates

CONDITIONS

1. Standard condition requiring submission of all reserved matters except access.
2. Reserved matters to be submitted within 3 years.
3. Development to be undertaken within 2 years of approval of reserved matters.
4. Development in accordance with approved plans.
5. Provide 10 metre ecological buffer zone to river.
6. Full details of access including pedestrian access to be submitted.
7. Cycle parking required to OCC standard.
8. Layout plan to accommodate turning of refuse vehicle.
9. Construction Traffic Management Plan required.
10. Surface water drainage scheme details.
11. Development in conformity with FRA and set floor levels.
12. Require construction methodology and management plan with particular reference to impact upon the canal and river.
13. Foul and surface water drainage details required.
14. Construction and environment management plan required.
15. Contamination investigation.
16. Contamination mitigation if found.
17. No occupation until contamination mitigation completed.
18. Protected species survey and mitigation.
19. Biodiversity enhancement method statement required.
20. Require Energy statement.
21. Require noise report.
22. External lighting.

S106 OBLIGATIONS

- a) Affordable housing (35% provision).
- b) Canal towpath contribution – £57,750 – To be index linked to current 2023 figures.
- c) Cemetery contribution – as per previous 2018 formula (awaiting confirmation from Banbury Town Council).
- d) Community hall contribution - £8,673.78 – To be index linked to current 2023 figures.
- e) Footbridge contribution – £39,462.
- f) Health and well-being contribution – £54,432 – To be index linked to current 2023 figures.
- g) Sports facility contribution – 52,601.56 (Offsite Indoor Sports Facility).
- h) Sports facility contribution – £127,072.89 (Offsite Outdoor Sports Facility).
- i) Waste contribution – £6,678 – To be index linked to current 2023 figures.
- j) LEAP offsite provision contribution – £20,779.15 – To be index linked to current 2023 figures.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 23 AUGUST 2023. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contribution obligations required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies BSC3, BSC10, BSC11 and INF1 of the Cherwell Local Plan 2015 and its Planning Obligations SPD 2018 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Chris Wentworth

TEL:

Agenda Item 15
23/00401/F

**Borough House
Marlborough Road
Banbury**



1:500

26

23/00401/F

**Borough House
Marlborough Road
Banbury**

12

Masonic Hall

Borough
House

Library

98.0m

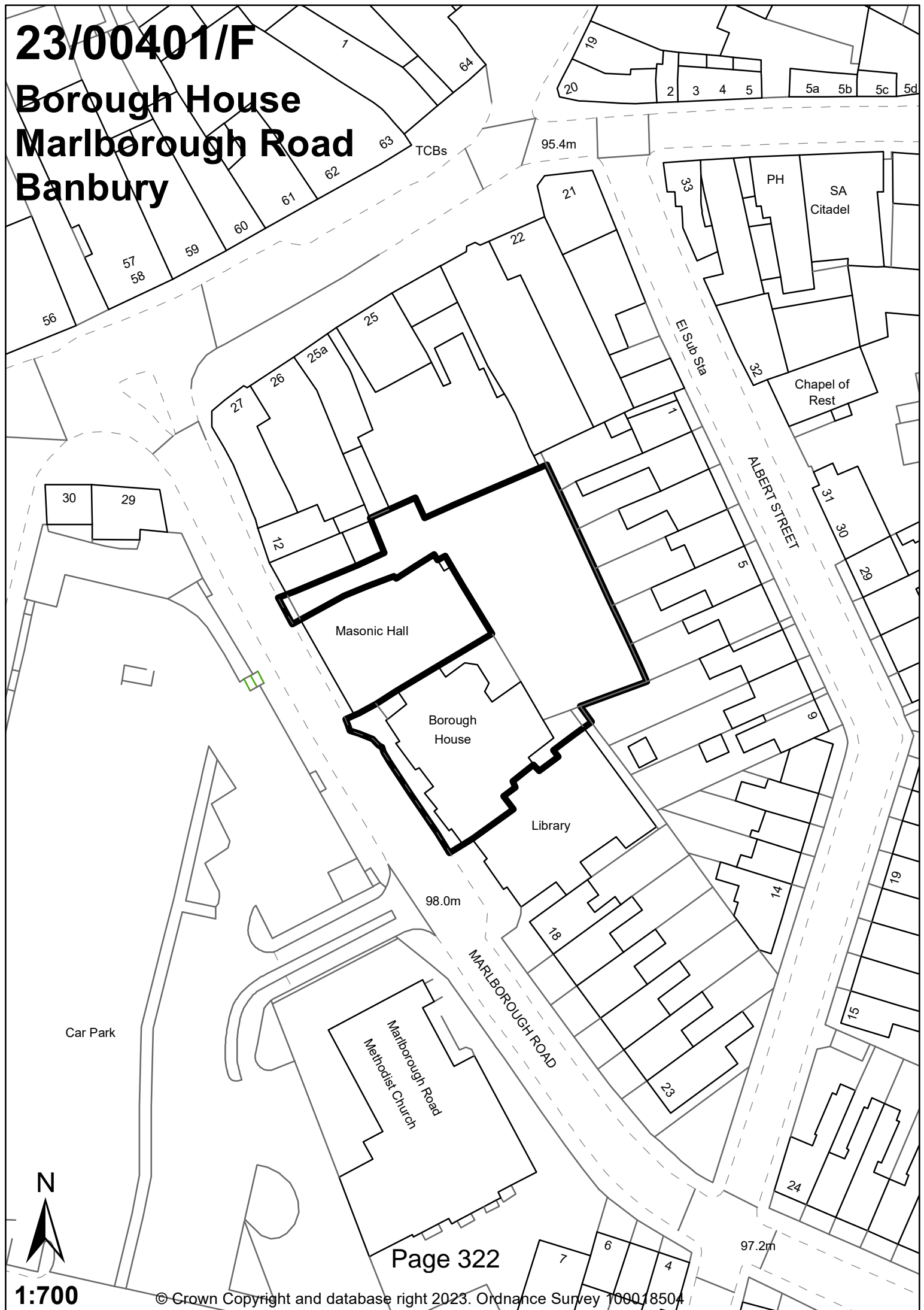
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23/00401/F

