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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 10 August 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 13 July 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. **Otmoor Farm, Ragnalls Lane, Horton Cum Studley, OX33 1AR** (Pages 26 - 45)
23/01086/F

9. **Land East of Warwick Road Drayton, Warwick Road, Banbury** (Pages 46 - 72)
23/00853/OUT

10. **OS Parcel 0078 North West Of Quarry Close, Quarry Close, Bloxham** (Pages 73 - 101)
23/01265/OUT

11. **The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD** (Pages 102 - 122)
22/02668/F

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 123 - 133)

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.

13. Planning Performance Report (Pages 134 - 140)

Report of Assistant Director Planning and Development

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

Recommendations

The meeting is recommended:

- 1.1 To note 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 2 August 2023

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 13 July 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Julian Nedelcu
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Amanda Watkins
Councillor Barry Wood

Apologies for absence:

Councillor Becky Clarke MBE
Councillor Simon Holland

Also Present:

Councillor Dan Sames (Speaking as Ward Member for agenda item 10)
Councillor Chris Pruden (Speaking as Ward Member for agenda item 10)

Also Present Virtually:

Councillor Phil Chapman (Speaking as Ward Member for agenda item 8 only, apologies for the rest of the meeting)

Officers:

Paul Seckington, Senior Manager Development Management
Nat Stock, Development Management Team Leader - North Area
Andrew Thompson, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Imogen Hopkin, Senior Planning Officer

Karen Jordan, Deputy Principal Solicitor
Aaron Hetherington, Principal Officer - Electoral Services Lead
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Natasha McCann, Planning Officer
Chris Wentworth, Principal Planning Officer

16 **Declarations of Interest**

8. Land Used For Motorcross, Stratford Road, A422, Wroxton, OX15 6HX.

Councillor John Broad, Other Registerable Interest, as member of the British Motorcycle Federation, Motorcycle Action Group and the Campaign to Protect Rural England.

14. Caravan Park, Station Approach, Banbury, OX16 5AB.

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.

15. Borough House, Marlborough 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.

16. Borough House, Marlborough 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.

17 **Requests to Address the Meeting**

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

18 **Minutes**

The Minutes of the meeting held on 15 June 2023 were agreed as a correct record and signed by the Chairman.

19 **Chairman's Announcements**

The Chairman made the following announcement:

1. Advised the Committee that following the successful trial at the previous meeting, following the officer's presentation and public speaking on each application, Members would have the opportunity to ask officers questions before the debate.

20 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

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

The Committee considered application 21/00517/F for the 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) at Land Used for Motorcross, Stratford Road, A422, Wroxton, OX15 6HX for Hedges & Kerwood.

John Offord, Chair of Hornton Parish Council, and Julian Philcox, on behalf of Hornton Parish Council and the Upton Estate, addressed the Committee in objection to the application.

Phil Plant, agent for the applicant, addressed the Committee in support of the application.

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

It was proposed by Councillor Reynolds and seconded by Councillor Harwood that the application be refused, contrary to officer's recommendation, for reason relating to noise pollution causing significant harm to the living amenities of nearby residents.

Resolved

That application 21/00517/F be refused, contrary to the officer's recommendation, for the following reasons:

1. The motocross track, by virtue of its increased size and frequency of events, results in a level of noise pollution that causes significant harm to

the living amenities enjoyed by nearby residents and detracts from the rural character of the area. The proposal is therefore contrary to saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23 **Land South of Green Lane, Chesterton**

The Committee considered application 23/00173/OUT, an 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) at Land South of Green Lane, Chesterton for Wates Developments.

Stephen Webster, Chesterton Parish Council, addressed the Committee in objection to the application.

John Tarvit, on behalf of the applicant, Wates Developments, addressed the committee in support of the application.

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

Resolved

That application 23/00173/OUT be refused, in line with the officer's recommendation, for the following reasons:

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 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

24

Land East of Ploughley Road, Ambrosden

The Committee considered application 22/02866/OUT, an 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 at Land East of Ploughley Road, Ambrosden for Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May.

Councillors Pruden and Sames addressed the Committee as Local Ward Members.

Dawn Seaward, Chair of Ambrosden Parish Council, addressed the Committee in objection to the application.

David Bainbridge, Agent to the applicant, addressed the Committee in support of the application.

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

Resolved

That application 22/02866/OUT be refused, in line with the officer's recommendation, for the following reasons:

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.

25

Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden

The Committee considered application 22/02455/OUT, an outline application for the 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 at Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden for L&Q Estates.

Dawn Seaward, Chair of Ambrosden Parish Council, addressed the Committee in objection to the application.

Stuart Field, on behalf of the applicant, L&Q Estates, 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 22/02455/OUT be refused, contrary to the officer's recommendation, for the following reasons:

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. The development would therefore have an adverse effect on the landscape 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, 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.

26 **Land To The North Of Wimborn Close And Mackley Close, Deddington**

The Committee considered application 22/03869/OUT, outline planning application for a residential development for up to 53 dwellings with All Matters Reserved except for Access at Land To The North Of Wimborn Close And Mackley Close, Deddington for Pembury Webb Ltd.

Helen Oldfield, Chair of Deddington Parish Council, and Alan Collins, Deddington PC Member and chair of Deddington Neighbourhood Plan steering group, addressed the Committee in objection to the application.

Mervyn Dobson, on behalf of the applicant, Pembury Webb Ltd, and David Rogers, local resident, spoke to support of the application.

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

It was proposed by Councillor Reynolds and seconded by Councillor Wood that application 22/03869/OUT be approved, in line with the officer recommendation.

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

It was proposed by Councillor Broad and seconded by Councillor Billington that application 22/03869/OUT, contrary to the officer recommendation, be refused to due to the 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 setting of Deddington to the detriment of the character and appearance of the countryside and that the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategy in the Local Plan is up to date.

Resolved

That application 22/03869/OUT be refused, contrary to the officer's recommendation, for the following reasons:

1. The site is located outside the built form of Deddington and within an area of open countryside, which has not been allocated for development within the Cherwell Local Plan 2011-2031 or the emerging Deddington Neighbourhood Plan. 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 setting of Deddington 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 strategy in the Local Plan is up to date. The proposed 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.

The Chairman advised the Committee that the application had been withdrawn from the planning process by the applicant.

28

Caravan Park, Station Approach, Banbury, OX16 5AB

The Committee considered application 22/01564/OUT for the 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) at Caravan Park, Station Approach, Banbury, OX16 5AB for Mr Patrick Rooney.

Duncan Chadwick, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

1. That, in line with the officer's recommendation, authority be delegated 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 seemed 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 necessary mitigation as set out below (and any amendments deemed necessary)

Conditions

1. No development shall take place until full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. No development shall commence until a detailed scheme for surface water drainage of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the details contained within the Flood Risk Assessment

(FRA) < Feb 2018 (v2) / Station Caravan Park, Banbury,(2017s6068) / JBA Consulting > and the Drainage Strategy < Oct 2018 (v3) / Station Caravan Park, Banbury, (2017s6068) / JBA Consulting > and shall include (but not be limited to) details of the following (based on the mitigation measures detailed within the Drainage Strategy):

- Limiting the surface water run-off generated by the 100 year critical storm (with an allowance for Climate Change) to 66.9 l/s so that it will provide betterment to the existing run-off from the developed site and not increase the risk of flooding off-site. (Section 3.6.2 of the Drainage Strategy)
- Use of permeable paving SuDS (or other SuDS method described in the strategy) to provide attenuation storage (Section 3.6 of the Drainage Strategy)
- Exceedance storage in the central/northern car park area to contain on site exceedance flows from the development which will be routed away from any residential property (Section 3.5.3 of the Drainage Strategy)
- A SuDS Management and Maintenance Plan (based on the principles outlined in Section 3.7 of the Drainage Strategy). In addition to those principles, It is required to identify the party responsible for maintenance of each element of the SuDS. The Management Plan will include a Site Plan identifying the location of each element of the drainage scheme, including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, and maintain it with appropriate plant
- A flood evacuation plan to clarify procedures and routes during a flood event.

The surface water drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, and shall be managed and maintained in accordance with the approved plan thereafter.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. No development shall take place until a plan showing full details of the finished floor levels of the development (which shall demonstrate that all levels are to be set above 92.42AOD) in relation to existing ground levels on the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure the proposed development is in scale and harmony with its neighbours and surroundings and to protect the development and its occupants from an increased risk of flooding in

order to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development, which shall demonstrate where storage will be placed with no storage within the vicinity of the watercourse;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities/ road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;
 - j) Details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents.
 - k) details of how the canal and river will be protected from run-off and pollution
 - l) details of how the 10m ecological buffer zone adjacent to the River Cherwell will be protected during construction
 - m) details of the measures to be taken to ensure that construction works do not adversely affect biodiversity including a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
 - n) details of any proposed earthmoving, excavations, foundation construction or other building operations to ensure that construction works do not detrimentally affect the stability or integrity of the canal and river banks. The details required shall include calculations to demonstrate that the proposed development will not impart any load onto the canal.
 - o) Details of how drainage features will be protected during construction.

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

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

6. No development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, then no development shall take place until, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals which 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' has been submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

8. If contamination is found by undertaking the work carried out under condition 7 then no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 which 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 of the scheme of remediation and/or monitoring required by this condition.

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

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

10. Prior to, and within two months of the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be

found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. No development shall take place, including any demolition, and any works of site clearance, until a method statement for enhancing the biodiversity on site (which shall include through new wildlife habitat along the river edge, native species planting, installation of bird and bat boxes) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 - 2031 Part1 and Government guidance contained within the National Planning Policy Framework.

12. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

13. No development shall take place until a report that shows that all habitable rooms within each dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources) has been submitted to and approved in writing by the Local Planning Authority. If any mitigation is required to meet the necessary noise levels then prior to the first occupation of the dwelling, the mitigation shall be installed and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development, details of any proposed external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall thereafter be implemented in accordance with the agreed details.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and other wildlife within the canal habitat corridor and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location in accordance with Policies ESD10 & 16 of the Cherwell Local Plan 2011-2031.

15. As part of the reserved matters submission an energy statement shall be submitted demonstrating compliance of the development with Policy ESD3 of the Cherwell Local Plan.

Reason - To support the delivery of renewable and low carbon energy in accordance with Policy ESD3 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

17. Except where otherwise stipulated by condition, the development shall be carried out in general accordance with the following plans and documents:

- Site location plan - ROO001/001
- Site Plan - ROO001/002
- Access Arrangements - 17123/05

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

18. The layout of the site shall provide for no less than a 10 metre wide ecological buffer zone measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the River Cherwell to the closest point of any development.

Reason: To ensure that the development does not cause harm to any protected species or their habitats and to enhance the habitat alongside the river 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. As part of the reserved matters submission details of the construction, drainage and vision splays for the means of access from Station Approach shall be submitted to and approved in writing by the Local Planning Authority, which shall include a 1.8m footway into the site. Thereafter, and prior to construction above slab level, the means of access shall be constructed and retained in accordance with the approved details.

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

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. As part of the reserved matters submission full details of refuse vehicle turning within the site 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 highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

22. No development shall take place until, a detailed scheme for the foul sewage drainage of the development has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to ensure there is sufficient capacity to cope with the new development and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Section 106 Obligations

- a) Affordable housing (30% 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.

29

Borough House, Marlborough Road, Banbury

The Committee considered application 23/00401/F for 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 at Borough House, Marlborough Road, Banbury for Fellside Estates.

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

Resolved

That application 23/00401/F be refused, in line with the officer's recommendation, for the following reasons:

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.

30 **Borough House, Marlborough Road, Banbury**

The Committee considered application 23/00402/LB for the 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 at Borough House, Marlborough Road, Banbury for Fellside Estates.

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

Resolved

That application 23/00402/LB be refused, in line with the officer's recommendation, for the following reason:

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.

31 **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 8.23 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 10 August 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

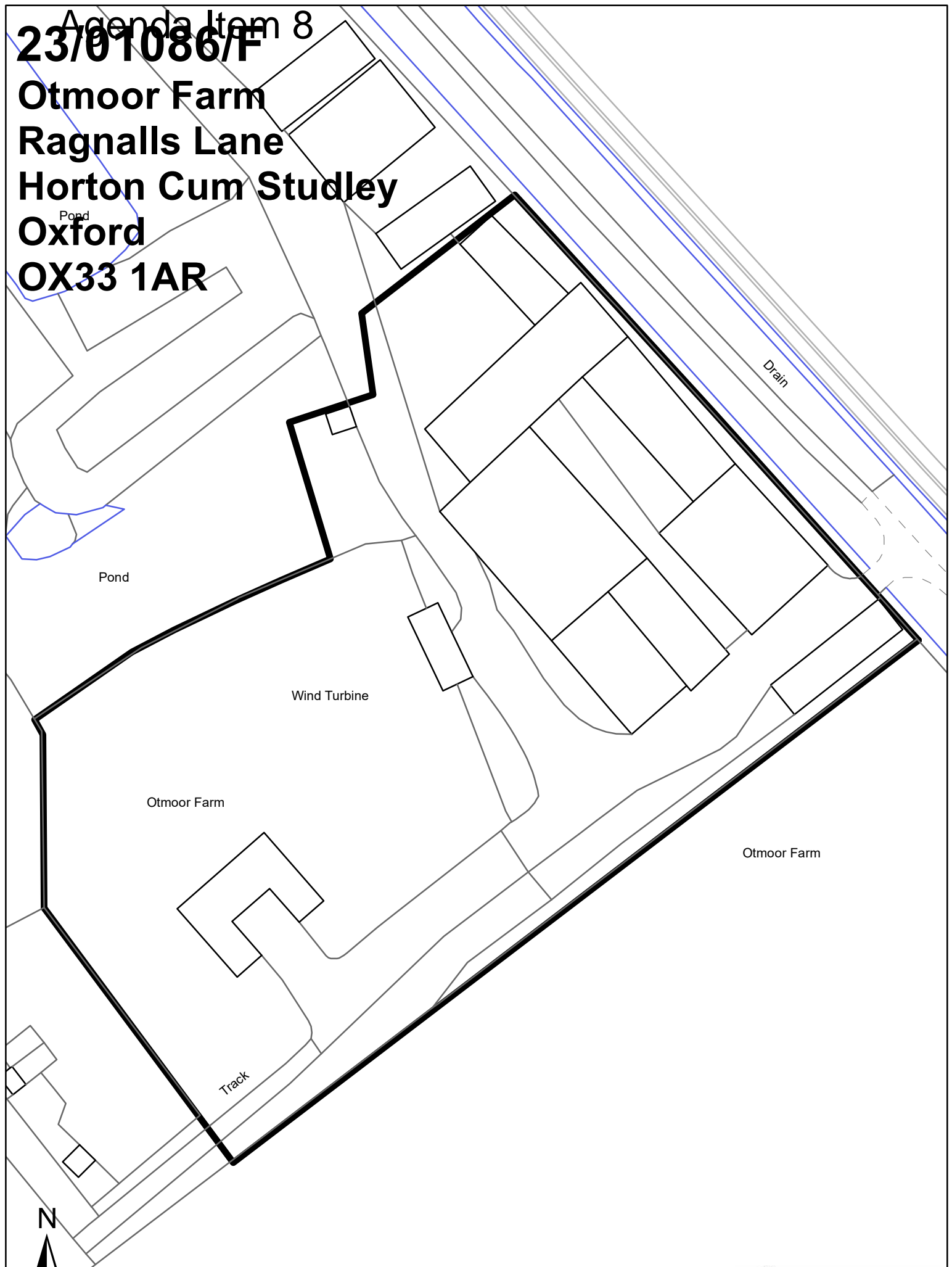
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Otmoor Farm, Ragnalls Lane, Horton Cum Studley, OX33 1AR	23/01086/F	Launton and Otmoor	Approval*	Gemma Magnuson
9	Land East of Warwick Road Drayton, Warwick Road, Banbury	23/00853/OUT	Banbury Hardwick Cropredy, Sibfords and Wroxton	Refusal	Richard Greig
10	OS Parcel 0078 North West Of Quarry Close, Quarry Close, Bloxham	23/01265/OUT	Adderbury, Bloxham & Bodicote	Refusal	Saffron Loasby
11	The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD	22/02668/F	Deddington	Approval*	Jeanette Davey

*Subject to conditions

Agenda Item 8
23/01086/F

Otmoor Farm
Ragnalls Lane
Horton Cum Studley
Oxford
OX33 1AR



Pond

Wind Turbine

Otmoor Farm

Otmoor Farm

Track

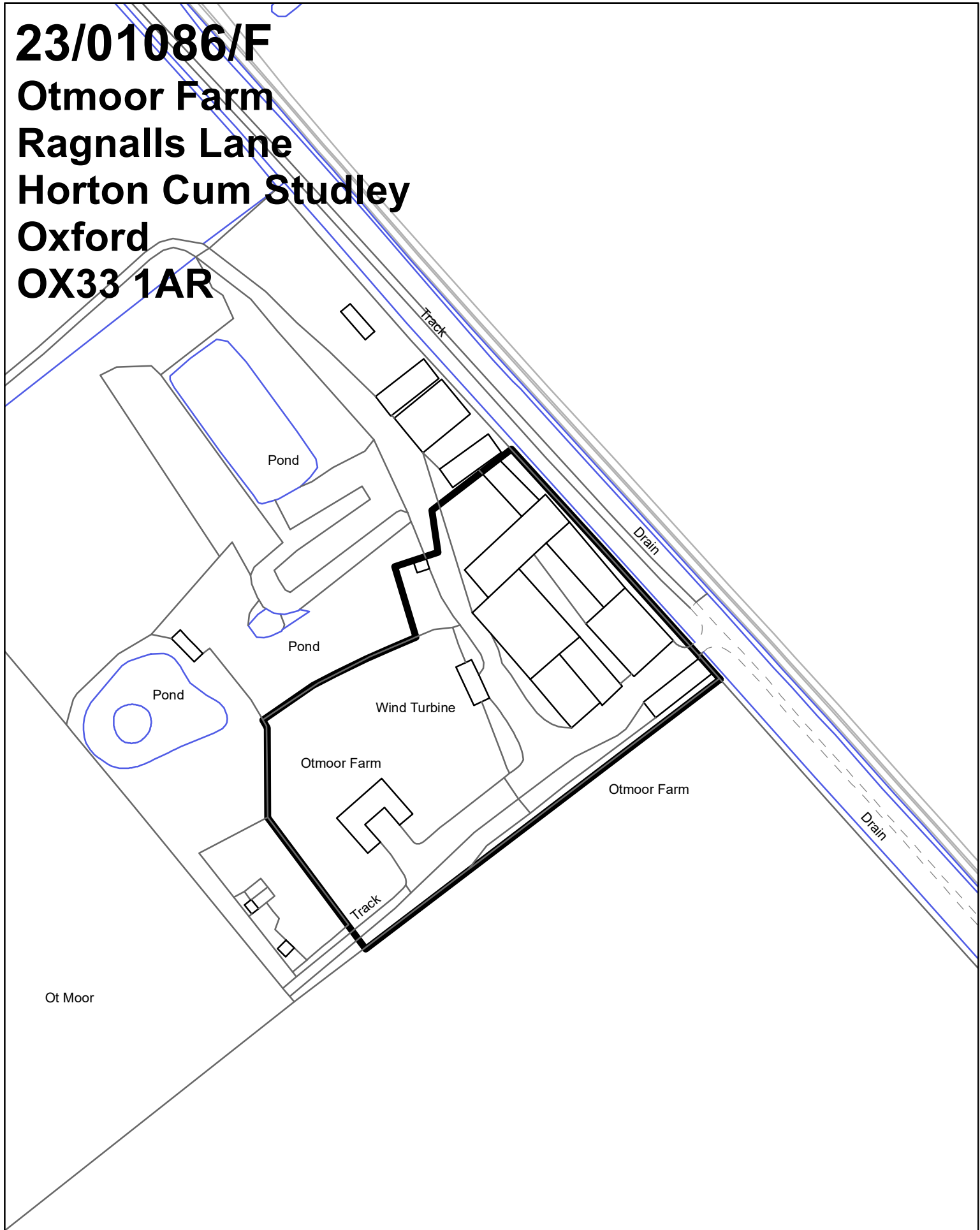
Drain



1:700



23/01086/F
Otmoor Farm
Ragnalls Lane
Horton Cum Studley
Oxford
OX33 1AR



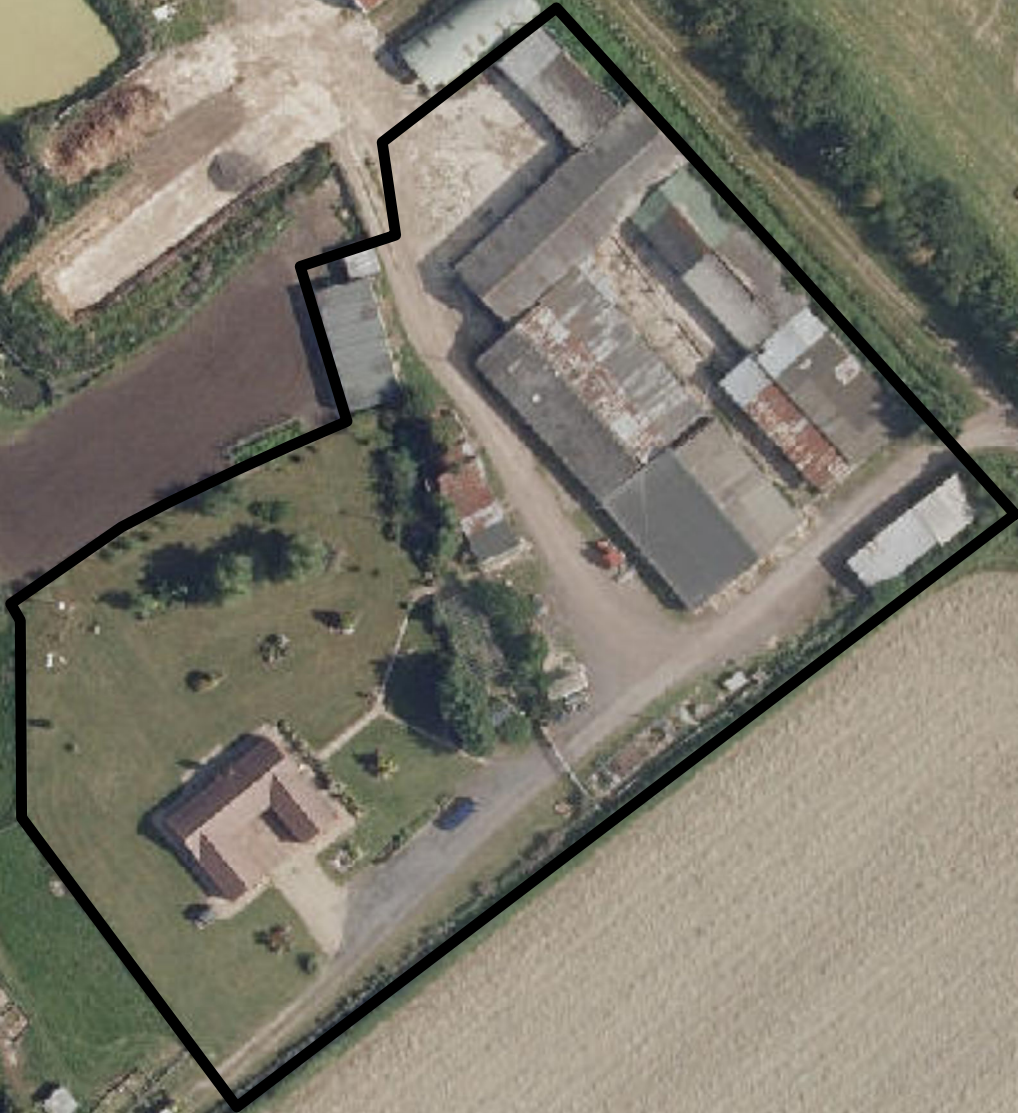
Ot Moor



1:1,400



23/01086/F
Otmoor Farm
Ragnalls Lane
Horton Cum Studley
Oxford
OX33 1AR



1:1,000



Case Officer: Gemma Magnuson

Applicant: RSPB

Proposal: RSPB Work base comprising change of use and conversion and extension of existing bungalow for office/residential intern use, construction of two agricultural storage buildings for maintenance of the reserve and new security fencing

Ward: Launton And Otmoor

Councillors: Cllr. Gemma Coton, Cllr. Simon Holland and Cllr. Julian Nedelcu

Reason for Referral: Called in by Councillor Gemma Coton for the following reason: Public interest.

