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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 5 October 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 - 9)

To confirm as a correct record the Minutes of the meeting of the Committee held on 7 September 2023.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

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

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

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

Planning Applications

- | | | |
|-----|---|---------------------|
| 8. | Land At Bicester Road, Kidlington (Pages 12 - 66) | 22/00747/OUT |
| 9. | Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL (Pages 67 - 110) | 22/01611/OUT |
| 10. | Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL (Pages 111 - 129) | 22/01756/F |
| 11. | Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL (Pages 130 - 147) | 22/01757/LB |
| 12. | 1 George Street, Bicester, OX26 2EB (Pages 148 - 160) | 23/01424/F |
| 13. | 43A George Street, Bicester, OX26 2ED (Pages 161 - 171) | 23/01927/F |
| 14. | Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL (Pages 172 - 196) | 22/03877/F |
| 15. | OS Parcel 0927 East Of And Adjoining Chacombe Road, Wardington (Pages 197 - 214) | 23/01164/F |
| 16. | 1 Elizabeth Rise, Banbury, OX16 9LZ (Pages 215 - 223) | 23/01952/F |

Review and Monitoring Reports

17. Appeals Progress Report (Pages 224 - 235)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 27 September 2023

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 7 September 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Jean Conway
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 Maurice Billington (Vice-Chairman)
Councillor Ian Harwood
Councillor Simon Holland

Officers:

Paul Seckington, Senior Manager Development Management
Andy Bateson, Development Management Team Leader - North Area
Jeanette Davey, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Shiraz Sheikh, Assistant Director Law, Governance & Democratic Services/Monitoring Officer
Natasha Clark, Governance and Elections Manager
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Ian Boll, Corporate Director Communities

8. Land West Adj To Salt Way And West Of Bloxham 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.

45 **Requests to Address the Meeting**

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

46 **Minutes**

The Minutes of the meeting held on 10 August 2023 were agreed as a correct record and signed by the Chairman.

47 **Chairman's Announcements**

The Chairman made the following announcement:

1. Thanked the Planning Department and Officers for the meet and greet session that took place prior to the Committee meeting.

48 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

50 **Land West Adj To Salt Way And West Of Bloxham Road, Banbury**

The Committee considered application 22/03868/OUT, an outline application for the development of up to 60 homes including open space provision, parking, landscaping, drainage and associated works, with all matters reserved (appearance, landscaping, layout and scale) except for access at Land West adjacent to Salt Way and West Of Bloxham Road, Banbury for Barwood Development Securities Ltd/Mark Horgan.

Liz Reed, local resident, addressed the Committee in objection to the application.

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

Resolved

- (1) That, in line with the officer's recommendation, application 22/03836/OUT, be refused for the following reasons:
1. Cherwell District Council is able to demonstrate a five-year housing land supply meaning that relevant Development Plan policies are up to date and carry full weight. The application site is located in open countryside beyond the existing built-up limits of Banbury and is not allocated for development. Due to its location it would appear isolated and divorced. The proposal is therefore contrary to Policies PSD1, BSC1, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011- 2031 and saved policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
 2. By reason of its location beyond the built-up limits of Banbury and its relationship with existing and proposed built development, the proposal is considered to result in unacceptable, poorly related and isolated development that could not successfully be fully integrated with existing development contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
 3. The proposal has failed to adequately demonstrate through a full and detailed Landscape and Visual Impact Assessment that the proposal would not cause harm to the landscape and important landscape features such as Crouch Hill, the visual amenities of the locality and users of the Public Right of Way network contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
 4. The submitted Design and Access Statement and the accompanying parameter, layout and landscape strategy plans fail to successfully demonstrate how development could be successfully accommodated on site and deliver a locally distinctive development with sufficient open space, play space and other infrastructure as required by Policies BSC11 and ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996, guidance within the adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.
 5. 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 would provide for appropriate on-site infrastructure or infrastructure contributions required as a result of the development and necessary to make the impacts of development acceptable in planning terms, to the detriment of both existing and

proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

6. In the absence of a satisfactory Construction Traffic Management Plan (CTMP) including construction traffic route, the Local Planning Authority is not satisfied that the proposed development would provide an acceptable and safe construction access route that would not cause unacceptable detriment to the amenities of nearby residents contrary to Policy ESD15 of the adopted Cherwell local Plan 2011-2031, saved policy TR7 of the Cherwell local Plan 1996 and government guidance contained within the National Planning Policy Framework.

51

Apollo Office Park, Ironstone Lane, Wroxton, OX15 6AY

The Committee considered application 22/03245/F for the provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - resubmission of 22/00928/F - at Apollo Office Park, Ironstone Lane, Wroxton, OX15 6AY for Apollo Business Parks LLP.

Robert Synge, on behalf of the applicant, Apollo Business Parks LLP, addressed the Committee in support of the application.

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

Resolved

- (1) That, in line with the officer's recommendation, application 22/03245/F be refused for the following reasons:
 1. The proposal represents unsustainable development because it conflicts with the spatial strategy of Cherwell Local Plan 2011-2031 by proposing development on an unallocated site. Notwithstanding this objection in principle, the site is in a geographically unsustainable location and would result in a significant increase in vehicular journeys. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. In addition, the proposal would have an adverse effect on the character and appearance of the area. The proposal therefore conflicts with Policies PSD1, ESD1 and SLE1 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
 2. In the absence of adequate supporting information, the Local Planning Authority is not satisfied that the proposal can be achieved without resulting in harm to existing trees, and that a satisfactory planting

scheme has been put forward for the site. The proposal therefore conflicts with Policies PSD1 and ESD10 of the Local Plan and with the provisions of the NPPF.

52 **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 4.53 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 5 October 2023

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land At Bicester Road, Kidlington	22/00747/OUT	Kidlington East	Approval*	Andrew Thompson
9	Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL	22/01611/OUT	Kidlington East	Approval*	Andrew Thompson
10	Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL	22/01756/F	Kidlington East	Approval*	Andrew Thompson
11	Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL	22/01757/LB	Kidlington East	Approval*	Andrew Thompson
12	1 George Street, Bicester, OX26 2EB	23/01424/F	Bicester West	Approval*	Rebekah Morgan
13	43A George Street, Bicester, OX26 2ED	23/01927/F	Bicester West	Approval*	Rebekah Morgan
14	Hatch End Old Poultry Farm, Steeple Aston Road, Middle Aston, OX25 5QL	22/03877/F	Deddington	Approval*	Katherine Daniels
15	OS Parcel 0927 East Of And Adjoining Chacombe Road, Wardington	23/01164/F	Cropredy, Sibfords and Wroxton	Refusal	Saffron Loasby
16	1 Elizabeth Rise, Banbury, OX16 9LZ	23/01952/F	Banbury Calthorpe and Easington	Approval*	Daisy Kay-Taylor

*Subject to conditions

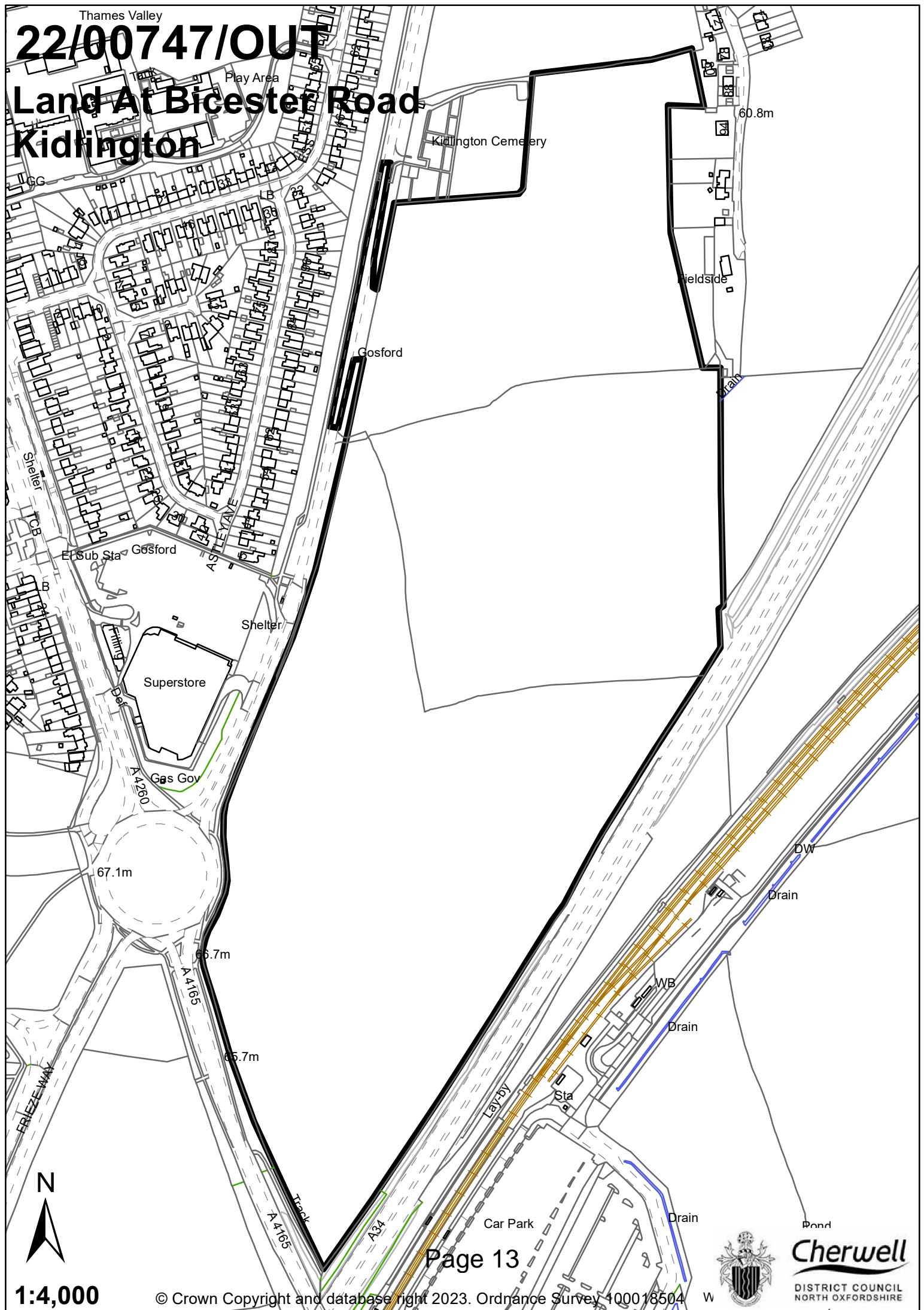
Agenda Item 8
22/00747/OUT

**Land At Bicester Road
Kidlington**



22/00747/OUT

Land At Bicester Road Kidlington



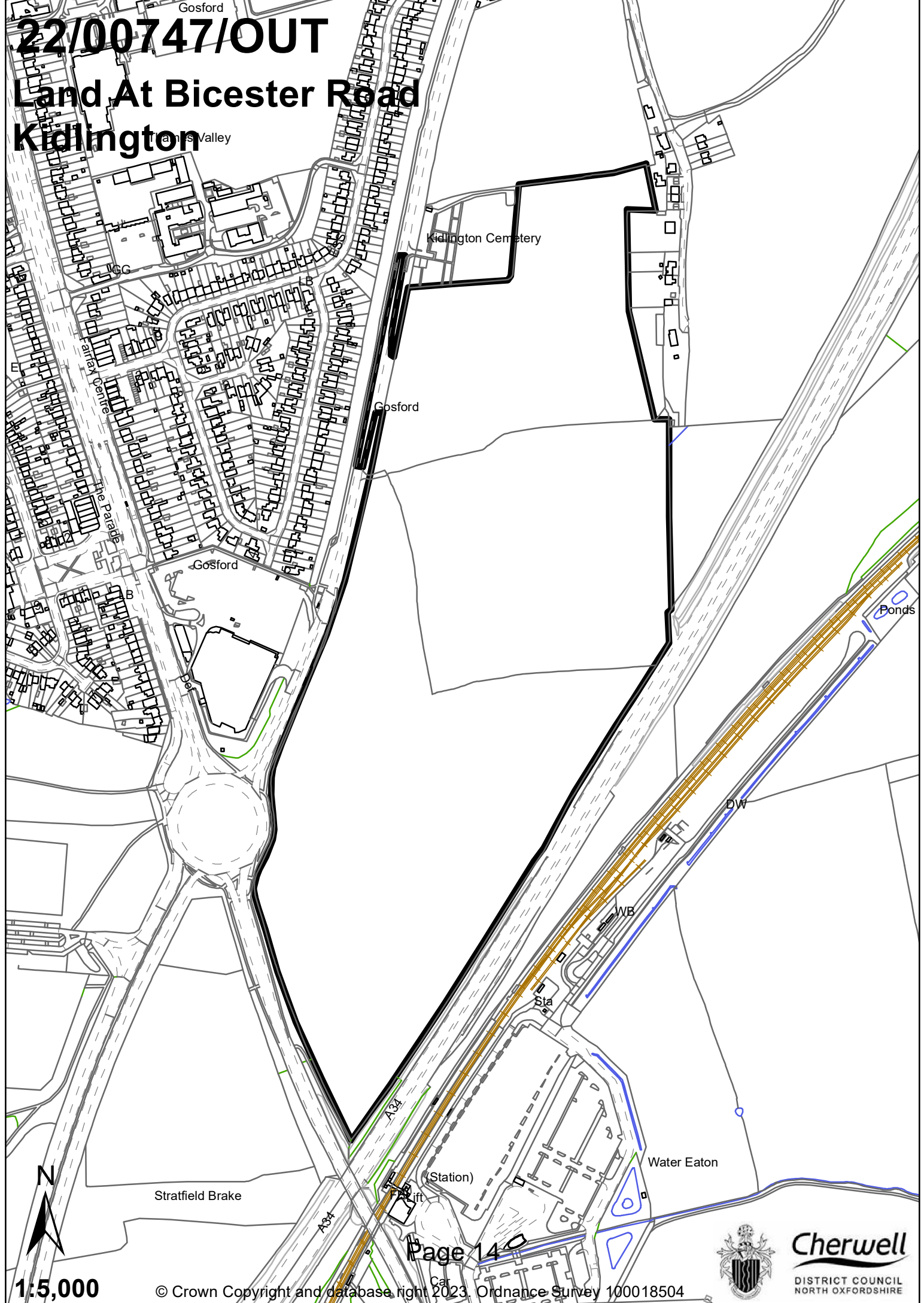
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22/00747/OUT

Land At Bicester Road

Kidlington



1:5,000

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Case Officer: Andrew Thompson

Applicant: Barwood Development Securities Limited and the Trustees of The Philip King Homes Trust

Proposal: Outline planning application for the development of up to 370 homes, public open space (including play areas and woodland planting), sports pitches and pavilion, drainage and engineering works, with all matters reserved (appearance, landscaping, layout and scale) except for vehicular and emergency accesses to Bicester Road.

Ward: Kidlington East

Councillors: Councillor Billington, Councillor Mawson, Councillor Middleton

Reason for Referral: Major development

Expiry Date: 31 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is made up of three arable fields extending to approximately 27.75ha.
- 1.2. As set out in the planning statement supporting the application, there are no built structures on the Site, although two lines of post mounted overhead wires cross the Site's southern field, and the south-eastern corner of the central field. A public footpath (PRoW 229/4/30) runs along the eastern edge of the southern field, and a short section of the central field.
- 1.3. Of the three fields, the northern field is irregular in shape, indented to the north-west by the Kidlington Cemetery and former allotments, and indented to the east by the rear gardens of properties along Water Eaton Lane. Field boundaries comprise a mixture of established tree belts to the eastern, western and southern boundaries. The northern boundary is scrubrier and more overgrown, whilst the boundary to the cemetery / former allotments comprises a recently planted hedgerow. A field gate in the south-western corner of the field, provides farm access from Bicester Road. Post and wire fencing also lines the northern, eastern and southern field boundaries, whilst post and rail fencing lines the western field boundary and the edge of the cemetery / former allotments.
- 1.4. The central field is rectangular in shape with established tree belts to its boundaries. A field gate in the north-western corner of the field provides farm access from the adjacent fields. Post and wire fencing lines the southern, western and northern field boundaries, whilst post and rail fencing lines the eastern field boundary. Two stiles are located in the south-eastern corner of the field, allowing public footpath access across the south-eastern corner of the field.

- 1.5. The southern field is irregular in shape, and the southernmost part of the field is fenced off with post and wire fencing, with a field gate at roughly the midpoint. The field boundaries are defined by established tree belts and a combination of post & rail and post & wire fencing. A gap in the northwestern corner of the field provides farm access to the adjacent field, whilst a stile in the north-eastern and south-eastern corners allows public footpath access along the eastern edge of the field.
- 1.6. The Site is predominantly flat, with a very gradual east facing slope. There is a low point of approximately 60 m Above Ordnance Datum (“AOD”) on the eastern Site boundary and a highpoint of approximately 65 m AOD on the western boundary.
- 1.7. The Site is located on the south-eastern edge of Kidlington and Gosford, approximately 8 km north of the city of Oxford and 12 km south-west of Bicester.
- 1.8. Immediately to the north of the application site is the remainder of the ‘Land South East of Kidlington’ allocation, which comprises a single arable field. A proposal for development of this site is submitted under planning application 22/03883/F. The field is bound by tree lined field boundaries to the east and west, which separate the field from Water Eaton Lane and Bicester Road respectively. Beyond this to the north is a triangular cluster of dwellings on Beagles Close and fronting Water Eaton Lane. The built-up eastern part of Kidlington continues northwards, predominantly to the west of Bicester Road, with a small cluster of properties on the eastern edge of the road. Bicester Road continues north-east, joining the A34.

2. CONSTRAINTS

- 2.1. The application site is the southern half of the allocation of PR7a of The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Needs. The total allocation comprises 32 hectares of land to the south eastern edge of the settlement of Kidlington and Gosford, north of Oxford. The site is bounded by Oxford Road (A4165) to the south west, the A34 to the east, Water Eaton Lane to the north east and Bicester Road to the west. It is generally flat and in agricultural use. The central part of the site is adjacent to a cemetery and former allotments, while residential properties are located to the north, north east and west (beyond Bicester Road). The site is located in close proximity to Oxford Parkway Station, the Park & Ride, Sainsbury’s supermarket and Stratfield Brake recreation ground. The site is accessed from Bicester Road.
- 2.2. The application site is adjacent to the existing Kidlington cemetery and contains a number of street trees.
- 2.3. Policy PR7a of the Local Plan Partial Review sets out the policy requirements for the site which include:
 - 430 net dwellings on 21 hectares of land
 - 50% affordable housing
 - An extension to Kidlington Cemetery on 0.7 hectares of land within the developable area.
 - 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
 - Provision for required emergency services infrastructure.
 - Play areas and allotments within the developable area.

- Contributions towards community facilities

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is an outline planning application for the development of up to 370 homes, public open space (including play areas and woodland planting), sports pitches and pavilion, drainage and engineering works, with all matters reserved (appearance, landscaping, layout and scale) except for vehicular and emergency accesses to Bicester Road.
- 3.2. A Development Framework Plan sets out that there will be some 17.72 ha of Green Infrastructure within the site, which will include; land for 4.0 ha of sports pitches, and a Sports Pavilion/Clubhouse (250msq); 0.4 ha of land for allotments (plus additional land for car parking provision for the allotments); some 0.29 ha of land for children's play, including a combined Local Equipped Area of Play/Local Area of Play (LEAP/LAP) to the north, and a LEAP/Neighbourhood Equipped Area of Play/Multi-Use Games Area (LEAP/NEAP/MUGA) to the south west; SUDS features comprising of 2 drainage basins and a swale, occupying an area of some 1.1 ha.
- 3.3. The remaining area of Green Infrastructure includes a large area for green infrastructure, proposed as public open space to the south of the site, on land which remains in Green Belt, and also for the delivery of a 3m high noise bund with a 3 m high fence alongside the south-eastern boundary of the site nearest to the A34, providing screening and a noise barrier between the application site and the A34.
- 3.4. Following amendments two storey development is now proposed alongside existing properties on Water Eaton Lane and the proposed allotments have been relocated to the southern edge of the developable area.
- 3.5. The application is supported by the following:

Plans:

Site Location Plan - CSA/3263/118 Rev A
Development Framework Plan - CSA/3263/123 Rev H
Illustrative Landscape Strategy - CSA/3263/124 Rev A
Access Strategy - 10669-SK-05 Rev F
Topographical Survey - 36516_T Rev 0

Documents:

Planning Statement (incl Affordable Housing Statement and draft S106 HoT)
(Pegasus P18-2523PL – March 2022)
Employment, Skills and Training Plan (Pegasus P18-2523 – March 2022)
Health Impact Assessment (Pegasus P18-2523/R001v5)
Air Quality Assessment (Brookbanks 10669 AQ01 Rv 1)
Flood Risk Assessment (Brookbanks 10669 FRA01 Rv 1)
Foul Water Strategy Technical Note (Brookbanks 10669 TN12 - Rv2)
Geo-Environmental Phase 1 Desk Study (Brookbanks 10669 DS01 Rv 1)
Noise Assessment (Brookbanks 10669 NA01 Rv 1)
Transport Assessment (Brookbanks 10669 TA01 Rv1)
Transport Technical Note 11: Response to Oxfordshire County Council (OCC)
(Brookbanks Version 2 dated 3 August 2023)
Residential Travel Plan (Brookbanks 10669 TP01 Rv 1)
Service Supply Statement (Brookbanks 10669 SS01 Rv 1)
Design & Access Statement Part 1 (incl PROW statement) (CSA/3263/12/Rev B –
March - 2022)
Biodiversity Improvement & Landscape Management Plan (CSA/3263/10/Rev D)

Ecological Impact Assessment (incl BNG Assessment, DEFRA Metric 3.0 Rev 1.3)
(CSA/3263/09/Rev B)
Heritage Assessment (CSA/3263/07 Rev B)
Landscape and Visual Impact Assessment (CSA/3263/06 Rev A)
Arboricultural Impact Assessment (BHA C.2999 – 22 Feb 2022)
Archaeological Evaluation Report (Oxford Archaeology, Issue 1, GOLEV)
Archaeological Geophysical Survey (MOLA Report 21/079, Site Code KID 21)

4. RELEVANT PLANNING HISTORY

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

21/02864/SD - Screening Direction to determine whether there is a requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for development at the above location. The Proposed Development comprises residential development for up to 500 residential dwellings, open space, sports facilities, an extension to Kidlington cemetery and allotments, associated vehicular access, infrastructure, engineering works and landscaping – EIA Not Required

22/03883/F - Development of 96 Dwellings (50% affordable housing), extension to Bicester Road Cemetery with associated access (from Bicester Road), open space, landscaping and infrastructure. Application under consideration.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal however pre-application discussions occurred with representatives of the northern portion of the allocation.

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. The final date for comments was initially **20 April 2022**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 5 objections have been received from local residents principally on Water Eaton Lane and Beagle Close. The comments raised by third parties are summarised as follows:

- Flooding and Surface Water Drainage
- Development of three storey development close to existing houses.
- Impact on amenity and loss of night sky
- Impact on wildlife and hedgerows
- Concerns about the ability of residents to fully understand all the detail and documentation provided
- Concerns about lack of detail on the layout, height and design of the houses proposed and the need for detail to assess the impact on neighbours.
- Impact on resources and facilities in Kidlington.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: **object** –

1. Transport – need for co-ordination in the transport assessment across the PR Sites and appropriate mitigation secured.
2. Allocated sites PR7a and PR7b have the opportunity to be exemplar sustainable developments, and good neighbours. Further detail is required.
3. Kidlington Parish Council assumes that the playing pitch provision attached to the development will be designated to meet the joint needs of the four Parish Councils involved in the sites allocated to address Oxford's Unmet Housing Needs. The playing field provision occupies only 4ha of this site which was deemed inadequate by Sport England, and currently leaves a large unmet need in the Cherwell Playing Pitch Strategy. Kidlington Parish Council objects to this application as the relevant details are not provided.