Borough House Marlborough Road Banbury



Case Officer: Imogen Hopkin

Applicant: Fellside Estates

Proposal: Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Matt Hodgson, Councillor Dr Chukwudi Okeke

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 28 July 2023

Committee Date: 13 July 2023

RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.
- 1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.
- 1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

- 2.1. The application site is within Banbury town centre and Conservation Area, is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the conversion of part of the ground floor and basement, the first and second floor of the building, partial demolition, a rear extension, external staircase and internal alterations to result in 10 self-contained flats.
- 3.2. The basement would have 1 x 1 bedroom flat, the ground floor would have 1 x 1 bedroom flat, the first floor would have 3 x 1 bedroom flats and 1 x 2 bedroom flat, the second floor would have 2 x 1 bedroom flats and 2 x 2 bedroom flats.

3.3. There is a concurrent listed building consent application for the internal and external alterations to facilitate the proposed use.

4. RELEVANT PLANNING HISTORY

4.1. There is various planning history relating to the partial change of use of the building. The following planning history is considered the most relevant to the current proposal:

Application: 18/00999/F	Permitted	24 th September 2018
Suite 10: Change of Use from A2 (Professional and Financial) to B1 (Offices)		

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **16 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

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

- Small contribution of housing numbers fails to outweigh the loss of a viable and popular town centre business
- Existing retail and office uses still in place and do not require alterations to the building
- Concerns about bin storage, collection and parking

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections** and supports the change of use.

OTHER CONSULTEES

7.3. CDC BUILDING CONTROL: **No objection** but suggest the Fire Service should be consulted. Smoke vent should be provided, and commercial areas on the ground floor do not have sufficient separation from the main stair escape route.

7.4. CDC RECREATION AND LEISURE: **No objection** subject to S106.

- 7.5. CDC LAND DRAINAGE: **No drainage comments.**
- 7.6. CDC CONSERVATION: **Objects** as it would result in less than substantial harm to the heritage assets with no public benefit. The Officer objected to the sub-division of the large rooms, resulting in the loss of the historic plan form that would have a harmful impact on the significance of the listed building. The proposed fire escape and staircase has an overly modern and complicated design that results in a detrimental design to the building.
- 7.7. CDC STRATEGIC HOUSING: No affordable housing required.
- 7.8. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of cycle parking, travel plan, parking arrangement, electric vehicle charging points.
- 7.9. OCC EDUCATION: No contributions needed.
- 7.10. OCC ARCHAEOLOGY: **No objections** as there are no archaeological constraints.
- 7.11. OCC WASTE: **No objection** subject to S106 contributions.
- 7.12. OCC LIBRARY: **No objections** to the principle, although clarification required for the temporary fire exist arrangement during construction.
- 7.13. LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objects** due to no drainage strategy, calculations for Qbar greenfield run off rate and for storm events up to and including the 1:100 year, plus 40% climate change.
- 7.14. THAMES VALLEY POLICE DESIGN ADVISOR: **No objection**, subject to condition relating to 'Secured by Design' principles.
- 7.15. THAMES WATER: **No objections.**
- 7.16. FIRE SERVICE: **Awaiting 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 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- BSC 1 – District Wide Housing Distribution
- BSC 2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD6 – Sustainable Flood Risk Management

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversion of Buildings in Settlements
- C21 – Proposals for the Re-use of a Listed Building
- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area
- C28 – Layout, Design and External Appearance of New Development
- C30 – Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Character Appraisal

9. APPRAISAL

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

- Principle of development
- Design, heritage, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Drainage
- S106
- Other matters

Principle of Development

Policy Context

- 9.2. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *‘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 most sustainable and most capable of absorbing this new growth’.*
- 9.3. Policy BSC 1 of the CLP 2015 sets out the distribution of housing growth throughout the Cherwell District Council area up to 2031, stating 22,840 homes are to be delivered during the plan period, with 7,319 of those to be delivered within Banbury.
- 9.4. The NPPF’s key objective is to support the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.