Expiry Date: 24 July 2023

Committee Date: 10 August 2023

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing farmstead known as Otmoor Farm situated in the open countryside to the south of the village of Murcott and north-west of the village of Horton-Cum-Studley. Vehicular access to the site is via an existing track known as Ragnalls Lane that runs from Church Lane in Horton-Cum-Studley. Ragnalls Lane is a Restricted Byway (257/15/40) for part of its length, changing to a Bridleway (209/10/30) at it gets closer to the entrance to Otmoor Farm. The site is generally flat with fences and vegetation marking the boundaries. The existing agricultural buildings on the site are generally in a poor state of repair. The existing buildings include a Nissen hut and a brick wartime shelter.
- 1.2. A Ministry of Defence (MOD) firing range borders the farm to the west and north-west. Beyond the firing range to the west lies the RSPB Otmoor nature reserve.
- 1.3. The existing dwelling is situated to the south-west of the agricultural buildings, and is single storey in height, constructed from red brick with a red/brown tiled roof. The dwelling is surrounded by an area of garden, and this area of the site is more domestic in character than the adjacent agricultural buildings and yard.
- 1.4. The occupancy of the existing dwelling is restricted to a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person by virtue of condition 7 of the original permission for the dwelling (see 02/02367/F).

2. CONSTRAINTS

- 2.1. The application site is within the Oxford Green Belt and vehicular access is taken via a Restricted Byway and a Bridleway. The Murcott Meadows and Otmoor SSSI's are just over 500 metres from the site. The site is within the Otmoor Conservation Target Area. Ponds have been identified in close proximity and a minor aquifer has been identified.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought by the Royal Society for the Protection of Birds (RSPB) to create a work base at Otmoor Farm. The development would involve the change of use, conversion and extension of the existing bungalow to create an office and residential intern accommodation. The extension to the dwelling would be positioned upon the north-eastern facing elevation and would be single storey in height with a pitched roof. The extension would accommodate the main entrance, and toilet and shower facilities. The walls would be painted blue with "RSPB Otmoor Reserve" signage. The existing off-street parking area serving the dwelling would be rationalised with pedestrian access to the main entrance provided and parking bays marked. A new sewerage treatment plant would also be installed to serve the office and living accommodation.
- 3.2. The extension is of similar dimensions to a detached garage that gained planning permission with the original dwelling during 2002 but was never constructed (extension floor area approx. 23.3m² and approved garage 33.6m²).
- 3.3. Some of the existing poor quality agricultural buildings would be demolished, with two new store buildings and a secure compound surrounded by a 2.4 metre tall wire security fence being constructed to replace them. The total floorspace of the proposed new buildings would be less than that of the existing buildings to be demolished. The remaining agricultural buildings would be retained for agricultural use, including the Nissen hut. The wartime shelter will be retained but not used as part of the development.
- 3.4. Electricity is also required on site as it is currently off-grid at present, instead powered by a small wind turbine and a diesel generator. The intention is to connect the site to the grid and demolish an existing building that currently contains the generator. The applicant also intends to install solar PV panels and an air source heat pump at a later date, although these do not form a part of the current application.
- 3.5. The existing slurry pond will be retained and left to naturalise as a wildlife pond. The existing garden associated with the dwelling would be retained as amenity space. A new security gate would be installed at the entrance to the site. Gaps in the existing hedgerow adjacent to the bridleway would be filled by planting.
- 3.6. As a result of the development, the site would become the primary work base for managing and maintaining the RSPB Otmoor Reserve. The principal requirements of the work base are to provide office accommodation, residential accommodation for volunteer interns based at the reserve, secure storage for tools, secure storage for agricultural machinery such as tractors and movers, storage of hay, stock fencing and a cattle crush for livestock associated with the reserve.
- 3.7. The applicant has explained that the RSPB has been present on Otmoor for 27 years, with 412ha of land being within their ownership and a further 73ha leased from the MOD. The land leased from the MOD is the firing range to the west and north-west that sits between Otmoor Farm and the RSPB Otmoor nature reserve. The reserve is currently managed from a leasehold property at Folly Farm in Beckley, although the applicant does not consider this to be sufficient to meet the needs of the reserve given the insecurity of tenancy, the diversion of funds from the reserve to pay annual rent

and lack of storage space for the machinery required to manage additional land that has been acquired. Additional space is also required to allow the existing team to grow, through the introduction of a residential volunteer intern programme.

- 3.8. The RSPB Otmoor Nature Reserve is currently managed by 5 permanent members of staff, with a range of support staff based remotely from the reserve. There are also 92 volunteers that work on the reserve on a weekly basis. The staff currently work both in the office/work base and on the reserve. Most of the volunteers do not visit the work base but are met on the reserve by their work party leaders.
- 3.9. Otmoor Farm would continue to be used for agricultural work, although it is owned by the RSPB as opposed to an agricultural business. The reserve comprises grasslands, ditches, hedgerows, a reservoir with reedbed and an arable cover crop. The site is grazed by livestock including cattle and sheep, and hay is cut and stored which is used to feed commercial livestock through the winter months. The applicant has advised that management of the land is supported through an agri-environment scheme, and that the RSPB is registered with the Rural Payments Agency and is a claimant under the Basic Payment Scheme that requires applicants to be active farmers.
- 3.10. The applicant considers that the use of the office accommodation in connection with the management of the reserve land would be akin to an estate office found on other agricultural holdings, with staff laying hedges, cutting grass, hay making, planting cover crops and carrying out grazing with commercial cattle and sheep. Wildlife surveys are also undertaken on farms within the Otmoor Basin, protecting nesting birds and providing advice to farmers on how to manage their land more appropriately for wildlife.
- 3.11. The applicant has advised that the majority of RSPB staff are in roles that involve both office and agriculturally based work, and that it is therefore important that the proposed office accommodation is located with the residential, secure storage and storage accommodation within the RSPB Otmoor reserve itself. The intention is for Otmoor Farm to provide self-catering accommodation for two interns over a 6-12 month period, where they will gain training and experience and support the work of the RSPB in maintaining the reserve, developing future land managers. The provision of accommodation on site would enable the interns to work on a full-time basis without the need to supplement income through other employment.
- 3.12. The proposed use of the existing bungalow as an office with intern accommodation would not comply with the requirements of the agricultural occupancy condition imposed as part of the 2003 permission. The applicant therefore also requests that the condition is either removed or amended to permit the proposed uses.

4. RELEVANT PLANNING HISTORY

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

Application: 08/02136/F	Permitted	4 December 2008
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Erection of wind turbine

Application: 02/02367/F	Permitted	17 December 2003
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Erection of 1 No. agricultural workers bungalow and garage (as amended by plans received 14.11.03 and 21.11.03). Condition 7 of 02/02367/F places an agricultural tie on the dwelling.

5. PRE-APPLICATION DISCUSSIONS

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

Application: 19/00123/PREAPP	Detailed Pre-App response sent	20 June 2019
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Proposed development to include relocation of RSPB reserve work base and residential development to support reserve delivery

Application: 22/03701/PREAPP	Response Sent	19 January 2023
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RSPB Workbase including conversion of existing bungalow for office/residential intern use and new agricultural storage buildings for maintenance of the reserve

5.2. The latest pre-application advice concluded as follows:

“Subject to the submission of a robust case for the development I consider that I could support the principle at application stage, despite it not sitting neatly within the requirements of relevant planning policy. The development is unlikely to result in significant harm to the visual amenities of the wider area, residential amenity, highway safety or ecology.”

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **20 June 2023**, although comments received after this date and before finalising this report have also been taken into account. At the time of writing 22 responses have been received: 19 objecting to the proposal, 1 supporting the proposal and 2 commenting on the proposal.

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

- Highway safety
- Concern regarding safety of users of public right of way
- Environmental pollution – noise and disturbance
- Impact on amenity enjoyed by residents
- Visual impact
- Impact on rural character
- Ecological impact
- Flood risk
- Lack of exceptional circumstances for development in the Green Belt
- Site can still be used by RSPB for farming purposes without removal of condition
- Comments on previous actions of RSPB, both in support and against
- Improve appearance of site

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. FENCOTT AND MURCOTT PARISH COUNCIL: **object** to the application on the grounds of the use of the bungalow as an office, set undesirable precedent, Parish Council objected to original application in 2002. Suggest condition restricting Class E use, seek assurance of limitation of further development, encourage RSPB to maintain engagement with Parish Councils.
- 7.3. HORTON CUM STUDLEY PARISH COUNCIL: **object** to the application on the grounds of the change of use from agriculture, failure to establish exceptional circumstances for development within the Green Belt, impact on residential amenity, increased traffic using of Ragnalls Lane and conflict with users, impact on restricted byway and resurfacing and repair following construction. If approved would expect OCC to extend and enforce lower 20mph speed limit and request condition requiring surface of Ragnalls Lane to be maintained by RSPB following construction.

CONSULTEES

- 7.4. BRITISH HORSE SOCIETY: no comments received at time of writing.
- 7.5. CAMPAIGN TO PROTECT RURAL ENGLAND: no comments received at time of writing.
- 7.6. OPEN SPACES SOCIETY: no comments received at time of writing.
- 7.7. RAMBLERS ASSOCIATION: no comments received at time of writing.
- 7.8. OCC HIGHWAY AUTHORITY: **no objection** as unlikely to adversely impact the local highway network in traffic and safety terms.
- 7.9. OCC RIGHTS OF WAY: **no objection**. Conditions suggestion and advise that no development activity should interfere with public access and the public right of way must remain available and convenient for public use.
- 7.10. CDC BUILDING CONTROL: **comment** that a Building Regulations application will be required.
- 7.11. CDC ECOLOGY: **no objection** and conditions suggested regarding a bat licence, biodiversity enhancements and a CEMP.
- 7.12. CDC ENVIRONMENTAL HEALTH: no comments received at time of writing.
- 7.13. CDC RIGHTS OF WAY: no comments received at time of writing.
- 7.14. CDC LAND DRAINAGE: **no comments or objections** as the site is not shown to be in Flood Zones 2 or 3.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

PSD1 – Presumption in Favour of Sustainable Development
SLE1 – Employment Development
SLE4 – Improved Transport and Connections
ESD1 – Mitigating and Adapting to Climate Change
ESD 3 – Sustainable Construction
ESD10 – Biodiversity and the Natural Environment
ESD11 – Conservation Target Areas
ESD13 – Landscape Character
ESD14 – Oxford Green Belt
ESD15 – The Character of the Built and Historic Environment
Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

TR7 – Development attracting traffic to minor roads
C28 – Layout, design and external appearance of new development
C30 – Design control
ENV1 – Environmental pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (HRA)
- Equalities Act 2010 (EA)

9. APPRAISAL

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

- Principle of development in the Oxford Green Belt
- Design, and impact on the character of the area
- Residential amenity and environmental pollution
- Highway safety and public rights of way
- Ecology impact
- Flood risk
- Sustainable construction

Principle of Development in the Oxford Green Belt

- 9.2. The proposed development would involve the creation of a mixed use development, consisting of an office, residential intern accommodation, storage of items in connection with the maintenance of the Otmoor Nature Reserve and agriculture. The existing site is in agricultural use with associated agricultural workers dwelling and Officers are of the opinion that the continued residential occupation of the dwelling and agricultural use of the site would not constitute a change of use, although it would result in the effective removal of the agricultural tie and loss of one agricultural

worker's dwelling. A new element of employment development would also be introduced, with an office and buildings used for the storage of items that are not strictly connected to an agricultural business.

- 9.3. With regard to development in the Oxford Green Belt, the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful for the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.4. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings should be regarded as inappropriate development, although there are exceptions to this. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 9.5. Exceptions to the construction of new buildings being considered inappropriate development in the Green Belt include:
 - Buildings for agriculture or forestry;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 9.6. With regard to other forms of development in the Green Belt, the re-use of buildings provided that the buildings are of permanent and substantial construction is not considered inappropriate development provided the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it. This guidance is echoed in Policy ESD14 of the CLP 2015.
- 9.7. The proposed development would involve the retention and re-use of existing buildings throughout the site where possible. One of the retained agricultural barns would remain in agricultural use. One existing agricultural building would be re-used for additional storage and an external covered workspace to be used in connection with the maintenance of the nature reserve. Existing agricultural buildings that are in a poor state of repair would be demolished and replaced by new buildings that are not materially larger than their predecessors and erected in similar positions. The use of these new buildings would be connected to the maintenance of the nature reserve. The tools, machinery and activities taking place within the proposed buildings are not considered to be dissimilar to that of an agricultural use, to include a tractor, toppers, a rotavator, an aerator, a roller, a hay mower and other hay making machinery.
- 9.8. The existing dwelling would be partially converted to an office, and an extension is proposed off the north-eastern elevation. The extension would be smaller in size than a detached garage that gained planning permission during 2003 with the original dwelling that was never constructed (the garage can still be constructed) and is therefore not considered to constitute a disproportionate addition that is over and above the size of the original building.

- 9.9. It is for the above reasons that your Officers are of the opinion that the proposed development would constitute appropriate development within the Oxford Green Belt.
- 9.10. With regard to employment development within the rural areas, Government guidance contained within the NPPF requires planning decisions to enable:
- the sustainable growth of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - the development and diversification of agricultural and other land-based rural businesses;
 - sustainable rural tourism and leisure development which respect the character of the countryside;
 - the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 9.11. The guidance goes on to explain 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 the development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.12. Policy SLE1 of the CLP 2015 relates to new employment development. It explains that new employment development will be focussed on existing employment sites, and on existing operational or vacant employment sites in the rural areas, employment development, including intensification, will be permitted subject to compliance with other policies in the Plan. New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:
- they will be outside of the Green Belt, unless very special circumstances can be demonstrated;
 - sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site;
 - they will be designed to a very high standard using sustainable construction, and be of an appropriate scale and respect the character of villages and their surroundings;
 - they will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment;
 - the proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including any designated buildings or features (or on any non-designated buildings or features of local importance);

- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car;
 - There are no suitable available plots or premises within existing nearby employment sites in the rural areas.
- 9.13. The CLP 2015 has an urban focus and, with the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided. The justification should include an applicant demonstrating a need for and benefits of employment in the particular location proposed and explaining why the proposed development should not be located at the towns, close to the proposed labour supply.
- 9.14. The RSPB is the owner of Otmoor Farm and the entirety of the associated with the farm is positioned in close proximity to the wider Otmoor Nature Reserve. The applicant has explained that the majority of RSPB employees are in roles that involve both office and agriculturally based work, and they consider it important that the proposed office accommodation is co-located with the residential, secure storage and storage accommodation within the Otmoor Nature Reserve. The applicant goes on to explain that like any large estate, the Otmoor Nature Reserve requires considerable upkeep and management, and in keeping with comparable land uses its operational base needs to be strategically located within the boundaries of the reserve.
- 9.15. Officers consider that the proposed use of the site would be similar to that of an agricultural business, and whilst it is understood from consultation responses that the previous owner worked alone, it could be that a new farmer taking on the site would decide to take on employees to assist with the day-to-day operations of the farm. The permitted development rights afforded by Schedule 2, Part 3, Class R (agricultural buildings to a flexible commercial use) of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) should also be borne in mind, whereby 150 square metres of an agricultural building meeting the required criteria could normally be converted to Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business or service) of the Use Classes Order without planning permission, or up to 500 square metres with the prior approval of the Local Planning Authority.
- 9.16. The location of the work base within the Otmoor Nature Reserve itself is considered suitable, as opposed to an urban location or existing rural employment site further afield, that would require machinery and tools to be transported to and from the reserve on a daily basis. The applicant does not consider the current leasehold property at Folly Farm in Beckley to be sufficient to meet the needs of the reserve due to the insecurity of tenancy, the diversion of funds from the reserve to pay annual rent and the lack of storage space for the machinery required to manage additional land that has recently been acquired. Additional space is also required to allow the existing team to grow, through the introduction of a residential volunteer intern programme.
- 9.17. Officers are of the opinion that the RSPB can demonstrate very special circumstances for a work base in this Green Belt location, considering the similarity to an agricultural business, the requirement for a location in close proximity to the Otmoor Nature Reserve and the social and environmental benefits that would arise through the maintenance of the largest nature reserve in the District.
- 9.18. The development would lead to the loss of one agricultural workers dwelling. The existing dwelling was only permitted given the essential need for an agricultural worker to be at the site, where normally new dwellings in such locations are restricted. Such conditions should only be removed if it can clearly be demonstrated that there

is no need for an agricultural workers dwelling in the locality. However, given that the RSPB employees and volunteers would continue to have an agricultural strand to their roles during their occupation of the dwelling, they would continue to be connected to employment within agriculture. In addition, as the RSPB has purchased the entire land holding with the dwelling, Officers consider that the development is therefore unlikely to lead to pressure for an additional agricultural workers dwelling in this location to support the holding.

- 9.19. The development is also reversible and can be returned to an agricultural workers dwelling and associated farmstead should the RSPB ever vacate the site in the future. This can be secured via condition.
- 9.20. It is for the above reasons that Officers consider the principle of the development in the Oxford Green Belt to be acceptable.

Design, and impact on the character of the area

- 9.21. 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.
- 9.22. Policy ESD13 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 ESD15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.
- 9.23. Saved Policies C28 and C30 of the CLP 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 9.24. The site consists of an existing farmstead and agricultural workers dwelling in the open countryside. The agricultural barns within the site at present have an untidy appearance and are in a poor state of repair. Views into the site are obtainable from the public right of way that runs alongside the eastern boundary of the site, although a mature hedgerow go some way to soften the appearance of the buildings from this vantage point. The intention is to infill the gaps within this existing hedgerow as part of the development.
- 9.25. The proposed replacement buildings would be of typical agricultural design and appearance, using concrete panels and metal cladding of a grey or green colouring. The heights would also be similar to those existing. It is considered that such buildings are an anticipated feature of the rural landscape and that they would not be out of keeping with their context.
- 9.26. The proposed extension to the existing dwelling would be set further into the site, beyond intervening structures and a hedgerow, and despite the proposed blue colouring, given the single storey height and discreet positioning, Officers do not consider that this would constitute an overly prominent feature within the wider landscape.

- 9.27. A fenced compound is proposed within the site in order to provide security for the items stored within. This fence would be 40cm taller than a fence that could be erected as permitted development. Whilst undesirable, the area of the compound is limited and located between buildings. The wire mesh fence design would also allow views through, softening its appearance. The colour and finish of the proposed fence can be controlled by condition.
- 9.28. Officers consider that the repair and re-use of the existing barns would constitute an enhancement to the appearance of the site. The proposed replacement barns are agricultural in design and appearance and would retain the agricultural character of the farmstead as a result. The fence and extension would be discreetly positioned within the site and are both of a design and appearance that would not detract from the visual amenities of the site or wider area. The development is therefore considered to accord with the above policies in terms of design and the impact on the character of the area.

Residential amenity and environmental pollution

- 9.29. 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.
- 9.30. Policy ESD15 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.
- 9.31. The site is positioned in an isolated location away from other residential dwellings. The only residential use within the site would be intern accommodation, connected to the use of the site for the maintenance of the Otmoor Nature Reserve where some disturbance would be anticipated, similar to that of an agricultural worker occupying a dwelling associated with their farm business.
- 9.32. Access to the site would be via an existing track, Ragnalls Lane, that does run adjacent to residential dwellings to the south-east of the site. However, given the existing authorised use of the site for the purposes of agriculture, with no restriction of vehicular movements at present, it is not considered that the proposed use of the site would significantly exceed the disturbance that could be already experienced by these nearby dwellings should an agricultural business operate from the farmstead once again.
- 9.33. The proposed activities taking place on the site would either include agriculture or be similar to an agricultural use of the site, and Officers do not anticipate levels of environmental pollution over and above that of the existing authorised use as a result.
- 9.34. The site is positioned a sufficient distance from all neighbouring properties in order to avoid any harm in terms of shading, an overbearing appearance or loss of outlook. It is for the above reasons that Officers consider the proposal to accord with the above policies in terms of residential amenity and environmental pollution.

Highway safety and public rights of way

- 9.35. 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. Further, planning

decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy SLE4 of the CLP 2031 Part 1 echoes this, with all development where it is reasonable to do so, being required to facilitate the fullest possible use of sustainable modes of transport including walking and cycling.