- 7.3. GOSFORD AND WATER EATON PARISH COUNCIL: **Object**

1. The application should not be considered until the Development Brief has been adopted.
2. An appropriate housing mix should be secured. No details are submitted.
3. Number of dwellings – the outline plan suggests that there will be 370 dwellings in the development, this would put the overall number of dwellings on the site well over the 430 specified in the local plan, we object to any increase in the number of dwellings on the site.
4. Foul Drainage and Water Supply – until there are further details of how this vital infrastructure is to be provided, we also note that Thames Water have not been able to contact the developer to discuss the issues of water supply.
5. S106 Commitments – these outline plans do not provide any details or commitments on how the S106 requirements in the local plan are to be delivered, until this detail is provided we cannot support this outline planning application.
6. Allotments – the outline plan proposes to put the allotments within the Green Belt triangle South of the developable area. We strongly object to this. The effect of putting the allotments in this triangle will be to reduce the parkland area and the attractions of the triangle, especially if the allotments are to be fenced off.

CONSULTEES

- 7.4. OCC HIGHWAYS: No objection subject to s106 and planning conditions. The Highway Authority also request an obligation for the applicant to enter into a s278/s38 Agreement.
- 7.5. NATIONAL HIGHWAYS: No objection

- 7.6. HOUSING STRATEGY: The Outline application is supported in principle. Whilst this is an Outline planning application, the Draft Heads of Terms will need to be more detailed in terms of how the affordable housing scheme will be provided, with details of affordable housing standards, clustering, phasing, accessibility etc. If the planning application is approved, these details and more will need to be included in the Section 106. The planning applicant should consider the suggested affordable housing dwelling and tenure mix included in this consultation response. Specific consideration should be given to the provision of bungalows, accessible homes, and opportunities to provide specialist housing, self-build or self-finish housing
- 7.7. SPORT ENGLAND: We are also concerned over the shape the allocated formal sports facilities which will make it difficult to rotate pitches as and when needed to reduce maintenance costs and deal with areas of the pitches wearing out. This site has been a matter of much discussion between CDC and the playing pitch steering group. As mentioned in previous emails: 8th and 29th April 2022, we have a concern that the area of land being put forward for a football hub, is not sufficient. However, we have been informed that additional land would be made available in the future public open space. This would overcome our concern.
- 7.8. CDC LANDSCAPE: Having considered the LVIA, it is comprehensive and adheres to the national guidance and agree with its conclusions. Further detail of the layout and play spaces will need to be secured through conditions and/or s106 contributions and the future Reserved Matters.
- 7.9. CDC ECOLOGY: With regard to the above application, the ecological appraisal is generally sufficient in scope and depth. I would concur with some of the points made by BBOWT however which should be addressed at least at reserved matter stage.
- 7.10. OCC ARCHAEOLOGY: An archaeological evaluation has taken place across the site and further investigation will need to take place to fully mitigate the archaeological remains recorded. Conditions are suggested.
- 7.11. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT): Objection:
1. Application does not provide evidence of an adequate net gain in biodiversity
 2. Further justification required to illustrate how net gain in biodiversity will be achieved
 3. Management of hedgerows in order to achieve biodiversity net gain
 4. Careful management of public access required to achieve net gain in biodiversity
 5. Recreational Pressure on Stratfield Brake Cherwell District Wildlife Site
 6. The importance of avoiding impact on UK priority species
- 7.12. OCC EDUCATION: Seek contributions –
- Secondary School - £2,670,150 plus £ 233,023 for land
Special Education - £ 260,248
- 7.13. RECREATION AND LEISURE: Seek contributions towards Community, Sports and Recreation facilities.
- 7.14. LEAD LOCAL FLOOD AUTHORITY: No objection subject to conditions
- 7.15. MINERALS AND WASTE TEAMS: No comments subject to appropriate detail on waste management in the Construction Environmental Management Plan (CEMP).
- 7.16. THAMES WATER: Currently working with the developer of application to identify and deliver infrastructure. An appropriately worded planning condition to be attached to

any approval to ensure development doesn't outpace the delivery of essential infrastructure.

- 7.17. THAMES VALLEY POLICE: In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. Contributions are also sought as part of the s106 contributions.
- 7.18. CDC LAND DRAINAGE: It is accepted that the site is at low risk of fluvial flooding. The risk of flooding from fluvial sources is therefore not a material consideration. It is accepted that any risk of surface water flooding on the site can be mitigated by the proposed SuDS scheme and that the site topography and development layout do not lend themselves to strict conformance with the Oxfordshire LLFA guidance which promotes SuDS in generally linear form. What is proposed represents an acceptable alternative technical solution. All attenuation features must be readily accessible for maintenance from the public realm and ideally form part of the public realm which are safe for the public to approach.
- 7.19. ENVIRONMENT AGENCY: No comment
- 7.20. STAGECOACH: Stagecoach has consistently strongly supported the identification of this site as one of the most sustainable possible opportunities to meet housing need in and around the City of Oxford. We welcome the fact that this application signals that the delivery of the allocation is moving forward to help meet acute housing need. 50% of the homes will be affordable tenures and many of these will be for social rent. However, far from substantiating in some depth the exceptional opportunities to leverage and enhance the use of sustainable modes to and from the site, the application material is exceptionally lacking in detail and substance. It fails to show how the development proposals can explicitly respond to these opportunities to secure the objectives of national policy, the County's current and emergent transport strategies, and the policies set out in the adopted Local Plan, which carry full weight and are highly material considerations in the planning balance. Where the Transport Assessment does make specific points and indicate certain infrastructure and services, too often it is inaccurate.
- 7.21. HEALTHCARE: The PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Gosford Hill Medical Centre practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. A contribution of £319,680 is sought.
- 7.22. OCC LIBRARY SERVICES: This site is served by Kidlington Library but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space. The cost of reconfiguring and refitting Kidlington Library is calculated at £327,000 (BCIS TPI 349). Based on the Local Plan allocation,

this site represents 8.4% of the 'PR' sites (4,400). A proportionate contribution of £27,468 is therefore required. A contribution towards library stock will also be required based on 1.5 items per resident at a cost of £9.12 per item (RPIx Dec 2022). The expected population forecast for this development is 894 people. The contribution towards library stock is therefore £12,230.

- 7.23. ACTIVE TRAVEL ENGLAND: The development site is located circa 2km from the centre of Kidlington and with Oxford located circa 8km to the south. The site comprises three arable fields extending to approximately 27.75ha. There will be some 17.72 ha of Green Infrastructure within the site. The masterplan proposes permeability throughout the site, with a proposed shared footway and cycleway along the primary street link. Active Travel England considers there would be significant merit to segregating the footway/cycleway to reduce potential conflict between pedestrians and cyclists. ATE notes that the pedestrian and cycle movements would be catered for through on and off-carriageway provision. However, the segregation provided to walkers, wheelers and cyclists is not clear. Bicester Road is currently limited to a single shared footway/cycleway on its western side. It requires users to cross the carriageway whether they are travelling north into Kidlington or South into Oxford. It is noted from the Transport Assessment that crossing points are to be provided across Bicester Road to access the existing footway/cycleway, and the location of a crossing is shown on drawing 10669-SK-05 included in the Transport Assessment, but the type of crossing is not specified. This design requires further consideration in accordance with LTN1/20. Concerns are raised about the suitability of the Oxford Road / Bicester Road roundabout, particularly for cyclists' use. It is therefore recommended that improved segregation be provided to ensure safety across the roundabout, including suitable crossings for all users in line with LTN 1/20. It is crucial that these matters are addressed to achieve sustainable development through the provision of attractive, safe and direct routes for non-motorised users - a commitment that is pledged within the Planning Statement at paragraph 2.10. *[Officer Note - A response has been provided on 19 August 2023 and Active Travel England have been reconsulted – a formal response is awaited]*

7.24. ENVIRONMENTAL PROTECTION:

Land Contamination The methodology and findings in the Geo-Environmental Phase 1 Desk Study referenced 10669 DS01 Rv1 are accepted. Conditions are suggested.

Air Quality: The methodology of the Air Quality assessment referenced 10669 AQ01 are accepted. However, we would still expect to see Damage Cost Calculations to be included as part of the assessment along with appropriate off-setting measures based on the outcome of the assessment. 2 Dust mitigation measures during the construction phase as outlined in table 6-1 can be conditioned as part of an approved Construction Environmental Management Plan The provision of EV charging points will be a requirement under Part S of the Building Regulations so no longer needs to be conditioned.

Noise: The Noise Assessment referenced 10669NA01 identified traffic noise from the A34 as the dominant noise source and has only considered the impact of this on the proposed development site. The impact of noise from the railway line and also the Hanson aggregate handling facility on the other side of the A34 also needs to be assessed. The assessment of the aggregate handling facility will need to be in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Construction Phase: Noise and dust mitigation during the construction phase can be dealt with through an approved Environmental Management Plan (CEMP).

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 Council also adopted the Partial Review to account for Oxford's Unmet Housing Need in September 2020. 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 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR7a - Land South East of Kidlington
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE2: Securing Dynamic Town Centres
- SLE4: Improved Transport and Connections
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- TR22 - Reservation of land for road schemes in the countryside
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C32 – Provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Code
- 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”)
- Kidlington Masterplan SPD
- PR7a Development Brief
- Cherwell Design Guide SPD
- CDC Developer Contributions SPD

9. APPRAISAL

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

- Principle of development
- Design, Outline Parameters and the Development Brief
- Highways, Access and Transport Matters
- Heritage considerations
- Ecology considerations
- Landscaping considerations
- Mitigation to Climate Change
- Flooding and Drainage
- S106 contributions

Principle of Development

- 9.2. The application site is part of an allocated site under the Local Plan Partial Review related to Oxford’s Housing Need (Policy PR7a). The allocation identified the land for 430 houses of the 4,400 housing across the Partial Review sites. The allocation forms part of the strategy to provide new development that meets Oxford’s agreed, identified housing needs, supports the city’s world-class economy, universities and its local

employment base, and ensures that people have convenient, affordable and sustainable travel opportunities to the city's places of work, study and recreation, and to its services and facilities. This development will be provided so that it:

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

9.3. The allocation identifies that the proposals should deliver:

1. Construction of 430 dwellings (net) on 21 hectares of land (the residential area as shown).
2. The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework.
3. The provision of 0.7 hectares of land within the developable area for an extension to Kidlington Cemetery.
4. The provision of 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
5. Provision for required emergency services infrastructure.
6. The provision of facilities for play areas and allotments to adopted standards within the developable area.
7. Contributions to the provision of community facilities in accordance with the Council's adopted standards.

9.4. The allocation has been submitted in two parts with two developers. This application considers the southern half of the development with the northern section being considered under 22/03883/F. The northern application includes the cemetery extension whilst this application includes the provision of the formal sports facilities.

9.5. The Council can demonstrate a five-year housing land supply when considering its own housing position. Due to the specific nature of the proposals in relation to an allocation in terms of Oxford's Unmet Housing Need, the Council calculates this provision separately. Whilst approximately 4,400 homes are allocated as part of the Local Plan Partial Review, none of these sites have yet progressed to full permission or are on site. As such, the Council's position in relation to Oxford's Unmet Housing Need is that the Council cannot demonstrate a five year housing land supply and therefore the delivery of permissions for housing on the allocations are additional positive weight with permission being progressed and any adverse impacts of doing so would have to significantly and demonstrably outweigh the benefits.

9.6. The Council has also agreed a Development Brief for the allocation which seeks to guide development principles and detail and establish design quality through four character areas. These four character areas are the Bicester Road frontage, a main street character, green edges character and a character to the sports and parkland area.

9.7. The comments of the Gosford and Water Eaton Parish Council are noted, however the development is proportionally the anticipated number of dwellings (which would be approximately 360-365) as set out in the proposed allocation.

9.8. The southern part of the site remains in the Green Belt and the development of sports pitches, a pavilion and proposed public open space are proposed within this land.

Policy ESD14 of the Cherwell Local Plan Part 1 refers to the Oxford Green Belt and advises that 'development proposals within the Green Belt will be assessed in accordance with Government Guidance contained in the NPPF and NPPG. The NPPF sets out that the change of use of land for outdoor sport and recreation is considered to be appropriate development in principle so long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. This applies in this case. The construction of new buildings within the Green Belt should be regarded as inappropriate development but there are some exceptions. One such exception is *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*. The provision of a 250sqm pavilion to support the use of the land for pitches (which would be required to provide changing facilities) is considered to comply with Green Belt policy and therefore represent appropriate development in this context. This proposal follows the Development Brief for the PR7a site and the requirements of point 4. of the key delivery requirements of Policy PR7a.

- 9.9. Overall, the proposals follow broadly the principles of the allocation and the Development Brief and there is no issue with the subdivision of the site in the manner proposed as it will enable a comprehensive development to be achieved. The approach to the allocation and delivery of housing in this location is considered to be acceptable. There is no overriding reason as to why the principles established by the allocation of PR7a cannot be delivered.

Design, Outline Parameters and the Development Brief

- 9.10. The application is supported by a Development Framework Masterplan and Landscape Strategy. A number of commentators and responses, including Parish Councils have indicated the desire for further detail on elements such as the layout, housing mix and how the development will meet the wider objectives in terms of detail.
- 9.11. The proposals are however in outline and there would be a need for further Reserved Matters detail on matters such as scale, appearance, landscaping and the eventual layout. The Development Framework however sets out broad parameters of how the applicant seeks to address matters such as the Development Brief and Development Plan policies.
- 9.12. The policy sets out that the proposals should provide the following:
- Opportunity to create an integrated extension to Kidlington that provides an appropriate edge to the village and maximises walking and cycling links and provides well connected green infrastructure.
 - Layout to enable a high degree of integration and connectivity between the proposed development and the existing, particularly to Kidlington where local amenities are accessed including Stratfield Brake Sports Ground.
 - Opportunity to create a distinctive neighbourhood but at the same time respond appropriately to the landscape, settlement patterns, building typologies and traditional materials of the local area (See Cherwell Design Guide section 2.3).
 - Development should be sensitive to the historic development pattern of Water Eaton Lane.
 - Opportunity to create frontage to proposed public open space and sports facilities.

- Design to consider appropriate building heights and character relating to the existing residential character of the surrounding area
 - Opportunity to provide an enhanced area of woodland along the south-eastern boundary of the site and establish a new area of woodland planting to screen the site from highways/rail infrastructure.
 - Opportunity to protect, restore or enhance existing hedgerows and trees.
 - Opportunity to protect and enhance the existing wildlife corridors and provide a connected corridor of green infrastructure across the site, joining with Stratfield Brake District Wildlife Site, NERC Act S41 Habitat and PR7b.
 - Opportunity to retain existing ponds and ditches within the landscape design of the site as part of the Sustainable Drainage System.
 - Opportunities to retain and enhance existing habitats and achieve a net gain in biodiversity through the creation of new/improved habitats.
- 9.13. The proposals include areas of informal play and recreation and has been amended to include the allotments within the developable area. Further the scheme has also been amended to reduce the height of properties to two storey alongside those of the existing properties on Water Eaton Lane which are of a mix of styles and scale. These amendments were provided in response to concerns raised by local residents and to provide comfort that the scale of the development will be designed appropriately to respect their amenity.
- 9.14. Allotments, as a form of outdoor recreation, are appropriate development in the Green Belt as defined at Paragraph 149(b) of the NPPF however the revised proposed position would not encroach into the retained Green Belt area.
- 9.15. The position of the allotments would be in accordance with the requirements of the policy in including this facility within the developable area. Whilst the comments of Gosford and Water Eaton Parish Council are noted, positioning the allotments in the location shown extends the greenery and green space associated with the southern portion of the site, the location of the allotments are therefore considered to be appropriate.
- 9.16. Whilst being submitted prior to the formal agreement of the Development Brief, which was approved by Planning Committee in June 2022, the Brief is guidance to support the principles of the allocation and policy requirements. The Brief is a requirement of each of the Partial Review Policies including PR7a and is a material consideration in the determination of the proposals for this site. Applications should have regard to the Brief as guidance, but appropriate variations can be agreed through the application consideration of the application . The proposals have been developed alongside the document and as guidance to support the policy and are in accordance with the aims and objectives of the guidance taking account of illustrative material contained within the Brief.
- 9.17. As such, notwithstanding the comments of Gosford and Water Eaton Parish Council, the proposals are in accordance with policy and would echo the principles of Development Brief whilst further detail will need to be secured through Reserved Matters, the proposed Development Framework Plan and the Illustrative Landscape Strategy submitted by the applicant are capable of achieving an appropriate design and layout subject to appropriate conditions.

- 9.18. As such, taking on board the amendments secured, the proposals would achieve an appropriate basis for the Reserved Matters submission. The proposals would be in accordance with Policies ESD15 of the CLP 2031 Part 1, associated guidance in the Development Brief and the aims and objectives of the National Planning Policy Framework.

Highways, Access and Transport Matters

- 9.19. NPPF paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. The Transport Decarbonisation Plan and DfT Circular 01/2022 also set out that we need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (sometimes referred to as 'vision and validate').

- 9.20. The National Design Guide states:

75. Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

76. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.

- 9.21. NPPF paragraph 105 also prescribes that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.22. Policy PR4a of the Partial Review, Policies ESD13, ESD15 and SLE4 of CLP 2031 Part 1) and saved policy C30 of the CLP 1996 echo the principles of active travel.
- 9.23. The application is supported by a Transport Assessment and since adoption of the Partial Review Local Plan the developers of the PR Sites and their Transport Consultants have been working with the County Council to ensure that the impact and mitigation of the PR sites are delivered in a consistent and coordinated manner. That work is now complete. Further Technical Notes have also been submitted in relation to highways matters to address concerns raised.
- 9.24. Through the submitted tracking drawings it was identified that the access geometry could not safely accommodate large vehicles without infringing into oncoming traffic particularly for the right turning lane. While the width of the access road has been increased to about 6m wide for the first 10metres, this has not improved the prevailing concern of affected incoming vehicles rather than the left turning vehicles. The tracking exercise on the revised junction still presents the same conflict between right turning arrivals and left turning exiting traffic.
- 9.25. This conflict may be overcome by shifting the centre line of the access carriageway to provide a wider turning angle/ envelope for the left turning stream than the arrival lane as illustrated above although a narrow access could also slow traffic into and out of the site. The submission now includes a stage 1 Road Safety Audit.

- 9.26. The current submission further illustrates how the Greenway and the PRoW are likely to tie into the shared pedestrian/ cycle infrastructure along Oxford Road. The detail of this linkage and proposed infrastructure along Oxford Road will need to be agreed to as part of the Reserved Matters submission. It was requested that provisions consistent with what PR6a and PR6b are proposing along the corridor south of the A34 bridge which may require some land to be dedicated along the development's frontage. The Technical Note (TN) acknowledges that this shall be addressed with the s106.
- 9.27. The TN further shows a willingness to provide an additional four/three bay bus stop along Bicester Road albeit the details shall be laid out/agreed to as part of the s106 agreement. The application has also provided an update to the North Oxford VISSIM model for all PR sites to use in their assessments of the impact of development generated traffic on the wider network which concludes the impact of the development and mitigation necessary is acceptable..
- 9.28. The predicted demand for the sports pitches has also been assessed. Assumptions that a portion of these trips would be generated from the local area is accepted and the residual demand apportioned from the wider network is meagre.
- 9.29. The comments of Active Travel England have been given careful consideration and the applicant has provided a further technical note, to which Active Travel England have been invited to comment but it is considered that a suitable reserved matters submission can deliver the aims and objectives of the guidance and legislation (e.g. LTN1/20 in relation to cycle infrastructure) and together with appropriate s106 contributions to ensure that the proposal delivers appropriate sustainable travel networks.
- 9.30. A condition is proposed in relation to the proposed access to ensure details are submitted appropriately at an appropriate timescale. The requirement for an obligation to enter into highway legislation is not necessary in planning terms and as required by planning legislation and national guidance it should be assumed other legislative processes function correctly.
- 9.31. Overall subject to appropriate s106 and conditions the proposals have appropriately assessed the highway impacts of the development and whilst comments received from the Parish Council have been carefully considered, the proposals have been found to be acceptable and in accordance with national policy and the Development Plan.

Heritage Impact

- 9.32. The site is located within an area of known archaeological potential with prehistoric and Roman finds. There is moderate potential for agricultural postmedieval archaeology. There are ridge and furrow earthworks between Kidlington Cemetery and former allotments. The site is separated from Kidlington Conservation Area and the nearest listed buildings by modern development. However, older properties on Water Eaton Lane could be non-designated heritage assets.
- 9.33. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.34. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the*

building or its setting or any features of special architectural or historic interest which it possesses. Therefore significant weight must be given to these matters in the assessment of this planning application.

- 9.35. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).* This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.36. Due to the intervening distance and buildings there would be no impact on designated heritage assets. The impact on non-designated assets archaeology is the key asset to be considered. It is noted that securing a programme of archaeological works including targeted excavation via an appropriately worded planning condition would mitigate any harm arising from the development. On considering the properties on Water Eaton Lane in terms of their age, architectural style and historic significance it is not considered that the proposals would result in limited and less than substantial harm to non-designated heritage assets.

Ecology Impact

- 9.37. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments.
- 9.38. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.39. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.40. Paragraph 179 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.41. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.42. 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.

9.43. The application sets out the following biodiversity mitigation and enhancement measures have been built into the development scheme:

- Increased native tree and scrub planting throughout the development.
- Woodland planting to improve green infrastructure corridors with Stratfield Brake nature reserve to the south-west.
- Provision of native and wildlife-friendly plant varieties within the soft landscaping strategy (full detail to be prepared at a later date).
- Infill planting and improved management of existing hedgerows.
- Provision and maintenance of log piles for invertebrates and other wildlife.
- Provision of inter-connectivity between gardens for hedgehog and other wildlife by creating 'hedgehog highways' (c. 12cm x 12cm gap) in all boundary fences.

9.44. The proposals will also include the provision of bird and bat boxes within the Site, to comprise:

- 30 in-built bat boxes within new buildings (Schwegler 1FR bat tube, Habibat box, Vivara Pro bat tube, or similar).
- 10 bat boxes on mature trees (of a durable, long-lasting material such as Schwegler 2FN, Schwegler 1FF or Vivaro Pro Woodstone Box).
- 30 in-built bird boxes within new buildings to include at least 10 boxes suitable for swift, 10 boxes suitable for house martins and 10 boxes suitable for house sparrow.
- 5 bird boxes on trees to suit starling and other hole-nesting species (e.g. Schwegler 3S and 1B bird boxes).

9.45. Full detail of the 'hedgehog highways' and bird and bat box locations will be provided within an updated report at the Reserved Matters stage, once the detailed layout is known, as the housing layout, design and materials will affect and influence the optimum location for bird and bat boxes.

9.46. The comments and concerns of neighbouring residents and the Parish Councils are noted however the above form the basis of the minimum enhancement which would include approximately a 10.33% biodiversity net gain (1.6% on habitats and 8.73% on hedgerows) on the existing situation. Further detail and increased enhancement may be possible through the negotiation of the Reserved Matters (e.g. through increased bird and bat boxes).