Assessment

- 9.5. The proposal is within the built up limits of Banbury, in a sustainable location and accords with the Council's overall housing strategy. Therefore, notwithstanding the District's current housing land supply position of 5.4 years supply of housing for the period 2022-27 as reported in the Council's 2022 Annual Monitoring Report (AMR), the general principle of development, in sustainability terms, may be considered acceptable in terms of the location within Banbury.

Conclusion

- 9.6. The principle of new residential development is acceptable in Banbury town centre, as it is a sustainable location, and conversions are an appropriate way to secure new residential properties. However, overall acceptability is dependent on other material considerations including heritage impact, design, residential amenity and highway safety, discussed further below.

Design, heritage and impact on the character of the area

Heritage Legislative and policy context

- 9.7. The site is a Grade II listed building, is within the Banbury Conservation Area, and affects the setting of the Grade II listed Banbury Library.
- 9.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.9. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

Policy

- 9.11. 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.
- 9.12. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes

and the use of traditional building materials and detailing and form that respond to the local vernacular.

- 9.13. 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.
- 9.14. 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

Assessment

- 9.15. No alterations are proposed to the frontage of the building.
- 9.16. To the rear of the building is proposed a new 4 storey rear extension, which would replace smaller, existing rear elements. The proposal would extend the existing gable, which is not the best form of design, due to many gables to the rear elevation; however, it is noted it replaces a modern rear extension, and does appear more cohesive. As such and in isolation, this element would result in a neutral impact to the significance of the listed building and Conservation Area, and would therefore not surmount to a reason to refuse the application.
- 9.17. The Conservation Officer has assessed the scheme and advises the existing building has *“large spaces, with very tall ceilings, with large-scale historic windows, forming an important part of the character of these large rooms”*. The Conservation Officer advises that the sub-division of these open plan rooms would result in the loss of the historic plan form, which would have a harmful impact on the significance of the listed building. The other internal changes proposed with the blocking/removal and opening up of new openings results in a cumulative impact with the sub-division which results in a mid-range amount of less than substantial harm. This relates to internal alterations, which do not constitute development under Section 55 of the Town and Country Planning Act, therefore not forming part of the assessment of the full planning application. The assessment of the internal alterations are carried out through the listed building consent application – 23/00402/LB.
- 9.18. The proposed rear fire escape and staircase projects forward of the rear building line at ground floor. The Conservation Officer raised concerns that it would appear overly modern and complicated in its design, as it cascades from the second floor to the ground floor, with the excessive projection. These concerns were relayed to the applicant’s agent but unfortunately plans to amend this element have not been forthcoming, so it is unclear whether this is the only way safe exit from the library can be achieved. The rear fire escape and staircase results in a contrived, overly complicated design, which should not be supported on a Grade II listed building.

Conclusion

- 9.19. For the reasons set out above it is considered that the proposal would result in harm to the significance of the Banbury Conservation Area and the Grade II listed building. Officers do not consider that the public benefit of the use of the building for 10 flats outweighs the identified harm. The harm identified relates to the overly complicated rear fire exit and staircase proposed. The application therefore results in a poor design, and provides no evidence of alternative solutions for the fire exist, which together compound the less than substantial harm identified, along with no meaningful public benefit to outweigh this harm. As such, the proposal is contrary to Policy ESD15 of the CLP 2015, saved Policies C23 and C28 of the CLP 1996, and Government guidance contained within the NPPF.

Residential Amenity

Policy

- 9.20. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things, *'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.'*
- 9.21. Cherwell's Residential Design Guide SPD highlights that flats should benefit from amenity space, by way of balconies, rooftop gardens or shared gardens.
- 9.22. The Government has Technical Housing Standards – Nationally Described Space Standards sets out, amongst other things, the minimum floorspace for new dwellings. The Council have not adopted this document, although it provides a useful starting point for assessment of what amounts to a reasonably sized dwelling.

Assessment

- 9.23. Flat number 7, on the second floor, has a floor area of 56.5m², and is sited across two storeys. The requirement for a 2 storey, 1 bedroom, 2 person flat for the Nationally Described Space Standards is 58m². This is a shortfall of the standards, although a minor one to which a pragmatic approach could be taken, given that all of the other proposed flats are compliant with the Nationally Described Space Standards.
- 9.24. All habitable rooms within the flats are served by appropriately sized windows, and therefore benefit from an appropriate receipt of light.
- 9.25. There is no outdoor, private residential amenity area provided for the 10 flats proposed, as they are served by a parking area. Cherwell's Residential Design Guide SPD states that flats should be served by balconies, roof gardens or shared gardens. It is appreciated this is a conversion scheme to a listed building, so there is limited scope to introduce new elements to overcome this issue. The absence of green space within the site further highlights that the overall design could be enhanced to provide a good level of amenity for future occupiers. However, it is noted that People's Park is around 0.3 miles from the site (5 minute walk), and Spiceball Park is 0.5 miles from the site (10 minute walk). Therefore, a balanced approach could be taken to this element, and would not surmount to a reason to refuse the application.