- 9.36. 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.
- 9.37. The applicant has clarified in their letter received on 24 June 2023 that the site does not include the provision of a visitor centre or visitor facilities. The majority of public events (currently four per year) commence at the main reserve car park in Beckley. Numbers are also restricted at these events.
- 9.38. There would be 5 members of staff and 2 residential volunteer interns based at Otmoor Farm, with the majority of the other volunteers (92 at the time of writing) met on the reserve by work party leaders. One or two volunteers may, however, collect equipment from Otmoor Farm. The work parties run three days per week.
- 9.39. Staff at Otmoor Farm would work Monday to Friday 9am - 5.15pm, with some occasional early or late hours and weekends.
- 9.40. Access to the site would be via the existing access on Ragnalls Lane, although, in respect of work relating to the farm and Nature Reserve, where possible, this would be across land under the control of the RSPB. In 2022 logs at the current work base in Beckley indicate that there are 40 return journeys on average per month, equating to two journeys per day. Vehicles currently consist of staff owned cars/bicycles, agricultural machinery including pick-ups, quad bikes and a tractor.
- 9.41. Staff would be instructed to drive slowly and to give way to users of the public right of way. It is understood that Ragnalls Lane has no registered owner, although the RSPB intend to undertake track repairs on Ragnalls Lane. This work cannot, however, be sought by condition due to the land not being within the ownership of the applicant.
- 9.42. Officers consider that the number of vehicle movements along Ragnalls Lane would not be dissimilar to those which would be anticipated as part of an established agricultural business which could operate from the site today. It is understood that the previous owner of Otmoor Farm was winding down to retirement and their family had left home, so movements to and from the farm had reduced in recent years.
- 9.43. OCC Rights of Way and OCC Highway Authority have raised no objection to the scheme and Officers are in agreement with this assessment. There are a number of requirements upon the applicant to ensure that the right of way remains accessible to members of the public and these are covered by separate legislation. The applicant intends to implement a Construction Traffic Management Plan in order to avoid nuisance and conflict with users of the public right of way during construction, and this can be sought via condition.
- 9.44. Officers therefore consider the proposal to accord with the above policies in terms of highway safety and the use of the public right of way.

Ecology impact

- 9.45. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 9.46. 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.
- 9.47. Policy ESD11 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.
- 9.48. The Otmoor Nature Reserve is a Conservation Target Area, where work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats is a principal aim.
- 9.49. The application is accompanied by an ecological appraisal, and this has confirmed a bat roost within a shed that is proposed for demolition. A licence would be required for this work, and it is recommended that demolition takes place during the winter months. The installation of bat tubes and boxes is recommended for the replacement structures. The ecological appraisal concludes that aside from the bats, it is not considered that any protected species would be impacted by the proposal. A biodiversity plan also accompanies the application.
- 9.50. The CDC Ecology Officer has raised no objection to the scheme subject to conditions securing biodiversity enhancements, obtaining a bat licence and the submission of a Construction Environment Management Plan (CEMP) to protect retained vegetation, species passing through the site and to ensure that demolition measures, timings and checks are contained within one document. Officers are in agreement with this assessment and consider the proposal to accord with the above policies in terms of ecological impact.

Flood risk

- 9.51. 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.
- 9.52. Policy ESD6 of the CLP 2015 echoes Government guidance, requiring the submission of a Flood Risk Assessment (FRA) and demonstration that developments will be safe and remain operational (where necessary), and that surface water will be managed effectively on site and that the development will not increase the flood risk elsewhere.
- 9.53. It is understood that Otmoor Farm and surrounding land has historically experienced flooding, indeed, the Otmoor Nature Reserve is described as a floodplain grazing marsh that is home to wading birds and wildfowl year round. However, the site is not within Flood Zones 2 or 3, and the site is below 1 hectare in area, so a Flood Risk Assessment is not a requirement with this application.

- 9.54. Despite this, the applicant has addressed the issue of flooding in their submission, explaining that the existing bungalow was constructed in accordance with recommendations in the flood risk assessment accompanying the 2002 application. Further, the floors of the new buildings proposed as part of this scheme would be raised to increase flood resilience, together with landscaping of the garden surrounding the bungalow. Flood resilience measures would also be incorporated into the extension to the existing bungalow, and permeable surfacing will be used for the drive and parking area. The overall footprint of buildings upon the site would also reduce as a result of the development.
- 9.55. CDC Land Drainage are content with the proposal, given that the site is not within Flood Zones 2 or 3. Officers therefore consider that flood risk has been satisfactorily addressed within the submission, and that flood risk would not be increased elsewhere as a result of the development, in accordance with the above Policies.

Sustainable construction

- 9.56. Government guidance contained within the NPPF requires the planning system to support the transition to a low carbon future in a changing climate, helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.
- 9.57. Policy ESD3 of CLP 2015 states 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 energy demands and loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, using locally sourced material, reducing waste and pollution, using sustainable drainage methods, maximising opportunities for cooling and shading and re-using materials where proposals involve demolition or redevelopment.
- 9.58. A structural survey undertaken of the existing buildings on site has identified buildings that are suitable for re-use. These buildings will be repaired and re-used as part of the development. The office and residential accommodation within the existing bungalow would benefit from natural light and ventilation. Aside from the entrance door, no openings are proposed within the extension, although as this would accommodate toilet facilities and a cupboard this is not considered necessary.
- 9.59. The applicant intends to install an air source heat pump (this would be the subject of a separate application) and solar PV panels (this may constitute permitted development) in addition to connecting the site to the grid, providing a mains power connection. However, these renewable energy provisions are not the subject of the current application. The site currently relies on a wind turbine and diesel generator, although the generator would be decommissioned and the building demolished when connected to the grid.
- 9.60. Officers consider that sustainable construction methods have been demonstrated as part of the proposal, and that the development meets the requirements of the above policies.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would create a work base for the RSPB to meet their needs for the maintenance of the Otmoor Nature Reserve. It is anticipated that the development would deliver social and environmental benefits in terms of security of

tenure for the charity and the ability to expand their operation and improve conservation management on the reserve with resultant enhancement to biodiversity. The development would deliver some economic benefits as a result of the initial construction, the provision of employment and training opportunities and some commercial agriculture. The development is considered appropriate development in the Oxford Green Belt and is anticipated to deliver biodiversity enhancements, whilst avoiding harm to visual amenity, residential amenity, highway safety or detrimentally impacting usage of the public right of way, nor resulting in additional flood risk elsewhere or cause significantly harmful levels of environmental pollution. Taking account of other material considerations, the balance weighs in favour of the development being sustainable development.

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 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: Design and Access Statement, Primary Ecological Appraisal dated April 2022, Biodiversity Plan, Tree Survey, Letter from agent received 24 June 2023, Location plan received 29 June 2023, Location within RSPB Otmoor Nature Reserve plan received 29 June 2023, Location plan with ROW received 29 June 2023, Drawing No's: SA-20-001 Rev. D, SA-20-002 Rev. D, SA-20-012 Rev. A, SA-20-013 Rev. A, SA-20-015, SA-20-016 Rev. A, Fortex fence specification details

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.

Prior to commencement of groundworks, works of site clearance or demolition

3. Prior to the commencement of any groundworks, works of site clearance or demolition, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved CTMP at all times.

Reason - In the interests of highway safety and the safety of users of the public right of way, and to ensure the environment is protected during construction in accordance with saved Policies SLE4 and ESD15 of the Cherwell Local Plan

2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of any groundworks, works of site clearance or demolition, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.

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.

Prior to commencement above slab level

5. Prior to the commencement of the extension hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.

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

6. Prior to the commencement of the storage buildings hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.

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

Prior to erection of compound fence and entrance gates

7. Prior to the erection of the compound fence and entrance gates hereby approved, full design details to include colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

Compliance only

8. The development hereby approved shall be carried out strictly in accordance with the recommendations and details set out in the Primary Ecological Appraisal dated April 2022 and the Biodiversity Plan submitted with the

application, which was prepared by The RSPB Ecology & Land Management.

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.

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. That the entrance gates hereby approved shall open inwards only.

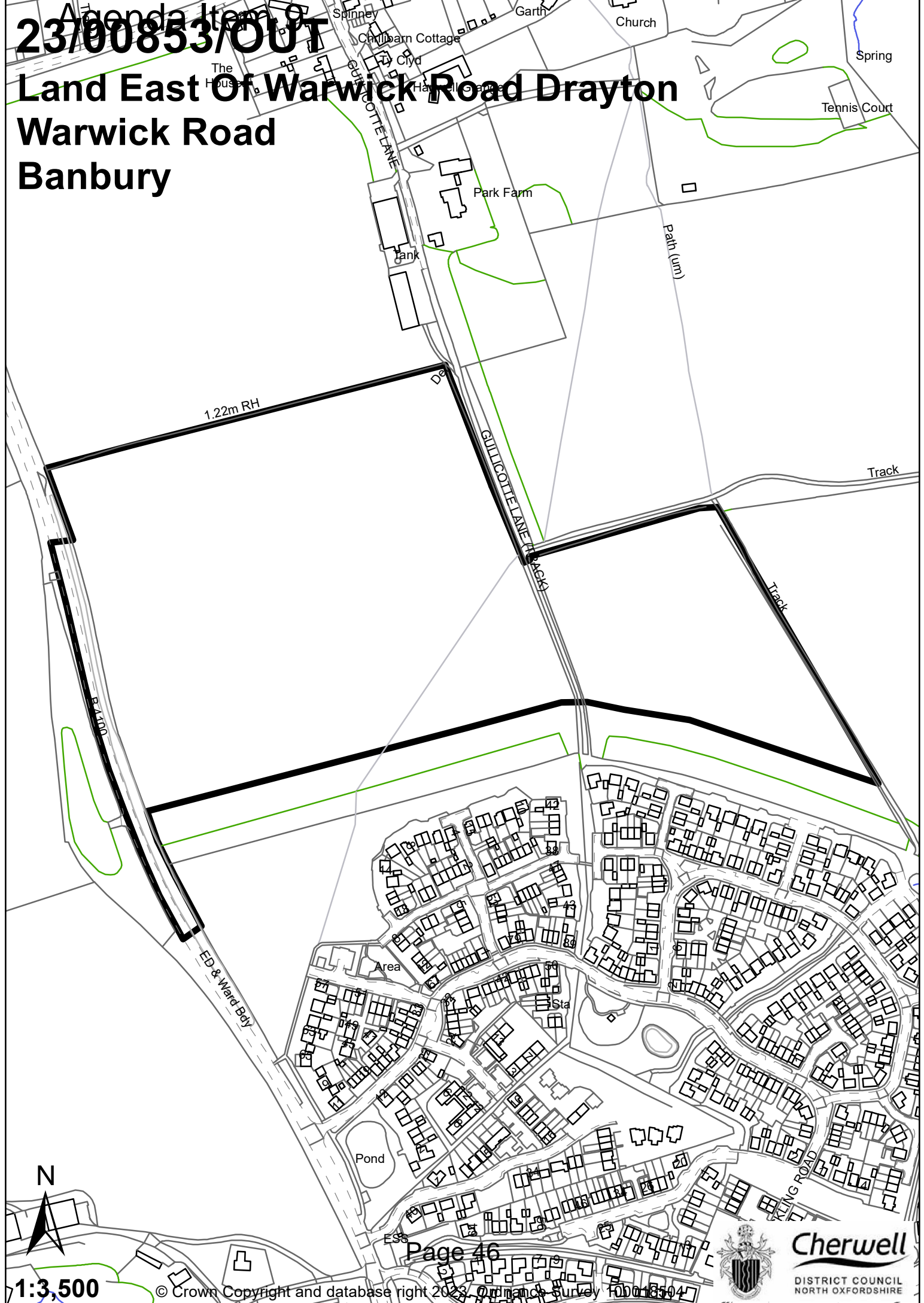
Reason – In the interests of highway safety and the safety of users of the public right of way in accordance with saved Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. This permission shall enure for the benefit of the Royal Society for the Protection of Birds only and for no other persons only and shall not enure for the benefit of the land. Upon the applicant ceasing to occupy the site and/or buildings, the dwelling shall be occupied only by a person solely or mainly employed, or last solely or mainly employed in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person, and the site and buildings shall be used only for the purpose of agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990 .

Reason - This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with Policies SLE1 and ESD14 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Gemma Magnuson

Land East Of Warwick Road Drayton Warwick Road Banbury



23/00853/OUT

Land East Of Warwick Road Drayton Warwick Road Banbury



Allotment Gardens

The

Hanwell

Fish Ponds

Castle

FB

Park Farm

Pond

ES

Path (dm)



1:5,000



23/00853/OUT

**Land East Of Warwick Road Drayton
Warwick Road
Banbury**



1:4,000

Case Officer: Richard Greig

Applicant: Vistry Homes

Proposal: Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access

Ward: Cropredy, Sibfords And Wroxton
Banbury Hardwick

Councillors: Cllr Chapman, Cllr Reynolds, Cllr Webb
Cllr Brasha, Cllr Crichton, Cllr Donaldson

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 11 August 2023

Committee Date: 10 August 2023

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY OF RECOMMENDATION

REFUSE PERMISSION – OUTSIDE OF SETTLEMENT, THREAT OF COALESCENCE WITH HANWELL, HARMFUL TO CHARACTER & APPEARANCE OF OPEN COUNTRYSIDE AND THE HERITAGE SETTING OF HANWELL CONSERVATION AREA & ITS LISTED BUILDINGS CONTRARY TO DEVELOPMENT PLAN POLICIES PSD1, BSC1, C8 AND H18

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site equates to 12.63ha in area and comprises two arable fields separated by Gullicott Lane (a lane extending south from Hanwell village past Park Farm towards the northern edge of Banbury) and is located beyond the north-western built-up settlement limits of Banbury. It is bounded to the west by the B4100 Warwick Road, to the south by a substantial tree and hedgerow boundary that contains the built-up area of Banbury and to the north by another flat arable field, which is separated from the application site by a sparse hedgerow with intermittent trees.
- 1.2. To the northwest of the application site lies the village of Hanwell, which is a designated Conservation Area containing on its southern edge the Grade I listed Church of St Peter and the Grade II* listed Hanwell Castle with its Community Observatory. Further agricultural land lies to the north and east; and, to the south lies the Persimmon Homes Hanwell Chase and Drayton Lodge residential developments.
- 1.3. The topography of the site is slightly undulating across a broad plateau, at an altitude of around 145m above Ordnance Datum (AOD). Beyond the site boundary to the west and east, the landform slopes down into the Cherwell and Hanwell Brook valleys.

- 1.4. A mature established tree belt runs along the length of the southern boundary of the site. The northern and eastern boundaries are defined by sparse hedgerows with open views eastwards from Warwick Road.

2. CONSTRAINTS

- 2.1. The application site on the top of the plateau is situated within Flood Zone 1 and is classified as grade 2 and grade 3a agricultural land that separates the town of Banbury from the nearby village of Hanwell. Two PRow's cross the site, linking Banbury with Hanwell, namely PRow 191 and PRow 239.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. As set out under the applicants completed application form, which provides the 'Proposal' description to this report, this application seeks planning permission for the following:

'Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury. All matters reserved except for access.

- 3.2. As referred to above in the application description, all matters are reserved for future consideration except for access.

- 3.3. Notwithstanding the above the applicant's submission illustratively breaks down the proposals as follows:

- a mix of 1, 2, 3 and 4 bed dwellings;
- a new vehicular and pedestrian entrance to the site from the western boundary from Warwick Road;
- a footpath and cycleway to the eastern edge of Warwick Road, to connect the site to the existing footpath in the Persimmon development to the south;
- 53% of the site to be retained as public open space, including the retained PRow's;
- a biodiversity net gain of 38% for habitats and 10% for hedgerows;
- play and recreational provision; and,
- highway improvements and sustainable drainage systems.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no previous planning history on the site.

5. PRE-APPLICATION DISCUSSIONS

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

Application Reference: 21/02776/PREAPP

- Residential development of up to 250 dwellings;
- OS Land Parcel 1200, Warwick Road, Banbury;
- Response issued on 4 May 2022.

- 5.2. The response can be summarised as follows:

- The potential landscape impacts of the proposal would be significant and demonstrable, and they would outweigh the benefits of providing additional residential development to address the Council's 5-year housing land supply position;
- The proposal would reduce the existing gap between the settlements of Banbury and Hanwell, creating a perception of coalescence between the two settlements and having a detrimental impact on the setting of the Hanwell Conservation Area;
- The submitted documents have inadequately assessed issues relating to landscape impact, heritage impacts and ecology; and,
- The development would likely be detrimental to the rural character and landscape appearance of the countryside on the northern edge of Banbury and would threaten coalescence with nearby Hanwell village.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **19 May 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 May 2023**.

6.2. In response to the above, 489 objections and 2 representations of support have been received. Those comments are summarised as follows:

Objections

- The site is not allocated for development in the Local Plan;
- CDC are able to demonstrate the required 5-year housing land supply;
- Site has previously been identified as not being suitable for development;
- Would result in erosion of gap between Hanwell and Banbury;
- Impact upon rural landscape and loss of important public views;
- Impact upon setting of Hanwell Conservation Area and other heritage assets;
- Need to maintain village identity of Hanwell;
- Impact upon wildlife and their habitat;
- Impact upon valuable agricultural land;
- Increase in light pollution and impact upon local observatory;
- Infrastructure not in place for more houses/residents;
- Would lead to additional traffic and congestion;
- The development is speculative;
- No requirement for this form of open market housing;
- Lack of screening between development and Hanwell village;

Support

- Shortage of housing;
- Development is appropriate and necessary;
- Would welcome more people living in area; and,
- Fields will remain between Hanwell and Banbury.

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: **Objection.** The comments are summarised as follows:

- Consideration of application is premature pending publication of draft local plan and consultation responses;
- CDC have a 5-year housing land supply;
- The gap between Banbury and Hanwell is of vital importance and therefore strongly object to landscape impact; the impact upon Hanwell Conservation Area; and the erosion of gap between Banbury and Hanwell.

7.3. SHOTTESWELL PARISH COUNCIL: **Objection.** The comments are summarised as follows:

- Hanwell and Drayton rural have already had unprecedented levels of development;
- The land is not allocated for development;
- Promise was made not to develop beyond the well-established green bund which exists between Hanwell and Hanwell Chase;
- CDC have a 5-year housing land supply;
- Loss of prime agricultural land;
- Proximity to and impact upon Hanwell Conservation Area and heritage assets therein;
- Impact of light pollution upon observatory;
- Thames Water has indicated the pressure this development would place upon existing infrastructure;
- Doctors surgeries are at full capacity and the levy does not guarantee funds would actually enhance services;
- Impact of additional traffic and congestion;
- Horrified that PROW team have not tried to protect a rural footpath over fields from urbanisation;
- Settlement has a historic value and should remain rural and retain its identity.

7.4. HORLEY PARISH COUNCIL: **Objection.** The comments are summarised as follows:

- Contrary to Cherwell Local Plan;
- Erosion of important rural gap;
- Would result in coalescence of Banbury and Hanwell;
- Negative impact upon conservation area and heritage assets;
- CDC has a 5-year housing land supply;
- Banbury has had an enormous amount of development and does not appear to have been taken into account;
- Proposal is to develop a site CDC have previously assessed as clearly 'not suitable' for development;
- Would cause loss of an important landscape feature and green space that contributes to character and identity of countryside;
- Would result in loss of high grade agricultural land;
- Would cause traffic congestion, access and safety problems; and,
- Would place added pressure upon existing local infrastructure.

7.5. DRAYTON PARISH COUNCIL: **Objection** The comments are summarised as follows:

- The site is not allocated for development in the Draft Local Plan that was recently out for consultation;
- Tree barrier was planted to delineate northern boundary of Persimmon Homes development to protect Hanwell village from said development;

- This application is to north of tree lined Persimmon development and has a severe visual impact upon Hanwell;
- While located mainly within Drayton Parish it is only a few yards from Hanwell village and will destroy its rural character;
- Approving this development will only leave a single field between Banbury and Hanwell, risking further development joining these settlements;
- CDC have a 5-year housing land supply;
- There are a number of brownfield sites that have planning and have not yet been developed, which should be completed before new sites are sought; and,
- This is good agricultural land that will be required for food security in the future.

7.6. HANWELL PARISH COUNCIL: **Objection** The comments are summarised as follows:

- Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell;
- Harm to character and appearance of the area, including coalescence;
- Impact on heritage assets; and,
- Loss of best and most versatile agricultural land.

7.7. THE BOURTONS PARISH COUNCIL: **Objection** The comments are summarised as follows:

- Encourages the coalescence of outlying villages into the area of Banbury Town;
- Impact to the local Conservation area and heritage assets;
- Housing land supply;
- The area surrounding Hanwell has high landscape value and comprises high quality agricultural land; and,
- The Cherwell Local Plan emphasises the need to maintain clear rural buffers between outlying villages and Banbury Town.

7.8. KEEP HANWELL VILLAGE RURAL ACTION GROUP (KHVRAG): **Objection** The comments are summarised as follows:

- Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell;
- Harm to character and appearance of the area, including coalescence;
- Impact on heritage assets; and,
- Loss of best and most versatile agricultural land.

CONSULTEES

7.9. OCC HIGHWAYS: **Objection** The comments are summarised as follows:

- The site access junction has not been supported by a vehicle tracking exercise;
- The Personal Injury Collision data used to identify any significant highway safety issues within the study area is not up to date. This has not utilised the most recent 5-year accident record; and,
- Junction Capacity Assessment is not deemed to be robust enough, failing to appraise certain junctions that have been shown to accommodate a majority of traffic from the proposed development. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution.