9.47. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected

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

Landscaping considerations

- 9.48. The NPPF recognises the importance of green space and street trees and landscaping in the delivery of high quality design.
- 9.49. Policy ESD 13 sets out that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Landscape quality also forms an important part of design quality under Policy ESD15 of the CLP 2015.
- 9.50. The application is supported by a Landscape and Visual Assessment and the development framework and submitted illustrative plans sets out a number of aspects including space around the existing cemetery, to the northern boundary and to the existing housing on Water Eaton Lane.
- 9.51. The comments of consultees and objectors have been given careful consideration. As set out above the proposals include a number of natural and biodiversity enhancements which should be noted.
- 9.52. In relation to the existing cemetery, the environment is formed by low level landscaping (e.g. hedges). The relationship and surrounding environment will undoubtedly change as a result of the development.
- 9.53. Whilst there would be some overlooking of the cemetery however this would not in itself be inappropriate, providing security and passive surveillance against anti-social behaviour are considered. Appropriate treatment to the cemetery is therefore a detailed matter however large buffers such as those suggested by landscape officers would not deliver the aims and objectives of the allocation or the Development Brief.
- 9.54. As set out above, the Development Framework Plan sets out that there will be some 17.72 ha of Green Infrastructure within the site, which will include; land for 4.0 ha of sports pitches, and a Sports Pavilion/Clubhouse (250msq); 0.4 ha of land for allotments (plus additional land for car parking provision for the allotments); some 0.29 ha of land for children's play, including a combined Local Equipped Area of Play/Local Area of Play (LEAP/LAP) to the north, and a LEAP/Neighbourhood Equipped Area of Play/Multi-Use Games Area (LEAP/NEAP/MUGA) to the south west; SUDS features comprising of 2 drainage basins and a swale, occupying an area of some 1.1 ha.
- 9.55. Whilst illustrative, with layout and landscaping being Reserved Matters, the proposals form the basis of consideration for compliance with the requirements of Policy PR5 of the Partial Review and Policy BSC11 of the CLP 2015 in terms of providing appropriate open space, play provision and allotments within the developable area and formal sports and open space provision that would ensure the permanence of the Green Belt to the south of the site.
- 9.56. Appropriate separation with two storey housing to existing properties and retention of existing trees and planting to the northern boundary is proposed. Further the inclusion of sports pitches, open space and allotments (within the developable area) give a strong landscape setting to the southern part of the application site.

9.57. As such, subject to an appropriate detailed submission at Reserved Matters stage, the proposals would be in accordance with the requirements of the allocation under Policies PR5 and 7a of the CLP Partial Review, Policies BSC11 and ESD13 of the CLP 2015 and the aims and objectives of the National Planning Policy Framework.

Mitigation to Climate Change

9.58. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this matter.

9.59. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.

9.60. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions*. Any new development will be expected to consider these and address the energy needs of the development.

9.61. Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.

9.62. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.

9.63. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

9.64. Through the submission, the applicant acknowledges that the detailed submission and development will be built in the context of the 2025 Future Homes Standard and will include matters such as solar panels, fabric first construction measures, be gas free and to include matters such as electric vehicle charging points. The precise design detail will also seek to maximise solar orientation, reduce water consumption and manage drainage with climate change enhancement included in the design.

9.65. The landscape will also include areas of shading, promote walking and cycling and sustainable modes of transport and include play and recreation facilities on the site to reduce the need to travel.

9.66. Overall the proposals would be in accordance with Section 14 of the NPPF and Policy PR7a of the CLP Partial Review, Policies ESD1-5 of the CLP 2015, the aims and objectives of mitigating the impact of climate change.

Noise, Air Quality and Ground Conditions

- 9.67. The NPPF sets out at Paragraph 183 that decisions should ensure that:
- a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c. adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 9.68. Paragraph 185 of the NPPF states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Saved Policies ENV1 and ENV12 of the CLP 1996 echoes these principles.
- 9.69. The application is supported by a Geo-environmental assessment to support the assessment of ground conditions, a Noise Assessment and Air Quality Assessment to ensure that the development achieves an appropriate standard of residential environment. The comments of the Council's Environmental Protection Officers are noted. The concerns about noise and disturbance from construction from local residents are also noted.
- 9.70. In respect of contamination and ground conditions, the proposals submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed. There is therefore no reason to suggest that the application site could not come forward.
- 9.71. In respect of noise and as stated above, the layout will need to ensure that there is an appropriate buffer in relation to the eventual layout if approved through an appropriate reserved matters submission and that landscaping to the boundary with residential properties is appropriate. Further the Construction Environment Management Plan (CEMP), should be conditioned. Whilst it would be inevitable that there would be some level of disturbance to the neighbouring residents, the CEMP should aim to manage the construction activities to minimise the level of disturbance through working hours management and reducing the need for piling, for example.
- 9.72. In respect of air quality, the relationship between the application proposals and Bicester Road would be important in ensuring that the residential environment created should also be appropriate.
- 9.73. The development should, through being a no-gas development, providing electric vehicle charging points, promoting renewable energy are important considerations. Management of the construction process through dust suppression, for example would also be important through the CEMP, detail through Reserved Matters submissions will also be important to ensure that the detail of the Noise Assessment and Air Quality Assessment are taken forward.

Conclusion

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

Flood Risk and Drainage

9.75. 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*'.

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

9.77. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

9.78. The application is supported by a Flood Risk and Drainage Strategy and a further technical note on Foul Water Drainage discussions with Thames Water has been provided during the course of the application. The comments of the LLFA, Thames Water and CDC Drainage Officers and the concerns of residents and Gosford and Water Eaton Parish Council are noted.

9.79. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.

9.80. The submitted flood risk assessment also demonstrates how the effects of climate change on flood risk within the site can be mitigated to the one in 100 year + climate change level with the use of a Sustainable Urban Drainage System. The SuDS incorporated into the proposal will consist of 2 attenuation basins located on the eastern boundary, and a swale feature.

9.81. Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes.

9.82. Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems

are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain.

- 9.83. In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. However, a small area in the east is shown to have a medium to high risk from surface water flooding.
- 9.84. Development is not proposed within areas where the risk of surface water flooding and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement, would be required through the reserved matters details.
- 9.85. There is a comment raised by Thames Water as to the capacity of the water network to deliver water at an appropriate pressure. However, discussions with Thames Water have indicated that supply issues could be provided within a reasonable timescale but it is not clear what infrastructure is needed. Thames Water has suggested a condition requiring no occupation prior to the implementation of as yet undefined infrastructure. The applicant through the course of the pre-application process and application process has engaged with Thames Water, as outlined in supporting technical note on Foul Water Strategy.
- 9.86. Officers consider that notwithstanding the comments of Gosford and Water Eaton Parish Council it is considered that appropriate drainage infrastructure will be provided.

Conclusion

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

S106 Contributions

- 9.88. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 9.89. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Other policies of the Development Plan including Policies SLE4, BSC7, BSC8, BSC9, BSC10, BSC11, BSC12, ESD6 and ESD13 which set out the levels and infrastructure expected from development.

- 9.90. Policy PR2 and PR7a of the CLP Partial Review states, amongst other things that at Kidlington and elsewhere, all proposed developments will be expected to provide at least 50% of new housing as affordable homes on site. The Policy continues by states that the proposals will need to have regard to Oxford's Housing Needs and assessment and the definitions contained therein to achieve an appropriate mix best placed to meet Oxford's Unmet Housing Need. As an outline application therefore conditions are proposed to secure an appropriate mix through detailed submissions.
- 9.91. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.92. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for 370 residential units on the site which would represent a major application in terms of definition and therefore will need to take account of this and national initiatives such as First Homes.
- 9.93. The policy requirement is for 50% affordable housing as set out in Policy PR2 which would equate to up to 185 units.
- 9.94. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, highway infrastructure improvements contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.

On Site Infrastructure and Enhancement to Open Space and Sport

- 9.95. The key on-site infrastructure includes the following which will be secured under planning conditions and s106s:
- Sports pitches, changing facilities and car parking . The sports pavilion are also likely to provide for community hall facilities as part of the overall s106 package in lieu of the contribution.
 - Landscaping, planting and recreational routes to the south of the site
 - Allotments
 - Play Facilities (being combined LAPs, LEAPs, NEAPs, MUGA as shown on the development framework plan)
 - Affordable Housing (50%)
 - Access improvements as part of the access to Bicester Road and new pedestrian and cycle access points
- 9.96. To manage and deliver the play facilities, sports pitches and allotments alongside other landscaping features appropriate contributions and mechanisms would be required which are subject to negotiation and drafting within the s106.

Offsite S106 Contributions

9.97. The contributions sought include the following (with appropriate indexation to be applied):

- Secondary Education - £2,670,150 plus £233,023 for land cost
- Special Education - £260,248
- Healthcare - £319,680
- Police - £52,607.40
- Off-site transport works – £932,585 plus proportionate contributions towards Airport Travel Hub and Cycle superhighway in accordance with Appendix 4 of the Local Plan
- Public Transport - £418,470 towards services plus £35,616 towards bus stops
- Travel Plan Monitoring - £1,446
- Public Rights of Way - £55,000
- Public Art and Public Realm - £82,880 figure includes management and maintenance
- Community Hall Facilities - £423,032.08 - this contribution may be delivered on site as part of changing room/sports pavilion facilities provision in accordance with Paragraph 6.5.2 of the Development Brief.
- Outdoor Sports Provision – On site
- Indoor Sports Provision - £308,930.32
- Community Development Worker - £33,877.36
- Community Development Fund - £16,650
- Library - £39,698
- Household Waste and Recycling - £34,765
- Open Space Maintenance

9.98. The significant level of contributions in excess of £5.6m plus significant on site facilities are being delivered as part of the proposals on site. The drafting of the s106 will ensure that appropriate detail is delivered for the management and delivery of contributions and on site facilities. It should be noted that the development on the other half of the allocation (reference: 22/03883/F) will need to make proportionate contributions towards on-site facilities and the overall open space management.

9.99. Further detail is set out in the appendix to this report.

EIA Regulations

9.100. The applicant and neighbouring developer applied to the Secretary of State for a Screening Direction (reference 21/02864/SD) for the allocated site and up to 500 dwellings. The Secretary of State determined that for the purposes of the EIA Regulations and that the proposal is not EIA Development.

10. PLANNING BALANCE AND CONCLUSION

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

Positive benefits - Economic

- 10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project and as part of the Development Plan would support the delivery of the Development Plan and growth strategy. The proposals would create construction jobs and also support the local public house/restaurant nearby and shopping facilities and employment in Kidlington. This is afforded very significant weight taking into account the scale of the proposed development.

Positive benefits - Social

- 10.3. The proposals would create the opportunity for affordable housing provision to meet Oxford's Unmet Housing Need. This attracts significant positive weight. The benefits of new recreational routes, play provision, sports pitches including improvements to Stratfield Break and new allotments should also be afforded significant positive weight. Other s106 contributions should also be afforded significant positive weight.

Positive benefits - Environmental

- 10.4. Environmentally the proposals would offer a modern development that would accord with building regulations and include potential renewable energy. The proposals would also secure biodiversity net gain.
- 10.5. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

- 10.6. There are no identified negative economic impacts that are identified.

10.7. Negative Impacts – Social

- 10.8. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The impact of the proposals on the use of the cemetery have also been considered.

Negative Impacts – Environmental

- 10.9. 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. The concerns of landscape officers have been noted.
- 10.10. 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 limited as the proposals form part of the planned growth in the District.

Conclusion

- 10.11. The Council is not able to demonstrate a five-year supply of land of housing for Oxford's Unmet Housing Need. As an allocated site, the proposals form part of the wider Housing Needs for the area and Oxford City and include a significant level of

on-site facilities that are in accordance with the aims and objectives of Policy PR7a of the Local Plan Partial Review and associated guidance.

10.12. The proposals have been carefully considered and having considered the development as a whole the proposals are considered to be acceptable when considered against the Development Plan and National Planning Policy Framework as a whole and the positive benefits significantly and demonstrably outweigh the negative aspects of the proposals.

11. RECOMMENDATION

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

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

(b) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a. Provision of 50% affordable housing on site
- b. On site green space and recreational routes in particular to the south and west of the site and appropriate maintenance contribution/arrangements.
- c. Payment of a financial contribution towards proportionate highway contributions as set out in Appendix 4 of the Partial Review Local Plan.
- d. Payment of a financial contribution towards Community Hall and Development, Outdoor and indoor sport contributions or facilitating the delivery on site.
- e. Payment of a financial contribution towards Healthcare
- f. Payment of a financial contribution towards Education
- g. Payment of a financial contribution towards Library Services
- h. Payment of a financial contribution towards Police
- i. Appropriate arrangements for Open Space Management
- j. Payment of the Council's monitoring costs of £10,000 plus OCC Monitoring Costs

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31 OCTOBER 2023. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate on site infrastructure and off site contributions towards affordable housing education, transport, canal infrastructure, community facilities, indoor and outdoor sport, open space, library and police required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR7a and PR11 of the Cherwell Local Plan 2011 - 2031 (PART1) Partial

Review, and Policies INF1, SLE4, BSC7; BSC8; BSC9; BSC10, BSC11, BSC12, ESD6 and ESD13 of the Cherwell Local Plan 2011-2031 (Part 1), guidance within the Council's Developer Contributions SPD and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

Time Limit

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

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

Reserved Matters

2. Details of the layout, scale, appearance, access (other than the approved accesses to Bicester Road shown on plan 10669-SK-05 Rev D) and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

Plans

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

Plans:

Site Location Plan - CSA/3263/118 Rev A
Development Framework Plan - CSA/3263/123 Rev H
Illustrative Landscape Strategy - CSA/3263/124 Rev A
Access Strategy - 10669-SK-05 Rev D
Topographical Survey - 36516_T Rev 0

Documents:

Planning Statement (incl Affordable Housing Statement and draft S106 HoT) (Pegasus P18-2523PL – March 2022)
Employment, Skills and Training Plan (Pegasus P18-2523 – March 2022)
Health Impact Assessment (Pegasus P18-2523/R001v5)
Air Quality Assessment (Brookbanks 10669 AQ01 Rv 1)
Flood Risk Assessment (Brookbanks 10669 FRA01 Rv 1)
Foul Water Strategy Technical Note (Brookbanks 10669 TN12 - Rv2)
Geo-Environmental Phase 1 Desk Study (Brookbanks 10669 DS01 Rv 1)
Noise Assessment (Brookbanks 10669 NA01 Rv 1)
Transport Assessment (Brookbanks 10669 TA01 Rv1)

Transport Technical Note 11: Response to Oxfordshire County Council (OCC) (Brookbanks Version 1 dated 22 June 2023)
Residential Travel Plan (Brookbanks 10669 TP01 Rv 1)
Service Supply Statement (Brookbanks 10669 SS01 Rv 1)
Design & Access Statement Part 1 (incl PROW statement) (CSA/3263/12/Rev B – March - 2022)
Biodiversity Improvement & Landscape Management Plan (CSA/3263/10/Rev D)
Ecological Impact Assessment (incl BNG Assessment, DEFRA Metric 3.0 Rev 1.3) (CSA/3263/09/Rev B)
Heritage Assessment (CSA/3263/07 Rev B)
Landscape and Visual Impact Assessment (CSA/3263/06 Rev A)
Arboricultural Impact Assessment (BHA C.2999 – 22 Feb 2022)
Archaeological Evaluation Report (Oxford Archaeology, Issue 1, GOLEV)
Archaeological Geophysical Survey (MOLA Report 21/079, Site Code KID 21)

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.

Development Framework principles

4. Unless justified through the Reserved Matters submissions, all such submissions shall follow the principles and parameters of the Development Framework Plan (reference: CSA/3263/123 Rev H) and Illustrative Landscape Strategy (reference: CSA/3263/124 Rev A) in the established parameters for future development. In particular:
 - A maximum height of two storey development adjacent to existing properties on Water Eaton Lane
 - Creation of a minimum of 4ha new sports pitches to the south of the development with changing and car parking facilities
 - Allotments to be provided at the southeastern corner of the developable area
 - Formal play provision including a combined NEAP/LEAP/MUGA on the western boundary and a combined LEAP/LAP on the east of the application site
 - Sustainable drainage to the east of the site
 - Pedestrian and cycle access to the Bicester Road on the Western boundary
 - New landscaping and planting to the existing cemetery and boundaries of the application site.

Reason – To ensure that the Reserved Matters is delivered in accordance with the principles of the outline planning application submission and the principal constraints identified in the submission, Council's design guidance and Policies PR1, PR2, PR3, PR4a, PR5, PR7a, PR11 and PR12a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Phasing

5. Prior to the commencement of development or as part of the first Reserved Matters submission a phasing plan shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing plan shall include full details of the development parcels (including affordable housing), open space and sport pitches delivery, roads, cycleways and footpaths, including construction

access, play facilities, allotments and new landscaping of the development proposed to take place within that approved phase. The development shall be carried out in accordance with the approved phasing plan.

Reason : To ensure that the development is delivered in an appropriate manner and to ensure that on-site facilities are delivered in an appropriate manner and at a time to deliver facilities and infrastructure to the benefit of future residential occupiers. The proposals would be in accordance with Policies PR1, PR2, PR3, PR4a, PR5, PR7a, PR11 and PR12a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review), Policies SLE4, BSC7-BSC12, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 (and the aims and objectives of the National Planning Policy Framework).

Access onto Bicester Road

6. No development shall take place until revised details of the means of access between the land and the highway, including, position and layout 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 and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policies PR1, PR4a, PR7a and PR12a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

7. i) No development shall take place until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- ii). Following the approval of the Written Scheme of Investigation referred to in condition i, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021)

Remediation/Contaminated Land

8. i) 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 Land contamination risk management (LCRM) and 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.

ii) If contamination is found by undertaking the work carried out under part i), then no development shall take place until, a phased scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use which shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and 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 phased scheme of remediation and/or monitoring required by this condition.

iii) If remedial works have been identified in part i), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under part ii). 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.

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

Reason: To ensure that the development is delivered in a manner to ensure that land contamination is appropriately managed in accordance with the requirements of saved policy ENV12 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Construction Environment Management Plan (CEMP) and Construction Traffic Management Plan (CTMP)

9. No development shall take place until, a Construction Environment Management Plan (CEMP) and Construction Traffic Management Plan (CTMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP and CTMP shall include details of:
- The measures to be taken to ensure construction works do not adversely affect residential properties on Water Eaton lane and to reduce the impact on neighbouring and nearby residents through temporary fencing, lighting and construction compounds and management of activity through the construction of development;
 - Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - the protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features, adjacent to or surrounding the site;

- details of the consultation and communication to be carried out with local residents.
- A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed
- There shall be no piling on the site unless measures are agreed to mitigate and manage the impact of noise and vibration on the site.

Thereafter the development shall be carried out in accordance with approved CEMP and CTMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the requirements of Policies PR2 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

LEMP/Soil Handling

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

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Sports Pitches (drainage, etc)

11. The playing pitches shall not be laid out unless and until:

a) a detailed assessment of ground conditions of the land proposed for the new playing pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority

c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas.

The development of the playing pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan

2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Allotments (sheds, etc)

12. The Reserved Matters submissions for any Development Parcel or Landscaping Element which incorporates 0.4ha allotment provision (excluding car parking) shall where appropriate include the following details:

- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
- b) Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption;
- c) Proposed management arrangements for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies;
- d) Access and parking arrangements to allow easy and safe access to the allotments;
- e) Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds);
- f) Boundary treatment, including security arrangements for the allotments;
- g) Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network).

ii) The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that the detail of allotments are delivered in a manner that delivers an appropriate recreational facility for future users in accordance with the requirements of Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Landscaping Strategy and Management

13. a) As part of the Reserved Matters submission in any phase of development a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Landscape Strategy (reference: CSA/3263/124 Rev A)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.

- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

b) The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance with Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Community Building detail

14. Prior to or concurrently with the Reserved Matters submission for the Sports Pitches shown on the approved illustrative masterplan, details for the detail of related changing rooms and associated facilities for such Sports Pitches shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i) A building of no less than 250sqm and with changing rooms and facilities to Sport England standards.
- ii) Social space with bar and facilities for the community and sports teams
- iii) Car parking, including disabled parking provision, minibus parking and electric vehicle charging points with ability to adapt spaces to accommodate further minibus parking.
- iv) Cycle parking provision including provision for e-scooter and e-bike charging
- v) Storage for sports and training equipment
- vi) Measures to reduce energy, heating and water consumption and adapt to the requirements as a minimum of the equivalent of BREEAM Very Good and mitigate for climate change.

b) The development of the Community Building and parking shall be carried out in accordance with the approved details and to an agreed timescale and retained thereafter

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport, changing and recreational opportunities for all ages in accordance with the requirements of Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Housing Sustainability standard

15. a) As part of the Reserved Matters submissions a statement shall be submitted demonstrating how the proposal meets sustainability standards to progress towards the Future Home Standard including the use of renewable energy provision.

b) The development shall be implemented in accordance with the relevant agreed details and timescales

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF (in

particular paragraphs 7, 8, 98, 152-157), Policy PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD1-ESD5 of the Cherwell Local Plan 2011-2031

Noise Mitigation

16. Within any reserved matters application in relation to residential development a noise impact assessment and a noise attenuation / insulation scheme (having regard to the building fabric, glazing and background and purge / rapid ventilation requirements) to protect occupants or other users internally and externally as appropriate from the Bicester Road and primary routes through the site traffic noise in accordance with the requirements of British Standard 8233:2014 'Sound Insulation and noise reduction for buildings-Code of Practice' (or as superseded), shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

The noise insulation scheme shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" (or as superseded) shall be reasonably achieved and shall include a timescale for phased implementation, as necessary.

The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that sufficient noise attenuation is provided to all residential properties to protect residents from the impact of local road noise in accordance with Policies PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Housing Mix, Self/custom build Strategy

17. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase:

i) Anticipated housing mix for the development shall be for delivery of affordable homes as 25 to 30% of the homes as one-bedroomed properties, 30 to 35% as two-bedroomed properties, 30 to 35% as three-bedroomed properties and 5 to 10% as four+ bedroomed properties unless otherwise agreed with through the Reserved Matters submission.

ii) The submitted market mix shall also be agreed with the Local Planning Authority through the Reserved Matters and shall not substantially differ from the affordable housing mix.

iii) A Strategy for the delivery of self/custom build homes.

Reason: To achieve a balance of housing and to ensure that the affordable housing proposals appear tenure blind to market housing, in accordance with Policy PR2 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Residential Space Standards

18. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate standard of housing in accordance with Policy PR2 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Lighting

19. No occupation shall take place on any phase a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- i) Lighting for play
- ii) Lighting for public realm and walking and cycling routes
- iii) Areas of ecological areas where lighting will be prohibited.
- iv) A strategy for roads and development parcels.
- v) A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Water supply and Foul water drainage

20. i) Any Reserved Matters shall include a detailed surface water strategy and drainage plans relating to that Reserved Matters submission. The strategy shall demonstrate how the management of water within the submission accords with the approved details of the outline Flood Risk Assessment (Flood Risk Assessment (Brookbanks 10669 FRA01 Rv 1) and Foul Water Strategy Technical Note (Brookbanks 10669 TN12 - Rv2)). The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the Reserved Matters site or joins any water body.

ii) The submitted strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDS features within the Reserved Matters submission and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities relating to that Reserved Matters submission. The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.

iii) The development of each Reserved Matters submission shall be carried out in full accordance with the approved detailed surface water strategy for that Reserved Matters submission and no development approved by that Reserved Matters submission shall be occupied or used until such time as the approved detailed surface water measures serving that development have been fully completed in accordance with the approved details.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and

to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site and to ensure new environments and habitats are formed across the site. In accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Formal play equipment detail

21. a) The Reserved Matters submission which includes the combined Multi-Use Games Area (MUGA), Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) and on the western side of the development or the combined LEAP and Local Area of Play (LAP) to the eastern edge shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management.

b) The development of the Development Parcel shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

LAP details

22. a) The Reserved Matters submission which incorporates additional Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management.

b) The development of each Development Parcel shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Community Orchard/Edible Landscape

23. As part of the Reserved Matters submission which incorporates new groups of tree planting, shall consider the provision of community orchards and an edible landscape, and, should those be proposed the following details relating to any such provision shall be submitted to the Local Planning Authority for approval in writing::

- i) details of site levels and soil preparation,
- ii) planting to promote an edible landscape including fruit trees, shrubs and bushes,
- iii) boundary treatment and hedgerow planting,
- iv) any ancillary features such as seating, bins (including dog bins),
- v) arrangements for implementation and management of the area for the future community.

b) The development of such community orchards shall be carried out in accordance with the agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Site levels and Groundworks details

24. a) Notwithstanding the approved plans, as part of the Reserved Matters, details, which shall be approved in writing by the Local Planning Authority, shall be submitted of site levels, earthworks and ground contamination for that Reserved Matters area to include protection of ground to be reinstated to landscape; methodology of any soil stripping, storage, handling, formation level decompaction, and soil re-spreading.

b) All groundworks for that development should be carried out in accordance with the approved details

Reason: To ensure that risks from the movement of soil and construction activity associated with development are appropriately managed throughout the construction timescale and across the delivery of the development appropriate to neighbouring land uses, together with managing controlled waters, property and ecological systems, neighbours and other offsite receptors in accordance with Policy PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Implementation

25. As part of the Reserved Matters submission for any Development Parcel or Phase of Development, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each Development Parcel upon the completion of the infrastructure in accordance with the approved site wide strategy.

b) The scheme shall be implemented in accordance with the agreed details and timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policies To achieve a balance of housing in accordance with Policy PR7a, PR11 and PR12 of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Tree/Hedgerow management during construction and replacement and new planting

26. As part of the Reserved Matters submission a strategy and associated plans for the following shall be submitted to and agreed in writing by the Local Planning Authority.