Conclusion

- 9.26. The proposal could have an improved level of amenity secured for future occupiers of the site, although the shortfalls of the site in respect of amenity are not considered to surmount to a reason to refuse the application on this basis.

Highway safety

Policy

- 9.27. 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;*
- c) *the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

- 9.29. Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive.

Assessment

- 9.30. The proposal suggests there is 10 parking spaces to serve the 10 flats; although the site plan indicates 8 spaces. The Local Highway Authority (LHA) has commented on the scheme, and have advised the same, and highlighted that the scheme should benefit from 10 parking spaces. They do not consider this a reason to object to the application, as a parking arrangement and travel plan could be submitted via a condition, if the application were to be approved.

- 9.31. It is noted the site is in a highly sustainable location, as it is within walking distance of Banbury Bus and Train Stations. There is a cycle store identified on the basement plan, and the LHA has requested this can be conditioned.

Conclusion

- 9.32. Overall, officers agree that the residual cumulative impact of the development on the highway network is not considered to be severe in the context of paragraph 111 of the NPPF.

Drainage

Policy

- 9.33. The 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.*

9.34. 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*

9.35. 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.

Assessment

9.36. The application included a Flood Risk Assessment and Drainage Strategy, which the Lead Local Flood Authority (LLFA) were able to assess. LLFA officers objected to the application, requiring an indicative drainage strategy to show how the site will drain, along with the surface water discharge rate. Further, they requested calculations for Qbar greenfield/brownfield run off rate, and calculations for storm events up to and including the 1:100 year storm event, plus 40% climate change.

Conclusion

9.37. In the absence of the clarification of the drainage and flood risk, insufficient information has been provided to demonstrate the application would not result in an adverse effect on draining and flood risk, therefore contrary to Policy ESD6 of the CLP 2015 and the Government guidance contained within the NPPF.

S106

9.38. 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.”*

9.39. Policy INF1 of the CLP 2015 relates to 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.”*

9.40. 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

9.41. The application includes draft heads of terms of an agreement, Appendix 1, which includes the following:

- Offside sport (indoor and outdoor) and recreation contributions;
- Community hall contributions;
- Education contributions; and
- Household waste and recycling contributions.

It is expected that these matters will be negotiated during the course of the planning application process.

9.42. The agent has suggested a S106 agreement could be entered into if the application were to be supported, although no discussions or negotiations about the draft heads of terms have occurred at this stage. In the event that permission was to be approved for this development, it would be subject to an agreed S106 being in place. As such, in its current form, the application is contrary to Policy INF1 of the CLP 2015 and the guidance outlined in paragraph 54 of the NPPF.

Other Matters

9.43. Building Control Officers have highlighted that the proposal may not secure the necessary fire escape routes, or fire protection, and have advised to consult the Fire Service for comment on the application. Consultation has been carried out, although a response has not yet been received. If the proposal fails to secure adequate means of escape or fire protection, this may result in an additional reason to refuse the application due to the impact on the safety of future occupiers of the site.

10. PLANNING BALANCE AND CONCLUSION

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

Positive Impacts – Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would support facilities and employment in businesses, shops and services within the area.

Positive Impacts – Social

10.3. Through S106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive Impacts – Environmental

10.4. The proposal includes an alternative use for an existing building to create additional housing, and would be more environmentally friendly than creating new build houses.

Negative Impacts

10.5. The proposal results in less than substantial harm to designated heritage assets through the convoluted, poor design of the rear staircase

Conclusion

10.6. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.7. The harm on the designated heritage assets does not outweigh the need for the limited number of housing that would be secured through this development. As such, the public benefit is limited, and would not tip the balance in favour of the development.

10.8. The insufficient information on drainage and flood risk means the application cannot be readily approved until it demonstrates there would be no adverse impact in the future.

10.9. In terms of planning obligations, the heads of terms for a section 106 has been briefly drafted, although not discussed by either parties. A reason for refusal relating to the lack of a completed Section 106 agreement is therefore also recommended.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. By virtue of the contrived rear fire escape to serve the library, the proposal would

demonstrate less than substantial harm to the designated heritage assets, with no public benefit. Therefore the proposal has a detrimental impact on significance of the Grade II listed building, and would detract from the views within, the character and appearance of the Banbury Conservation Area resulting in harm to both heritage assets. The harm identified significantly outweighs any public benefits. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and guidance contained within the National Planning Policy Framework.