7.10. OCC LOCAL LEAD FLOOD AUTHORITY (LLFA): **No Objection** subject to conditions.

7.11. OCC EDUCATION: **No Objection** subject to S106 contributions.

- 7.12. OCC ARCHAEOLOGY: **No Objection** subject to conditions.
- 7.13. OCC WASTE MANAGEMENT: **No Objection** subject to S106 contributions.
- 7.14. OCC RIGHTS OF WAY: **No Objection** subject to conditions and S106 contributions.
- 7.15. CDC BUILDING CONTROL: **No Objection** Comments are summarised as follows:
- Where required works will be subject to an application to secure compliance with Building Regulations; and,
 - Attention drawn to B5 fire service vehicle access.
- 7.16. CDC ENVIRONMENTAL HEALTH: **No Objection** subject to conditions
- 7.17. CDC ECOLOGY: **No Objection** subject to conditions.
- 7.18. CDC RECREATION & LEISURE: **No Objection** subject to S106 contributions.
- 7.19. CDC PLANNING POLICY: **Objection** summarised as follows:
- CDC are able to demonstrate a 5-year housing land supply;
 - Merits of providing additional homes are noted and proposal would assist in delivering new homes under Policy BSC1;
 - The application site, if developed, will extend the current built up limits of Banbury into open countryside. The site is not allocated for development in the development plan. The proposals are therefore contrary to saved policies C8 and H18;
 - Policy ESD13 requires development to respect and enhance local landscape character;
 - In support of policy ESD13, paragraph B.252 of the Plan lists key landscape, and landform features of value around Banbury which includes the open and agricultural setting and identity of the outlying villages surrounding Banbury;
 - The application site forms part of a larger area included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA030) – which concluded, in part, that the site is: *'unsuitable for development'*; *'would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site'*.
 - The landscape impact of the application site is especially sensitive given its visual prominence, likely harm to the setting of Hanwell and the erosion of the gap between the village and Banbury, thereby creating a real risk of coalescence;
 - Development will likely breach Banbury's contained environmental setting and erode landscape features which define Banbury as a compact historic market town;
 - Proposals should be considered against Policy ESD 10, particularly in relation to the loss of best and most versatile agricultural land, and biodiversity;
 - Proposals should be considered against and informed by Policy ESD 15 and consider matters such as impact on the Hanwell Conservation Area and other designated and non-designated heritage assets, public access, routes, views, light pollution, urban spaces, development frontage, and building heights. The impact on the Hanwell Observatory should also be considered;
 - Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply;

- 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 BSC 11;
- Technical matters including access, traffic, drainage, biodiversity net gain and ecology will require detailed consideration;
- It is understood that primary care provision in the Banbury area is at or near capacity. The views of local GP practices and BOB ICB should therefore be sought on this matter; and,
- The Council is currently undertaking a review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the appropriate context for identifying the quantum and location of future residential growth at Banbury. The application site has been submitted for consideration through the Cherwell Local Plan Review 'Call for Sites'.

7.20. THAMES WATER: **No Objection** subject to conditions.

7.21. NHS INTEGRATED CARE BOARD (BOBICB): **Comments** no objection subject to S106 contributions. The comments are summarised as:

- Primary Care Network (PCN) are already under pressure from nearby planning applications;
- This application directly impacts on the ability of the Banbury Cross Health Centre surgery in particular, to provide primary care services to the increasing population;
- Primary Care infrastructure funding is therefore requested to support surgery alterations or capital projects to support patient services;
- 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.

7.22. THAMES VALLEY POLICE (CRIME PREVENTION): **Comments** no objection subject to S106 contributions. The comments are summarised as:

- Block Arrangement – there should be no excessive permeability and side/rear gardens devoid of surveillance should not be exposed;
- PROW/Public Open Space – PROW transecting the site should be routed and landscaped to provide high levels of surveillance; and, area of open space must be overlooked by multiple dwellings;
- S106 – contributions required;
- Parking – wherever possible in curtilage parking is preferred. Parking spaces must be covered by active surveillance;
- Parking Courts – should be avoided as they can attract those intent on crime and antisocial behaviour;
- Cycle Routes - providing dual purpose routes (pedestrian/cyclist) would be beneficial;
- Defensible Space and Planting - There should be clear definition between the public and private realm;
- Surveillance - it is vital that public areas are well overlooked by natural surveillance from surrounding dwellings, with active frontages to all streets and to neighbouring open spaces;
- Apartment Blocks – should follow best practice of Secured by Design;
- Merged Cores within Apartments Blocks – lift/stairwell cores should not be merged;
- Lighting - should meet the general standards of BS5489-1:2020;
- Rear Access Routes - must be secured to the front of the building line;

- Allotments – should be designed and enclosed to prevent unauthorised entry; and, should be overlooked by surrounding development;
- Utility Meters - unless smart meters are specified, private utility meters must be located where they are easily accessible and visible from the public realm.

7.23. BANBURY CIVIC SOCIETY: **Objection** summarised as follows:

- Proposed development would intrude into the open countryside on high grade farmland identified as being visually sensitive to urban development;
- Would compromise the rural setting of Hanwell village and its conservation area and result in coalescence, contrary to Cherwell's adopted Local Plan.

7.24. CPRE: **Objection** summarised as follows:

- Plans presented will destroy an area of Best and Most Valuable agricultural land (grade 2) at a time of heightened concern regarding the nation's food security;
- Will cause significant harm to the habitats of a number of species, many of which are recognised to be in decline, some to the point of endangerment;
- The proposal has the effect of conjoining Banbury with the settlement of Hanwell, a Conservation Area with Grade 1 and 2 listed buildings; and,
- Hanwell village will disappear as a distinct settlement.

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
- BSC1: District Wide Housing Distribution
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H5: Affordable Housing
- H18: New Dwellings in the Countryside
- C7: Landscape Conservation
- C8: Sporadic Development in the Open Countryside
- C28: Layout, design and external appearance of new development
- C30: Design of New Residential Development

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive (1992)
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Biodiversity and Geological Conservation: Circular 06/2005
- Cherwell Residential Design Guide SPD (2018) Developer Contributions SPD (2018)
- Hanwell Conservation Area Appraisal (August 2007)
- CDC Housing and Economic Land Availability Assessment (HELAA) (February 2018)
- CDC Banbury Landscape Sensitivity and Capacity Assessment (September 2013)
- A Green Future: Our 25 Year Plan to Improve the Environment (January 2018)

9. APPRAISAL

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

- Principle of Development
- Landscape Context
- Heritage Context
- Loss of Agricultural Land
- Highways
- Housing Mix and Affordable Housing
- Natural Environment
- Flood Risk and Drainage
- Sustainability
- Section 106 Agreement

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states '*if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' This is also reiterated within the National Planning Policy Framework (NPPF) at paragraph 12 which highlights that the starting point for decision making is the development plan.

Development Plan

- 9.3. Having regard to this application the Development Plan comprises the adopted CLP 2031 Part 1 and the saved policies of the CLP 1996.
- 9.4. Policy PSD1 of the CLP 2031 Part 1 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development under the NPPF.
- 9.5. Underpinning the Development Plan is a vision and spatial strategy wherein the latter is summarised as follows:
- *Focusing the bulk of the proposed growth in and around Bicester and Banbury;*
 - *Limiting growth in our rural areas and directing it towards larger and more sustainable villages; and,*
 - *Aiming to strictly control development in open countryside.*
- 9.6. Policy BSC1 (CLP 2031 Part 1) directs the delivery of housing within the District, stating, in part:

'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.'

National Planning Policy Framework

- 9.7. 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).
- 9.8. 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.
- 9.9. 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:

11c) *'approving development proposals that accord with an up-to-date development plan without delay;*

or

11d) *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.'*

9.10. The position under para 11d above, 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'*.

9.11. Paragraph 12 of the NPPF provides clear direction in respect of sustainable development and the status of the Development Plan, wherein it states:

'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.'

9.12. Section 5 of the NPPF focuses upon the delivery of a sufficient supply of homes, stating:

'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.'

9.13. Paragraph 74 (Section 5) of the NPPF provides direction on maintaining the supply and delivery of homes, stating:

'Local planning authorities should 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.'

9.14. The supply of specific deliverable sites should, in addition, include a buffer which is 5% in CDC's current circumstances (moved forward from later in the plan period).

9.15. The position in respect of the CDC housing land supply is addressed below.

5-Year Housing Land Supply

9.16. In February 2023 Cherwell District Council (CDC) 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 CDC is able to demonstrate a 5.4-year supply and paragraph 11d (the *'tilted balance'*), as referenced above, is not engaged.

9.18. The merits of providing additional homes (including affordable homes) on this site is therefore noted and it is acknowledged that the proposal would assist in delivering new homes and in meeting overall housing requirements under Policy BSC1 (CLP 2031 Part 1) to 2031.

Assessment

- 9.19. The Council's housing land 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 that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are a 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.
- 9.20. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 170 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. This undeveloped greenfield site (i.e., open countryside) serves an important landscape and visual function in separating the settlements of Banbury and Hanwell and preventing coalescence.
- 9.21. As the application site is located within open countryside beyond the built-up limits of any settlement, including Banbury, the proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements.
- 9.22. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the development is:
- a. essential for agriculture or other existing undertakings;
 - or
 - b. the proposal meets the criteria set out in policy H6;
 - and,
 - c. the proposal would not conflict with other policies in the development plan.
- 9.23. The proposed development is not essential for agriculture or any identified undertaking; and, does not meet the criteria under Policy H6. Accordingly, the proposed development does not accord with Policies C8 and H18 of the CLP 1996.

Conclusion

- 9.24. It is acknowledged that the proposed development would assist in meeting the overall housing requirements of the district and contribute to the provision of affordable housing.
- 9.25. However, the housing supply figure for CDC is calculated at 5.4-years. Whilst the NPPF states that the requirement to have a 5-year supply is not intended to place a cap on development, the housing policies of the Development Plan are nevertheless the starting point for decision taking and afforded full weight. Whilst the benefits of additional housing, including the provision of affordable housing are acknowledged, the impact upon the landscape; any resultant coalescence between the settlements of Banbury and Hanwell; the impact upon heritage assets; and, the loss of agricultural land, arising from the development of these parcels of agricultural land, must be weighted significantly in the planning balance. The respective matters are addressed in turn below.

Landscape Context

9.26. ESD13 of the CLP 2031 Part 1 seeks to conserve and enhance the distinctive and highly valued local character of the entire District and provides clear direction as to the requirements for development proposals, wherein it states:

'Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside;*
- Cause undue harm to important natural landscape features and topography;*
- Be inconsistent with local character;*
- Impact on areas judged to have a high level of tranquillity;*
- Harm the setting of settlements, buildings, structures or other landmark features; or,*
- Harm the historic value of the landscape.'*

Assessment

9.27. In the first instance it is important to understand the landscape context.

9.28. Paragraph B.252 of the CLP 2031 Part 1 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton.

9.29. Having regard to para. B.252, the application site, as referred to under section 1 of this report comprises two arable fields, crossed by 2no PRow, situated within an slightly undulating open agricultural plateau landscape wherein the landform slopes down into the Cherwell and Hanwell Brook valleys either side, maintaining the identity of the outlying village, on this occasion Hanwell.

9.30. With regards to the capacity of the application site to accept development, the CDC Housing & Economic Land Availability Assessment (HELAA030 – Land of Warwick Road, Banbury) provides a significant summary, stating:

'Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as the land rises from Hanwell Village towards the site and the gradient is steep. Similarly, the land falls steeply away from the site towards the cricket ground off Dukes Meadow Drive. There would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is in a prominent position therefore unsuitable for development.'

9.31. In addition to the findings of the HELAA, the application site forms part of a parcel of land (referred to as 'Site A') assessed by the Banbury Landscape Sensitivity and Capacity Assessment, which was prepared to inform the emerging Cherwell Local Plan Review. A wider parcel of land, equating to 105ha, was assessed, wherein the landscape sensitivity was assessed as:

'medium - high sensitivity and the Visual Sensitivity has been assessed as high sensitivity'

In addition, the capacity for residential development was weighted towards low, wherein it was stated:

'The development of residential properties north of Dukes Meadow Drive may result in urban sprawl to the north of Banbury and create a poorly defined development limit which currently exists at Dukes Meadow Drive. There would also be indirect effects of residential development affecting the setting of the Hanwell Conservation Area and Banbury Cemetery and Crematorium.'

9.32. In describing the landscape setting of Banbury, the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states, in part:

*'Banbury's landscape setting imposes and defines environmental limits for growth of the town'; and,
'Any further development beyond these environmental limits would harm the special character of Banbury and its relationship to its landscape setting.'*

9.33. In respect of any potential landscape mitigation, it is important to return to the Banbury Landscape Sensitivity and Capacity Assessment and para. 4.1.15 wherein it states:

'Development within the area could be mitigated through the implementation of a landscape strategy although this would have an effect upon the visual appearance and alter the character from open valley side to a wooded valley appearance. The site is therefore considered of high sensitivity to mitigation.'

9.34. Turning to the perceived impact and effects of the proposed development.

9.35. Significantly, 'Table 7.11: Summary of residual and significant effects' to the applicants submission provides a summary of the residual effects, wherein the table identifies 1) the changes to landscape character; and 2) changes to the visual amenity of visual receptors within 1km of the site.

9.36. Having regard to 1) the changes to landscape character – the residual effect is acknowledged as being significant, ranging from 'Minor' to 'Major' adverse both within the site and the site context, including the relationship between Banbury and Hanwell; and 2) changes to visual amenity - being 'Moderate' to 'Major' adverse in respect of the visual receptors within 1km, including the PRoW and users of Warwick Road, Main Street and Gullicott Lane.

9.37. The summary of residual effects above covers a period ranging from Year 1 to Year 15 and includes the proposed mitigation measures, namely woodland planting to a part of the western (Warwick Road) site boundary; a mixture of wildflower meadow and parkland; informal sports provision; attenuation features and natural play spaces.

Conclusion

9.38. Having regard to the above, it is considered that the proposed development would cause undue visual intrusion into the open countryside, fundamentally changing these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, readily visible from within the surrounding public domain.

9.39. The visual prominence of the site is such that the development would breach Banbury's contained environmental setting to the south, giving rise to a direct risk of coalescence between Banbury and Hanwell to the north, harming the undeveloped setting and eroding the identity of the settlement of Hanwell and its heritage assets – contrary to policy ESD13 of the CLP 2031 Part 1.

Heritage Context

Legislative and Policy Framework

9.40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states:

'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.'

41. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in exercise of planning functions, with respect to any buildings or other land in a conservation area *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

42. In considering the potential impacts of development para. 199 of the NPPF states:

'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.'

9.43. The requirements of para.199 of the NPPF are reinforced by Policy ESD15 of the CLP 2031 Part 1 wherein, in part:

'New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design';

and,

'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, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.'

9.44. The special interest which Hanwell Conservation Area possesses lies in its historic core (centred around the Church and Hanwell Castle); several listed buildings; archaeological remains; and its rural setting.

Assessment – Archaeology

9.45. As set out within the OCC Archaeology consultation response an archaeological evaluation has been carried out on the site following a geophysical survey, and the accepted evaluation report has been submitted. The evaluation recorded relatively dense Iron Age remains in the eastern part of the site, and an undated feature in the western area. The proposed site lies immediately to the north of a development site wherein archaeological excavations recorded extensive Roman and Iron Age features. The features recorded in the evaluation will need to be fully investigated should any grant of planning permission be forthcoming.

Assessment – Conservation Area & Listed Buildings

9.46. The application site forms part of a patchwork of open arable land between the edge of Banbury and Hanwell village, providing clear separation between the respective settlements and forming part of the surroundings within which heritage assets, namely Hanwell Conservation Area, St Peter's Church (Grade I) and Hanwell Castle (Grade II*) are experienced.

9.47. St Peter's Church and Hanwell Castle are located on the southern side of Hanwell Conservation Area in the area overlooking the proposed development, forming a part of the surroundings and therefore the setting, in which these important heritage assets are experienced.

9.48. Significantly, para. 9.1 to the Hanwell Conservation Area Appraisal (2007) explicitly highlights:

'The pressure on the village from the urban extension of Banbury is a threat to the integrity and independence of Hanwell. It is important that the setting of the Conservation Area as well as that of the Castle and the Grade I listed Church is protected.'

9.49. As acknowledged within the Executive Summary to the applicants 'Archaeological and Heritage Assessment', the application site is recognised as making a 'small positive contribution to its significance'; and there would be a 'change to the rural character of part of the setting of the HCA' thereby causing 'less than substantial harm'.

Conclusion

9.50. The resultant development is considered to erode the open arable landscape which provides that clear separation between Banbury and Hanwell and the surroundings within which St Peter's Church and Hanwell Castle are experienced, to the detriment of and causing harm (less than substantial) to the setting of Hanwell Conservation area and the setting of the aforementioned listed buildings – contrary to policy ESD15 of the CLP 2031 Part 1.

Loss of Agricultural Land

Legislative and Policy Framework

9.51. The Agricultural Land Classification (ALC) helps to inform decisions on the appropriate sustainable development of land. The ALC uses a grading system to identify the quality of agricultural land. The land subject of this application is classified as Grade 2 (very good quality agricultural land) and Subgrade 3a (good quality agricultural land).

9.52. In efforts to preserve the natural environment the NPPF (para 174b) states:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:
recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

9.53. The requirements of para.174 above are supported by paras. 001 and 002: Planning Practice Guidance for the Natural Environment which explains why planning decisions should take account of the value of soils and the ALC.

9.54. In turn Policy Villages 2 of the CLP 2031 Part 1 states, in part:

'In identifying and considering sites, particular regard will be given to the following criteria:

- *Whether best and most versatile agricultural land could be avoided.'*

Assessment

9.55. In response to the applicable legislative and policy framework the applicants supporting 'Planning Statement' at 5.98 and 5.99 confirms the value of the land having regard to the ALC and states:

'The proposals will result in the loss of best and most versatile land, however this amounts to only 12.63ha and if therefore not significant.'

Conclusion

- 9.56. In this instance no evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality parcels of agricultural land could be avoided. The proposals thereby fail to satisfy the prescribed criteria under Policy Villages 2 of the CLP 2031 Part 1 and the requirements of para.74 of the NPPF and must be weighted accordingly in the decision making process.

Highways

Legislative and Policy Framework

- 9.57. The In considering development proposals in respect of highway safety para.111 of the NPPF states:

'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.'

- 9.58. Policy SLE4 of the CLP 2031 Part 1 provides clear direction in respect of highway matters, stating:

'All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'

- 9.59. In turn Policy TR1 of the CLP 1996 focuses upon transportation funding, stating:

'All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be 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.'

Assessment

- 9.60. As highlighted within the applicants 'Planning Statement' at paras.5.54-5.56, the proposed access/footway arrangements comprise:

'A new vehicular access is proposed off Warwick Road. In accordance with Oxfordshire County Council guidance the access will be 5.5m wide. The red line boundary for the application contains land sufficient to cover the necessary visibility splays.

It is proposed to extend the 40mph speed limit along Warwick Road to the north past the proposed access point, to be secured through a Traffic Regulation Order (TRO).

A 3m wide shared footpath and cycleway is proposed to connect the site access on the eastern side of Warwick Road to the residential development to the south. It is

also proposed to improve connections along the Public Rights of Way across the site and connect to Dukes Meadow Drive.'

9.61. As set out under para. 6.9 of this report, OCC as the Local Highway Authority (LHA) have raised an objection to the scheme due to the absence of the following:

- 1) The site access junction has not been supported by a vehicle tracking exercise;
- 2) The Personal Injury Collision data used to identify any significant highway safety issues within the study area is not up to date. This has not utilised the most recent 5-year accident record; and,
- 3) Junction Capacity Assessment is not deemed to be robust enough, failing to appraise certain junctions that have been shown to accommodate a majority of traffic from the proposed development. The study area for the analysis needs to be determined by robust assumptions of the development's traffic distribution.

9.62. It is acknowledged that the applicant has entered into dialogue with the LHA to attempt to address the objections raised. However, at the time of writing this report no information has been received and the LHA objection remains.

Conclusion

9.63. Based upon the submission to date, insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This should be weighted accordingly in the decision-making process.

Housing Mix and Affordable Housing

Legislative and Policy Framework

9.64. 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.

9.65. Policy BSC3 of the CLP 2031 Part 1 requires 30% affordable housing, and the dwelling mix should be informed by Policy BSC4. All qualifying developments, as is the case in this instance, will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.

Assessment

9.66. The proposed development provides for up to 170 dwellings.

9.67. As set out within the CDC Housing Strategy and Development consultation response, the policy framework requires 30% of the scheme to be affordable housing, equating to up to 51 dwellings.

9.68. The required tenure split is 70% rented and 30% intermediate. In turn 25% of the affordable mix should be First Homes with 10% of the total (i.e., 170) number to be Low-Cost Home Ownership (i.e., 17 dwellings).

9.69. On a scheme of 170 dwellings, a policy-compliant tenure split comprises:

- 34 x Rented;
- 13 x First Homes; and,

- 4 x Shared Ownership.

Conclusion

9.70. The applicant's submission does not specify a proposed tenure split. However, it is noted under P.33 of the applicants 'Planning Statement' that '*A target of 30% affordable housing will be provided in line with Policy BSC 3. The tenure split will be agreed through the S106 Agreement.*'

Natural Environment

Policy Framework

9.71. Para.174 of the NPPF provides an overarching objective wherein planning policies and decisions should contribute to and enhance the natural and local environment.

9.72. Para.180 of the NPPF provides guidance in determining planning applications wherein local planning authorities are required to apply the following principles:

- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

9.73. Policy ESD10 of the CLP 2031 Part 1 lists the criteria within which the protection and enhancement of biodiversity and the natural environment will be achieved, which includes, but is not limited to the following:

- *In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources; and,*
- *Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value.*

Assessment

9.74. As summarised within the applicants 'Planning Statement' at paras.5.45-5.48:

'An Ecological Appraisal has been prepared by EDP and accompanies the submission. The baseline ecological investigations included a desk study, Extended

Phase 1 survey and detailed (Phase 2) surveys relating to hedgerows, breeding birds, roosting and foraging/commuting bats and badger.

The report confirms the site is subject to no ecological designations, nor are there any within the zone of influence of the site. The on-site habitats are predominantly managed arable fields, locally valuable hedgerows, mature trees and woodland.

These habitats support small populations of a number of protected/priority species: breed bird assemblages, foraging/commuting bat assemblages and badgers.

The ecological mitigation strategy comprises initial avoidance measures that have informed the design of the masterplan; sensitive timing of works (secured through an Ecological Construction Method Statement to be conditioned on the grant of any permission); habitat enhancement and creation measures to be specified in a soft landscape scheme to be submitted in a later Reserved Matters, and also secured in an Ecology Management Plan (also to be conditioned on the grant of any permission).'

9.75. In response to the above CDC Ecology have confirmed the following:

- The submitted BIA demonstrates an acceptable level of biodiversity net gain in both habitats and hedgerows on site;
- Foraging and commuting bats, including rarer species such as a Barbastelle, will require large buffers to hedgerows and woodland edges and a sensitive lighting strategy that ensures there is no light spill into areas of importance to these species should be conditioned;
- Badgers are present and therefore additional surveys (and mitigation strategy) will be required before any works commence. It should be possible to retain setts on site;
- The adjacent field could mitigate fully for any loss to farmland birds and Brown Hare on site and act as a refuge from amenity use; and,
- Recommend a CEMP, LEMP (with metric showing a minimum of 10% biodiversity net gain and habitat monitoring program), updated badger and protected species surveys, lighting strategy and farmland bird mitigation scheme are conditioned should planning permission be forthcoming.

Conclusion

9.76. Subject to the delivery of the specified Biodiversity Net Gain and the additional mitigation measures and survey work – to be secured by condition, it is considered that the scheme may be compliant with the prescribed policy framework.