- i) A strategy for the ongoing management, felling and replacement planting of existing trees within the development
 - ii) A strategy for other standalone and groups of trees and hedgerows on the within the Reserved Matters.
 - iii) Details of tree protection measures relating to that Development Parcel in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.
 - iv) A strategy for implementation and retention of new and existing trees, tree groups, tree belts or hedgerows within the Development Parcel
- b) The development of each Development Parcel shall be implemented in accordance with the agreed strategy and timescale relating to that Development Parcel and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Landscape Strategy and Policy PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Parking and sustainable travel strategy – including EV charging

27. As part of the Reserved Matters submission a strategy shall be set out for the car parking ratio in accordance with maximum levels set out in Oxfordshire County Council Parking Standards. The submitted Strategy shall be based on:

- i) Reducing car parking provision below the maximum ratio based on location in relation to facilities and type of housing.
 - ii) The provision of electric vehicle charging points to all properties and to include a minimum of 50% to communal car parking and to all disabled parking spaces.
 - ii) For residential purposes cycle parking should be within a covered, lockable enclosure in a convenient, secure location, with visitor parking located as near as possible to the main entrance of buildings.
 - iv) All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.
- b) The approved scheme shall be implemented in accordance with the agreed strategy relevant to reserved matters submission.

Reason: To provide appropriate and sustainable infrastructure for charging infrastructure for electric vehicles in accordance with Policies To achieve a balance of housing in accordance with Policy PR7a, PR11 and PR12 of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Waste and Recycling Facilities

28. a) The Reserved Matters submission will include details of proposed refuse and waste recycling facilities for the proposed building(s) in that submission.

b) The approved scheme for any individual building shall be implemented before that building is brought into use and shall be thereafter retained.

c) No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site.

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling in accordance with the requirements of Policy PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Residential Travel Information Pack

29. Prior to first occupation a Residential Travel Plan and Travel Information Pack should be submitted to and approved in writing by the Local Planning Authority. The Travel Plan is to be updated on occupation of 50% of the site (180th dwelling). The development shall be implemented in accordance with the approved Travel Plan including the updated version as relevant.

Reason: To promote sustainable modes of transport in accordance with Policies PR4a and PR7a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

CASE OFFICER: Andrew Thompson

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>First Homes Oxford City Council’s First Homes Policy Statement (Technical Advice Note) March 2022 sets out that all sites above 10 dwellings must provide 50% affordable housing.</p> <p>The affordable housing should then be split as follows: 25% First Homes; 70% social rented; and 5% intermediate housing (usually Shared ownership tenure).</p> <p>An Oxford City local connection will apply to all First Homes for the first three months of marketing.</p> <p>Affordable Housing Mix: 1 bedroom 20-30% 2 bedroom 30-40% 3 bedroom 20-40% 4+ bedroom 8-15% .</p> <p>Accessible and adaptable homes – all affordable units should be constructed to Category 2 (M4) standard and 5% of all dwellings to be Category M4 (3) (wheelchair user) standards.</p>	<p>Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase/development parcel.</p>	<p>Necessary – Yes – The site is allocated as part of the Partial Review – Policy PR2 and PR7a are the relevant policies.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>

	All affordable housing to be developed to nationally described space standards (NDSS)		
OCCG	Up to £319,680	50% occupation or an alternative agreed trigger	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional consulting rooms and enhanced capacity at Gosford Hill Medical Centre are therefore proposed through the contribution</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Thames Valley Police Contribution	<p>£52,607.40 towards the provision of officers/staffing costs broken down as follows:</p> <p>£3,358.40 towards officers set up costs (e.g. uniforms and desk space)</p> <p>£4250 towards mobile IT</p> <p>£5,500 towards ANPR cameras</p> <p>£39,499 towards premises and desk space</p>	First occupation or an alternative agreed trigger	<p>Necessary – In relation to the demand and need the requirements would be in accordance with the Council's Developer Contributions SPD.</p> <p>Directly related – The contributions are towards impacts from the development</p> <p>Fairly and reasonably related in scale and kind – Yes</p>

<p>Public Art, Public Realm and Cultural Wellbeing</p>	<p>£82,880 including management and maintenance</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – In accordance with the Council’s Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using. neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create to a broader network and link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural</p>

			<p>environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling (£74,000) plus 5% (£3700) for management and 7% (£5180) to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	On site – The provision of LEAPs and NEAPs and the provision of sports pitches and 0.4ha of allotments plus car parking (0.12ha). Proportionate contributions would also be sought from the northern half of the development under application reference 22/03883/F	50% of the development occupation or alternative agreed trigger as part of phasing strategy.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£308.930.32	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in</p>

			<p>accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	On site as part of the sports pavilion or a contribution of £423,032.08	50% of the development occupation or alternative agreed trigger or potentially on site	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality (potentially the community building as part of the proposals) in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
Community Development Worker	£33,877.36	First occupation or alternative agreed trigger	<p>Necessary- Seeking a contribution towards improvements at a community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>

Community Development Fund	£16,650	In conjunction with the transfer of the community building	<p>Necessary- Seeking a contribution towards improvements at a community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
A public transport services contribution	£418,470	TBC or delegated authority is sought to enable officers to negotiate this	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Public Transport Infrastructure	£35,616	First occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public</p>

			<p>transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£ 1,446	First occupation or alternative agreed trigger	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
Public Rights of Way	£55,000	First occupation or alternative agreed trigger	<p>Necessary - to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the 'impact' area up to 3km from the site, predominantly to the</p>

			<p>east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Secondary Education	Up to £2,670,150 based on a formula calculation	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County	<p>Necessary – Related to the provision of secondary school enhancement in the District to reflect the increase in pupils</p> <p>Directly related – Related to the pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>

Secondary Education Land Costs	Up to £233,023 based on a formula calculation	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County	<p>Necessary – A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers.</p> <p>Directly related – Related to the expected pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
SEN Development	Up to £260,248 based on a formula calculation	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County Council	<p>Necessary – towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation).</p> <p>Directly related – Related to the expected pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
OCC Transport (final requests tbc)	The extension of the combined cycleway/ footway to the Kidlington roundabout. (£1,546.4 pd or £572,168)	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment and the works are identified in the Local Plan.</p>

	<p>Proportionate contribution towards Kidlington/Oxford Airport Travel Hub (TBC)</p> <p>Improved bus lane provision on the A4165 between Kidlington roundabout and past the new housing sites – (£754.8pd or £279,276)</p> <p>A4260 Southbound bus lane from Bicester Road/A4260 junction to Kidlington roundabout (£761.4pd or £281,718)</p> <p>A4260/Bicester Road Signalised Junction – RT detection and advanced stop line (£61.1pd or £22,607)</p> <p>A4260/Lyne Road - Signalised Junction – RT detection and advanced stop line and toucan crossing (£61.1pd or £22,607)</p> <p>Public Realm Improvements between Benmead Road and Yarnton Road (£97.1pd or £35,927)</p> <p>Cycle superhighway between Kidlington Roundabout to Cuttleslowe Roundabout (TBC)</p>	<p>alternative agreed trigger with the County Council</p>	<p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>
Open Space Maintenance	<p>Up to: Mature Trees: £280.04/tree New Woodland Maintenance 35.02/sq. m Hedgerow: £26.60/lin. m</p>	<p>On implementation of the landscaping/phased contribution payment</p>	<p>Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor</p>

	<p>Attenuation Basin: £66.05/sq. m Swales: £120.32/lin. m Informal Open Space: £12.65/sq. m LAP/LEAP Combined: £179,549.95 LEAP/NEAP Combined: £540,048.31 MUGA: £73,215.11</p> <p>The above figures represent the whole development contribution however proportionate contributions would also be sought from the northern half of the development under application reference 22/03883/F who would benefit from the formal play, open space and recreation facilities.</p>		<p>Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Commuted sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of open space on site.</p>
Library Services	£39,698	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p>

			<p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per 1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2</p>
Waste and Recycling	Up to £34,765	On first occupation or an alternative agreed trigger	<p>Necessary: Current land available 41,000m², needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%.</p> <p>Directly Related: Will be towards providing waste services arising from the development</p> <p>Fairly and reasonably related in scale and kind Calculated on a per dwelling basis total land required for current dwellings (300,090) is 55,350 m², or 0.18m² per dwelling</p>

CDC and OCC Monitoring Fee	CDC: £10,000	On commencement of development	The CDC charge is based upon its agreed Fees and Charges Schedule

22/01611/OUT

Agenda Item 9

**Stratfield Farm
374 Oxford Road
Kidlington
OX5 1DL**



1:4,700



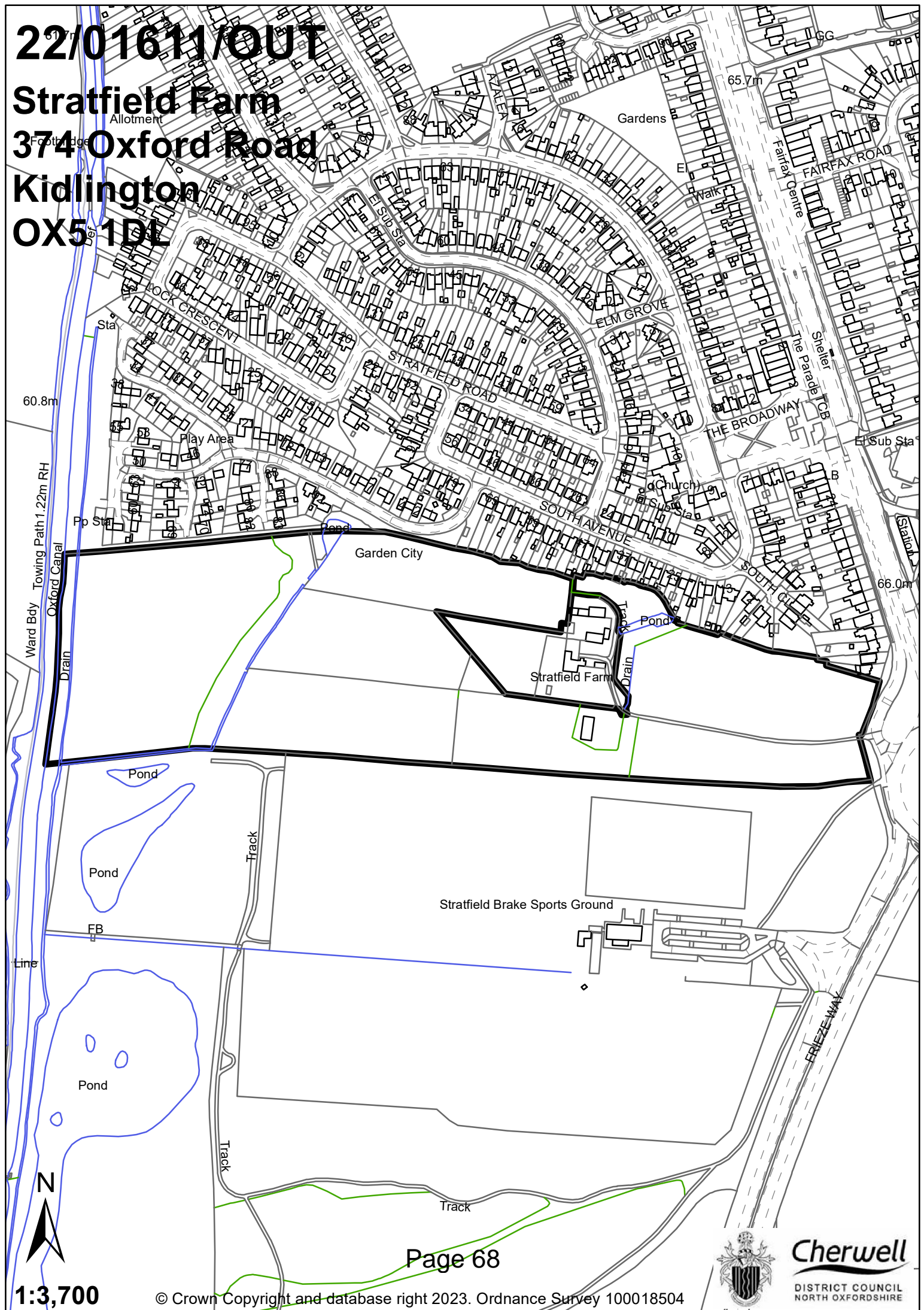
22/01611/OUT

Stratfield Farm

374 Oxford Road

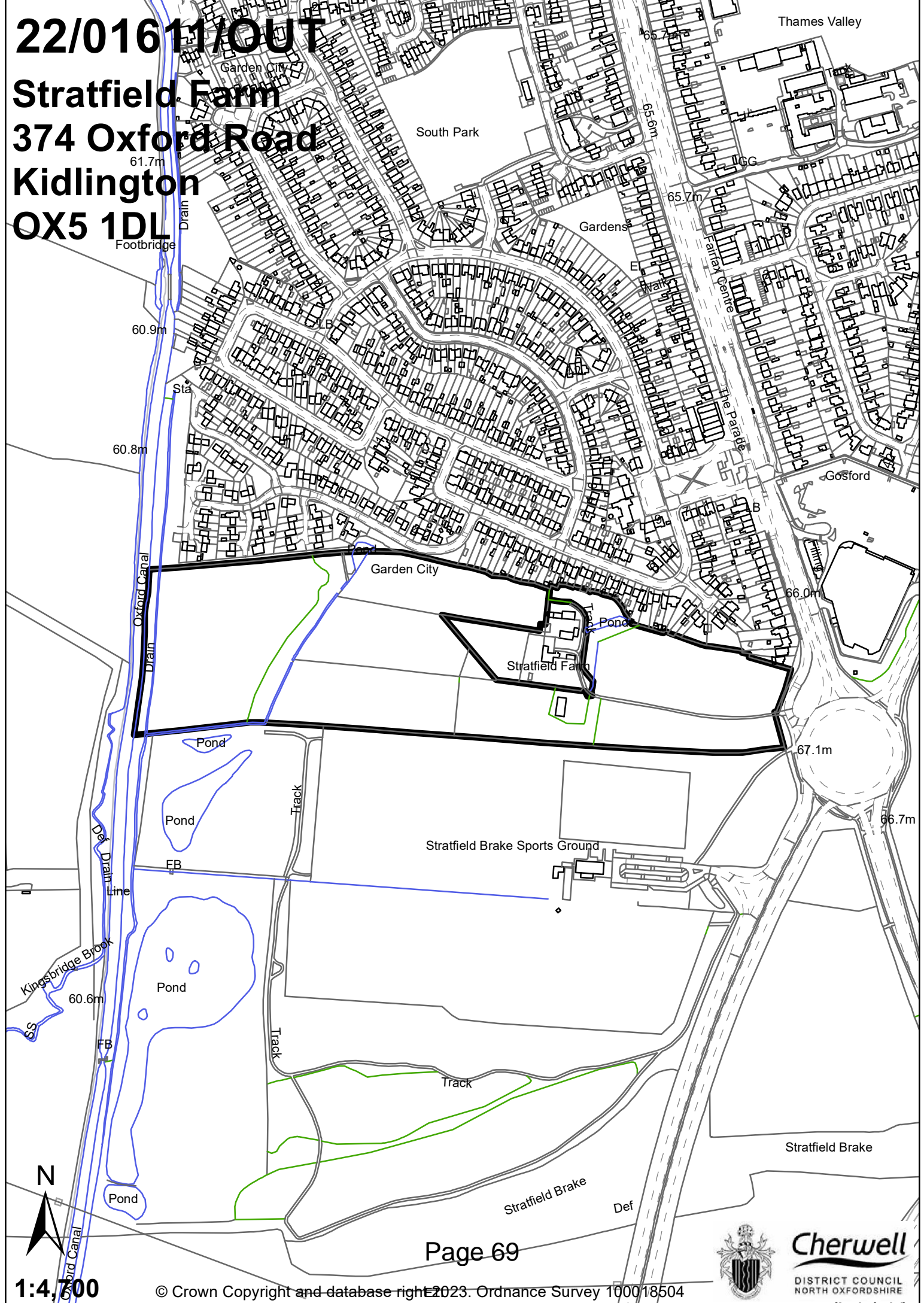
Kidlington

OX5 1DL



22/01611/OUT

Stratfield Farm
374 Oxford Road
Kidlington
OX5 1DL



1:4,700



Case Officer: Andrew Thompson

Applicant: Manor Oak Homes/G B Bishop-Fruedling & C A Parsons

Proposal: Outline planning application for up to 118 no dwellings (all matters reserved except for access) with vehicular access from Oxford Road

Ward: Kidlington East

Councillors: Cllr Billington, Cllr Mawson and Cllr Middleton

Reason for Referral: Major development

Expiry Date: 13 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application lies on the southern edge of Kidlington adjacent to Stratfield Brake Sports Ground. It comprises c.10.4 hectares of land previously in cultivation and now used as grazing and arable land along with the existing Grade II Listed farmhouse and associated outbuildings (which sit outside the site but are subject to separate full and listed building applications which are found elsewhere on this agenda).
- 1.2. The site is bounded to the east by the A4260 (Oxford Road), to the south by Stratfield Brake Sports Ground and grasslands within the Stratfield Brake Woodland Trust Reserve, to the west by the Oxford Canal and associated vegetation. The northern side of the site comprises existing residential development.
- 1.3. The site is allocated by Policy PR7b which is described as being located on the southern and western edge of Kidlington and Gosford and Water Eaton and will be a small scale village extension, fully integrated with the existing village, with easy access to existing shops and local facilities and to Oxford Parkway station. Planned improvements to public transport, walking and cycling on Oxford Road will enhance the already excellent access from this site by bus into Kidlington village centre and south into Oxford.
- 1.4. The Council's Adopted Development Brief states that land to the west of the site will form part of a strategic green infrastructure corridor, maintaining a protected green gap between Kidlington and Oxford. The Green Infrastructure corridor provides a walking and cycling connection to the Oxford Canal, Stratfield Brake recreation grounds and beyond to site PR8, creates new areas of wildlife habitat and amenity green space to meet identified local needs.
- 1.5. Existing vehicular access is off a slip road on the western side of Oxford Road, the main road through Kidlington.
- 1.6. The site is enclosed by hedgerows and vegetation, some containing individual trees.

2. CONSTRAINTS

- 2.1. The application site is within Flood Zone 1 and is generally at a low risk of surface water flooding. A small area of high and medium risk surface water flooding is shown on the flood risk map, however, this is an isolated pocket associated with a low spot in the mapping data used and is not considered to constitute a risk to the wider site. The application site forms part of the allocation for Land at Stratfield Farm (Site PR7b). As part of the allocation, the western and southern edge of the site remains in the Green Belt.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is an outline planning application for up to 118 new dwellings (excluding the listed farmhouse and its associated outbuildings) access and open space on land off Oxford Road in Kidlington, Oxfordshire. All details are to be reserved for future consideration, except for the means of access to the site, which will be provided in full detail.
- 3.2. The application is supported by an illustrative masterplan (reference 40975-012 Rev A) and site location plan (40975-001 Rev A).
- 3.3. A suite of accompanying documents common across both applications, are submitted in support of these applications. They comprise:
 - Statement of Community Involvement produced by Carter Jonas LLP;
 - Planning Statement by Carter Jonas LLP;
 - Design & Access Statement produced by RG&P Architects;
 - Arboricultural Impact Assessment by Aspect
 - Archaeological Evaluation by Thames Valley Services;
 - Heritage Impact Assessment by Asset Heritage Consulting;
 - Landscape & Visual Impact Assessment by Aspect Landscape Planning;
 - Flood Risk assessment by MAC Consulting;
 - Transport Assessment by MAC Consulting;
 - Framework Travel Plan by MAC Consulting;
 - Air Quality Assessment by Redmore Environmental;
 - Noise Impact Assessment by Professional Consult;
 - Sustainability and Energy Statement by Manor Oak Homes Limited;
 - Ecological Appraisal by Aspect.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. The concurrent planning application under reference 22/01756/F and the associated application for listed building consent under reference 22/01757/LB should be noted. It is also noted that an application for the main site of allocation PR8 has also been submitted under 23/02098/OUT and this is under consideration.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal however pre-application discussions have taken place in relation to the conversion of the listed building of Stratfield Farmhouse under reference 21/03477/PREAPP:
- 5.2. The pre-app indicates conversion of the listed farmhouse (building A) to a single dwelling, consistent with the principle of converting to residential use contained within the Council's Development Brief.
- 5.3. Detailed comments were made by the Council's Conservation Team as to the detail of the Listed Building, the requirements for future submissions and the detailed layout

of the proposed scheme including matters relating to car parking and ancillary structures.

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 **13 June 2023**, 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. **KIDLINGTON PARISH COUNCIL:** accepts the principle of development on this site as it is an allocation site in the adopted Local Plan, although the overall number of dwellings applied for exceeds the allocation. Kidlington Parish Council is concerned about the one vehicular access to the site onto the slip road of the Oxford Road as it is close to the Kidlington roundabout at the bend in the road which is considered hazardous. Therefore, Kidlington Parish Council objects to the means of access to Oxford Road. Additionally, Kidlington Parish Council is not satisfied that the traffic generated by this development within the overall context of all the other developments proposed in adopted Local Plan to address Oxford's Unmet Housing Needs has been taken into account. This application needs to be considered within that context holistically and objects on that basis.

CONSULTEES

- 7.3. **STRATEGIC HOUSING:** Support

Layout: The affordable housing is proposed within the main site proposed in the outline application, with the dwellings on the farmhouse site as market dwellings. This is acceptable as long as the affordable dwellings on the main site are distributed amongst and externally indistinguishable from the market dwellings. Accessible & adaptable properties

In accordance with Oxford City Council housing policies, all of the proposed affordable dwellings are required to meet M4(2) Category 2 requirements and 5% are required as M4(3) Category 3: Wheelchair user dwellings. These are best provided as bungalows and this is reflected in the revised mix suggested below. Taking the above points into consideration, the following is a suggested revised affordable housing mix which will meet identified needs: Social rent (45) - 14 x 1b2p maisonettes - 2 x 1b2p bungalows (wheelchair adapted) - 1 x 2b4p bungalows (wheelchair adapted) - 12 x 2b4p houses - 10 x 3b5p houses - 4 x 4b7p houses - 2 x 5b8p houses First Homes (15) - 8 x 2b4p houses - 7 x 3b5p houses

Strategic Housing officers from both CDC and Oxford City Council would welcome discussions with the applicant regarding this suggested mix and to provide detailed evidence of housing need on which it is based.