2. There is insufficient information provided to demonstrate that the proposal would not have an effect on drainage and flood risk. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the CLP 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Imogen Hopkin

TEL:

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	Regulation 122 Assessment
Waste Management	£940.00	TBC	<p>Necessary – The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related – Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the County Councils standards for provision of waste management.</p>
Community hall facilities	£6,651.76	Prior to the first occupation of any dwelling on site.	<p>Necessary – Contribution towards improvements / enhancements of existing community facilities in the locality.</p> <p>Directly related – For use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>

Outdoor Sports Provision	£20,170.30	Prior to the first occupation of any dwelling on site.	<p>Necessary – Off-site contribution towards enhancement of outdoor sports facilities through the development of 3G artificial pitches in the locality.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation.</p>
Indoor Sports Provision	£4,862.14	Prior to the first occupation of any dwelling on site.	<p>Necessary – Off-site indoor sport contribution towards Banbury Indoor Tennis Centre and/or improvements of leisure centre provision in the locality.</p> <p>Directly related – For use by future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to</p>

			enhance the sustainability of communities – enhancing quality of existing facilities and improving access.
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23/00402/LB

Agenda Item 16

**Borough House
Marlborough Road
Banbury**



1:500

26

23/00402/LB

**Borough House
Marlborough Road
Banbury**

12

Masonic Hall

Borough
House

Library

98.0m

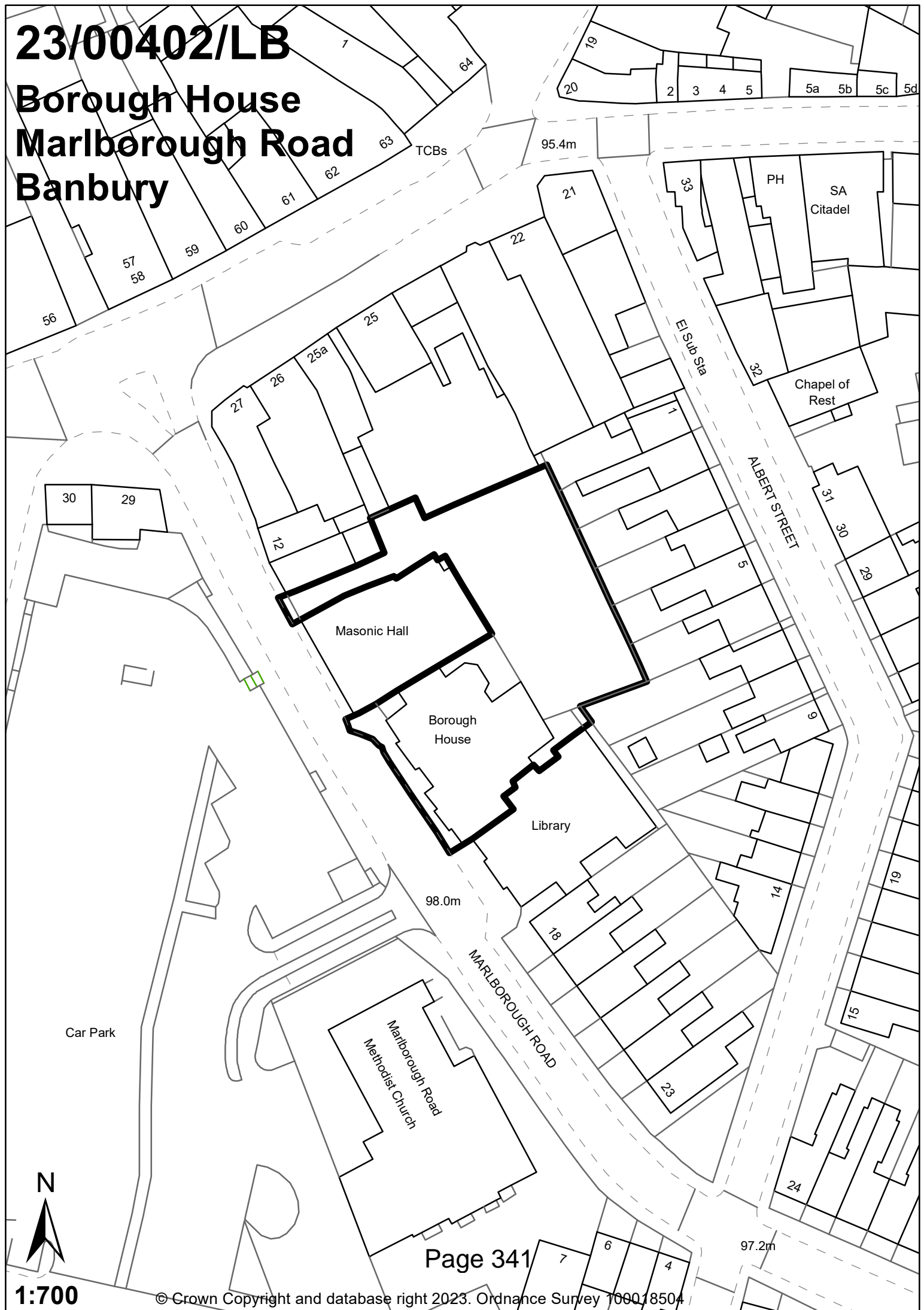
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1:300