Flood Risk and Drainage

Policy Framework

9.77. 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.*

9.78. Policy ESD6 of the CLP 2031 Part 1 reinforces the guidance contained within the NPPF, seeking to manage and reduce flood risk in the District.

9.79. Policy ESD7 of the CLP 2031 Part 1 sets out the Councils approach 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.

Assessment

9.80. 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 Flood Risk Assessment (FRA) has accompanied this submission.

9.81. The application submission, inclusive of the FRA, has been considered by OCC as the Lead Local Flood Authority wherein no objection has been raised subject to a detailed surface water drainage scheme and a record of the installed SuDS and site wide drainage scheme.

Conclusion

9.82. Subject to the outstanding details being secured by condition – should a grant of planning permission be forthcoming – the proposals are considered compliant with the aforementioned policy framework.

Sustainability

Policy Framework

9.83. Section 14 of the NPPF addresses meeting the challenge of climate change, flooding and coastal change. This is echoed by Policies ESD1-5 of the CLP 2031 Part 1.

9.84. Policy ESD1 identifies measures to be taken to mitigate the impact of development within the District on climate change.

9.85. Policy ESD2 seeks to achieve carbon emissions reductions and to promote an energy hierarchy.

9.86. Policy ESD3 places an emphasis upon sustainable design and construction.

9.87. Policy ESD4 promotes the use of decentralised energy systems.

9.88. Policy ESD5 supports renewable and low carbon energy provision.

Assessment

9.89. The applicant's submission is accompanied by a 'Energy and Sustainability Statement'. The aforementioned statement confirms that the development will adopt the following measures:

- *a combination of fabric efficiency measures and renewable energy;*
- *site wide CO² emission reductions of greater than 31% over Part L of Building Regulations standards;*
- *fabric first approach to sustainable construction;*
- *solar PV systems;*
- *all buildings to be built to be resilient through construction specification and managing overheating risk in consideration of the longer term impacts of changing climate; and,*
- *water usage will be reduced using flow restrictors and low use appliances.*

Conclusion

9.90. The specified measures are considered to demonstrate compliance with the requirements of the policies referenced above in respect of sustainability.

Planning Obligations

9.91. Local planning authorities are required to 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.

9.92. 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.

Assessment

9.93. It is considered that should planning permission be forthcoming that the following contributions should be secured as part of the permission relating to the new dwellings (and any amendments deemed necessary).

9.94. CDC Obligations:

- 30% affordable housing to NDSS and CDC requirements and standards;
- £194,365.42 towards improvements/enhancements at Hanwell Fields Community Centre and / or other community facility in the locality;
- £17,463.35 towards the costs of employing a community development worker;
- £342,895.10 towards the provision of a 3G football pitch in Banbury;
- £141,940.96 towards the provision of an Indoor Tennis Centre in Banbury or improvements to other indoor sports facilities in the locality;
- £38,080.00 towards public artwork to be created in the vicinity of the site.

9.95. OCC Obligations:

- TBC towards Strategic Highway works 1;
- £170,000.00 towards Strategic Highway works 2;
- £275,060.00 towards Public Transport Services;
- £3120.00 towards a Traffic Regulation Order;
- £1890.00 towards Travel Plan Monitoring;
- £65,000.00 towards PROW
- £1,598,085.00 towards secondary and special school education;
- £15,973.00 towards Expansion and Efficiency of Household Waste Recycling Centres

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise.

- 10.2. The Council's housing land supply position of 5.4 years means that the relevant development plan policies are up-to-date and the development proposals must be assessed in accordance with the Development Plan. Paragraph 11d of the NPPF is not engaged in this instance.
- 10.3. The application site is located within open countryside beyond the built-up limits of any settlement and is not allocated for development. Accordingly, the principle of development is not deemed permissible.
- 10.4. The visual prominence of the site is such that development would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, to the detriment of both the rural landscape and the setting within which heritage assets (i.e. Hanwell Conservation Area, St Peters Church and Hanwell Castle) are experienced, causing less than substantial harm, contrary to Policies PSD1, BSC1 and ESD15 of the CLP 2031 Part 1 and saved Policies C8 and H18 of the CLP 1996.
- 10.5. Further to the adverse impact upon the settlements of Banbury and Hanwell, the landscape context and surrounding heritage assets, no evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality agricultural land could be avoided, contrary to Policy Villages 2 of the CLP 2031 Part 1 and para. 174 of the NPPF.
- 10.6. Moreover, insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.7. The benefits of additional housing, including the provision of affordable housing are acknowledged, however, the impact upon the landscape; the resultant risk of coalescence between the settlements of Banbury and Hanwell; the impact upon heritage assets; the loss of good and very good quality agricultural land; and, the potential unacceptable impact upon highway safety are considered to outweigh any such benefits.
- 10.8. With the above in mind this application is recommended for refusal.

- **RECOMMENDATION**

REFUSAL FOR THE REASONS SET OUT BELOW:

1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristics of these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape and the identity and individuality of Hanwell village, contrary to Policies PSD1 and BSC1 of the CLP 2031 Part 1 and saved Policies C8 and H18 of the CLP 1996.
2. The proposed development is considered to erode the open arable landscape which provides clear separation between Banbury and Hanwell and forms part of the surroundings within which the setting of Hanwell Conservation Area, St

Peter's Church (Listed Building Grade I) and Hanwell Castle (Listed Building Grade II*) are experienced, to the detriment of and causing harm (less than substantial) to the setting of these designated heritage assets, contrary to policy ESD15 of the CLP 2031 Part 1.

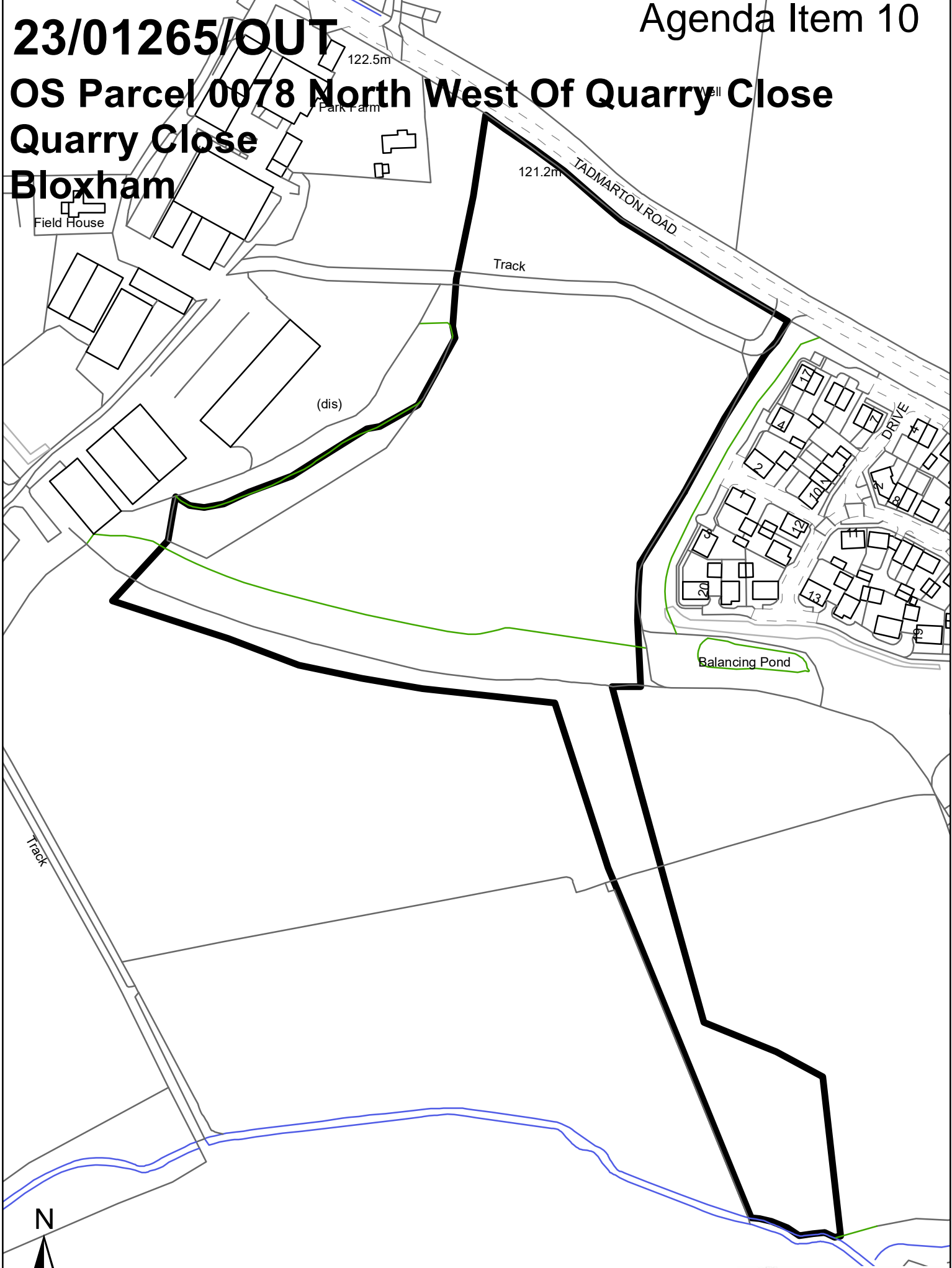
3. No evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality parcels of agricultural land could be avoided. The proposals thereby fail to satisfy the prescribed criteria under Policy Villages 2 of the CLP 2031 Part 1 and the requirements of para. 174 of the NPPF.
4. Insufficient information has been provided to determine if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, contrary to para. 111 of the NPPF.

CASE OFFICER: Richard Greig

TEL:

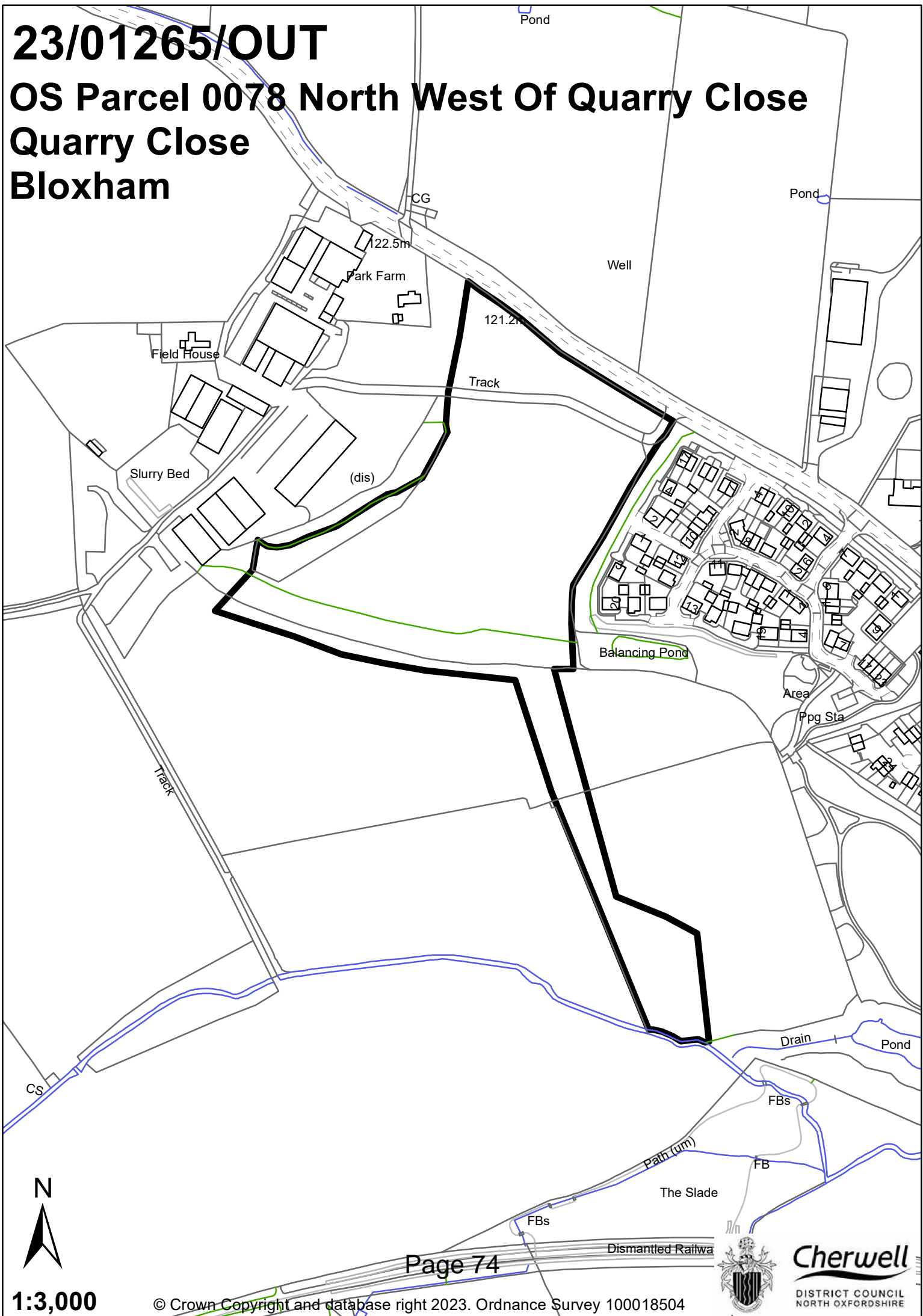
23/01265/OUT

**OS Parcel 0078 North West Of Quarry Close
Quarry Close
Bloxham**



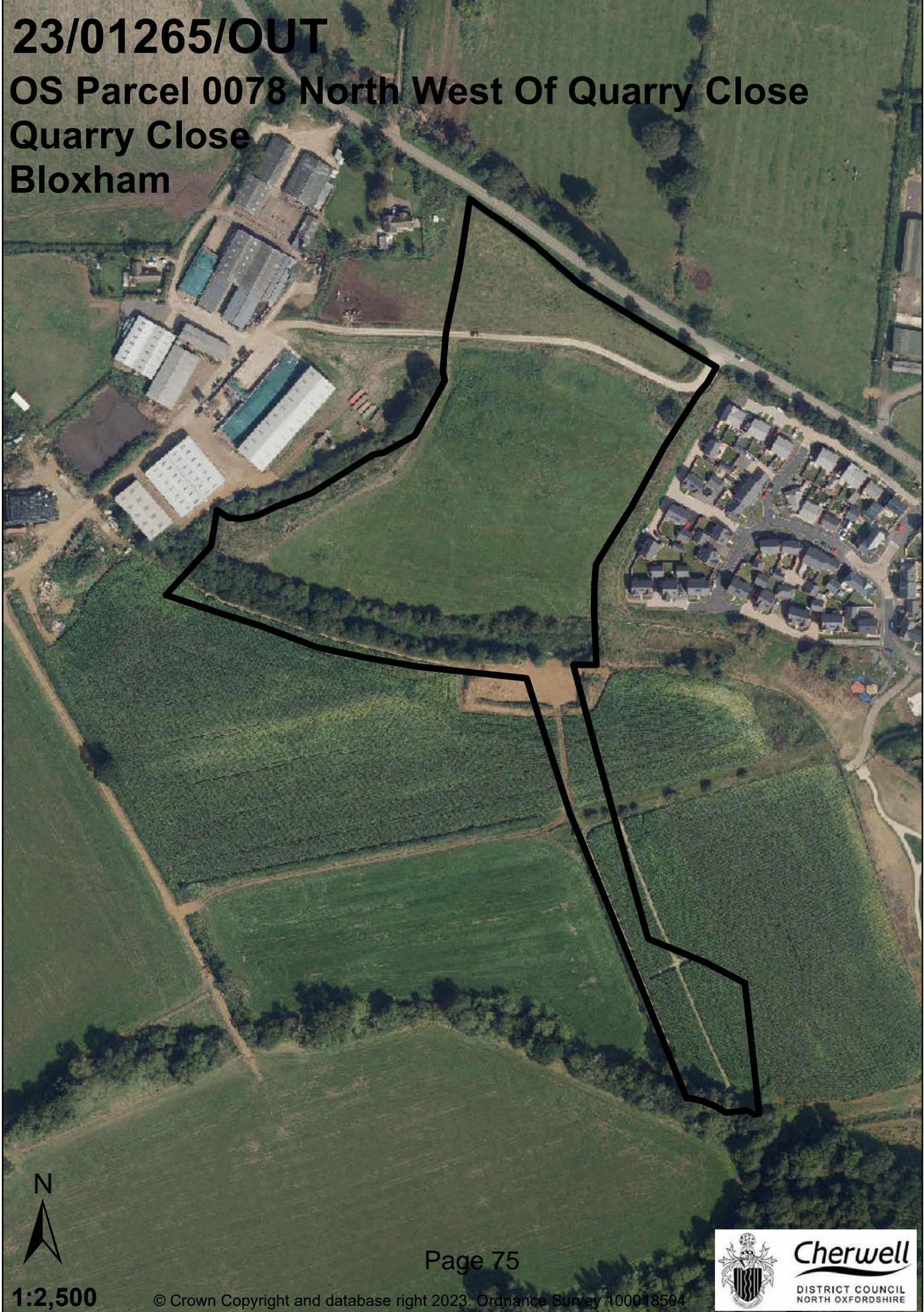
23/01265/OUT

OS Parcel 0078 North West Of Quarry Close Quarry Close Bloxham



23/01265/OUT

**OS Parcel 0078 North West Of Quarry Close
Quarry Close
Bloxham**



1:2,500

Case Officer: Saffron Loasby

Applicant: Gladman Developments Ltd

Proposal: Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access

Ward: Adderbury, Bloxham & Bodicote

Councillors: Cllr Hingley, Cllr Nell & Cllr Pattenden

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 11 August 2023

Committee Date: 10 August 2023

OFFICER RECOMMENDATION: DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR TO REFUSE PERMISSION SUBJECT TO THE REASONS SPECIFIED AND ANY MODIFICATION THAT MEMBERS AND THE ASSISTANT DIRECTOR MAY DEEM APPROPRIATE

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located to the southwest of Tadmarton Road at the western edge of the village of Bloxham, which is a village located approximately 3 miles southwest of Banbury. The area comprises approximately 4.4ha and comprises two arable fields. Hedgerows are present along Tadmarton Road on the northeast boundary, a working farm is located directly to the northwest and the eastern boundary abuts an existing housing development. To the south of the site is a field boundary and a short section of stream within semi-natural broadleaved woodland, beyond which lies rural land under agricultural use.

1.2. The application site extends to the southeast via a strip of land accessing a proposed attenuation area that has arable land to the east and west and woodland to the south, with the Slade SNR to the southeast.

2. CONSTRAINTS

2.1. The application site is located outside of the built-up limits of Bloxham. Development is proposed primarily in Flood Zone 1, but the application site is partly in Zones 2 and 3 also. The development site is located on Category 1 and 2 Best and Most Versatile Agricultural Land, in an Archaeological Alert Area and in a Protected Species buffer zone for Great Crested Newts. The site is in the Upstanding Village Farmlands Landscape Character Type (LCT). The LCT covers the elevated landscapes in the north of the county including to the north and south of Banbury, around Clayton and Kidlington, Great Bourton, Bloxham and Deddington.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application is for outline planning for up to 60 dwellings (including provision for affordable dwellings) with associated open space, play provision, drainage and green infrastructure. All matters are reserved except for access. The access is proposed directly from Tadmarton Road and utilises an existing access point for a neighbouring agricultural use.

4. RELEVANT PLANNING HISTORY

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

- **17/02502/OUT** – Outline planning permission sought for up to 136 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including equipped children's local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and associated ancillary works. An outline application with all Matters Reserved except for the principal vehicular access from Tadmarton Road – Withdrawn in July 2018 following a recommendation of refusal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect 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 is **20 August 2023**, although comments received after that date and before finalising this report have also been taken into account.

- 6.2. 187 Letters of representation have been received to date. The comments raised by third parties are summarised as follows:

- Proposal not in accordance with 2015 Local Plan policies Policy Villages 1 and 2 and ESD13, saved 1996 Local Plan policies H12, H13, H18, C8, C9 and C27 and Bloxham Neighbourhood Plan policies BL1, BL2 and BL9 – it is not an infill or a small development of less than 10 dwellings;
- No need for such development when the District has a 5.4-year housing land supply;
- Beyond built-up limits of Bloxham, in open countryside;
- Unneighbourly relationship with nearby dairy farm;
- Loss of Cat.1 & 2 Best and Most Versatile Agricultural land;
- Potential impact of Pumping Station to residential amenities;
- Increased safety risk with children crossing road to access School;
- Bloxham has already accommodated four other major developments and 220 dwellings in eight years and needs no more;
- Bloxham's infrastructure already over-stretched, with its GP, dentist, school, churchyard and drainage system all at capacity;
- Harm to landscape appearance of countryside and rural setting of Bloxham;
- Harmful impact to ecology/biodiversity;

- Increased risk of flooding;
- Risk of pollution to Bloxham Brook;
- Insufficient highway capacity to cater for increased traffic generation, with Tadmarton Road and High Street already congested at peak period;
- Loss of dog-walking land;
- Any consent would set a dangerous precedent for potential further development on adjoining land controlled by this applicant.

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. BLOXHAM PARISH COUNCIL: **Objection** on the following grounds:

- Bloxham is a Cat A village but it has grown significantly in recent years and its facilities are at or beyond capacity and Cat A villages have now exceeded the 750 target level;
- Severe lack of infrastructure for an additional 60 dwellings;
- Council can already demonstrate a 5-year housing land supply, so no 'tilted balance' need for these dwellings;
- Outside village confines;
- No defined housing need in Bloxham;
- Conflicts with Local Plan (policies Villages 2, BSC4 & ESD10), Bloxham Neighbourhood Plan (policies BL2, BL4, BL7, BL8, BL9 & BL11) and NPPF paragraphs 74 and 174;
- If CDC is minded to approve, any consent should include S106 requirements for infrastructure funding to mitigate impacts in the village;
- If minded to approve, conditions required for infrastructure needs prior to occupancy, including extension to the Primary School.

OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No objections** subject to S106 contributions, an obligation to enter into a S278, planning conditions and informatives and other off site highway works (as detailed in the full response). PROW contributions to be confirmed.

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 Primary years and special education.