- 7.4. OCC STRATEGIC COMMENTS: Policy PR7b provides for 120 houses on this site, and the application is for 118, plus there is a listed building consent application to create 4 units out of the existing listed building and its outbuildings. A development brief was adopted for the site, following a Planning Committee in December 2021. Policy PR7b requires the application to be in accordance with the development brief. Part of the site remains in the Green Belt. All of that land, plus some other land is identified for green infrastructure and associated uses as part of this application which is welcomed. The County Council owns the land at Stratfield Brake adjoining, and links between the green infrastructure on this site, and that site should be provided for. At the County Council Cabinet in March 2022, it was agreed that discussions would commence with Oxford United Football Club about leasing land at Stratfield Brake, and the District Council should also consider the current status of those discussions when making a decision on this planning application.
- 7.5. NATIONAL HIGHWAYS: No objection subject to a condition for a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways as Highway Authority for the A34).
- 7.6. OCC HIGHWAYS: No objection subject to Planning Conditions and s106 Obligations
- 7.7. OCC EDUCATION: No objection subject to s106 contributions towards education enhancement.
- 7.8. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme. An archaeological evaluation on the site found no archaeological features.
- 7.9. OCC WASTE MANAGEMENT: No objection subject to a contribution towards Household Waste Recycling Centre enhancement (£11,087).
- 7.10. THAMES WATER: Suggest conditions to secure appropriate infrastructure in relation to foul and surface water drainage.
- 7.11. LLFA: Provide watercourse ownership details and confirm the watercourse has capacity to take the proposed flows.
- 7.12. CDC LAND DRAINAGE:
1. Flood Risk: The Environment Agency flood risk mapping shows the site is at very low risk of fluvial flooding. However, there are pockets of surface water flood risk within it and the western portion could be affected by flooding from other sources such as the Oxford Canal which forms the western boundary of the site. Those parts of the site shown to be at risk are generally to the west of the minor "Ordinary Watercourse" which crosses it where no built development is indicated. Therefore, the sequential test within the site has been followed.
 2. Surface Water Management The surface water management strategy set out in the Flood Risk Assessment is acceptable in principle. However, due to the topography and downstream conditions the outfall is likely to be surcharged for considerable periods. The design of the attenuation must have regard to surcharged conditions.
 3. Site Layout The indicative site layout is acceptable in that it allows ready access for the maintenance of all watercourses in and around the site and locates open space where flood risk has been identified. This comment is subject to the further flood risk investigation work that is required due to the downstream conditions.

7.13. THAMES VALLEY POLICE: Object to the illustrative masterplan due to concerns with regard to the layout and parking provision layout. Seek contributions of £25,180 towards officer set up and equipment.

7.14. BUILDING CONTROL: No comment

7.15. ECOLOGY: As regards to net gain, the submitted metric does demonstrate a 10% net gain in hedgerows and habitat units however I would concur with BBOWT that this will depend on substantial buffers to hedgerows to ensure they retain their ecological function and on achievement of the habitat conditions within the metric - some of which are ambitious. In particular the 'other neutral grassland' creation within the informal open space aims to achieve 'good' condition whilst also performing as the main amenity area for dog walking etc.. The orchard also need to be used both for amenity and to benefit biodiversity. Comment on how this will work in practice (will it all be accessible?) would be useful for assessment of the achievability of the proposed habitat conditions.

The site is within the red zone for GCN as identified by spatial modelling by our District licence delivery body. There are also records of GCN just over 500m to both the West and East. In 2017 a pond on site (P1) was found (by eDNA) to have GCN present. The last surveys found them to be absent but these were three years ago. The pond on site is of average suitability and there is one adjacent to the boundary which has been assessed as of 'excellent' suitability. I do not agree with discounting GCN presence entirely at this stage therefore and feel that update surveys will be required or consideration of joining the District licence scheme.

7.16. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT): Objection, in relation to the following issues: 1. Application does not provide adequate evidence of protection and enhancement of existing habitats, and creation of new habitats as required by the Development Brief; 2. The importance of the "nature conservation area" being managed for wildlife in perpetuity; 3. The need for the management of the nature conservation area to bring about the extension of the District Wildlife Site and contribute to CTA aims, as required by the Development Brief.

7.17. ENVIRONMENTAL PROTECTION:

Noise: The Noise Impact Assessment submitted by Professional Consult on behalf of the applicant has been reviewed. We recommend that the mitigation measures proposed in the report are adhered to and that, providing these are implemented as outlined in the report that the development will achieve the noise levels specified in BS8233:2014.

Contaminated Land: The full contaminated land conditions will need to be applied to any approved permission

Air Quality: I have reviewed the Air Quality Assessment submitted by Redmore Environmental on behalf of the applicant and am happy that this demonstrates that, providing adequate dust control measures are in place during the construction phase of the development, the impact of the development on air quality should not be considered a constraint.

Odour: No comments

Light: Full details of the lighting scheme should be submitted for approval by the LPA.

- 7.18. RECREATION AND LEISURE: Seek contributions in line with the Developer Contributions Supplementary Planning Document (SPD)
- 7.19. HEALTHCARE (NHS): Seek contribution of £101,800 towards Consulting rooms to cope with increased population growth as a direct result of the increase in dwellings.
- 7.20. NATURAL ENGLAND: No objection - the proposed development will not have significant adverse impacts on designated sites.
- 7.21. ENVIRONMENT AGENCY: No comment
- 7.22. CANALS AND RIVERS TRUST: Suggest conditions and a legal agreement.

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 Council also adopted the Partial Review to account for Oxford's Unmet Housing Need in September 2020. 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 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR7b: Land at Stratfield Farm
- PR8: Land East of A44
- PR11: Infrastructure Delivery
- PR12a: Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation

- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)
- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD16: The Oxford Canal
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
-
- TR10 - Heavy Goods vehicles
- TR11 - Oxford Canal
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- C30 – Design control
- C32 – Provision of facilities for disabled people
- C38 – Satellite dishes in conservation areas and on listed buildings
- C39 – Telecommunication masts and structures
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Kidlington Masterplan SPD

- PR7b Land at Stratfield Farm Development Brief
- Cherwell Design Guide SPD
- CDC Developer Contributions SPD
- Oxford Canal Conservation Area Appraisal

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Ecology impact
- Mitigation towards Climate Change
- Noise, Air Quality and Ground Conditions
- Access and Highway Safety
- Flooding and Drainage
- S106 Contributions

Principle of Development

9.2. The application site is allocated within the Partial Review as site PR7b. The policy identifies the allocation as an extension to Kidlington which will be developed within 10.5 hectares of land at Stratfield Farm as shown on the inset Policies Map PR7b.

9.3. The policy sets out that Development proposals for the site will be permitted if they meet the following requirements:

1. Construction of 120 homes (net) on 5 hectares of land (the residential area).
2. The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework.
3. Land and proportionate financial contributions to secure a foot, cycle and wheel chair accessible bridge over the Oxford Canal to enable the site to be connected to the allocated site to the east of the A44 (policy PR8).
4. Provision for required emergency services infrastructure.
5. The provision of facilities for play areas and allotments to adopted standards within the developable area and contributions for off-site formal sports provision.
6. The improvement, extension and protection of the existing orchard marked on the inset Policies Map for community benefit.
7. Creation of a nature conservation area on 5.3 hectares of land as shown on the inset Policies Map, incorporating the community orchard and with the opportunity to connect to and extend Stratfield Brake District Wildlife Site.
8. A new public bridleway/green link suitable for all-weather cycling and connecting Land at Stratfield Farm with Land East of the A44 (PR8) across the Oxford Canal, and key facilities on the A4165 including proposed sporting facilities at Land at South East Kidlington (PR7a) and Oxford Parkway

9.4. The application proposals are supported by a Design and Access Statement and illustrative masterplan which show how the development could be brought forward if

the principle was approved. The layout follows the principle of the allocation with the access from Oxford Road and development on the eastern and northern edges as a continuation of Kidlington.

- 9.5. The proposals also show green space and retained areas to the west and south which follows the allocation and the retained Green Belt areas. Access through this area is limited and this is limited to include recreational activity up to and including the canal and the potential bridge crossing. The creation of new rights of way and movement across the site would be a matter of detail which would be submitted as part of the Reserved Matters, if approved.
- 9.6. The Council can demonstrate a five-year housing land supply when considering its own housing position. Due to the specific nature of the proposals in relation to an allocation in terms of Oxford's Unmet Housing Need, the Council calculates this provision separately. Whilst approximately 4,400 homes are allocated as part of the Local Plan Partial Review, none of these sites have yet progressed to full permission or are on site. As such, the Council's position in relation to Oxford's Unmet Housing Need is that the Council cannot demonstrate a five year housing land supply and therefore the delivery of permissions for housing on the allocations carry additional positive weight with permission being progressed and any adverse impacts of doing so would have to significantly and demonstrably outweigh the benefits. In conclusion the illustrative masterplan is in accordance with the allocation and whilst many details are subject to further detail and submissions the application can be considered to be in accordance with the Local Plan allocation.

Design, and impact on the character of the area

- 9.7. The Development Brief identifies that there is an opportunity to create an integrated extension to Kidlington that provides an appropriate edge to the village and maximises the opportunity for walking and cycling links. It is important to ensure effective connectivity between the development and the existing community that supports active travel and reduces severance.
- 9.8. The Development Brief also identifies that the development should reflect the traditional character of Cherwell's vernacular building typologies and settlement pattern.
- 9.9. The Development Brief further identifies that the site will be developed in a way which contributes to healthy living and the well-being of local residents. It will:
- provide a new public green link for walking and cycling connecting to strategic sustainable movement corridors which supports active lifestyles
 - create new accessible areas of public open space, community food growing opportunities and children's play space
 - improve connectivity between Kidlington, Stratfield Brake and the Oxford Canal and to encourage outdoor sports and leisure
 - provide for the long-term management, continued use and conservation of the site's historic assets supporting local cultural heritage.
 - improve access to and along the Canal towpath for walking and cycling
 - meet the need for early provision of health promoting infrastructure; and
 - meet high quality design standards as specified in Building for a Healthy Life

- 9.10. It should be noted that the masterplan submitted is illustrative and approval would not be granted at this stage to the overall layout of the scheme. The Police's comments are noted and have been given careful consideration with the detailed layout needing to address comments and concerns raised. The provision of open space, play space and allotments to adopted standards within the developable area are also required.
- 9.11. Whilst amendments would be needed at Reserved Matters stage, in particular in relation to the parking provision and its associated layout, it is considered that the proposals follows many of the key aspects of the design and layout of the Development Brief with the Farmhouse conversion and development (under 22/01756/F and 22/01757/LB) at the heart of the development proposals.
- 9.12. The relationship between the application site and the neighbouring Stratfield Brake is also retained as green space. Links are capable of being provided to the southern boundary of the application site and a footpath/cycleway is proposed in accordance with the aims and objectives of the Development Brief running east to west.
- 9.13. As such the proposals would deliver a development in accordance with principles of the Development Brief and whilst further work will be needed as part of the Reserved Matters, the proposals would be in accordance with Policy ESD15 of the CLP 2015, saved policies C28 and C30 of the CLP 1996 and the guidance of the Council's Development Brief.

Heritage Impact

- 9.14. The site affects the setting of the Oxford Canal Conservation Area and the Grade II listed building of Stratfield Farmhouse and its associated buildings which are also listed through their relationship in the curtilage of the listed building.
- 9.15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.16. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.17. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.18. The application and illustrative masterplan shows green space to the western boundary of the application site which adjoins the Oxford Canal Conservation Area and the development proposals are some distance from the boundary with the Conservation Area. The proposals retain space for access to the canal and a future canal bridge which would be delivered as part of the PR8 development proposals. Overall it is considered that the Conservation Area plays a significant role in the area however the impact of the proposals would result in less than substantial harm.

- 9.19. The direct impact of the proposals on the conversion of the Farmhouse and associated development proposals are part of the consideration of the specific applications. The Farmhouse is a significant feature in the locality however the degradation in the heritage asset should be noted.
- 9.20. The outline proposals would also not impact on the curtilage and the orchard of the existing farmhouse and the proposals would provide an appropriate set off from the building with landscaping to the north and south and there is limited physical interaction to the east and west beyond highway infrastructure which also serves as enhanced access to the Farmhouse.
- 9.21. In respect of archaeology, as set out by the County Archaeologist, an archaeological evaluation on the site found no archaeological features and therefore there is no impact on archaeology from the proposals.
- 9.22. Therefore it is considered that the proposals would constitute less than substantial harm to the farmhouse and its curtilage. In accordance with the NPPF the impact of the proposals should be balanced against the benefits of the proposals.
- 9.23. Subject to appropriate conditions to secure the delivery of an appropriate Reserved Matters, the proposals are considered to be in accordance with saved policies C28 and C30 of the CLP 1996 and policy ESD15 of the CLP 2015 and the aims and objectives of the National Planning Policy Framework.

Ecology Impact

- 9.24. The Conservation of Habitats and Species Regulations 2017 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. 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.
- 9.25. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.26. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.27. 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.
- 9.28. The application is supported by a detailed Phase 1 habitat survey which has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be

of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.

- 9.29. The habitats within the site support several protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.
- 9.30. In conclusion, the submitted evidence sets out that the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.
- 9.31. In response to Ecology Officers comments a further survey for Great Crested Newts has been carried out which concluded that there are no Great Crested Newts present and that this species is unlikely to be present or require further consideration/mitigation.
- 9.32. On the basis of the considerations and proposals set out (including the assumptions and limitations set out above and within the comments in the spreadsheet tool, along with the condition assessment summarised at Appendix 5176/5), the DEFRA 3.0 Metric calculator indicates a net habitat biodiversity unit change for the proposals within the site boundary representing a gain of 13.31% within the site boundary.
- 9.33. Officers are satisfied, whilst noting the comments of BBOWT and the Council's Ecologist have been given full consideration, that the submitted evidence and the delivery of in excess of national requirements for biodiversity net gain, the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Mitigation towards Climate Change

- 9.34. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this matter.
- 9.35. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.36. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions*. Any new development will be expected to consider these and address the energy needs of the development.

- 9.37. Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.38. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.39. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.
- 9.40. The application is supported by a Sustainability and Energy Statement which sets out how the proposals will achieve climate change mitigation. Whilst the detailed design of housing is not submitted at this stage the application sets out that the development will ensure the homes will minimise carbon emissions and achieve a high standard of energy efficiency.
- Buildings designed to achieve the 2025 Future Homes and Buildings Standard delivering at least 75% less carbon emissions than homes delivered under current regulations through the use of a fabric first approach and all electric energy strategy.
 - The Development will incorporate low carbon renewable energy technologies including Air Source Heat Pumps. Roof spaces across the site designed to accommodate Solar Photovoltaics.
 - The development will include provision for smart electric vehicle charging for each dwelling.
 - Incorporating high efficiency lighting targeting 100% of all light fittings as low energy lighting.
- 9.41. In addition the statement also highlights that buildings which will be designed to make use of sustainable materials to reduce environmental impacts of construction including sustainable timber from FSC (or equivalent) sources and materials specified using the BRE Green Guide to construction. There will also be efforts to reduce waste through a site waste management strategy that avoids overordering to reduce offcuts and identifies materials that can be reused and recycled and will seek to use locally sourced and recycled materials.
- 9.42. Overall the proposals are considered to provide an appropriate basis for the consideration of the outline planning application and would be in accordance with Policies ESD1-5 of the CLP 2015 and aims and objectives of the National Planning Policy Framework.

Noise, Air Quality and Ground Conditions

- 9.43. The NPPF sets out at Paragraph 183 that decisions should ensure that:
- a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation

including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c. adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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

9.45. The comments of the Council's Environmental Health Officers are noted. In respect of contamination and ground conditions, there is no reason to suggest that the application site could not come forward.

9.46. In respect of noise appropriate reserved matters submission and that landscaping to the boundary with residential properties is appropriate and a satisfactory residential environment can be achieved for future residents. Further the Construction Environment Management Plan (CEMP), should be conditioned. Whilst it would be inevitable that there would be some level of disturbance to the neighbouring residents, the CEMP should aim to manage the construction activities to minimise the level of disturbance through working hours management and reducing the need for piling, for example.

9.47. In respect of air quality, it would be important in ensuring that the residential environment created should also be appropriate. Management of the construction process through dust suppression, for example would also be important through the CEMP.

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

Access and Highway Safety

9.49. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.50. The application has been the subject of the Transport Assessment and further technical notes which support the allocation in the Cherwell Local Plan Part 1 Partial Review submission document which aims to accommodate 4400 homes of Oxford's unmet housing need. The comments of Kidlington Parish Council have been

considered however it is agreed that the transport impact and access arrangements have been appropriately assessed and are agreed.

- 9.51. This being a Partial Review (PR) site whose cumulative impact with other PR sites triggered the need to consider an infrastructure strategy – a package of measures or improvements was deemed necessary to support these developments; The revised table below is a list of infrastructure schemes that the development needs to make proportional financial contributions to (to be secured through a s106 Agreement) as have been identified in the adopted Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review.
- 9.52. In addition to the elements listed in Appendix 4 of the Local Plan. Acknowledging that the application for PR7b is well advanced relative to PR8, and because PR8 shall bear the heavier (proportional) burden, it is reasonable to move this consultation forward with the following presumptions. Because the bridge design is yet to be agreed, the physical footprint of the bridge must not be constrained. With that, sufficient land shall need to be safeguarded for the erection of the bridge structure including the ramp. With regards to the S106 contribution it has been agreed that these can be determined post planning Committee which should give PR8 time to work on the bridge design. The costs of implementing the bridge including design and construction shall be pro-rated.
- 9.53. In respect of a link to Croxford Gardens This connection is a desired one but not essential and omitting it would not severely affect how the development is accessed. Whilst efforts would be made to deliver the link, it is not necessary to make development acceptable.
- 9.54. In respect of a controlled parking zone as requested by the Highway Authority, as the design and layout of the development has not been agreed at this stage, it is not appropriate to formally require such measures as a satisfactory parking provision may be otherwise provided. A condition requiring details of a parking strategy is therefore proposed.
- 9.55. Overall, the supporting information and the impact of the highway has been fully assessed and concluded to be acceptable.

Flooding and Drainage

- 9.56. 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'*.
- 9.57. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.58. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution

and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

- 9.59. The application is supported by a Flood Risk Assessment. The comments of the LLFA and CDC Drainage Officers are noted in this respect.
- 9.60. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.61. Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes.
- 9.62. Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain.
- 9.63. In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. There are also some isolated areas of low risk.
- 9.64. Development is not proposed within these areas where the risk of surface water flooding and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement would be required through the reserved matters details.
- 9.65. The comments and concerns of CDC Land Drainage and the LLFA have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance with the concerns capable of being addressed through conditions and appropriate Reserved Matters submissions.

S106 Contributions

- 9.66. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 9.67. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support

the strategic site allocations and to ensure delivery by: • Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

- 9.68. Policy PR2 and PR7b of the CLP Partial Review states, amongst other things that at Kidlington and elsewhere, all proposed developments will be expected to provide at least 50% of new housing as affordable homes on site. The Policy continues by stating that the proposals will need to have regard to Oxford's Housing Needs and assessment and the definitions contained therein to achieve an appropriate mix best placed to meet Oxford's Unmet Housing Need. As an outline application therefore conditions are proposed to secure an appropriate mix through detailed submissions.
- 9.69. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.70. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for 118 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.71. The policy requirement is for 50% affordable housing as set out in Policy PR2 in the Partial Review Local Plan and the allocation of the site (Policy PR7b).
- 9.72. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, highway infrastructure improvements contributions necessary for the development as outlined by the comments of the consultees.
- 9.73. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.74. *On Site Infrastructure and Enhancement to Open Space and Sport*
- 9.75. The key on-site infrastructure includes the following which will be secured under planning conditions and s106s:
- Affordable Housing (50%)
 - Space reserved for the canal bridge and connection to the PR8 site and a proportionate contribution.
 - Green space and recreational routes to the south and west of the site and appropriate maintenance arrangements.
 - Access improvements as part of the access to Oxford Road.
- 9.76. It
- 9.77. With regard to the canal bridge, positive discussions have taken place with the developers of the PR8 site and it is the view of officers that a proportionate contribution (c. £150-250k) would be appropriate for the delivery of the bridge with appropriate safeguarding for a pedestrian/cycleway to the bridge with appropriate infrastructure works (e.g. a ramp to achieve an appropriate gradient).

9.78. The precise detail of the bridge would form part of detailed approval of the land to the east of the railway and would be delivered eventually by the PR8 developer (OUD) in consultation with officers, the County Council and the Canals and Rivers Trust. It is noted that OUD is exploring an enhanced version of the bridge to accommodate automated pods as public transport to Oxford Parkway, however this would not form part of the contribution and the area safeguarded as the scale, nature and design of the pods and associated infrastructure needed is not clear.

9.79. *Offsite S106 Contributions*

9.80. Principal contributions sought are set out in Appendix 1 of this Report which include:

- Proportionate highway contributions as set out in Appendix 4 of the Partial Review Local Plan - £528,793.59 plus Travel Hub and Cycle Superhighway contributions.
- Canal Bridge – Estimated at £150-250,000 (to be agreed)
- Canal Towpath Enhancement - £47,489.40
- Community, Outdoor and indoor sport contributions - £517,144.46
- Healthcare - £101,800
- Education - £849,759
- Library Services - £12,700
- Police – £25,180
- Public Realm and Public Art contributions £26,432.00 plus 7% maintenance
- Open Space Maintenance contributions as set out in Appendix 1.

9.81. It is also desirable (not essential) from a highway perspective that a link to the Garden City development (through Croxford Gardens) is also achieved. The Parish Council consider that this requires amendment to the covenant on the land. The applicant has indicated that they are willing to deliver this enhancement as part of the delivery of the scheme or place a contribution (c.£5-10k) towards the delivery of the route (which is c. 3m) in terms of a public footpath route. If proven to not be deliverable in a reasonable timescale the contribution would not be collected.

9.82. In total therefore the contributions total c.£2.25m-£2.5m plus further contributions towards the Travel Hub and Cycle Superhighway or approximately £18,800 per dwelling.

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 Oxford Unmet Housing Need Supply in the short term due to the size and duration of the project. Notwithstanding the Cherwell Housing Land Supply (which is published at 5.4years), the Council cannot demonstrate a five year supply in relation to Oxford's Unmet Need. This therefore carries very significant positive weight.
- 10.3. The proposals would create construction jobs and also support the wider facilities in Kidlington and shopping facilities and employment. This is afforded very significant weight. Further the proposals would support the adopted Local Plan allocation growth strategy for the District which is a fundamental criteria for delivering sustainable economic growth which carries significant positive weight.

Positive benefits - Social

- 10.4. The proposals would create the opportunity for affordable housing provision, new open space and the creation of links and improved recreational opportunity and a number of other s106 contributions. The contributions, in particular towards education and enhanced sport facilities are also positive elements. Together this would have a very significant positive impact. Supplying housing for those in need also carries very significant positive weight.

Positive benefits - Environmental

- 10.5. Environmentally the proposals would deliver biodiversity net gain above the legislative requirements. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

- 10.6. Negative economic impacts include the increased pressure on local services and the area however this is mitigated by the s106 contributions. The impact can only be afforded limited weight.

Negative Impacts – Social

- 10.7. Whilst the development is progressing there would be an impact on neighbouring well-being from the construction activity and impact from the new housing. This impact is given moderate weight.

Negative Impacts – Environmental

- 10.8. 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.
- 10.9. 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

10.10. The proposals have been carefully considered and having considered the development as a whole the proposals are considered to be acceptable when considered against the Development Plan and National Planning Policy Framework as a whole and the positive benefits significantly and demonstrably outweigh the negative aspects of the proposals.

RECOMMENDATION

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

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND
(b) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Provision of 50% affordable housing on site
- b) Space reserved for the canal bridge and connection to the PR8 site and a proportionate contribution.
- c) Green space and recreational routes to the south and west of the site and appropriate maintenance arrangements.
- d) Payment of a financial contribution towards proportionate highway contributions as set out in Appendix 4 of the Partial Review Local Plan for approximately £528,793.59 plus Travel Hub and Cycle Superhighway contributions.
- e) Payment of proportionate Canal Bridge contribution estimated at £150-250,000 Payment of a financial contribution towards Canal Towpath Enhancement of £47,489.40 to OCC and £372,000 (Canals and Rivers Trust)
- f) Payment of a financial contribution towards Community Hall and Development, Outdoor and indoor sport contributions of £517,144.46
- g) Payment of a financial contribution towards Healthcare of £101,800
- h) Payment of a financial contribution towards Education of £849,759
- i) Payment of a financial contribution towards Library Services of £12,700
- j) Payment of a financial contribution towards Police of £25,180
- k) Payment of a financial contribution to Public Realm and Public Art contributions £26,432.00 plus 7% maintenance
- l) Payment of a financial contribution towards Open Space Management
- m) Payment of the Council's monitoring costs of £5000 plus OCC Monitoring Costs

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 13 OCTOBER 2023. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate on site infrastructure and off site contributions towards affordable housing education, transport, canal

infrastructure, community facilities, indoor and outdoor sport, open space, library and police required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR7b and PR11 of the Cherwell Local Plan 2011 - 2031 (PART1) Partial Review, and Policies INF1, SLE4, BSC7; BSC8; BSC9; BSC10, BSC11, BSC12, ESD6 and ESD13 of the Cherwell Local Plan 2011-2031 (Part 1), guidance within the Council's Developer Contributions SPD and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

Time Limit

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

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

Reserved Matters

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

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

Plans

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

Plans:

Illustrative masterplan (reference 40975-012 Rev A) and
Site location plan (40975-001 Rev A).