23/00402/LB

**Borough House
Marlborough Road
Banbury**



1:700

Case Officer: Imogen Hopkin

Applicant: Fellside Estates

Proposal: Change of Use of part of building to form 10 no. apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Matt Hodgson, Councillor Dr Chukwudi Okeke

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 28 July 2023

Committee Date: 13 July 2023

RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.
- 1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.
- 1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

- 2.1. The application site is within Banbury town centre and Conservation Area, is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks listed building consent for internal and external alterations to facilitate the conversion of part of the ground floor and basement, the first and second floor of the building to 10 self-contained flats. The proposal includes partial demolition, a rear extension and an external staircase.
- 3.2. There is a concurrent planning application for the proposed development.

4. RELEVANT PLANNING HISTORY

- 4.1. None

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 an advertisement in the local newspaper. The final date for comments was **16 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments raised by third parties in relation to the proposals subject of the listed building consent application.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections** and supports the change of use.

OTHER CONSULTEES

7.3. CDC CONSERVATION: **Objects** as it would result in less than substantial harm to the heritage assets with no public benefit. The Officer objected to the sub-division of the large rooms, resulting in the loss of the historic plan form that would have a harmful impact on the significance of the listed building. The proposed fire escape and staircase has an overly modern and complicated design that results in a detrimental design to the building.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C21 – Proposals for the Re-use of a Listed Building

- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Character Appraisal

9. APPRAISAL

- 9.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).

Legislative and policy context

- 9.2. The site is a Grade II listed building, is within the Banbury Conservation area, and affects the setting of the Grade II listed Banbury Library.

- 9.3. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 9.4. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 9.5. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.6. The NPPF states that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state any harm loss should require clear and convincing justification. The Council also has statutory duties under legislation to have special regard to preserve and enhance heritage assets and their settings which give them elevated weight in planning decisions. The NPPF advises where proposals lead to less than substantial harm to the significance of a heritage asset this should be weighed against the public benefits of the scheme.

Assessment

- 9.7. The site lies within Banbury Conservation Area, which is a designated heritage asset. It is also a Grade II listed building and within the setting of other listed buildings.
- 9.8. The building was listed in 2009 and was previously the Municipal Technical School and Mechanics' Institute. The Conservation Officer assessed the proposal, stating "*the building has a relatively complete historic plan form, with original door openings, large open plan spaces, which allowed appreciation of the large windows and the lofty, high ceilings*". Further, they commented that the historic plan form is part of the significance of the listed building.
- 9.9. The Conservation Officer advises that the proposed the sub-division of these open plan rooms would result in the loss of the historic plan form. The other internal changes proposed with the blocking/removal and creation of new openings would also have a negative impact. These elements would have a harmful impact on the significance of the listed building, and this harm is *less than substantial*.
- 9.10. The proposed rear fire escape and staircase projects forward of the rear building line at ground floor. The Conservation Officer raised concerns that it would appear overly modern and complicated in its design, as it cascades from the second floor to the ground floor, with the excessive projection. These concerns were relayed to the applicant's agent but unfortunately plans to amend this element have not been forthcoming, so it is unclear whether this is the only way safe exit from the library can be achieved. The rear fire escape and staircase results in a contrived, overly complicated design, which should not be supported on a Grade II listed building.
- 9.11. To the rear of the building is proposed a new 4 storey rear extension, which would replace smaller, existing rear elements. The proposal would extend the existing gable, which is not the best form of design, due to many gables to the rear elevation; however, it is noted it replaces a modern rear extension, and does appear more cohesive. As such and in isolation this element would result in a neutral impact to the significance of the listed building and Conservation Area, and would therefore not surmount to a reason to refuse the application.

Conclusion

- 9.12. Overall, it is considered that the alterations required to facilitate the proposed use would be harmful to the fabric of the listed building and to its significance as a heritage asset. Officers do not consider that the public benefit of the use of the building for 10 flats outweighs this harm. The harm identified relates to the sub-division of the historic plan form, and the overly complicated rear fire exit and staircase proposed. The application therefore results in a poor design, and provides no evidence of alternative solutions for the fire exist, which together compound the less than substantial harm identified, along with no meaningful public benefit to outweigh this harm. As such, the proposal is contrary to Policy ESD15 of the CLP 2015, saved Policy C18 of the CLP 1996, and Government guidance contained within the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report. Overall, the poor design of the fire escape and the harm to the historic plan form, it is considered that the proposals would result in less than substantial harm to the significance of the heritage asset without any public benefits to outweigh the harm caused and as such the application for listed building consent should be refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW:

1. By virtue of the sub-division, and loss of historic plan form, and the contrived rear fire escape to serve the library, the proposal would demonstrate less than substantial harm to the designated heritage assets, with no public benefit. Therefore, the proposal has a detrimental impact on significance of the Grade II listed building as a designated heritage asset. The harm identified significantly outweighs any public benefits. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and guidance contained within the National Planning Policy Framework.