7.6. OCC ARCHAEOLOGY: **No Objections**.

- 7.7. OCC WASTE MANAGEMENT: **No Objections** subject to contribution towards the expansion of household waste recycling centres.
- 7.8. OCC COMMUNITY SAFETY SERVICES: **No objections** however concern on flood risk and surface water flooding on brook and storm drain capacity.
- 7.9. CDC RECREATION AND LEISURE: **No objections** subject to contributions towards community hall facilities, outdoor sports provision and indoor sports provision.
- 7.10. CDC ENVIRONMENTAL HEALTH: Conditions on CEMP. No objection on Noise. Comments and conditions on contamination, air quality and lighting. Recommends planning conditions.
- 7.11. CDC STRATEGIC HOUSING: Supported in principle subject to a suitable affordable housing mix being agreed and how wheelchair adapted provision can be achieved.
- 7.12. CDC Planning Ecology: **Holding Objection** – lack of information for full assessment (see full comments below).
- 7.13. CDC Planning Policy: No comments received to date.
- 7.14. CDC Property and Assets Manager: No comments received to date.
- 7.15. CDC Arboriculture: No comments received to date.
- 7.16. CDC Landscape: No comments received to date.
- 7.17. CDC Land Drainage: No Comments or Objections.
- 7.18. CDC Economic Growth: No comments received to date.
- 7.19. BBO WILDLIFE TRUST: **Objection** – potential impact on The Slade LNR and DWS (hydrological and recreational), impact on Breeding Birds, application does not provide evidence that it will achieve aims of the Conservation Target Area, biodiversity net gain in perpetuity, management of hedgerows.
- 7.20. OXFORD FIRE SERVICE: Expects further consultation and requires adequate fire hydrants.
- 7.21. THAMES VALLEY POLICE: Conditions included and comments on the indicative design and layout in the submitted DAS. More design aimed around crime prevention required at RM stage.
- 7.22. CLINICAL COMMISSIONING GROUP (BOBICB): Insufficient capacity, seek financial contributions via S106/CIL.
- 7.23. THAMES WATER: Additional information required on both Foul and Surface water drainage – Conditions required securing this and restriction of development within 5m of a strategic water main.
- 7.24. Environment Agency: No comments received to date.
- 7.25. Natural England: Comments due by 20/08/2023.

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. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan area (Made December 2016) and the following Policies of the Neighbourhood Plan are considered relevant:

- Theme 1 Policies - Deliver the houses the Village needs
- Theme 2 Policies - Protect and enhance our rural heritage

8.4. 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
- Landscape and Visual Impact
- Design and illustrative layout
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Ecology Impact
- 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 CDC 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). Bloxham 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 Bloxham 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 Bloxham, and therefore within the countryside. The proposal for development on a greenfield site would have an urbanising impact, although it is considered it would be relatively localised.
- 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 Bloxham 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). Bloxham is one of the most served category A villages and has a large number of services and facilities. By population size, Bloxham is the second largest village (after Kidlington) with a population of just over 4,000 (2021).

9.28 Currently, 703 dwellings have now been completed at Category A villages, with 101 more 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 set out above. The land has not previously been developed. The site is not within any national or local designated landscape designations. The Slade LNR is approximately 75m to the southeast of the site at its closest point. It is small but varied and comprises wet meadow, woodland and a disused railway embankment. The LNR provides habitats for birds and butterflies and over 170 plant species have been recorded.

9.34. In this instance, the site is adjacent to a Category A village, which has two schools and nursery, Post Office/newsagent, convenience store, pharmacy, village hall, three public houses, Doctors surgery, Dentist, Village Museum, a petrol station and two playing areas. The village is also served by two bus routes, which run between

Banbury and Chipping Norton. The bus stops are located along the A361 approximately 1km away from the site. There are no train stations in Bloxham, the closest is located in Banbury. The M40 is located approximately 6 miles east of the application site.

- 9.35. The site is considered to be within a sustainable location given its Village Categorisation; however, the site is some distance from the village centre and would be located at more than 800m (15mins) walking distance from the majority of the amenities in the village centre (e.g., food shop, post office, primary school, GP surgery, public house). The post office / Londis, the nearest of these, would be more than 800 metres from the entrance to the site. Only the secondary school and woodlands play area are within easy walking distance. For these reasons, it is considered that the proposal would not be well connected to existing development, and future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. This weighs significantly against the proposal.
- 9.36 There are benefits of the additional housing, including the provision of affordable housing in the area. Regard is had to the relative size of the development of the conclusions of the 2018 HELAA.

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 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.
- 9.38 While the planning balance will be weighed at the end of this report, the provision of housing at a Policy Village 1 village (a sustainable settlement) weighs in favour of the development, but the site's distance from the village centre and therefore relatively poor sustainability credentials weigh against the proposal. 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

Legislative and 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 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.
- 9.41 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.
- 9.42 PV2 of the CLP 2015 states that in considering sites for residential development in Category A villages, particular regard will be given to '*whether development would contribute in enhancing the built environment*' and '*whether significant adverse landscape and impacts could be avoided*'
- 9.43 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. Saved Policy C33 of the Local Plan states that, "the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value".
- 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.
- 9.45 The quantum of development proposed would give a density of c.14 dwellings per hectare. However, this also includes the area of land that extends southeast to the woodland and is mostly undevelopable. The density is more realistically around the 20-22dph figure.
- 9.46 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. 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.

- 9.47 The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.48 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.
- 9.49 The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Bloxham village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.

Impact on wider Landscape

- 9.50 The Landscape and Visual Assessment (LVA) submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area and concludes limited visual impact on the wider landscape.
- 9.51 Officers tends to agree with the LVA in respect of the evaluation of potential wider landscape effects. The design aims to retain the trees and hedgerows to the periphery of the site wherever possible to aid screening from adjacent residential properties. The retained boundary vegetation will provide a mature landscape setting to the new development. The LVA submitted as part of the application assesses the potential landscape and visual impacts of the proposed development. The study has assessed the potential effects on landscape character and concluded that these would be up to moderate adverse in the short and medium, and minor adverse in long-term. This is primarily as a result of proposed planting, helping to integrate the site into the wider landscape. In terms of predicted effects on visual amenity, the LVA finds the greatest level of visual effects will be experienced by the closest receptors: primarily residents of adjacent residential properties along Coleman Close, during construction and completion of the development
- 9.52 Overall, the LVA concludes that the effects of the proposed development will be restricted to a localised geographical area and would not result in Land off Tadmerton Road, substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area.

Impact on the immediate landscape and setting of the village

- 9.53 Whilst long range views of the development may not result in an adverse impact on the wider landscape, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.
- 9.54 In addition, 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. Whilst it would sit between an existing housing development and existing farm buildings, the proposal will further extend the village to the west, an arm of which has been extended to its limits given the open countryside to the north, south and west. Extending a ribbon type development beyond

sustainable limits to the far west of the village relates much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside.

- 9.55 The development therefore would not contribute in enhancing the built environment and would result in significant adverse local impact on the landscape. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the CLP 2015, saved Policy C33 of the CLP 1996 and Government guidance in the NPPF. This weighs significantly against the development.

Ecology Impact

Legislative context

- 9.56 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.57 Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.58 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.
- 9.59 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.
- 9.60 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

- 9.61 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.
- 9.62 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.
- 9.63 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.
- 9.64 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.
- 9.65 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.
- 9.66 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67 The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.68 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')

9.69 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site there are several areas of concern. Further assessments are needed for GCN, bat and bird presence as well as other assessments for onsite wildlife. The Preliminary Ecological assessments submitted advise on further reports being required. The site falls within the SSSI IRZ for Bestmoor SSSI (approximately 8.8km southeast). Any discharge of water or liquid waste of more than 20m³ per day to ground or to surface water, such as the stream within the site, is cited as having potential to pose a risk to the SSSI.

9.70 The RSK Flood Risk Assessment & Outline Surface Water Drainage Strategy indicates that although it is very unlikely that daily discharge rates would exceed 20m³ each day, the rate would depend on rainfall levels and therefore may exceed this level during periods of heavy rain.

9.71 There is one locally/regionally designated statutory wildlife site located within 2km of the site boundary. This is The Slade LNR located 0.03km south of the site and is hydrologically linked to the site by the stream in the south. It is possible that indirect impacts on the LNR will occur as a result of noise, dust deposition, and water pollution without mitigation during the construction phase while the drainage is being installed. Hydrological impacts may extend beyond the construction phase due to the potential use of the stream for drainage outflow however noise and light from the residential development is unlikely to have a significant impact due to the distance from the proposed developed area within field F2.

9.72 As with nationally designated sites, consideration may need to be given to potential impacts on any LNRs that are hydrologically connected to the site that fall outside of the standard 2km ZOI.

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

9.74 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.

- 9.75 The application is supported by a protected species survey which concluded that without mitigation, there would be direct and indirect impacts on a range of species including common and great crested newts, badgers, bats, a variety of breeding birds, potentially otter, water vole, common reptiles, white-clawed crayfish, brown hare, hedgehog, polecat and rabbits.
- 9.76 Based on the advice from the Council's Ecologist and the holding objection raised, further investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. Natural England at the time of writing the report had only recently been notified and therefore its comments are still outstanding. In its present form there is inadequate information submitted and Officers consider this to be reason enough to form a reason for refusal.

Design and Illustrative Layout

Policy Context

- 9.77 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.
- 9.78 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

- 9.79 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 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 60 residential dwellings that will be sited within the existing disturbed ground on the site, provide public open space to the north of the site to maintain a green entrance, include the provision of two and potentially three storey dwellings, a green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP/LAP and other green space and Sustainable Urban Drainage (SuDS).
- 9.80 The illustrative plan indicates that the residential dwellings will be confined to the middle of the site. The site will have an average density of 20dph. The density of the residential area is in accordance with section B.102 of Policy BSC1 and represents a lower density to the residential development immediately to the east.
- 9.81 The mix of public open space, well planted boundaries and a public area of lay 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 show an area for a Locally Equipped area of Play (LEAP) or a Local Area of Play (LAP). It is considered that the application has demonstrated how this quantum of development could be provided on the site, at a low density, and with good levels of green space/play areas. A contribution for Landscape and Ecology Monitoring would need to be agreed.

- 9.82 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 60 dwellings. However, in the context of this being an outline planning application officers are 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

- 9.83 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

- 9.84 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.
- 9.85 The proposed development would be located to the west of the existing residential dwellings, Coleman Close. Due to the orientation of the sites and separation distance available, the proposal could accommodate a good back-to-back 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

- 9.86 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

- 9.87 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.*

9.88 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”.

9.89 Paragraph 112 of the NPPF highlights the need to prioritise pedestrian and cycle movements, along with creating spaces that are safe, secure and attractive. Concerns have been raised by the Parish Council and local residents with regard to the proposal’s potential transport impacts, in particular the impact of additional traffic flows on the local road network.

9.90 The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements, the proposal is acceptable in highway safety terms.

9.91 Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory Section 106 legal agreement, as recommended in OCC Highways’ response.

Flood Risk and Drainage

9.92 Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area.

9.93 A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Councils Drainage officer nor Thames Water have objected to the development and appear satisfied that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

Sustainable Construction

9.94 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.

9.95 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

9.96 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."

9.97 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.

9.98 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

9.99 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.

9.100 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.

9.101 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 21 units)
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £67,980 equated at £1,133 per dwelling for the provision of bus services in Bloxham
- Public Rights of Way to be confirmed to mitigate the impact to the PROW in the vicinity of the site.
- Obligation to enter into an S278 agreement to secure mitigation/improvement works part of the highway network and on-site will be required for the development.
- £415,316 towards Primary education capacity serving the development.
- £35,896 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £5,638 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 144 people).

9.102 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, 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.

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.

Positive benefits - 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.

Positive benefits - Environmental

- 10.6. Environmentally the proposals claim to offer a minimum of 10% biodiversity net gain, which would represent a significant benefit but only if delivered to the level described.
- 10.7. The proposals commit to the provision of a sustainable construction methods, which is given positive weight.
- 10.8. 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

- 10.9. 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.
- 10.10. 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

- 10.11. The proposals would impact on the identity and character of the village with the development extending significantly beyond the existing boundaries promoting a linear form of development, thus creating a poor and incongruous relationship with the form and pattern of the settlement resulting in significant and demonstrable harm to the character and appearance of the area and the proposal would result in the loss of Grade 1 agricultural land. Significant weight is attached to these effects.
- 10.12. Bloxham is a sustainable location with a range of services, public transport links and employment opportunities. However, the site is at some distance from the village centre and would be located at more than 800m (15mins) walking distance from the majority of the amenities in the village centre and thus future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF.
- 10.13. 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.
- 10.14. Whilst offers of S106 contributions are noted, and would provide an element of positive contribution, on the negative side the contributions would not provide infrastructure to support the village itself beyond mitigation. This would also undermine the village identity and benefits surrounding the development. Overall, this would be a significant negative social impact. 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

- 10.15. 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 and Policies BL1 and BL2 of the Bloxham Neighbouring Plan, (whilst the village is sustainable, the location of the site is not, and the development has adverse visual impact, loss of versatile agricultural land, impact on ecology – contrary to PV2) on to which significant weight is also attached.
- 10.16. 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 Bloxham. This would be a significant negative impact on the village and environment.
- 10.17. The development would 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.
- 10.18. Further investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. In its present form there is inadequate information submitted with the application to demonstrate that potential detrimental impacts to protected species and their habitat could not be mitigated and based on the precautionary principle, this would be a significant negative impact on the ecological environment.

- 10.19. The proposals would be predominantly car based in accessing the vital day – to – day facilities, this would have a significant negative impact on the environmental aspirations and mitigating climate change and reducing the need to travel.
- 10.20. 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.
- 10.21. 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

- 10.22. 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.
- 10.23. The site is unallocated in the CLP 2015. The proposal seeks permission for 60 houses on the edge of a Category A Village. Whilst Bloxham has schools, public houses, some shops and other community facilities and regular bus services, those facilities are generally all at capacity and not readily accessible from the application site (@>800m). The proposal's potential to alter travel habits therefore cannot be given significant weight.
- 10.24. 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, 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.
- 10.25. Overall, irrespective of the Council's Housing Land Supply, it is considered that the identified harm to the character and appearance of the locality and the potential detrimental impact to protected species and their habitat the proposed development is considered to represent unsustainable development and would significantly and demonstrably outweigh the benefits of the scheme, and it is recommended that planning permission is refused, for the reasons given below.

11. RECOMMENDATION

RECOMMENDATION - DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR TO REFUSE PERMISSION SUBJECT TO THE REASONS SPECIFIED BELOW AND ANY MODIFICATION(S) THAT MEMBERS AND THE ASSISTANT DIRECTOR MAY DEEM APPROPRIATE:

1. The proposals when considered against the scale of the existing village and the cumulative impact of growth already carried out in Bloxham 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 impacts and impacts to the settlement character which could not be avoided or mitigated by the proposed development. The proposals would be harmful development to the village of Bloxham and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth. 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, C30 and C33 of the Cherwell Local Plan 1996, Theme 1 Policies in the Bloxham Neighbourhood Plan and the aims and objectives of the NPPF.

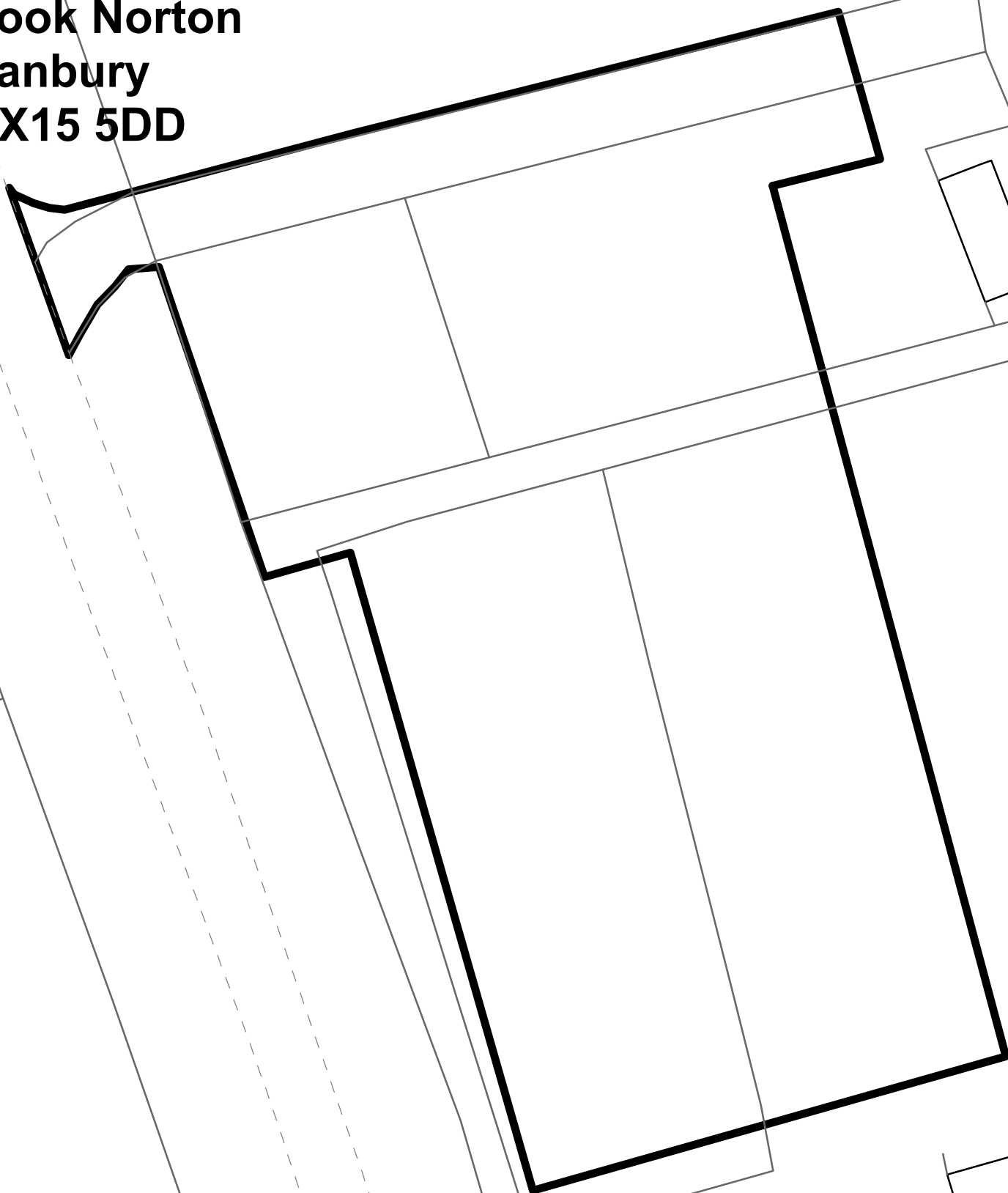
2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel and would have an adverse impact on the character of the area. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.
3. The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Tadmarton Road, and to the overall character of the settlement of Bloxham and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside. 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, Theme 2 Policies in the Bloxham Neighbourhood Plan and the aims and objectives of the NPPF.
4. By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
5. Based on the advice from the Council's Ecologist and the holding objection issued by Natural England, further ecological investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. The evidence currently available demonstrates likely detrimental impact to protected species and their habitat and without more detailed investigation the Local Planning Authority cannot be assured that the harmful impacts could be mitigated and/or compensated. Accordingly, and based on precautionary principles, the proposals would be contrary to Policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, Regulation 43 of Conservation of Habitats & Species Regulations 2017 and Government guidance at paragraphs 170, 175 and 180 within the NPPF.
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 NPPF.

CASE OFFICER: Saffron Loasby

TEL:

Agenda Item 11
22/02668/F

The Firs Garage
Tadmarton Heath Road
Hook Norton
Banbury
OX15 5DD

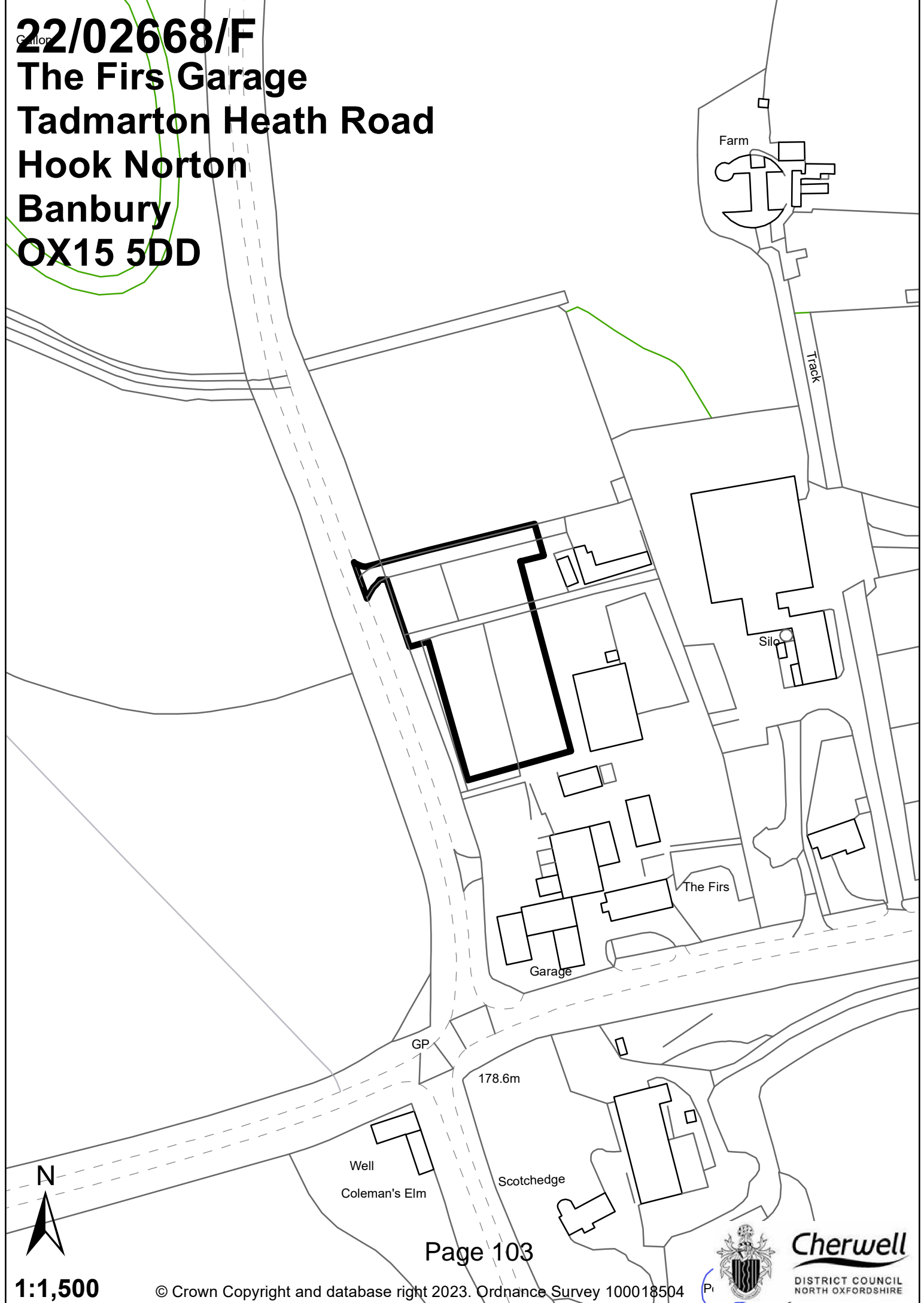


1:400



22/02668/F

The Firs Garage
Tadmarton Heath Road
Hook Norton
Banbury
OX15 5DD



1:1,500



22/02668/F
The Firs Garage
Tadmarton Heath Road
Hook Norton
Banbury
OX15 5DD



1:1,000



Case Officer: Jeanette Davey

Applicant: Tom Hartley Jnr. Ltd.