Documents:

- Statement of Community Involvement produced by Carter Jonas LLP;
- Planning Statement by Carter Jonas LLP;
- Design & Access Statement produced by RG&P Architects;
- Arboricultural Impact Assessment by Aspect
- Archaeological Evaluation by Thames Valley Services;
- Heritage Impact Assessment by Asset Heritage Consulting;
- Landscape & Visual Impact Assessment by Aspect Landscape Planning;

- Flood Risk assessment by MAC Consulting;
- Transport Assessment by MAC Consulting;
- Framework Travel Plan by MAC Consulting;
- Air Quality Assessment by Redmore Environmental;
- Noise Impact Assessment by Professional Consult;
- Sustainability and Energy Statement by Manor Oak Homes Limited;
- Ecological Appraisal by Aspect.

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.

Development Framework principles

4. Unless justified through the application submission, the Reserved Matters submission shall follow the principles and parameters of the Illustrative masterplan (reference 40975-012 Rev A) and in the established parameters for future development. In particular:
- A housing mix to be agreed to reflect the Unmet housing needs of Oxford City Council and to ensure that affordable housing and market housing are delivered in a manner that is tenure blind.
 - Details of parking provision, where possible avoiding parking courts
 - Appropriate security and surveillance measures to public and private space to accord with the principles of Designing out Crime.
 - Retention of Green Belt land
 - Delivery of the identified Biodiversity Net Gain
 - Pedestrian/Cycle Links across the site
 - Active and Passive measures to mitigate the impact of the development against climate change
 - Appropriate space for the future access and delivery of a pedestrian/cycle bridge across the Oxford Canal.

Reason: In order to achieve a satisfactory form of development as part of the Reserved Matters in accordance with the requirements of Policies PR2 and PR7b of the Cherwell Local Plan 2011-2031 (Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996, guidance contained in the Council's adopted Development Brief and Residential Design Guide and the aims and objectives of the National Planning Policy Framework.

Remediation/Contaminated Land

5. i) No development shall take place until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.
- ii) If contamination is found by undertaking the work carried out under part i), then no development shall take place until, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a

competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

iii) If remedial works have been identified in part i), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under part ii). 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.

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

Reason: To ensure that the development is delivered in a manner to ensure that land contamination is appropriately managed in accordance with the requirements of saved policy ENV12 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Construction Environment Management Plan (CEMP) and Construction Traffic Management Plan (CTMP)

6. No development shall take place until a Construction Environment Management Plan (CEMP) and Construction Traffic Management Plan (CTMP), have been submitted to and approved in writing by the Local Planning Authority. The CEMP and CTMP shall include details of:
- The measures to be taken to ensure construction works to reduce the impact on neighbouring and nearby residents through temporary fencing, lighting and construction compounds and management of activity through the construction of development;
 - Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - the protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features, adjacent to or surrounding the site;
 - details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.
 - A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed
 - There shall be no piling on the site unless measures are agreed to mitigate and manage the impact of noise and vibration on the site.

Thereafter the development shall be carried out in accordance with approved CEMP and CTMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the requirements of Policies PR2 and PR7b of the Cherwell Local Plan 2011-2031 (Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

LEMP/Soil Handling

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

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Landscaping Strategy and Management

8. a) As part of the Reserved Matters submission a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the approved information.

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

- b) The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Housing Sustainability standard

9. a) As part of the Reserved Matters submissions a statement shall be submitted demonstrating how the proposal meets sustainability standards to progress towards the Future Home Standard.

b) The development shall be implemented in accordance with the relevant agreed details and timescales

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF (in particular paragraphs 7, 8, 98, 152-157), Policy PR7b of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and guidance contained in the Council's adopted Development Brief and Residential Design Guide.

Noise Mitigation

10. Within any reserved matters application in relation to residential development a noise impact assessment and a noise attenuation / insulation scheme (having regard to the building fabric, glazing and background and purge / rapid ventilation requirements) to protect occupants or other users internally and externally as appropriate from the Oxford Road, Stratfield Break sports pitches and primary routes through the site traffic noise in accordance with the requirements of British Standard 8233:2014 'Sound Insulation and noise reduction for buildings-Code of Practice' (or as superseded), shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

The noise insulation scheme shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" (or as superseded) shall be reasonably achieved and shall include a timescale for phased implementation, as necessary.

The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient noise attenuation is provided to all residential properties to protect residents from the impact of local road noise and achieve an appropriate residential environment in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1), saved policy C28 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

Housing Mix, Self/custom build Strategy

11. As part of the submission of the first application for approval of Reserved Matters relating the Development a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out:

i) Anticipated housing mix for the development shall be for delivery of affordable homes as 25 to 30% of the homes as one-bedroomed properties, 30 to 35% as two-bedroomed properties, 30 to 35% as three-bedroomed properties and 5 to 10% as four+ bedroomed properties unless otherwise agreed with through the Reserved Matters submission.

ii) The submitted market mix shall also be agreed with the Local Planning Authority through the Reserved Matters and shall not substantially differ from the affordable housing mix.

iii) A Strategy for the delivery of self/custom build homes.

Reason: To achieve a balance of housing in accordance with Policy PR2 Cherwell Local Plan 2011-2031 (Part 1, Partial Review)

Residential Space Standards

12. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate residential environment in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1), saved policy C28 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Construction – no burning of waste, no reversing alarms, working hours

13. As part of the Construction of Development there shall be:

- i) No burning of waste on the site.
- ii) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.
- iii) No use of the audible 'beeping' reversing alarms on construction or construction delivery vehicles. Alternative vehicle alarms should be used such as the use of white noise, infrared, or visible alarm systems.

Reason: To ensure that the amenities of neighbouring residents are not unduly inconvenienced by development of the site construction operations and in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1), saved policy C28 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

Lighting

14. No development above slab level shall take place until a detailed lighting strategy has been submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall include:

- i) Lighting for play
- ii) Lighting for public realm and walking and cycling routes
- iii) Areas of ecological areas where lighting will be prohibited.
- iv) A strategy for roads and development parcels.
- v) A strategy for mitigation to reduce light pollution during construction.

All lighting shall be installed in accordance with the approved details.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with the principles of the outline submission in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies ESD10 and ESD15 of the Cherwell Local Plan

2011-2031 (Part 1), saved policy C28 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

Water supply and Foul water drainage

15 i) Any Reserved Matters shall include a detailed surface water strategy and drainage plans relating to that Reserved Matters submission. The strategy shall demonstrate how the management of water within the submission accords with the approved details of the outline Flood Risk Assessment. The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the Reserved Matters site or joins any water body.

ii) The submitted strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDS features within the Reserved Matters submission and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities relating to that Reserved Matters submission. The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.

iii) The development of each Reserved Matters submission shall be carried out in full accordance with the approved detailed surface water strategy for that Reserved Matters submission and that development shall not be occupied or used until such time as the approved detailed surface water measures serving that building have been fully completed in accordance with the approved details.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site and to ensure new environments and habitats are formed across the site in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

LAP details

16. Any Reserved Matters submission which incorporates Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play in accordance with the Site-Wide Youth and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management.

b) The development of each Development Parcel shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted illustrative masterplan in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies BSC11 and ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

Site levels and Groundworks details

17. a) Notwithstanding the approved plans, as part of the Reserved Matters, details shall be submitted of site levels, earthworks and ground contamination for that Reserved Matters area to include protection of ground to be reinstated to landscape; methodology of any soil stripping, storage, handling, formation level decompaction, and soil re-spreading.

b) All groundworks for that development should be carried out in accordance with the approved details

Reason: To ensure that risks from the movement of soil and construction activity associated with development are appropriately managed throughout the construction timescale and across the delivery of the development appropriate to neighbouring land uses, together with managing controlled waters, property and ecological systems, neighbours and other offsite receptors in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies ESD15 and BSC11 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

Fibre Optic Implementation

18. As part of the Reserved Matters submission for any Development Parcel, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each Development Parcel upon the completion of the infrastructure in accordance with the approved site wide strategy.

b) The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

Tree/Hedgerow management during construction and replacement and new planting

19. As part of the Reserved Matters submission a strategy and associated plans for the following shall be submitted to and agreed in writing by the Local Planning Authority.

i) A strategy for the ongoing management, felling and replacement planting of existing trees within or adjacent to the development.

ii) A strategy for other standalone and groups of trees and hedgerows on the within the Reserved Matters.

iii) Details of tree protection measures relating to that Development Parcel in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.

iv) A strategy for implementation and retention of new and existing trees, tree groups, tree belts or hedgerows within the Development Parcel

b) The development of each Development Parcel shall be implemented in accordance with the agreed strategy and timescale relating to that Development Parcel and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Landscape Strategy and Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

Parking and sustainable travel strategy – including EV charging

20. As part of the Reserved Matters submission a strategy shall be set out for the car parking ratio in accordance with maximum levels set out in Oxfordshire County Council Parking Standards. The submitted Strategy shall be based on:

- i) Reducing car parking provision below the maximum ratio based on location in relation to facilities and type of housing.
 - ii) The provision of electric vehicle charging points to all properties and to include a minimum of 50% to communal car parking and to all disabled parking spaces.
 - ii) For residential purposes cycle parking should be within a covered, lockable enclosure in a convenient, secure location, with visitor parking located as near as possible to the main entrance of buildings.
 - iii) All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.
- b) The approved scheme shall be implemented in accordance with the agreed strategy relevant to reserved matters submission.

Reason: To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport and minimise the use of the car in accordance with Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

Waste and Recycling Facilities

21. a) The Reserved Matters submission will include details of proposed refuse and waste recycling facilities for the proposed building(s) in that submission.

- b) The approved scheme for any individual building shall be implemented before that building is brought into use and shall be thereafter retained.
- c) No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site.

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling in accordance with the requirements of Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1, Partial Review), Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) and the aims and objectives of the National Planning Policy Framework

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>First Homes Oxford City Council's First Homes Policy Statement (Technical Advice Note) March 2022 sets out that all sites above 10 dwellings must provide 50% affordable housing.</p> <p>The affordable housing should then be split as follows: 25% First Homes; 70% social rented; and 5% intermediate housing (usually Shared ownership tenure).</p> <p>An Oxford City local connection will apply to all First Homes for the first three months of marketing.</p> <p>Affordable Housing Mix: 1 bedroom 20-30% 2 bedroom 30-40% 3 bedroom 20-40% 4+ bedroom 8-15% .</p> <p>Accessible and adaptable homes – all affordable units should be constructed to Category 2 (M4) standard and 5% of all dwellings to be Category M4 (3) (wheelchair user) standards.</p>	<p>Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase/development parcel.</p>	<p>Necessary – Yes. The site is an allocation to deliver Oxford's Unmet Housing Need</p> <p>Directly related – Yes. This would be delivered on site.</p> <p>Fairly and reasonably related in scale and kind – Yes. The level of affordable housing is policy compliant.</p>

	All affordable housing to be developed to nationally described space standards (NDSS)		
OCCG	£101,800	50% occupation (59 th Dwelling) or an alternative agreed trigger.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional consulting rooms and enhanced capacity at a nearby medical practice are therefore proposed through the contribution</p> <p>Directly related – Yes. The proposals would be used towards a nearby medical practice – The identified medical practice in the consultation response – the White Horse Medical Practice, Faringdon is not a closely related practice and an alternative medical practice would need to be identified (e.g. Gosford Hill Medical Practice).</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Thames Valley Police Contribution	£25,180 towards: £1,388 towards officers set up costs (e.g. uniforms and disk space) £2,631 towards vehicles	First occupation or an alternative agreed trigger.	<p>Necessary – In relation to the demand and need the requirements would be in accordance with the Council's Developer Contributions SPD.</p> <p>Directly related –</p>

	<p>£2,750 towards ANPR cameras</p> <p>£16,711 towards premises and desk space</p>		<p>The contributions are towards impacts from the development and would relate to national funding issues rather than</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Public Art, Public Realm and Cultural Wellbeing	£26,432.00 plus 7% maintenance	First occupation or an alternative agreed trigger.	<p>Necessary – In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using. neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around</p>

			<p>the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create to a broader network and link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling plus 5% for management and 7% to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	£238,009.54		<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – A contribution towards the development of outdoor sports provision at PR7a, to provide grass pitches, 3G football pitch with floodlighting, pavilion and car parking. The development of the larger outdoor sport facility at PR7a (4 hectares of pitches) will be a sustainable</p>

			<p>site aimed at serving all the partial review sites into the future.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£98,532.72	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation (59 th Dwelling) or an alternative agreed trigger.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – indoor sport contribution towards improvements at Kidlington & Gosford Leisure Centre which include the building of a new teaching pool.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	£134,921.52	50% Occupation (59 th Dwelling) or alternative agreed trigger	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.</p> <p>Directly Related – Yes</p>

			Fairly and Reasonably related in scale and kind- Yes
Community Development Worker	£16,938.68	First occupation or alternative agreed trigger	<p>Necessary- Seeking a contribution towards improvements at a community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
Community Development Fund	£5,310	First Occupation or alternative agreed trigger	<p>Necessary- Seeking a contribution towards improvements at a community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
A public transport contribution	£133,458	First occupation or alternative agreed trigger.	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for Heyford Park.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£1,558	First occupation or alternative agreed trigger.	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
Secondary Education	£712,040	To be agreed by OCC	<p>Necessary – A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers.</p> <p>Directly related –</p>

			<p>Related to the education needs arising from the site.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The figure is calculated based on the level of development and the educational needs</p>
Secondary Education Land Costs	£74,900	To be agreed by OCC	<p>Necessary –</p> <p>A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers.</p> <p>Directly related –</p> <p>Related to the education needs arising from the site.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The figure is calculated based on the level of development and the educational needs.</p>
SEN Development	£62,819	To be agreed by OCC	<p>Necessary –</p> <p>towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation.)</p> <p>Directly related –</p> <p>Related to the pupil yield anticipated from the development.</p> <p>Fairly and reasonably related in scale and kind –</p>

			The contribution is calculated in a manner to reflect a contribution based on pupil yield and cost per pupil. As such the contributions is considered appropriate.
Canal Towpath Works	£47,489.40 (County Council) £372,000 (Canals and Rivers Trust)	Occupation of 50% of the dwellings or alternative agreed trigger.	<p>Necessary –</p> <p>Directly related – Improvements in walking enhancement to the western boundary of the application site.</p> <p>Fairly and reasonably related in scale and kind – Both contributions seek enhancements to the towpath between the A44 and the application site. The improvements to the towpath however are sought proportionally in the County Council response, taking account of the future contribution of the PR8 allocation. As such, the County Council contribution is the appropriate amount in this instance.</p>
OCC Transport (final requests tbc)	The extension of the combined cycleway/ footway to the Kidlington roundabout. (£185,567) Proportionate contribution towards Kidlington/Oxford Airport Travel Hub (TBC) Improved bus lane provision on the A4165 between Kidlington roundabout and past the new housing sites – (£90,571.34)	First occupation or alternative agreed trigger.	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>

	<p>A4260 Southbound bus lane from Bicester Road/A4260 junction to Kidlington roundabout (£91,366.25)</p> <p>A4260/Bicester Road Signalised Junction – RT detection and advanced stop line (£7329.50)</p> <p>A4260/Lyne Road - Signalised Junction – RT detection and advanced stop line and toucan crossing (£7,329.50)</p> <p>Public Realm Improvements between Benmead Road and Yarnton Road (£11,614)</p> <p>Cycle superhighway between Kidlington Roundabout to Cuttleslowe Roundabout (TBC)</p>		
Canal Bridge to PR8	Estimated £150,000 and £250,000	75% Occupation of the Development	<p>Necessary – To promote walking and cycling from the development.</p> <p>Directly related – Improvements in walking enhancement to the western boundary of the application site.</p> <p>Fairly and reasonably related in scale and kind – A proportionate contribution taking account of the future contribution of the PR8 allocation.</p>

Open Space Maintenance	<p>Mature Trees): £280.04/tree New Woodland Maintenance 35.02/sq. m Hedgerow: £26.60/lin. m Attenuation Basin: £66.05/sq. m Swales: £120.32/lin. m Informal Open Space: £12.65/sq. m</p>	On completion/transfer of open space	<p>Necessary – It is the Council’s strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in agreement with the relevant town or parish council with a commuted sum. Directly related – Related to the open space on site as part of the application proposals. Fairly and reasonably related in scale and kind – The final amount will be related to the open space delivered on site.</p>
OCC Library Service	£12,700	First occupation or alternative agreed trigger.	<p>Necessary – Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space. Directly related – This site is served by Kidlington Library but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Fairly and reasonably related in scale and kind –</p>

			The contribution is related to a wider project and is a proportionate amount.
CDC and OCC Monitoring Fee	CDC: £5,000 OCC: TBC	On completion of s106	The CDC charge is based upon its agreed Fees and Charges Schedule

22/01756/F

Agenda Item 10

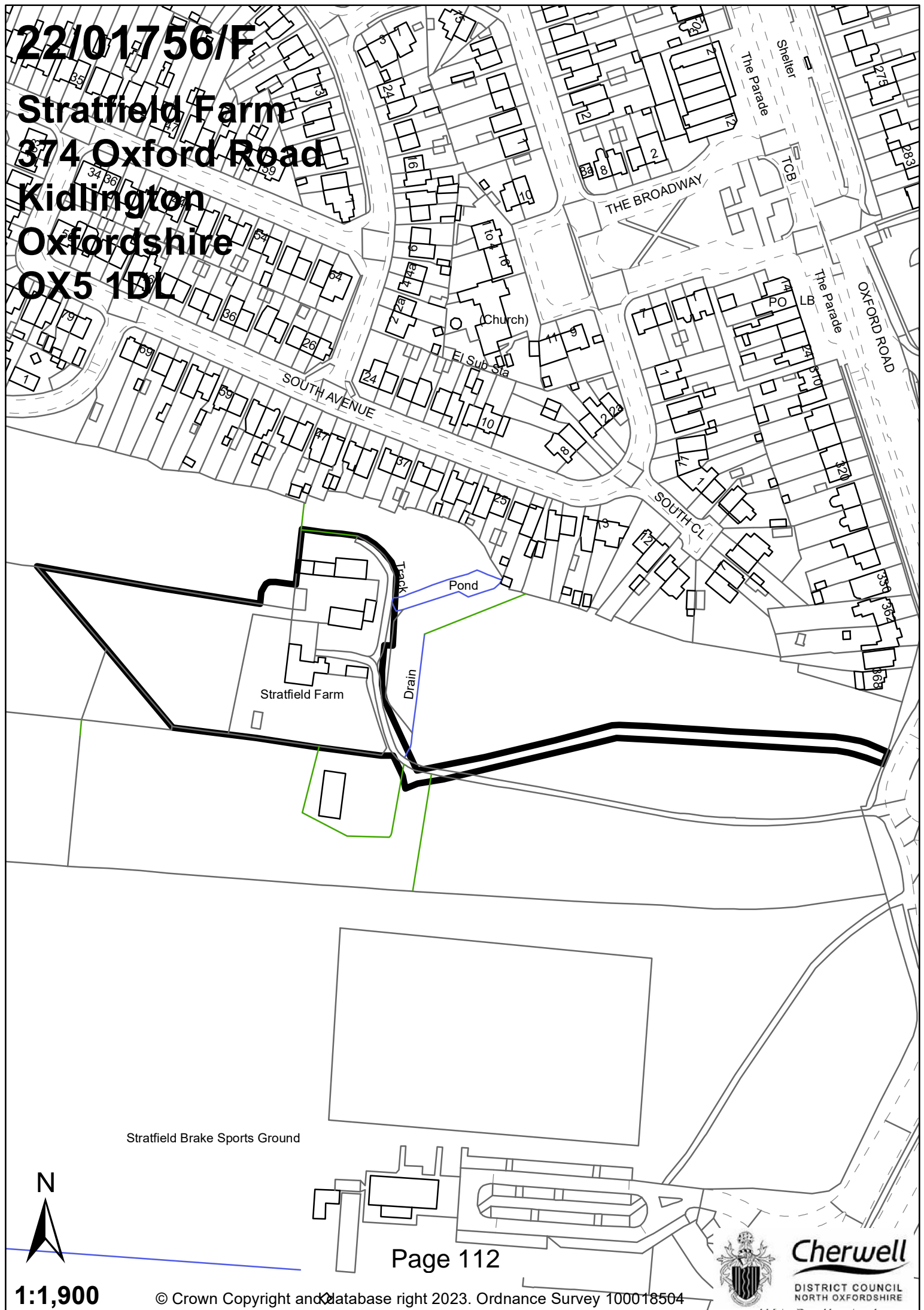
**Stratfield Farm
374 Oxford Road
Kidlington
Oxfordshire
OX5 1DL**



1:2,000

22101756/F

**Stratfield Farm
374 Oxford Road
Kidlington
Oxfordshire
OX5 1DL**



Stratfield Brake Sports Ground

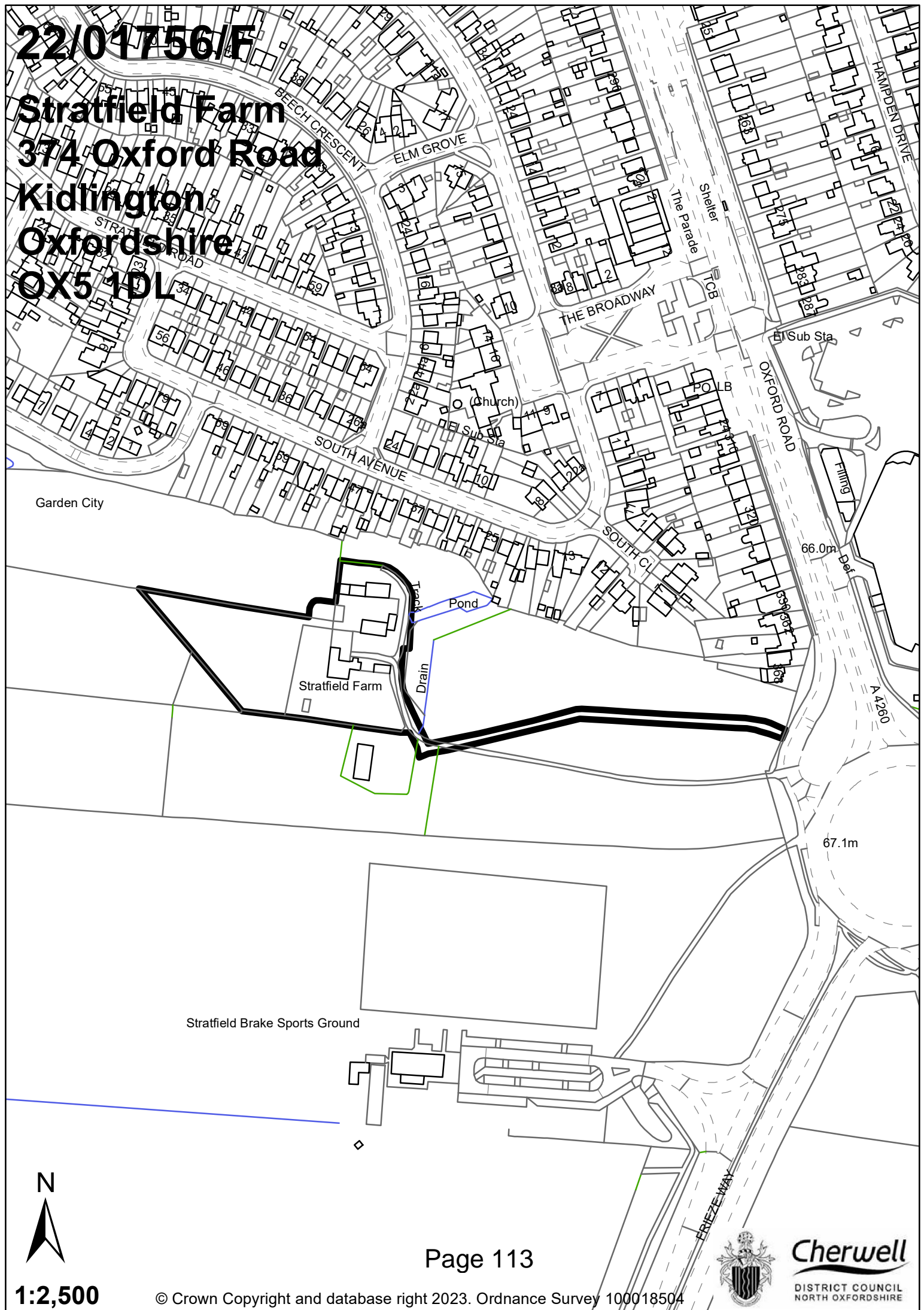


1:1,900



22/01756/F

Stratfield Farm
374 Oxford Road
Kidlington
Oxfordshire
OX5 1DL



Garden City

Stratfield Farm

Pond

Drain

Stratfield Brake Sports Ground



1:2,500



Case Officer: Andrew Thompson

Applicant: Manor Oak Homes/ G B Bishop Fruedling & C A Parson

Proposal: Alterations and repairs to listed farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no. dwellings; erection of 2 no. new dwellings; provision of car parking, bin and cycle stores; and access

Ward: Kidlington East

Councillors: Councillor Billington, Councillor Mawson and Councillor Middleton

Reason for Referral: Referred by Assistant Director for Planning and Development for the following reasons: The inclusion of the application site within the wider PR7b - Land at Stratfield Farm Allocation

Expiry Date: 13 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site relates to the Grade II Listed Farmhouse and surrounding curtilage listed outbuildings. The site area is 0.83ha.
- 1.2 Stratfield Farmhouse is Grade II listed, with the surrounding outbuildings being curtilage listed. The Farmhouse is constructed from coursed limestone rubble with a hipped concrete tile roof. A group of farm outbuildings, which stand around two linked yards are located north of the Farmhouse. The majority of these pre-date 1948 and are considered listed by curtilage to the Farmhouse.
- 1.3 The application site includes the Orchard land to the south and west of the application site and to the south the former Farmhouse garden. The former Farmhouse and its ancillary farmstead buildings are located to the Northeast of the application site. The Farmhouse (identified as Building A with an ancillary building a1) on the southwestern edge of the group of buildings, to the north of the Farmhouse on the western edge is a curtilage listed barn (Building B) and on the eastern edge of the buildings a more modern ancillary building (Building E). Further to the north and on the eastern edge is a former open shed (Building F and F1). Opposite Building F is a further open store (Building G). On the north western side of the site is a cluster of ancillary buildings – a barn (Building B), the remnants of an outbuilding (Building C) and a modern barn (Building D)
- 1.4 Generally, the Farmhouse and surrounding outbuildings are in various stages of disrepair, with a number of blocks (identified in supporting documents as B1, C, F1, G and H) in ruinous condition. The buildings and surroundings have not been used for farming for a number of years, which is clear to see due to the extensive, long-term vegetation growth and partial collapse of roofs and walls.