CASE OFFICER: Imogen Hopkin

TEL:

Cherwell District Council

Planning Committee

13 July 2023

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

The meeting is recommended:

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

2.0 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

New Appeals

- 3.1 **22/02000/TEL56 – Area of Grass Verge, Peregrine Way, Langford Village, Bicester, Oxon, OX26 6XB.**

Proposed 5G telecoms installation: 16m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representations
Start Date: 06.06.2023.
Appeal reference: 23/00075/REF

- 3.2 **22/02773/F – 4 Manor Road, Fringford Bicester, OX27 8DH.**

First floor extension above existing lounge; extension to rear of existing garage to provide utility/workshop space with home-working office above and link to main house. New pedestrian access gate to front. PV panels to new south facing roof. New external boiler, oil tank and rainwater harvesting tank.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Householder Appeal (HAS)
Start Date: 15.06.2023.
Appeal Reference: 23/00076/REF

3.3 **22/03716/F – Jackdaw, Horton-Cum-Studley, Oxford, OX33 1AY.**

Erection of a close boarded timber fence on western boundary (Retrospective)

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00077/REF

3.4 **22/02637/F – Chapel Cottage, Wroxton Lane, Horley, Banbury, OX15 6BD.**

Single-storey rear extension, removal of an existing door to create opening and removal of the window, and cut down of wall to FFL. (resubmission of 21/02720/F)

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00078/REF

3.5 **23/00519/F – 44 Shearwater Drive, Bicester, OX26 6YS.**

Extension to domestic dwelling – extend at the rear and side of property to create open plan kitchen and orangery to the ground floor and additional two bedrooms to the first floor above the garage.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00079/REF

3.6 **23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon, OX16 1SH.**

Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00080/REF

3.7 **21/01561/F - Allotment Gardens West Of Roebuck Inn And South East Of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB**

Erection of one detached dwelling and detached garage

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Start Date: 19.06.2023.

Appeal Reference: 23/00084/REF

3.8 **23/00149/F – 3 Byron Way, Bicester, Oxon, OX26 2YP**

Single Storey Detached Garage.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 16.06.2023.
Appeal Reference: 23/00063/REF

3.9 **22/02832/TEL56 - Telecommunications Cabinet CWL18723 H3G Network, The Hale Chesterton.**

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 22.06.2023.
Appeals Reference: 23/00085/REF.

3.10 **22/00998/REF - Land North East Of Fringford Study Centre Adjoining Rectory Lane, Fringford.**

Erection of a 4-bedroom detached dwelling with garage and access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Start Date: 27.06.2023.
Appeal Reference: 23/00086/REF.

New Enforcement Appeals

None

Appeals in Progress

3.11 **22/00173/CLUP – 15 Arncott Road, Piddington, OX25 1PS**

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 05.05.2022.
Appeal reference: 22/00023/REF

3.12 **21/00078/ENF – Cherwell Concrete – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX**

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers, and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representation
Start Date: 09.002.2023.
Appeal Reference Number: 23/00061/ENF

3.13 21/00078/ENF – Mr & Mrs Murphy – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representation
Start Date: 09.02.2023.
Appeal Reference Number: 23/00060/ENF

3.14 21/01630/OUT – Firethorne Development Ltd - Land at Northwest Bicester. Home Farm, Lower Farm and SGR2 Caversfield.

Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination.

Officer Recommendation: Refusal.
Method of determination: Inquiry.
Start Date: 16.02.2023.
Appeal Reference Number: 23/00062/NON

3.15 21/03066/OUT – Land North of Banbury Road, Finmere, MK18 4BW

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

Officers Recommendations: Refusal (Committee)
Method of Determination: Hearing.
Start Date: 09/03/2023.
Appeal Reference: 23/00065/REF

3.16 22/01354/OUT – 6 Goldsmith Close, Bicester, Oxon, OX26 2XT

OUTLINE application - Proposed new single dwelling to side garden of the existing property (Resubmission of 21/01041/OUT)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 13/03/2023.