Proposal: Erection of building to be used for storage of vehicles, with associated works

Ward: Deddington

Councillors: Cllr McHugh, Cllr Reeves, Cllr Williams

Reason for Referral: Major Application

Expiry Date: 30 November 2022

Committee Date: 10 August 2023

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Sibford Gower Road, near its junction with Tadmarton Heath Road, approximately 1km north of Hook Norton. It forms about one-quarter of a larger site all of which, combined, was formerly an established car showroom, garage and petrol filling station known as The Firs Garage. Access to the former petrol forecourt was from Tadmarton Heath Road. Those buildings have now been demolished, rendering the site of brownfield status.
- 1.2. Planning permission was granted in July 2021 for a replacement car sales showroom under PA ref 21/00955/F, but construction work has not yet commenced on site. As a result of the demolition works, a material commencement has been made on that permission and it could be implemented on the other three-quarters of the site. The remaining quarter, subject of this current application, was proposed to be used for a small amount of parking, a private courtyard and a previously approved, unimplemented car storage building which had had permission for a different applicant (PA ref 19/01819/F).
- 1.3. There are no residential properties in the immediate vicinity of this quarter of the site. No buildings or land on the site or in the immediate surroundings are designated heritage assets. Ramthorne Concrete adjoins the eastern site boundary.

2. CONSTRAINTS

- 2.1. The application site is in a countryside location.
- 2.2. It is relatively level, with a slight drop along the western side of the site.
- 2.3. There is a public right of way located in the field on the opposite side on the road, to the west of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for an alternative storage building to that approved under PA ref 19/01819/F. It is in the same location and, as such, both could not be built, and thus it would not be necessary to revoke the past permission.
- 3.2. The building would provide secure storage for an indicative 75 cars, on two floors, with the upper floor accessed by an internal scissor lift. A small office is proposed on the ground floor.
- 3.3. The approximate building dimensions of the proposal vs the previously approved schemes are as follows, with length being as viewed from the Sibford Gower Road / west elevation:

		Eaves Height (m)	Ridge Height (m)	Width (m)	Length (m)
22/02668/F	Current application	6.4	8.8	23	42
19/01819/F	Previously approved storage	3.8	5.4	12	48
21/00955/F	Not yet implemented car showroom	3.2	9.5-8.5	70	63-113

- 3.4. The applicant's agent states that the 2019 approved storage building was proposed by a previous owner to suit their requirements. The current proposal is stated as better suiting the needs of the applicant's business and matches the broader site development.
- 3.5. Proposed materials comprise wall cladding in timber with a stone plinth below and a dual pitched roof finished in a standing seam metal system, to match the approved showroom buildings. The submitted plans show that the 42-metre-long roof elevation to Sibford Gower Road would have PV solar panels along 39 metres of it, in a fixed flat roof system, on the west elevation. The proposed building is described as being *to match the showroom and workshop buildings in a utilitarian, agricultural style, but to be reflective of its use as a premium business premises* (Planning Statement para 4.6).
- 3.6. A service yard is proposed on the north side for parking and refuse storage, with access to the barn using a widened access point directly from Sibford Gower Road and from previously approved accesses within the site. No details of the refuse storage area have been provided. A ram gate is proposed inside the access point, to restrict access. Vehicular inter-connectivity would exist throughout, from this quarter to the remaining three-quarters of the site.
- 3.7. An Illustrative Landscape Strategy plan ref 22-0470 v4 dated 20.07.2022 shows that planting is proposed within and on the outside boundary of the site edged red, to include:
 - North side: Retention of an undefined existing hedge;
 - East side: Hard landscaping for parking and access, with some undefined planting against the eastern side of the service yard parking spaces;

- South side: 1.5m high natural stone retaining wall (to flatten out the rise in site levels, with the proposed building being at the lower level) and a 1.8m high hedge of prunus lusitanica: Portuguese laurel;
 - West side: Retention of existing ash trees; a proposed native species tree clump and standard trees; undefined planting areas to soften service yard; retention of 4.5m high native species and conifer hedge;
- 3.8 Company logos are shown on the North, East and South elevations of the building but these do not form part of the current application: they would need to be applied for separately, as appropriate, under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. As such, they are not considered as part of this submission.
- 3.9 The agent suggests that this proposal is to prevent an off-site storage solution being necessary in an alternative location, which would add excess cost to the business and would not be sustainable. The current proposal would result in neither gain nor loss in the number of employees proposed for the new business.

4. RELEVANT PLANNING HISTORY

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

CHN.389/87 – Extension to vehicle repair garage – APPROVED

CHN.9/91 – Construction of a building for storage and preparation of new and second-hand vehicles – APPROVED

19/01819/F – Erection of a new storage building for vehicles and parts – APPROVED 29.11.2019

21/00955/F - Demolition of existing car sales showroom, petrol filling station and servicing/repair garage and erection of new showroom for car sales including preparation and storage and administration areas with landscaping, access and associated works – APPROVED 16.07.2021

23/00911/F - Variation of Conditions 3 (schedule of materials and finishes), 5 (BREEAM assessment) and 8 (surface water drainage works) of 22/02328/F - Condition 5: To insert alternative BREEAM assessment under which the development is to be undertaken; Conditions 3 and 8: To provide details for matters reserved by planning conditions related to materials/finishes and drainage – NOT YET DETERMINED

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 properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **19 October 2022**, although comments received after this date and before finalising this report 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. HOOK NORTON PARISH COUNCIL: No objection

OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No objection**, subject to one condition and a S278 agreement. The access modifications are modest and can be implemented using a S278 agreement. The storage area is larger than that previously agreed, but the site as a whole will produce significantly less trips than the previous use as a petrol filling station.

7.4. OCC DRAINAGE: **No Objection**, subject to conditions.

7.5. ENVIRONMENTAL PROTECTION: **No comments** re: Noise, Contaminated Land, Air Quality, Odour, Light.

7.6. ARBORICULTURE: **No objection**. Happy with the Illustrative Landscape Strategy.

7.7. OCC ARCHAEOLOGY: **No objection**.

7.8. THAMES WATER: **No objection** with regard to water network and water treatment infrastructure capacity.

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
- SLE 1: Employment Development (site not allocated).
- SLE 4: Improved Transport and Connections
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

- HN – CC 1: Protection and Enhancement of Local Landscape and Character of Hook Norton
- HN – CC 2: Design
- HN – CC 4: Resource Efficient Design
- HN – COM 4: Retention of Local Employment
- HN – T 1: Access and Parking

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Landscape Character Assessment (CDLCA) Nov 1995
- Cherwell District Countryside Design Summary (CDS) 1998
- Oxfordshire Wildlife and Landscape Study (OWLS) 2004
- Oxfordshire Energy Strategy 2019
- Climate Action Framework CDC 2020
- Embodied Carbon: Developing a Client Brief - UK Green Building Council March 2017
- Local Transport and Connectivity Plan (LTCP) Oxfordshire County Council July 2022

9. APPRAISAL

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

- Principle of Development
- Design, Landscaping and Impact on the Character of the Area
- Sustainability criteria
- Economic Impact
- Highway Impact

Principle of Development

9.2. Paragraph 8 of the NPPF seeks to achieve sustainable development through three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.

9.3. Paragraph 83 of the NPPF highlights, amongst other things, that *planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, ...through well-designed new buildings;

9.4. Paragraph 84 continues by stating that, *the use of previously developed land...should be encouraged where suitable opportunities exist*

- 9.5. Policy PSD1 of the Cherwell Local Plan 2011-2031 (CLP 2015) echoes the NPPF's requirements for sustainable development.
- 9.6. Policy HN - CC 1 of HNNP considers the protection and enhancement of local landscape and character of Hook Norton. The policy states that *development which makes use of previously developed land and buildings will generally be preferred to greenfield locations.*
- 9.7. Policy HN – COM 4 of HNNP states that *Sites providing local employment within the parish should be retained for employment use except in circumstances where it is demonstrated not to be viable.*
- 9.8. The re-use of this part of the site would be integral to that which has already had permission for redevelopment. The proposal would contribute towards bringing the site back into an active employment use, to the benefit of the local rural economy.
- 9.9. The principle of the additional development proposed on this site would therefore satisfy Paragraph 8a) of the NPPF by helping to build a strong, responsive and competitive local economy, Paragraph 8b) by supporting a strong and vibrant community and Paragraph 8c) by making effective use of land.

Design, Landscaping, and Impact on the Character of the Area

Policy context

- 9.10. Paragraph 8c) of the NPPF seeks to protect and enhance our natural and historic environment. Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 130 states, inter alia, that planning policies and decisions *should ensure that developments:*
 - a) *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;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.*
- 9.11. Policy ESD 13 of the CLP 2015 seeks *opportunities to secure the enhancement of the character and appearance of the landscape. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where they cause undue visual intrusion into the open countryside.*
- 9.12. Policy ESD 15 of the CLP 2015 addresses the impact of development upon the Character of the Built and Historic Environment. Under this Policy it is stated, inter alia, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context.* Furthermore, the policy continues by stating that *new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design and that all new development will be required to meet high design standards.*

- 9.13. Saved Policy C28 of the CLP 1996 also highlights that *all new development ensures that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the rural context of that development.*
- 9.14. Policy HN - CC 1 of HNNP states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.* The Policy continues by stating that *proposals which would introduce development to isolated sites in the open countryside which would adversely affect the tranquillity, unspoilt character and amenity value of the landscape will not be permitted.*
- 9.15. Policy HN - CC 2 of HNNP states that *all new development should reflect local distinctiveness and be readily assimilated particularly in terms of the extent and amount of development; scale; layout; open spaces; appearance; and materials.* It also wishes to *ensure that local important views and vistas are maintained or enhanced.*
- 9.16. Environment Goal 1 of the HNNP seeks, inter alia, to maintain the rural character of the parish, with the arising objective seeking to retain and enhance the special character of the locality and, at 1.5, to encourage sympathetic management of the countryside around the village, to enhance the high-quality landscape and improve local biodiversity.
- 9.17. Environment Goal 2 of the HNNP seeks to minimise the environmental impact of new development and ensure that any development is sympathetic to its setting. One of its objectives seeks to encourage development that makes use of previously developed land and buildings rather than greenfield locations.
- 9.18. Oxfordshire Wildlife and Landscape Study (OWLS) identifies the site as being located within the Rolling Village Pastures Landscape Type.
- 9.19. Paragraph 2.2(iii) of Cherwell District Countryside Design Summary states that all forms of development need to be sited with care, in order to avoid locations where development would be either prominent, visually intrusive, out of character or would harm a feature or site which is important to the character of the area.

Assessment

- 9.20. It is important to understand the context of the proposed building against that already approved on the site by Planning Committee at its meeting of 15 July 2021.
- 9.21. The application site is cleared of all development, other than hardstandings. The exception to this is the mobile home on the eastern side of the application site. The Officer report to Planning Committee of July 2021 for the main proposal on this site stated, in Paragraph 9.20, that the design and style of the buildings now demolished were dated and did little to enhance the appearance of this rural area. Paragraph 9.26 stated that Officers had raised concern over the bulk of the proposed development. However, the business need for the scale of the proposal was accepted as a necessary means by which the business could function.
- 9.22. The policy context for consideration of this proposal seeks, as a highest bar, enhancement of the local area (NPPF Para 8c and Para 130a; ESD 13; ESD15; HN - CC 2; Environment Goal 1). All forms of development which change that which previously existed are likely to challenge this high bar during the assessment of compliance with policy.

- 9.23. The proposed two-storey storage building subject of this application would be 6 metres (12%) shorter in length than that approved in 2019 but significantly taller, by 3.4m (58%). Some of this additional height would be mitigated by the lowering of ground levels on the south side of the building, to level this part of the site, but only by a maximum of approximately 1.5 metres. However, no such levelling details were given in the 2019 proposals, so a direct comparison cannot be made.
- 9.24. The submitted LVIA suggests (Paragraph 7.11) that the proposals can be successfully integrated without resulting in a significant adverse effect. A subsequent email from the agent dated 25.07.2023 accepts that the built-out site would result in some visual harm. The submission continues that this is inevitable but concludes that the impact would not be significant. Overall, it is considered that the proposal would adversely affect the character and appearance of the local area.
- 9.25. The impact of the proposals can be mitigated through the use of timber and stone wall materials which reflect an agricultural building style and given the current proposal, would ensure a more integrated approach to the design of the site. It is notable that the proposed development specifies stone and wood cladding. The use of concrete in the construction is unstated but probable. To accord with the relevant development plan policies, the stone would need to be natural ironstone.
- 9.26. The visual impact of the proposals can also be mitigated through landscaping which can be secured through conditions of any permission given, and this is supported by ESD13: *...securing appropriate mitigation where damage to local landscape character cannot be avoided*. This is further discussed later in this report.
- 9.27. However, the proposed building would be significantly greater in height (58% increase in overall height) than that approved in 2019. Also, the proposal to clad the western roof elevation in solar panels would make it more visually prominent than that previously approved, potentially with reflection from sunlight when the summer sun is in the west. The roof cladding of solar panels aims to comply with NPPF Paragraph 8c), CLP 2015 Policy ESD1 and HNNP Environment Goal 2, seeking the minimisation of climate change impacts. However, their visual impact is likely to be noticeable from short and longer-distance viewpoints.
- 9.28. Visual prominence of the building needs particularly careful assessment from public views:
- Sibford Gower Road (North and East): The building would be visible but there are twists in the road, high hedgerows and mature trees impeding the view. Views of the solar panels on the roof would probably not exist from this road because of its proximity to the building.
 - Tadmarton Heath Road (South): Views when travelling from west to east would not be prominent due to pre-existing mature trees in the area and the angle of the roof to that road. Views from east to west would be mitigated by other approved buildings on site, yet to be built, by the rise in the road when viewed from a short distance and by high hedgerows and mature trees.
 - The public footpath (immediately to the West): The submitted Landscape and Visual Impact Assessment (LVIA) viewpoints were investigated in summer, when trees are in full leaf, by the Case Officer. The LVIA considers various viewpoints but appears to have missed one from the public footpath to the west, between Viewpoints 1 and 6, where the roof would be particularly prominent in the landscape. However, it was clear from that site visit that the public footpath had been little used in recent weeks, due to the amount of

overgrowth along it. This viewpoint could therefore be argued as not being a locally important view or vista as defined by Policy HN - CC 2 of the HNNP.

- Oatley Hill / Whichford Hill (West): The road is at a highpoint of 239m, with the application site being at about 179m. However, high hedgerows to either side prevent views to the site. As these hedgerows reduce, other landscape features either remove or obscure the views.

9.29. The applicant's LVIA suggests in its Viewpoint 4 on P52 that the site is not visible from a public footpath to the north. Similarly, its Viewpoint 6 on P54 states that the site is completely obscured by an established tree line / vegetation. Whilst this statement may be technically correct in its reference to the site at the time of the photographs, it appears to be misleading. Both viewpoints are looking towards a brownfield site with no buildings on it and do not indicate what impact the proposed building would have on the skyline. This is most clearly evidenced by the clear view of Croft Farm within Viewpoint 4 and of Colman's Elm Barn in Viewpoint 6 which, whilst height has not been surveyed for the two existing buildings, are likely to be lower in height because they are domestic rather than commercial in scale. The applicant's agent was unable to produce line drawings of the proposed and approved buildings in time to clarify this issue and consider it more conclusively as part of this Officer report.

9.30. The site already has permission for the showroom building that, on the west elevation, would have approximate measurements of a ridgeline of 9.4m in height for a length of 63 metres and a lower element of 8.5m in height for a length of 50 metres (as compared to an additional 8.8m in height for a length of 42 metres with the current application). Therefore, in relative terms, while this proposed additional building would add to the bulk, it would not be an isolated addition to the horizon and nearby views.

9.31. Policy conflict therefore exists because harm would result, but impact is tempered by various pre-existing landscape features as detailed in Paragraph 9.28 and pre-approved buildings, as detailed in Paragraph 9.30. Mitigation is also possible in other forms, through suitable landscaping and the use of appropriate materials.

9.32. For landscaping, the submitted LVIA and Illustrative Landscape Strategy (ILS) state how this is proposed:

- To the north, the existing boundary hedgerow is proposed for retention but is laurel or similar.
- To the east, proposed buildings will screen this building.
- To the south, the boundary is proposed to be planted with Portuguese laurel: a non-native species.
- To the west, the existing hedgerow includes coniferous planting.

9.33. The LVIA and ILS suggest that this would ensure that the proposed building benefits from a degree of containment, to help to further integrate the proposal into the landscape.

9.34. Retention and the proposed measures are not considered to be the most comprehensive form of landscaping mitigation. These boundaries would benefit from re-planting of hedgerow and additional trees in a native species, such as hornbeam or beech, or from maintenance work and additional planting on the

western boundary. This would help to reinforce the agricultural style of the proposed building.

- 9.35. The issue of successful integration is therefore capable of being better addressed by the imposition of a landscaping condition which seeks the submission of a revised planting scheme for the site, to complement the sensitive location.
- 9.36. For materials, successful integration will be possible with the proposed use of timber and stone for the walls and the need to consider local sourcing of these materials, for two reasons: to help to ameliorate the scheme into its surroundings and sustainability. This is further addressed in the Sustainability Criteria section, below. There is no means of overcoming the impact of a roof clad in solar panels: this is an area of conflict between different policies at both national and local level. However, the aim to provide sustainable development needs to be acknowledged when considering impact on the character of the area.

Conclusion

- 9.37. It is accepted that the development on the site would be taller and of a larger footprint than the previously approved building which, despite the cladding materials proposed is acknowledged, including by the applicant's agent, as resulting in some visual harm to the local area.
- 9.38. However, the approval of other significant buildings on this site by Committee in 2021 and the proposal to impose suitable conditions to improve assimilation into the landscape are considered to be acceptable means of mitigation.

Sustainability Criteria

Policy context

- 9.39. Section 2 of the NPPF focuses on achieving sustainable development. Paragraph 8c) of the NPPF seeks to *mitigate and adapt to climate change, including a move to a low carbon economy*.
- 9.40. Section 14 of the NPPF is titled 'Meeting the challenge of climate change, flooding and coastal change'. Paragraph 152 of Section 14 emphasises the role of the planning system in supporting *a transition to a low carbon future and contributing to radical reductions in greenhouse gas emissions*. Paragraph 154b) states that *new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design*.
- 9.41. Oxfordshire County Council's LTCP has a vision and targets which seek to reduce one in four car trips by 2030.
- 9.42. The UK Green Building Council estimate that around 30% of total greenhouse gas emissions arising from the built environment are embodied emissions, meaning that they are generated by extraction, transport and manufacture processes that happen before a building is first occupied.
- 9.43. The Oxfordshire Energy Strategy seeks to achieve a local carbon transition including by reducing the overall number of journeys and to have 56% of electricity demand and 40% of heat demand met by renewables.
- 9.44. This is reflected in CDC's 2020 Climate Action Framework which includes practical measures for the halving of emissions. These include a five-fold increase in the use of solar power and 40% of heating to be renewable.

- 9.45. Cherwell District Council declared a climate emergency in July 2019.
- 9.46. Policy ESD1 of the CLP 2015 seeks *the incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts, including... the use of passive solar design for heating.*
- 9.47. Policy ESD 3 of CLP 2015 specifies how all development proposals should demonstrate sustainable construction methods, including incorporation of locally sourced building materials and minimising both energy demands and energy loss.
- 9.48. Policy HN – CC 1 seeks to ensure that proposals do not impact on tranquillity.
- 9.49. Policy HN – CC 4 of the HNNP expects high levels of resource efficiency and the minimisation of energy consumption.

Assessment

- 9.50. In July 2023, the applicant's agent submitted a roof plan which shows the proposed photovoltaic installation of solar panels on the west-facing roof (Darke & Taylor, February 2023). No accompanying text has been submitted with the roof plan. However, it is apparent that the company's aim is to seek to achieve a reduction of emissions at some level. This is to be welcomed and has to be given very significant weight when considered in the context of the impact of the solar installation on views from the surrounding landscape.
- 9.51. The principle of a development on this site has already been accepted through the 2021 permission for redevelopment and it is welcomed because it re-uses a brownfield site. The applicant's desire to have the storage facility on site is to reduce vehicular movements to and from the site. This is to be welcomed in the context of the Council's Climate Action Framework and HNNP Policy HN – CC 1, because reduced traffic movements will assist in the maintenance of tranquillity in the area.

Economic Impact

Policy context

- 9.52. Paragraph 8a) of the NPPF details the economic objective: *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.*
- 9.53. Paragraph 81 of the NPPF states that *planning decisions should help create the conditions in which businesses can invest, expand and adapt.*
- 9.54. Paragraph 84 seeks to support a prosperous rural economy through *the sustainable growth and expansion of all types of business in rural areas, ... through well-designed new buildings.*
- 9.55. Policy SLE1 of the CLP 2015 states that *existing employment sites should be retained for employment use.*
- 9.56. A Goal of the HNNP is to *maintain and enhance employment opportunities and businesses providing sustainable services and local employment.* Arising Objective 1.2 seeks to ensure that *any new employment opportunities are appropriate to the surroundings and meet high standards of sustainability (in terms of location and design).* Section 3.6 of HNNP states that local employment opportunities are limited, and many residents travel long distances to work. It recognises that retention of existing businesses will assist in keeping local employment.