- 1.5 The redevelopment of Stratfield Farm farmhouse and outbuildings is part of a larger residential development scheme to provide approx. 120 new homes in the local area.

2. CONSTRAINTS

- 2.1. The application site is within the Local Plan Partial Review as site PR7b, land at Stratfield Farm. This removed the site from the Green Belt. There are potential habitats identified in terms of the Orchard and Grassland.
- 2.2. The List Description identifies the Farmhouse as follows:

Farmhouse. Early 19th Century. Coursed-limestone rubble; hipped concrete tile roof; brick end stacks. L-plan with rear left wing. 2 storeys; symmetrical 3-window range. Semi-circular arch over 4-panelled door with fanlight. Keyed stone lintels over early 19th Century sashes with glazing bars. Rear outshut and rear left wing have early 19th Century beaded 4-panelled door and plank doors. Early 19th Century two-storey range to right with 3-light leaded casement to rear.

- 2.3. The list description identifies that the internal of the farmhouse has not been surveyed as part of the list but is thought to be of interest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposals are for planning permission for the alterations and repairs to the listed farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no. dwellings; erection of 2 no. new dwellings; provision of car parking, bin and cycle stores; and access. A separate listed building consent application accompanies this application.
- 3.2. In total the proposals would provide three, 3bedroom dwellings and two, 4bedroom dwellings. There would be a total of 10 car parking spaces utilising the existing courtyard areas.
- 3.3. The farmhouse is to be restored for residential use and the ancillary buildings will be converted to ancillary use. The Farmhouse requires local repairs of the existing fabric of the building, as well as replacement of the existing concrete tile roof with traditional stone slates, which are assumed to have been the original roof covering.
- 3.4. Refurbishment of the Farmhouse can be achieved with minimal internal alterations, which are limited as well as the addition of reversible timber stud partitions to create additional sanitary provisions, as expected in a house of this scale. Such details, being internal, do not require planning permission but form part of the Listed Building Consent application.
- 3.5. Buildings B and C will be converted to provide a 3 bedroom residential accommodation within the constraints of the existing narrow footprint, the proposal is to raise the existing eaves and ridge height of Block B by 700mm to a storey and a half, while maintaining the same roof pitch, to allow for sufficient space within the roof structure for a bedroom and family bathroom.
- 3.6. The new roof is proposed to be covered with traditional stone slates, while the extension of the existing stone walls is proposed to be finished with weathered timber cladding, clearly showing the distinction between the old and the new. An existing dormer window on the north elevation of Block B is proposed to be rebuilt in lead in matching proportions. Two new window openings are proposed to be created in the north wall, as well as a new door opening in the western wall internally to connect the

stone cottage to the side extension. These openings have been designed to be minimal, matching the existing window proportions on the front elevation.

- 3.7. To the rear, the side extension continues over the original footprint of Block C, to provide adequate living accommodation and parking space for 2 vehicles. Existing boundary wall is proposed to be rebuilt using limestone reclaimed from site due to extensive structural damage caused by long term root growth. New conservation style rooflights are proposed to the west and north elevations, away from the farmyard, to provide daylighting to first floor rooms and additional evening light in the main living space.
- 3.8. Buildings D and E as existing modern steel structures (from the 20th Century) are proposed to be demolished to allow for the construction of a new residential dwelling.
- 3.9. The proposals seek to utilise the entire footprint of Buildings F and F1 to create a 3-bedroom, single storey dwelling, retaining the existing ridge height of Block F, while raising the ridge height of Block F1 by 350mm to accommodate a wider footprint. The existing remaining roof structure of Building F is proposed to be retained, following jacking up to remove the existing lean.
- 3.10. To provide a rhythm of the regular bays, the openings are proposed to be infilled with glazing, with sections of vertical hit and miss timber boarding added for privacy. The eastern elevation is proposed to be retained as a mostly solid rubble limestone wall, constructed out of stones reclaimed from the site, with minimal openings in the same locations as existing openings.
- 3.11. Block G has now substantially collapsed, with the existing ruins comprising of a partial stone gable wall and the original footprint, giving an idea of the scale of what once stood in it's place. The proposal is to construct an entirely new 1 and a half storey residential stone cottage within the existing footprint with a new roof to match other buildings on the site.
- 3.12. Private amenity space is proposed to be located to the west, enclosed with a low dry stone wall and agricultural fencing, allowing the front façade facing the courtyard to remain agricultural in appearance.
- 3.13. The best preserved gable wall has been damaged by long term vegetation growth and is proposed to be rebuilt and extended in height using existing limestone. The remaining walls are proposed to be rubble limestone cavity walls to match the gable wall, with majority of proposed openings, rooflights and 2 new lead dormers located to face west, away from the farmyard.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. The concurrent listed building consent application under reference 22/01757/LB and the application for the wider PR7b site under reference 22/01611/OUT should be noted.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions have taken place with regard to this proposal under reference 21/03477/PREAPP. The pre-app indicates conversion of the listed farmhouse (building A) to a single dwelling, consistent with the principle of converting to residential use contained within the Council's Development Brief. Detailed comments were made by the Council's Conservation Team as to the detail of the Listed Building, the requirements for future submissions and the detailed layout of the proposed scheme including matters relating to car parking and ancillary structures.

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 **21 July 2022**, although additional consultation with statutory heritage consultees was carried out on the amended plans and information received in June 2023 with a consultation deadline of **15 August 2023**. 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. **KIDLINGTON PARISH COUNCIL:** accepts the principle of development on this site as it is an allocation site in the adopted Local Plan, although the overall number of dwellings applied for exceeds the allocation. Kidlington Parish Council is concerned about the one vehicular access to the site onto the slip road of the Oxford Road as it is close to the Kidlington roundabout at the bend in the road which is considered hazardous. Therefore, Kidlington Parish Council objects to the means of access to Oxford Road. Additionally, Kidlington Parish Council is not satisfied that the traffic generated by this development within the overall context of all the other developments proposed in adopted Local Plan to address Oxford's Unmet Housing Needs has been taken into account. This application needs to be considered within that context holistically and objects on that basis.

CONSULTEES

- 7.3. **OCC HIGHWAYS:** No objection - The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view
- 7.4. **OCC ARCHAEOLOGY:** The proposals are in an area of archaeological interest, however, a recent archaeological evaluation on the wider site has confirmed that there are no archaeological remains in the proposal area, and so, there are no archaeological constraints to this scheme.
- 7.5. **HISTORIC ENGLAND –** No comment. Suggest that the views of your specialist conservation and archaeological advisers are sought.
- 7.6. **CDC DRAINAGE -** This application site lies within that which is the subject of a multi-unit residential development proposed by Manor Oak to the south of Garden City. This is a minor site in comparison and this application relies on the Flood Risk Assessment and Surface Water Management strategy submitted for the larger site. If developed as part of the Manor Oak proposals, see my comments for that application.

If developed as a stand-alone site - no objections or comments in principle. However, any consent should be conditional on the submission of a surface water management plan specifically for it which should include attenuation in the form of open swales with the discharge from them limited to the "greenfield" rate of QBAR plus a 40% allowance for climate change.

- 7.7. LLFA: Object –
- Clarification required on the 10% urban creep.
 - Provide ownership details of watercourse and provide permission to connect.
 - Provide phasing plan.

7.8. ENVIRONMENTAL PROTECTION:

Noise: the submitted Noise Impact Assessment is appropriate in demonstrating that the noise levels within the dwellings and habitable outdoor areas will meet the relevant criteria, providing the identified recommendations for mitigation in the report are followed. A condition to secure a Construction Environment Management Plan (CEMP) should be included.

Contaminated Land: The full contaminated land conditions will need to be applied to any approved permission

Air Quality: The Air Quality Impact Assessment submitted demonstrates that the impact of the site will be negligible, provided adequate measures are in place during the construction stage to control fugitive dust. These should be outlined in a Construction Environment Management Plan (CEMP), which should be submitted for approval by the LPA prior to commencement.

Odour: No comments

Light: No comments

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The development plan in Cherwell comprises the Cherwell Local Plan 2011-2031 Part 1, the Cherwell Local Plan Partial Review 2011-2031 (Part 1) – Oxford's Unmet Housing Need and the saved polices of the Cherwell Local Plan 1996.
- 8.3. The site forms part of the allocation under Site PR7b - Land at Stratfield Farm. The wider site was allocated as part of the Cherwell Local Plan Partial Review (Adopted 7 September 2020).

CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix, Tenure and Size
- PR7b - Land at Stratfield Farm
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy

- ESD6: Sustainable Flood Risk Management
- ESD15: The Character of the Built and Historic Environment
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting listed buildings
- C21 – Proposals for re-use of a listed building
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12 – Development on contaminated land

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Kidlington Masterplan SPD
- PR7b Development Brief

9. APPRAISAL

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

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

Principle of Development

- 9.1. The application forms part of the wider allocation to PR7b (Land at Stratfield Farm) which allocated the wider site for the construction of 120 homes (net) on 5 hectares of land (the residential area).
- 9.2. The policy identifies that the character and appearance of the Grade II Listed Stratfield Farmhouse and its setting is to be enhanced through appropriate building restoration and landscaping.
- 9.3. Further saved policy C21 of the CLP1996 states that sympathetic consideration will be given to proposals for the re-use of an unused listed building provided the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in this plan. The development is a part of the wider allocation.
- 9.4. As such the principle of works to allow the conversion of the listed building and the creation of new dwellings as part of the proposals is supported by the wider allocation for housing and the conversion is supported in principle subject to consideration of the detailed aspects.

Design, and impact on the character of the area

- 9.5. Policy PR7b states *'The 'gardens' and orchard landscape around the farmhouse and the farm courtyard should retain the historic character. Garden sheds/greenhouses and other overtly domestic paraphernalia and boundary treatments are not allowed. Garden storage is to be integrated within the building/ outbuildings footprint and protected from future conversion to additional living accommodation. Any amenity space outside of the courtyard will need subtle demarcation.'* and *'The depths of the new built structures are to be shallow, allowing traditional roof pitches so that the farmhouse remains the dominant building on the site.'*
- 9.6. And 6.3.2 *'Land to the north of the barns is to be used for private gardens or parking, creating a secure boundary to the existing properties on Croxford Gardens and retaining the existing woodland. Innovative design solutions will be required to avoid changing the character of the farm court or its setting. For example, overtly residential division such as fencing/sheds and greenhouses are to be restricted.'*
- 9.7. *'Existing gated vehicular access from a main dirt track to the farmhouse will be retained and upgraded. Existing pedestrian access to the Farmhouse via steps on the front façade will be retained, albeit it will no longer be the principal access point, which will now be moved to the rear, accessible directly from the driveway. The current access between the Farmhouse and the outbuildings will be blocked with the extension of the existing low dry stone wall to enclose private amenity space. A new private vehicular access point will be created to the northwest corner of the site, between Blocks B and G (5m wide) for residents of the proposed 4 new dwellings. An adoptable turning area has been incorporated within the masterplan providing a safe point of access for fire and services.'*
- 9.8. Development Brief for Local Plan Partial Review Site PR7b - Land at Stratfield Farm sets out at Section 2 item iii: that proposals should be of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context. Further the Brief guides that historic farmhouse and barns at the site's centre will be retained and sensitively integrated as a local landmark within a corridor of green space to retain the open setting of the farmhouse within the new development.' and *'appropriate building restoration and landscaping to enhance the character and appearance of the Grade II listed Stratfield Farmhouse and its setting.'*
- 9.9. With Stratfield Farmhouse a building at risk there is a need to ensure that the proposals are followed with a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy as set out in the NPPF (Paragraph 190) should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.
- 9.10. The NPPF sets out at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.11. At paragraph 130 the NPPF also sets out to ensure that developments are sympathetic to local character and history, including the surrounding built environment

and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 9.12. The re-use of Stratfield Farmhouse, the alterations to outbuildings and the removal of modern structures would in design terms improve the overall environment of the heritage asset. The proposals to reuse the building and bring forward the historic character at the core of the allocation is considered to be a positive element to the proposal.
- 9.13. Buildings D and E detract from the character of the area and whilst these were perhaps legitimate modern agricultural buildings their continued presence and poor repair are detrimental to the character of the area. Therefore the removal of modern buildings in particular is a positive design outcome of this proposal.
- 9.14. The proposals for the reuse, extension and alteration to the outbuildings would also re-instate a traditional style farmstead. The use of courtyard areas for car parking is noted and whilst there would need to be control of areas through permitted development restrictions as part of the planning application, if approved, to ensure residential paraphernalia and other features do not diminish the quality of the area.
- 9.15. Overall it is considered the proposals would be an enhancement to the area and the reuse of the buildings would assist in creating a sense of place and enhance the character of the area, subject to ensuring that the impact on the heritage asset itself is appropriately managed.

Heritage Impact

- 9.16. The site includes a Grade II listed building and is identified as a building at risk on the Council's Heritage Risk Register.
- 9.17. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.18. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.19. The application is supported by a number of documents relating to the supporting evidence of the significance of the heritage asset and the assessment of its current condition and the supporting evidence for the works and conversion.
- 9.20. Overall the application would involve the removal of the modern structures and the creation of new buildings which are more reflective of the historic past in terms of the use of materials and the layout. The application would create a sense of the historic farmstead in the creation of additional dwellings.
- 9.21. In order to protect the historic fabric of the farmstead, it would be appropriate and necessary to remove permitted development rights for further outbuildings in this instance.

- 9.22. Overall the proposals present some limited harm, which is described as less than substantial harm and therefore the application of the benefits of the proposals, i.e., the creation of new dwellings and the safeguarding of the heritage assets should be balanced in the evaluation of the application.
- 9.23. It is however considered that the proposals are in accordance with the principles of the Local Plan, in particular policy ESD15 of the CLP 2015 and saved policies C21 and C28 of the CLP 1996, and the aims and objectives of the National Planning Policy Framework and the associated guidance.

Ecology Impact

- 9.24. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.25. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.26. 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.
- 9.27. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.28. 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.
- 9.29. The buildings may be capable of accommodating bats and some reptiles and birds. However, the Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 9.30. The application sets out a net habitat biodiversity unit change for the proposals within the site boundary of approximately +6.94 Habitat Units representing a gain of 13.31% within the site boundary.

- 9.31. The proposals would therefore deliver appropriate safeguarding of protected species and deliver biodiversity net gain, in accordance with national legislation. The proposals are therefore considered to be acceptable.

Flooding and Drainage

- 9.32. As the site is less than a hectare in size (0.83ha) and not in a vulnerable area for flood risk, the application does not require a Flood Risk Assessment and in accordance with Policy ESD6, sustainable drainage is not required. Further, in accordance with national planning policy framework, the application is not be subject to the sequential or exception tests.
- 9.33. The comments of the LLFA are noted, however, due to the specifics of the application are such that the comments are not relevant as sustainable drainage are not a requirement of the application. The LLFA are not a statutory consultee in this case.
- 9.34. A Flood Risk Assessment however is submitted in support of the proposals here and which concludes in flood risk terms that with the site being located in a flood zone 1 area, that the flooding risk is low. Moreover, it also sets out a range of SuDS measures which are to be incorporated into the development and which include a detention basin, swales, rain water gardens, permeable paving and a piped network throughout, as policy here requires as part of the wider application site for PR7b.
- 9.35. As such whilst the comments of the LLFA have been noted and given careful consideration, having regard to the size of the proposed development and policy requirements, the detail of drainage can be secured through appropriate conditions. The proposals are in accordance with Local Plan and National Planning Policy for the scale of development.

Parking and Highway Safety

- 9.36. The National Planning Policy Framework identifies that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.37. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.
- 9.38. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code
- 9.39. The NPPF, at paragraph 111, states 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. The comments of the Highway Authority are noted.

- 9.40. Whilst the comments of the Parish Council are noted, it is considered that there would be no significant or highway related issue arising from the proposed development.
- 9.41. The application proposals are supported by a Transport Assessment as it relates closely to the wider allocation of PR7b. It is noted that the application proposals are for 5 dwellings and would include parking facilities, cycle parking and charging points for electric vehicles. The access point would correspond to the principal access point for the wider development which has been considered to be acceptable.
- 9.42. The proposals are therefore considered to be acceptable and in accordance with the Local Plan and the aims and objectives of the National Planning Policy Framework.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 10.2. In exercising the planning balance the proposals would deliver 5 dwellings towards Oxforde Unmet Housing Need, including bringing the farmhouse back into use which would be a limited positive benefit.
- 10.3. The farmhouse is a heritage asset which is in serious disrepair and is on the Council’s Heritage at Risk Register. Access to the property is prohibited at this time due to the poor condition. The totality of demolition of modern structures, the new buildings with the retaining and reusing the heritage asset and bringing the building back into use would be a significant positive benefit.
- 10.4. Environmentally the proposals would result in biodiversity net gain of c.13% which would be a significant positive benefit. The proposals would have no impact on highway safety and parking proposals and the acceptability of the design is given moderate positive benefit.
- 10.5. There is limited harm to the heritage asset itself through the works however these would be less than substantial harm and as such these are given limited weight.
- 10.6. The benefits of the proposals would therefore clearly outweigh the negative aspects of the proposals and it is considered therefore that the proposals should be granted planning permission.

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)

CONDITIONS

Time Limit

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

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

Purchase Act 2004.

Compliance with Plans

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

Plans:

219-100 – Site Location Plan
219-100 Rev B – Existing Site Plan
219-101 Rev B – Farmhouse Existing Ground Floor Plan
219-102 Rev B - Farmhouse Existing First Floor Plan
219-103 Rev A - Farmhouse Existing Elevations
219-104 Rev A – Farmhouse Existing Elevations
219-105 Rev A – Existing Elevations A1 Annexe
219-106 Rev A – Existing Plans A1 Annexe
219-108 Rev A – Existing Plans Block B and C
219-109 Rev A – Existing Elevations Block B and C
219-110 Rev A – Existing Plans Block D
219-111 Rev A – Existing Elevations Block D
219-112 Rev A – Existing Plans Block E
219-113 Rev A – Existing Elevations Block E
219-114 Rev A – Existing Plans Block F
219-115 Rev A – Existing Elevations Block F
219-116 Rev A – Existing Plans Block G and H
219-117 Rev A – Existing Elevations and Section Block G
219-118 Rev A – Existing Elevations Block H
219-200 Rev B – Proposed Site Plan
219-201 Rev A – Farmhouse Proposed Ground Floor Plan
219-202 Rev A - Farmhouse Proposed First Floor Plan
219-203 Rev A - Farmhouse Proposed Elevations
219-204 Rev A – Farmhouse Proposed Elevations
219-205 Rev A – Proposed Elevations A1 Annexe
219-206 Rev A – Proposed Plans A1 Annexe
219-207 Rev A – Proposed Plans Block B and C
219-208 Rev A – Proposed Plans Block B and C
219-209 Rev A – Proposed Elevations Block B and C
219-210 Rev A – Proposed Ground Floor Plans Block D
219-211 Rev B – Proposed First Floor Plans Block D
219-212 Rev A – Proposed Elevations Block D
219-213 Rev A – Proposed Plans Block E
219-214 Rev A – Proposed Elevations Block E
219-215 Rev A – Proposed Plans Block F
219-216 Rev A – Proposed Elevations Block F
219-217 Rev A – Proposed Ground Floor Plan Block G
219-218 Rev A – Proposed First Floor Plan Block G
219-219 Rev A – Proposed Elevations Block G
219-220 Rev A – Proposed Sections (Outbuildings)
219-222 – Proposed Site Section
219-224 – Proposed Car Port

Documents:

Statement of Community Involvement produced by Carter Jonas LLP;
Planning Statement by Carter Jonas LLP;
Design & Access Statement produced by RG&P Architects;
Arboricultural Impact Assessment by Aspect;
Archaeological Evaluation by Thames Valley Services;

Heritage Impact Assessment by Asset Heritage Consulting;
Landscape & Visual Impact Assessment by Aspect Landscape Planning;
Flood Risk Assessment by MAC Consulting;
Transport Assessment by MAC Consulting;
Framework Travel Plan by MAC Consulting;
Air Quality Assessment by Redmore Environmental;
Noise Impact Assessment by Professional Consult;
Sustainability and Energy Statement by Manor Oak Homes Limited;
Ecological Appraisal by Aspect.
Stratfield Farmhouse - Method statement for Repairs by James MacKintosh Architects

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.

Construction and Environmental Management Plan (CEMP) (including a Construction Traffic Management Plan (CTMP))

3. No development shall take place until a Construction and Environmental Management Plan (CEMP) (including a Construction Traffic Management Plan (CTMP)) has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include:
 - i) Working hours and delivery times
 - ii) Materials storage and details of the construction compound, including any securing fencing or hoarding for the development, as appropriate.
 - iii) Construction access detail
 - iv) Details of site manager and any overseeing professionals (e.g. ecologist)
 - v) Recording and management of the historic fabric

The CEMP shall be implemented in accordance with the submitted details throughout the development process.