- 3.17 **22/01772/PIP – Land to Rear of Bridge House, Wendlebury, Oxon, OX25 2PW.**
- Residential development of 2-3 dwellings.
- Officers Recommendation: Refusal (Delegated)
- Method of Determination: Written Representation
Start Date: 13/03/2023.
Appeal reference: 23/00067/REF
- 3.18 **22/01645/OUT – Part of OS Parcel 01621, Fulwell Road, Finmere, MK18 4AS**
- Outline application for the erection of 5 dwellings with all matters reserved except for the principal means of access to Fulwell Road.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 2/.03.2023.
Appeal Reference: 23/00068/REF
- 3.19 **22/01696/LB – Rectory Farmhouse, Back Lane, Epwell, Banbury, OX15 6LG**
- Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse.
- Officers Recommendation: Refusal
Method of Determination: Written Representation.
Start Date: 20.04.2023.
Appeal Reference: 23/00070/REF
- 3.20 **22/02133/F – 18 Fairford Way, Bicester, OX26 4YG**
- RETROSPECTIVE – Replacement of 7FT high, 5FT wide conifer hedge with 3 fence panels with concrete posts.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 26.04.2023.
Appeal Reference: 23/0007/REF
- 3.21 **22/02403/F – 19 Fairford Way, Bicester, Oxon, OX26 4YG.**
- RETROSPECTIVE - Change of Use from amenity land to domestic garden and erection of fence along the boundary line adjacent to footpath.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 18.05.2023.
Appeal Reference: 23/00073/REF

3.22 **22/02969/F – Attock House, Church Lane, Horton-Cum-Studley, Oxford, OX33 1AW.**

Ground floor extension to the rear with a green roof and roof light.

Officers Recommendation: Refusal.

Method of Determination: Written Representation (Fast Track)

Start Date: 18. 05.2023.

Appeal Reference: 23/00074/REF

Forth Coming Public Inquiries and Hearings between 18 June 2023 and 15 July 2023

3.23 None

Appeal Results

3.24 **20/02192/LB – The Planning Inspector ALLOWED the appeal by Mr F Speir for 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 at Manor Farm, Station Road, Hook Norton, OX15 5LS**

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00037/REF

Inspectors Summary Below.

3.25 **20/02193/F – The Planning Inspector ALLOWED the appeal by Mr F Speir for 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 at Manor Farm, Station Road, Hook Norton, OX15 5LS**

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00036/REF

The Inspector noted that since the Council's decisions the stone barn east of the farmhouse, late 18th century in origin, had been taken down without consent and that applications had been approved for repairs and alterations to the building along with works to the barns south of the farmyard. The Inspector noted that certain works to the farmhouse had also been approved.

The Inspector noted that the appeals had been supported by a full set of amended drawings that did not form part of the original applications. Having regard to the Wheatcroft principles, the Inspector noted that the appeal process should not be used to progress alternatives to a scheme that has been refused. The Inspector noted that various changes had been made to the proposals, predominantly to exclude elements of the original proposals. Overall, the Inspector was satisfied that interested parties would not be prejudiced if the appeals were determined in relation

to the amended drawings.

The Appellant was represented at the hearing by Counsel including a KC.

The Inspector considered the main issues to be whether the proposal would preserve the Grade II listed building, 'Manor Farmhouse', and any of the features of special architectural or historic interest that it possesses, including its setting; and in respect of the planning appeal, the effect of the proposal on bats.

The Inspector noted that the simple architectural form and appearance of the buildings that remain is typical of the local vernacular for historic agricultural buildings and that the layout of the buildings also provide evidence of a regular courtyard farmstead characteristic of a medium size holding in the Cotswolds.

The Inspector found that the farmhouse, which draws special interest from other aspects of its setting, including its outlook to and relationship with its enclosed garden and the expanse and open nature of the large yard between the farm buildings east and south, is clearly distinguishable from the farm buildings and yard as it is separated from it.

The Inspector highlighted the importance of the relationship of farm buildings with the farmhouse but held that the proposed link would not compromise the legibility of the individual roles of the farmhouse and the former granary or their grouping and relationship with the space around them. The Inspector concluded it would be a sensitive and discreet response and would limit alteration of the plan form of each of the buildings. He noted that the eastern entrance to the Farmhouse and the southern façade of the northeast wing would continue to be obscured by the link extension but deemed this to be acceptable. He also noted that the proposed link extension would project into the yard but deemed this also to be acceptable. Part of the Inspector's justification for the link extension was that the kitchen is currently separated from the remainder of the house, whereas it is proposed to be repurposed as a utility.

The Inspector concluded the proposals to the attic space of the farmhouse to be acceptable, as were the proposed alterations to the farmyard, the proposed flooring and services, and the various new openings and other alterations proposed. The Inspector noted that there was agreement or common ground between the Appellant and the Council on the majority of these.

The Inspector concluded that suitable mitigation would be in place to serve the appeal scheme to ensure that the proposal would not have a harmful effect on bats known to roost within the buildings within the site.

Subject to various conditions which were agreed between the parties, the Inspector accordingly allowed the appeals.

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:

Kelly Wheeler-Finance Business Partner, 01295 221570

Kelly.wheeler@cherwell-dc.gov.uk

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Shahin Ismail, Interim Deputy 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

7.3 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

8.0 Decision Information

Key Decision:

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Various, depending on appeal.

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Dan Samed, Portfolio Holder for Planning

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

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