9.57. Policy HN - COM 4 states that *sites providing local employment within the parish should be retained for employment use except in circumstances where it is demonstrated not to be viable.*

Assessment

9.58. The Officer report to Planning Committee of July 2021 recognised that the business is of international standing in the trade of the vehicles proposed for this site. As such, the proposal for containment of the business within a site in the District is welcomed as a contributor towards achieving compliance with Paragraph 8a) of the NPPF.

9.59. Paragraph 9.13 of approved application 21/00955/F acknowledged the increase in staff from the previous quantity of 8, for The Firs Garage, to a proposed quantity of 15-20. Bringing the proposed car storage facility on site will not result in any increase or loss of employees over and above the staff declared as being employed in future at the site.

9.60. The desire for a trading facility which is more commercially secure has to be given weight in the consideration of the scheme.

Highway impact

Policy context

9.61. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:

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

9.62. Policy SLE1 of the CLP 2015 states, inter alia, that *the proposal can be carried out without undue detriment to the highway network and will not give rise to inappropriate traffic and will, wherever, possible, contribute to the general aim of reducing the need to travel by private car.*

9.63. Policy HN – T1 of the HNNP states that *any new development must provide access to the local road network which is suitable and sympathetic to the surroundings and must provide sufficient off-road parking.*

Assessment

9.64. The Local Highway Authority advises that the access arrangements are to remain as intended under application no. 21/00955/F. The approved northern-most access would be altered and widened to ensure convenient access for the vehicles intended to be stored and sold on site. The access modifications are modest and can be implemented using a section 278 agreement.

9.65. The site layout is considered safe and appropriate for the intended use.

9.66. The proposals are unlikely to result in a significant increase in trips to and from the site when compared to extant permission no. 21/00955/F. The storage area is larger

than that previously agreed, but the site as a whole will produce significantly less trips than the previous use as a petrol filling station. as highlighted in the planning statement, car storage being located internally within the site will reduce trips when compared to off-site storage.

9.67. A planning condition is therefore proposed relating to highway access.

9.68. The applicant will need to enter into a S278 Agreement with OCC to secure mitigation/improvement works, including widening the northernmost bellmouth junction to the specifications outlined in the submission.

Other matters

9.69. All other matters, including the provision of a sustainable drainage system, have been satisfactorily addressed and their implementation can be regulated by condition.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

10.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material Page 142 considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up-to-date development plan should be approved without delay.

10.3. This application seeks planning permission for one quarter of a site, the other three-quarters of which already has permission for use as a car sales showroom. The development as a whole would be on a brownfield site. The proposed development, by its very nature, would not be capable of enhancing the landscape. However, the economic, social and environmental benefits of containing the development on one site, and the mitigation measures proposed through the imposition of conditions, are considered to make the scheme acceptable.

11. RECOMMENDATION

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

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:

Location Plan 18169-L001 dated 07.07.2022

Site Plan 18169-PP1010 dated 07.07.2022

Ground Floor Plan 18169-PP0130 dated 04.07.2022

First Floor Plan 18169-PP0131 dated 04.07.2022

Roof Plan 18169-PP0132 dated 24.05.2022

Sections 18169-PS0110 dated 04.07.2022

Site Sections 18169-PS1010 dated 07.07.2022

Street Elevation 18169-PE1010 dated 07.07.2022

Elevations 18169-PE0111 dated 04.07.2022

Photovoltaic Installation General Arrangement C1181D-DTL-CB-RF-DR-E-7001 Rev T01

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.

Grampian Condition

3. The development hereby approved shall not be completed and occupied unless and until the development approved by permission 21/00955/F on 16.07.2021 has been substantially completed.

Reason – In order to ensure completeness of the development scheme as a combined development.

Materials

4. No development shall commence above slab level unless and until a schedule of materials and finishes to be used in the external walls and roof of the building has been submitted to and approved in writing by the Local Planning Authority. The stone to be used in the development shall be natural ironstone. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Reason : To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area in accordance with Policies ESD 1, ESD 3 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996, Policies HN – CC 2 and HN – CC 4 of the Hook Norton Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.

Ecology

5. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of The Firs Garage, Whichford Road, Hook Norton, Oxfordshire by Windrush Ecology Limited dated September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government's aim to achieve

sustainable development as set out in Section 15 of the National Planning Policy Framework.

Landscaping

6. Notwithstanding the details submitted, no development shall commence unless and until a detailed landscaping scheme has been 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) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps. Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be retained as such thereafter.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first use of the development and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

8. A schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual

amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Drainage

9. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Drawing
Below Ground Drainage GA (sheet 1 of 2)
Drawing No: 13459 - 500 REV P2

Drawing
Below Ground Drainage GA (sheet 2 of 2)
Drawing No: 13459 - 501 REV P2 -

Drawing
Drainage Standard Details (sheet 1 of 3)
Drawing No: 13459 - 503 Rev P1

Drawing
Drainage Standard Details (sheet 2 of 3)
Drawing No: 13459 - 504 Rev P1 -

All relevant Hydraulic calculations produced via Microdrainage
Date 20/02/2023
File 13459 - SW NETWORK ANAL...

Date 20/02/2023
File 13459 - SW NETWORK ANAL...

Date 20/02/2023
File 13459 - SW SOAKAWAY BAS...

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Highways

10. No development shall commence 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 and shall be retained as such thereafter.

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

Construction Traffic Management Plan

11. No development shall take place, including any works of demolition until a Construction Traffic Management Plan (CTMP) has been submitted to, and

approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved CTMP shall be adhered to throughout the construction period for the development.

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

INFORMATIVE NOTES TO APPLICANT

1. A Full Plans Building Regulations application will be required for the proposals.
2. The relocated access will require construction on highway land. As a result, the applicant will be required to enter into a section 278 agreement with OCC. This will also apply to any resurfacing or works on existing access points to the highway.
3. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
4. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater)
5. 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.

Cherwell District Council

Planning Committee

10 August 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. 22/03741/F – Land Adj to Wise Crescent, Opposite The Laurels, Fringford, Oxon, OX27 8DZ.

Erection of 6 one and a half and two storey dwellings, with the construction of new access and footpath, together with carports, parking, landscaping and all enabling works

Officers Recommendation: Refusal (Delegated)

Application Reference: 22/03741/F

Appeal Reference: 23/00087/REF

Start Date: 11.07.2023.

New Enforcement Appeals

- 3.2. None

Appeals in Progress

3.3. 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

3.4. 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

3.5. 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

3.6. 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

3.7. 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

3.8. 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

3.9. 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

3.10. 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

3.11. 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

3.12. 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

3.13. 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

3.14. 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

3.15. 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

3.16. 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

3.17. 22/03215/PIP – Land West of School Lane & Foxden Way, Great Bourton, Bourton, OX17 1R.

Application for permission in principle for the proposed development of 4-5 bungalows

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 16.06.2023.
Appeal Reference: 23/00082/REF.

3.18. 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

3.19. 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

3.20. 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.

3.21. 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.

3.22. 22/01980/F - The Paddock, Main Street, Great Bourton, Yarnton, Kidlington,

Change of Use of land to mixed use for keeping of horses (existing) and as a residential caravan site for 3 gypsy/traveller families, each with a static caravan/mobile home, together with storage of touring caravan and laying of additional hardstanding.

Officer recommendation: Refusal.
Method of determination: Hearing.
Hearing Date: 03.10. 2023.
Hearing Venue: Council Chambers, Bodicote House.
Start Date:05.04.2023.
Appeal Reference: 23/00079/REF

3.23. Forth Coming Public Inquiries and Hearings between 11 August 2023 and 7 September 2023

None

3.24. Appeal Results

3.25. **22/01645/OUT – The Planning Inspector DISMISSED the Appeal by NYC Estates for Outline application for the erection of 5 dwellings with all matters reserved except for the principal means of access to Fulwell Road at Part of Parcel 01621, Fulwell Road, Finmere, Bucks.**

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date 27/03/2023.
Appeal Reference: 23/00068/REF.

Whilst there are limited facilities in Finmere, the proposals would support the NPPF which promotes the development of housing where it will enhance or maintain the vitality of rural communities, especially where they would support local services and would avoid the development of isolated homes. The dependency on private cars for a portion of their day-to-day activities was noted, however this was balanced with the proximity of other larger towns with ample services and employment opportunities. The Inspector concluded there was no harm in terms of the principle of the location of the appeal and the small scale of the development (5 dwellings) was a key factor in this conclusion.

Whilst the Inspector noted the proposals included the introduction of soft landscaping, the construction of a significant built form with the subdivision of the agricultural field and its development with five dwellings and associated features, including large areas of hardstanding would urbanise the plot. Although the proposal would have a linear pattern of development, it would significantly diminish the contribution that the site makes to the villages rural setting. The proposal would therefore visually intrude into the open countryside and would greatly reduce the sense of openness on approach to the village.

The appeal was dismissed for the harm to the local character as the benefits of the proposals and did not outweigh this harm.

3.26. **22/01772/PIP – The Planning Inspector DISMISSED the Appeal by SGJ Limited for Residential Development of 2-3 dwellings at Land to Rear of Bridge House, Main Street, Wendlebury, OX25 2PW.**

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 13/03/2023.
Appeal Reference: 23/00067/REF

The appeal was for an application for permission in principle for the construction of 2-3 dwellings. Officers recommended that the application The site is situated behind the Lion Pub in Wendlebury. The site is currently a paddock land. Wendlebury is a Cat C village, which only allows for infilling and conversions. At the time of the decision CDC did not have a 5-year housing land supply and at the time the appeal was heard the housing land supply changed. The inspector agreed paragraph 11d was not engaged.

The Planning Inspector agreed the development would not be infilling as it would not result in a continuous built-up frontage, it would extend the built-up limits of Wendlebury. The principle of development would be against Policy Villages 1 of the CLP 2011-2031 and Saved Policy H18 of CLP 1996.

In addition, the Planning Inspector agreed that it would be likely the residents would be largely dependent on travel by car, due to the residents will not cycle in hours of darkness

and poor weather, and the lack of accessible bus service. The location of the site would undermine the Council's plan-led approach to the delivery of housing, and its reliance on private cars.

The inspector, therefore, dismissed the application.

3.27. 21/01630/OUT – The Planning Inspector ALLOWED the appeal by Firethorn 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: Approval
Planning Committee Would have refused.
Method of determination: Inquiry.
Start Date: 16.02.2023.
Appeal Reference Number: 23/00062/NON

In February, Firethorn Trust (the Appellant) appealed to the planning inspectorate over Cherwell District Council's non-determination of a proposal for 530 homes on the site.

At that time the application fell short of meeting the Council's policy requirements for this important strategic site and, in March, the planning committee resolved that had the decision rested with them, they would have refused the application. They advised that they would have refused the application on the grounds of:

- a. A failure to meet the requirements of Policy Bicester 1 in relation to the requirement to achieve a true carbon zero scheme as defined in that policy;
- b. A failure to meet the requirements of Policy Bicester 1 and BSC3 in relation to providing as much affordable housing as it is viable to provide;
- c. Causing the unacceptable, and unnecessary, loss of street trees on Charlotte Avenue via highways works;
- d. failing to demonstrate an absence of a severe transport effect given failures in highways modelling; and
- e. A failure to fully mitigate adverse impacts on infrastructure including education, strategic highways and others.

Subsequently, the Appellant then challenged the Council's Five Year Housing Land Supply position.

However, in the build-up to the Public Inquiry, the Council's planning officers engaged in detailed and comprehensive negotiations with the Appellant. The end result of these debates and negotiations was that the Appellant's team were able to significantly change

their position (through additional assurances and evidence submitted to the Council) and address and, eventually, overcome the Council's five putative reasons for refusal. This allowed the Council to remove all five putative reasons for refusal by the time the Inquiry opened.

The Council's five putative reasons for refusal were overcome by:

1. The Appellant agreeing to a suitably worded condition, and supporting planning obligation, which combine to ensure the scheme will deliver a True Zero Carbon Development
2. The Appellant provided an assurance via revised indicative plans, and precise terms within the s.106 agreement, that any highways scheme in relation to Charlotte Avenue would not cause damage to or result in the loss of the existing trees
3. The Appellant provided more comprehensive traffic modelling work which (after careful scrutiny) the Council's Highways Consultant concluded now demonstrated that this proposal will not result in severe impact on the local highways network
4. The Appellant agreed that it is necessary and reasonable to include two viability review mechanisms within the s.106 agreement to ensure that any shortfall in affordable housing provision is captured should the viability picture change during the build out stages.
5. The Appellant, having previously contested the proposed planning obligations, no longer raised any challenge to any of the obligations and agreed that these should be imposed.

Although agreement had now been reached between the two main parties on all the substantive points, the Inspector still needed to satisfy herself that she was comfortable and in agreement with what was now proposed.

I am pleased to say that the Inspector was in agreement with the revised position. For ease of reference, the key elements of the Inspector's decision are:

1. The Inspector found that all the obligations in the S106 Agreement meet the relevant CIL tests and remain enforceable
2. The Inspector accepted that the viability review mechanisms were needed to secure further affordable housing provisions, and their inclusion in the s.106 agreement weighed in favour of the scheme
3. The Inspector was satisfied that the True Zero Carbon cascade mechanism would ensure that a true zero carbon development would be delivered
4. The Inspector agreed that the revised Highways Safety plans relating to Charlotte Avenue, along with bespoke wording in the S106 Agreement, would mean that none of the existing trees on Charlotte Avenue would be damaged or lost.
5. The Inspector also concluded that, following the submission of further modelling work, the development would not result in severe transport harm
6. The Inspector considered that, given the evidence that underpins the Council's Five Year Housing Land Supply, she had no reason to dispute the Council's Five Year housing land position.

In short, by supporting these key conditions and obligations, the Inspector has granted permission for a scheme which is now in line with an up to date set of policies and, most importantly, Policy Bicester 1 of the Local Plan, whilst also accepting that the Council currently has a five year housing land supply.

3.28. 22/01354/OUT – The Planning Inspector DISMISSED the appeal at 6 Goldsmith Close, Bicester

The Planning Inspector has dismissed this appeal.

The Appellant had sought planning permission for a new single dwelling in the side garden of an existing property. Prior to the appeal, it had been refused by the Council for the following reasons:

- a. Material harm to the character and appearance of the surrounding area*
- b. Harmful impact on the daylight, sunlight and outlook levels current experienced by the occupiers of 7 Goldsmith Close*

In their Statement of Case, the Appellant had argued that a similar proposal had been allowed on appeal elsewhere in Bicester (6 Chaucer Close).

The Inspector, in reaching her decision, concluded that:

- The proposal would unacceptably harm the character and appearance of the surrounding area. The Inspector commented that the building would occupy a welcome gap between No.6 & No.7 Goldsmith Close, result in a cramped appearance to the front of the appeal site, and not leave enough space for a meaningful landscaping scheme.
- The appeal scheme would have an impact on the neighbouring occupiers with respect to outlook. However, the Inspector took the view that, as it is an Outline application, and the scale, height and layout would be dealt with during the reserved matters stage, then any potential impact on the private amenities of the neighbouring occupiers could be avoided and addressed at that stage.
- The Appellant's reference to another scheme in the surrounding area was not relevant to this appeal site because each application is assessed on its own merits
- The fall back position of sub-dividing the existing house would be a better development than the appeal scheme, and have "considerably less impact" on the surrounding area and the neighbouring occupiers of No.7 Goldsmith Close.

Overall, the Inspector found against the scheme in principle, and concluded that a new dwelling in this location would be "*at the expense of achieving good design*".

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 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 Daniel Sames, Portfolio Holder for Planning

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

Sarah Gevaux, Appeals Administrator, sarah.gevaux@cherwell-DC.gov.uk

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Agenda Item 13

Cherwell District Council

Planning Committee

10 August 2023

Planning Performance Report

Report of Assistant Director Planning and Development

This report is public

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

1.0 Recommendations

The meeting is recommended:

1.1 To note the report.

2.0 Introduction

2.1 This is a report to the Planning Committee on the Council's performance in respect of determining planning applications, with particular reference to major¹ and non-major² applications based on government targets.

2.2 Performance is measured using the Department for Levelling Up, Housing and Communities (DLUHC) 'Improving Planning Performance: Criteria for Designation (updated 2022)'. If a Local Planning Authority (LPA) is designated as underperforming in either 'major' or 'non-major' applications then applicants for those types of applications could apply directly to the Secretary of State for determination of those applications, i.e. the LPA potentially lose the power to determine these applications.

¹ Major development is defined as the (a) winning and working of minerals or the use of land for mineral-working deposits; or (b) waste development; or (c) the provision 10 or more dwellinghouses;- or a development on a site area of 0.5 hectares or more if it is not known how many dwellings are proposed; or (d) the provision of a building(s) where the floorspace to be created is 1,000 sqm or more; or a development carried out on a site area of 1 hectare or more.

² Non-major development is defined as any applications for planning permission for development which is not major development.

2.3 The above guidance states that DLUHC will determine whether to designate a LPA as underperforming based (approximately) on the performance of the previous 2 years

2.4 The table below sets out the designation thresholds and assessment period:

Measure and type of Application	2022 Threshold and assessment period	2023 Threshold and assessment period
Speed of major Development	60% (October 2020 to September 2022)	60% (October 2021 to September 2023)
Speed of non-major Development	70% (October 2020 to September 2022)	70% (October 2021 to September 2023)
Quality of major Development	10% (April 2020 to March 2022)	10% (April 2021 to March 2023)
Quality of non-major Development	10% (April 2020 to March 2022)	10% (April 2021 to March 2023)

2.5 **Speed** is measured on the percentage of decisions made:

- (a) within the statutory determination period (8 weeks for non-major development, 13 weeks for major development and 16 weeks for EIA development (applications subject to an Environmental Impact Assessment)), or
- (b) within such extended period as has been agreed in writing between the applicant and the LPA

2.6 **Quality** is measured on the percentage of the total number of decisions on applications made by the LPA during the assessment period being overturned at appeal.

3.0 Report Details

Speed of Decisions - 2022

3.1. The table below sets out the Council's performance against the National Target for 2022 (which is based on the period October 2020 to September 2022):

Speed	Major applications (13/16 week target or agreed extension of time)	Non-major applications (8 week target or agreed extension of time)
National Target (2022)	60%	70%
CDC performance	96% (126/131 apps)	88% (2314/2626 apps)

3.2. In summary, the Council achieved and exceeded the National Target for 2022.

Speed of Decisions – 2023

3.3. The tables below sets out the Council's current performance against the National Target for 2023 (which is based on the period October 2021 to September 2023):

CDC Performance per quarter	Major applications (13/16 week target or agreed extension of time)			Non-major applications (8 week target or agreed extension of time)		
	Per quarter	Rolling Performance		Per Quarter	Rolling Performance	
Oct – Dec 2021	94% (17/18)	94% (17/18)	-	94% (300/318)	94% (300/318)	-
Jan – Mar 2022	88% (15/17)	91% (32/35)	↓	92% (266/289)	93% (566/607)	↓
Apr – June 2022	100% (15/15)	94% (47/50)	↑	95% (345/364)	94% (911/971)	↑
July-Sept 2022	100% (14/14)	95% (61/64)	↑	91% (268/295)	93% (1179/1266)	↓

Oct – Dec 2022	100% (10/10)	96% (71/74)	↑	94% (263/279)	93% (1442/1545)	↑
Jan – Mar 2023	93% (13/14)	95% (84/88)	↓	93% (267/287)	93% (1709/1832)	-
Mar – Jun 2023	86% (12/14)	94% (96/102)	↓	89% (337/377)	93% (2046/2209)	-
July – Sep 2023						

- 3.4. In summary, the Council is currently achieving a performance of 94% of Major applications in time and 93% of Non-Major applications in time.

Quality of Decisions 2023

- 3.5. The table below sets out the Council's performance for 2023 based on the government's quality of decision requirements for major and non-major applications between April 2021 to March 2023:

Quality <small>(for period April 2021 to March 2023)</small>	Major applications % allowed at appeal	Non-major applications % allowed at appeal
National target (2023)	10%	10%
CDC performance	4.7% (6 appeals allowed out of 128 decisions made by the LPA)	1.1% (28 appeals allowed out of 2638 decisions made by the LPA)

- 3.6. In summary, the Council has exceeded the National Targets for Quality for 2023.

Comparison with neighbouring councils

- 3.7. The tables below shows a comparison of the performance figures with neighbouring district councils.
- 3.8. The tables are split into Majors, and non-majors for the last 24 months to end of March 2023, which is how the government measures this.

3.9. In addition to performance figures, additional data is provided regarding the total number of applications received as well as the use of Extensions of Time (EOT) and Planning Performance Agreements (PPA).

Major Applications					
Council	Total number of applications determined	Number determined within time or EOT	% within time or EOT	Number determined within time without using EOT	% within time without EOT
Cherwell District Council	128	124	97%	31	24%
Oxford City Council	48	44	92%	8	17%
Stratford Upon Avon District Council	106	96	91%	10	9%
Buckinghamshire Council	312	261	84%	54	17%
South Oxfordshire District Council	101	76	75%	9	9%
West Oxfordshire District Council	67	45	67%	18	27%
West Northamptonshire Council	216	145	67%	32	15%

Major Applications					
Council	Total number of applications determined	Number determined within time or EOT	% within time or EOT	Number determined within time without using EOT	% within time without EOT
Cherwell District Council	2638	2431	92%	1299	49%
Oxford City Council	1928	1768	92%	941	49%
Buckinghamshire Council	11243	9624	86%	4652	41%

South Oxfordshire District Council	3243	2586	80%	1770	55%
Stratford Upon Avon District Council	2794	2228	80%	920	33%
West Oxfordshire District Council	2508	1928	77%	1238	49%
West Northamptonshire Council	4857	3359	67%	1439	30%

3.10. Cherwell is the best performing compared to other District Councils on it's border areas. However, and like other authorities, this is heavily reliant on the use of Extensions of Time.

4.0 Conclusion and Reasons for Recommendations

Speed

4.1. Speed of determination for major and non-major applications met the Government's performance targets for 2022 and will exceed it for 2023.

Quality

5.4 Based on the quality of decisions to date, the Council is met the Government's performance for quality for 2023 based on the relevant assessment periods.

5.0 Consultation

N/A

6.0 Alternative Options and Reasons for Rejection

6.1 N/A

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. The report is for information only.

Comments checked by:

Kelly Wheeler-Finance Business Partner, 01295 221570

Kelly.wheeler@cherwell-dc.go.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 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

Equalities and Inclusion Implications

7.4 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556

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8.0 Decision Information

Key Decision:

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Daniel Sames, Portfolio Holder for Planning

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

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