Reason - To manage the development and to ensure that the development is appropriately managed in terms of the access, construction traffic and management of the historic fabric and potential ecology on the site in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Drainage

4. No development shall take place until details of foul and surface water drainage have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a timescale for implementation of all drainage and long term management of any sustainable drainage systems used in the management of surface water including how the proposal aligns with the proposals for the wider PR7b site.

The agreed details shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason - To ensure satisfactory drainage of the application site and development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Access

5. No development shall take place until details of the permanent access including the implementation of visibility splays, surfacing and drainage detail have been

submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the approved details prior to the first occupation of the farmhouse.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

6. Units B/C, D, F/F1 and G hereby approved shall not be occupied until the access route serving the wider site (under planning permission 22/01611/OUT) has been provided and has been opened for vehicular traffic.

Reason - To ensure satisfactory access to the site and the provision of parking arrangements can be accessed for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Materials

7. No development above slab level shall take place until details of all external materials, with samples/ sample panels where appropriate, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason – To ensure that the development preserves and enhances the character and setting of the Listed Building and the historic fabric of the building in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Orchard and Landscaping

8. The Orchard shown on drawing number 219-200 Rev B (Site Plan As Proposed) shall not form part of the residential curtilage of any property hereby approved. Prior to the first occupation of the development, details of all soft landscaping including details of ground preparation, planting species and density and long term management of the Orchard shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with the approved details in the first available planting season. Any plant or tree that dies or becomes diseased within the first five years post implementation shall be replaced with a specimen of similar age and species and shall be implemented in the first available planting season.

Reason - To ensure that landscaping within the red line area of the site is carried out in a manner that respects the historic fabric, to ensure this would not harm the character and setting of the designated heritage asset and to ensure that the orchard does not take on a domestic character that would be harmful to the visual amenities of the area in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Ecology enhancement

9. Prior to first occupation of the development the recommendations of the submitted Ecological Appraisal by Aspect (reference: 5176 EcoAp v1 ND/CL) shall be carried out. Details of enhancements detailed within the Report, including the location and detail of bat and bird boxes to achieve biodiversity net gain shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the identified mitigation measures and Biodiversity Net

Gain are carried out in a manner that minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate and that respects the historic fabric and to ensure this would not harm the character and setting of the designated heritage asset in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Permitted Development Removal

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or succeeding and replacement legislation no works or additions under Schedule 2 Part 1 or Part 2 shall be carried out relating to any of the dwellings hereby approved or within their curtilage or relating to the existing orchard area without prior express consent of the Local Planning Authority.

Reason: To ensure that any future development, extensions or alterations to the listed building or the curtilage is carried out in a manner that respects the historic fabric and to ensure that there is not an inappropriate proliferation of ancillary buildings or features which would harm the character and setting of the designated heritage asset in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Parking and Turning areas

11. All parking and manoeuvring areas identified on the approved plans set out in Condition 2 shall be implemented prior to the first occupation of the approved development. Once implemented all parking, turning areas and garages shall remain for use of parking and manoeuvring of vehicles and shall not be used for alternative uses.

Reason - To ensure satisfactory functioning of the application site and to ensure that the integrity and appearance of the historic environment is not undermined by unnecessary residential paraphernalia in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

EV Charging Points

12. No development above slab level shall take place until details of EV charging points have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Lighting

13. No development above slab level shall take place until details of all external lighting have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter. No further lighting shall be implemented without prior written approval of the Local Planning Authority.

Reason - To ensure lighting of the development is appropriate for future residents and users of the development, appropriate in terms of the setting and character of the designated heritage asset and respects protected species (e.g. bats) which may be affected by lighting in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Agenda Item 11
22/01757/LB

Stratfield Farm
374 Oxford Road
Kidlington
Oxfordshire
OX5 1DL

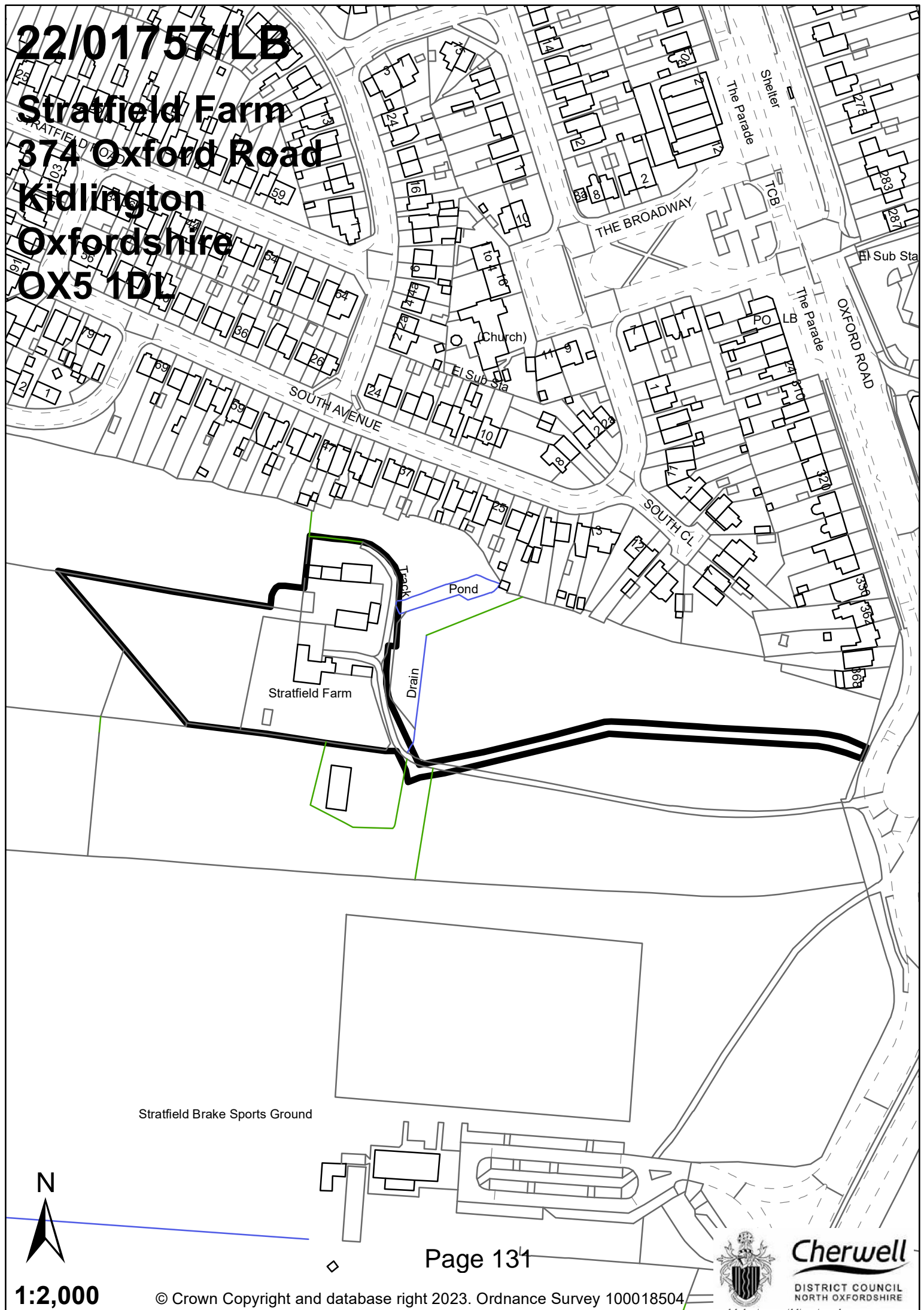


1:2,000



22/01757/LB

Stratfield Farm
374 Oxford Road
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OX5 1DL

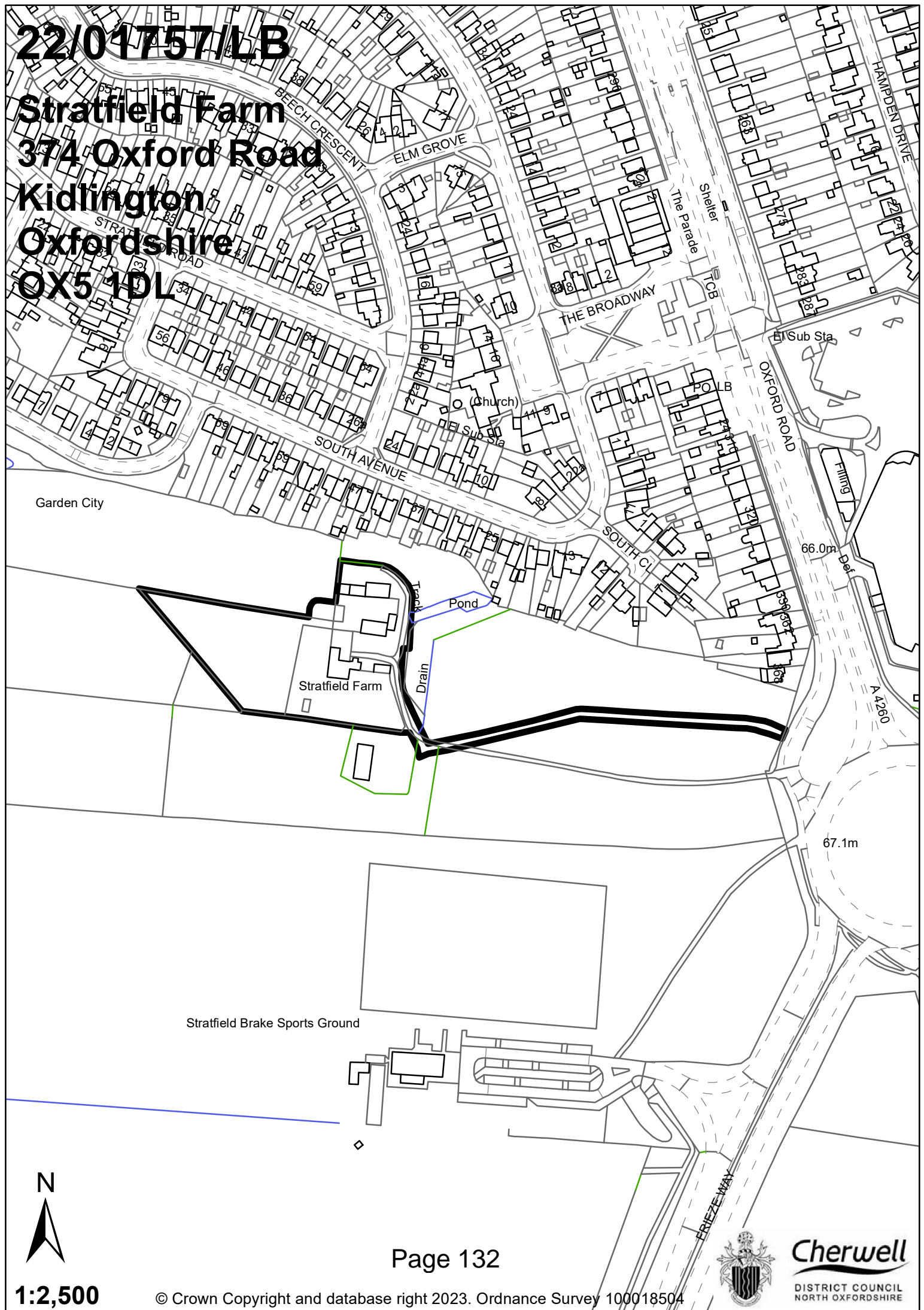


Stratfield Brake Sports Ground



22/01757/LB

Stratfield Farm
374 Oxford Road
Kidlington
Oxfordshire
OX5 1DL



Garden City

Stratfield Farm

Pond

Drain

Stratfield Brake Sports Ground



1:2,500



Case Officer: Andrew Thompson

Applicant: Manor Oak Homes/ G B Bishop Fruedling & C A Parson

Proposal: Alterations and repairs to listed farmhouse and annexe; refurbishment and partial rebuilding of existing outbuildings to provide 2 no. dwellings; erection of 2 no. new dwellings; provision of car parking, bin and cycle stores; and access

Ward: Kidlington East

Councillors: Councillor Billington, Councillor Mawson and Councillor Middleton

Reason for Referral: Referred by Assistant Director for Planning and Development for the following reasons: The inclusion of the application site within the wider PR7b - Land at Stratfield Farm Allocation.

Expiry Date: 13 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site relates to listed building consent for the Grade II Listed Farmhouse and surrounding curtilage listed outbuildings.
- 1.2 Stratfield Farmhouse is Grade II listed, with the surrounding outbuildings being curtilage listed. The Farmhouse is constructed from coursed limestone rubble with a hipped concrete tile roof. A group of farm outbuildings, which stand around two linked yards are located north of the Farmhouse. The majority of these pre-date 1948 and are considered listed by curtilage to the Farmhouse.
- 1.3 The application site includes the Orchard land to the south and west of the application site and to the south the former Farmhouse garden. The former Farmhouse and its ancillary farmstead buildings are located to the Northeast of the application site. The Farmhouse (identified as Building A with an ancillary building a1) is on the southwestern edge of the group of buildings, to the north of the Farmhouse on the western edge is a curtilage listed barn (Building B) and on the eastern edge of the buildings a more modern ancillary building (Building E). Further to the north and on the eastern edge is a former open shed (Building F and F1). Opposite Building F is a further open store (Building G). On the north western side of the site is a cluster of ancillary buildings – a barn (Building B), the remnants of an outbuilding (Building C) and a modern barn (Building D)
- 1.4 Generally, the Farmhouse and surrounding outbuildings are in various stages of disrepair, with a number of blocks (identified in supporting documents as B1, C, F1, G and H) in ruinous condition. The buildings and surroundings have not been used for farming for a number of years, which is clear to see due to the extensive, long-term vegetation growth and partial collapse of roofs and walls.
- 1.5 The redevelopment of Stratfield Farm farmhouse and outbuildings is part of a larger residential development scheme to provide approx. 120 new homes in the local area.

2. CONSTRAINTS

2.1. The application site is within the Local Plan Partial Review as site PR7b, land at Stratfield Farm. This removed the site from the Green Belt. There are potential habitats identified in terms of the Orchard and Grassland.

2.2. The List Description identifies the Farmhouse as follows:

Farmhouse. Early 19th Century. Coursed-limestone rubble; hipped concrete tile roof; brick end stacks. L-plan with rear left wing. 2 storeys; symmetrical 3-window range. Semi-circular arch over 4-panelled door with fanlight. Keyed stone lintels over early C19 sashes with glazing bars. Rear outshut and rear left wing have early C19 beaded 4-panelled door and plank doors. Early 19th Century two-storey range to right with 3-light leaded casement to rear.

2.3. The list description identifies that the internal of the farmhouse has not been surveyed as part of the list but is thought to be of interest.

2.4. In terms of a reference Historic Maps show the progression of the site. The 1st Edition OS map (1875-1887) shows a narrow track to the north east of the farmhouse running north through the approximate location of 29-31 South Avenue, this no longer exists. The track would have run along the north of the pond and was tree-lined.

2.5. The 2nd Edition OS map (1899-1905) still shows the track but not the trees as a range of open sheds has been built in the north-east corner, only part of this survives on the 3rd edition OS map. The map shows a building (C) running north from (B) which disappears by the map, and a yard to the west of the west range of farm buildings. This map also shows additional yards within the farm courtyard, we usually see these as fenced runs for cattle/a bull pen/ sheep pens during lambing. There is a smaller enclosure to the west range, it is not known if pigs or poultry were kept on the farm or were just for personal use.

2.6. The 3rd Edition OS map (1913-1923) shows a reduced open shed to the north-east corner, the building (C) north of (B) is drawn as an open shed to the east. The runs/divisions within the courtyard have disappeared suggesting they were of a temporary nature. The two staddle stones are shown on the east of building (F1).

2.7. The 4th Edition OS map (1936-1939) shows a deeper plan of building to the south of the west range of farm outbuildings, and a building on part of the corner between D and F1. There is also a small building in the yard to the farmhouse.

2.8. The 5th Edition OS map (1956-1976) shows the corner building has disappeared and the larger depth of buildings are now shown as completely open sheds. There is an additional building located to the north. This map also suggests the area between the 2-storey barn and the house as built structure.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application proposals are for listed building consent for the proposed works to convert the building and associated buildings to residential development. The works are set out in detail below.

3.2. Building A and a1 – The farmhouse is to be restored for residential and ancillary use. It is expected that the front garden and traditional orchard together with the ancillary store building (Building a1) will fall within new property ownership boundary. There are small outbuildings (not numbered) which are attached to the walls between the

farmhouse and courtyard which would be retained for use as storage and repaired. The Farmhouse requires local repairs of the existing fabric of the building, as well as replacement of the existing concrete tile roof with traditional stone slates, which are assumed to have been the original roof covering.

- 3.3. Refurbishment of the Farmhouse can be achieved with minimal internal alterations, which are limited to making one new opening in an existing wall between the kitchen and dining room, as well as the addition of reversible timber stud partitions to create additional sanitary provisions, as expected in a house of this scale. On the ground floor, 2 historic coppers are proposed to be retained within the new boot room. A more recent brick extension to the north of the house is proposed to be demolished, to return the exterior of the house to its original form. Conversion of Block A1 into an Annexe requires construction of a new staircase, allowing access to a new bedroom upstairs. This will require the removal of floor joists in the central bay to create a new opening. Additionally, 2 new door openings are proposed on the ground floor to connect all 3 bays internally, creating a single dwelling. The existing roof covering, which has corroded and does not have sufficient flashings is proposed to be replaced with clay tiles, utilising existing timber roof structure. Existing access point to the Farmhouse will remain unchanged, while a section of the courtyard will be designated as private amenity space of the Farmhouse.
- 3.4. Building B and C – Existing Block B has well preserved stone walls and internal first floor timber structure, although these have suffered significant damage due to long term lack of maintenance and vegetation growth. The roof has been re-covered with modern corrugated sheeting. A side extension built out of timber and clay roof tiles is in very poor condition and has largely collapsed. Block C to the rear has also collapsed almost entirely and is overgrown, with only partial remains of 2 stone walls, which have had significant root growth and water damage. In order to provide satisfactory 3 bedroom residential accommodation within the constraints of the existing narrow footprint, the proposal is to raise the existing eaves and ridge height of Block B by 700mm to a storey and a half, while maintaining the same roof pitch, to allow for sufficient space within the roof structure for a bedroom and family bathroom.
- 3.5. The new roof is proposed to be covered with traditional stone slates, while the extension of the existing stone walls is proposed to be finished with weathered timber cladding, clearly showing the distinction between the old and the new. An existing dormer window on the north elevation of Block B is proposed to be rebuilt in lead in matching proportions. Two new window openings are proposed to be created in the north wall, as well as a new door opening in the western wall internally to connect the stone cottage to the side extension. These openings have been designed to be minimal, matching the existing window proportions on the front elevation.
- 3.6. The east side extension is proposed to remain subservient to the host building, retaining existing lower ridge height and use of timber posts and cladding, emphasising the existing relationship. To the rear, the side extension continues over the original footprint of Block C, to provide adequate living accommodation and parking space for 2 vehicles. Existing boundary wall, running along the west side of Block C is proposed to be rebuilt using limestone reclaimed from site due to extensive structural damage caused by long term root growth. New conservation style rooflights are proposed to the west and north elevations, away from the farmyard, to provide daylighting to first floor rooms and additional evening light in the main living space.
- 3.7. Building D as an existing modern steel structure (from the 20th Century) is proposed to be demolished to allow for the construction of a new residential dwelling.
- 3.8. Building E is a tired 20th Century steel structure, which is proposed to be taken down.

- 3.9. Building F and F1 are overgrown, with the north side of the range almost entirely collapsed, with only a few staddle stones remaining. The eastern stone boundary wall, running along the entire length of these blocks is in poor condition, with areas of complete collapse, major cracks and missing sections.
- 3.10. A central section of the existing timber roof structure is in satisfactory condition, albeit the entire remaining structure appears to be leaning east. The proposals seek to utilise the entire footprint of Blocks F and F1 to create a 3-bedroom, single storey dwelling, retaining the existing ridge height of Block F, while raising the ridge height of Block F1 by 350mm to accommodate a wider footprint. The existing remaining roof structure of Block F is proposed to be retained, following jacking up to remove the existing lean. The western elevation proposes to replace existing oak posts on staddle stones in existing locations, as the posts have suffered prolonged water damage and any repairs are likely to fail.
- 3.11. To provide a rhythm of the regular bays, the openings are proposed to be infilled with glazing, with sections of vertical hit and miss timber boarding added for privacy. The eastern elevation is proposed to be retained as a mostly solid rubble limestone wall, constructed out of stones reclaimed from the site, with minimal openings in the same locations as existing openings.
- 3.12. Building G has now substantially collapsed, with the existing ruins comprising of a partial stone gable wall and the original footprint, giving an idea of the scale of what once stood in it's place.
- 3.13. The remaining historic fabric of the building allows to determine it's footprint and the construction material, which is stone. There is no further evidence available to ascertain the original use, height of the structure or the location of former openings. The shallow depth of the existing footprint prevents it from being successfully converted into garaging suitable for modern vehicles. As such, the proposal is to construct an entirely new 1 and a half storey residential stone cottage within the existing footprint with a new roof to match Building B's pitch. Building G ridge height is proposed to be 300mm higher than proposed Building B due to adjacent structure (Building E). Private amenity space is proposed to be located to the west, enclosed with a low dry stone wall and agricultural fencing, allowing the front façade facing the courtyard to remain agricultural in appearance.
- 3.14. The best preserved gable wall has been damaged by long term vegetation growth and is proposed to be rebuilt and extended in height using existing limestone. The remaining walls are proposed to be rubble limestone cavity walls to match the gable wall, with majority of proposed openings, rooflights and 2 new lead dormers located to face west, away from the farmyard.
- 3.15. The stone boundary wall enclosing the proposed utility room will be repaired and repointed, with a new slate roof added to the extension.
- 3.16. Building H has substantially collapsed and is proposed to be recorded and taken down.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. The concurrent planning application under reference 22/01756/F and the application for the wider PR7b site under reference 22/01611/OUT should be noted.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal under reference 21/03477/PREAPP:
- 5.2. The pre-app indicates conversion of the listed farmhouse (building A) to a single dwelling, consistent with the principle of converting to residential use contained within the Council's Development Brief.
- 5.3. Detailed comments were made by the Council's Conservation Team as to the detail of the Listed Building, the requirements for future submissions and the detailed layout of the proposed scheme including matters relating to car parking and ancillary structures.

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 July 2022**, although additional consultation with statutory heritage consultees was carried out on the amended plans and information received in June 2023 with a consultation deadline of **15 August 2023**. 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. **KIDLINGTON PARISH COUNCIL:** Accepts the principle of development on this site as it is an allocation site in the adopted Local Plan, although the overall number of dwellings applied for exceeds the allocation. Kidlington Parish Council is concerned about the one vehicular access to the site onto the slip road of the Oxford Road as it is close to the Kidlington roundabout at the bend in the road which is considered hazardous. Therefore, Kidlington Parish Council objects to the means of access to Oxford Road. Additionally, Kidlington Parish Council is not satisfied that the traffic generated by this development within the overall context of all the other developments proposed in adopted Local Plan to address Oxford's Unmet Housing Needs has been taken into account. This application needs to be considered within that context holistically and objects on that basis.

CONSULTEES

- 7.3. **HISTORIC ENGLAND:** No comment – the advice of local conservation advisors should be sought.
- 7.4. **GEORGIAN GROUP:** Following discussion and the provision of further information in relation to the designation of the building on the risk register, the Georgian Group are satisfied that the balancing exercise set out in paragraph 202 of the NPPF has been carried out and have no further comments.

The original comments of the Group were as follows:

The replacement of concrete tiles with stone slates and the removal of the 1920s brick lean to represent clear heritage benefits and overall the internal alterations proposed are relatively modest. However, we suggest your authority needs to seek further information and justification from the applicant in respect of the proposal to form a new opening between the western front reception room (G3) and the kitchen (G7).

The applicant suggests there may formerly have been communication between these two rooms but at the moment this is only conjecture as no investigation of the fabric has been undertaken. Unhelpfully, no photographs of the two rooms affected have been provided with the application. It is clear from the documentation, however, that this new opening would entail loss of original fabric and disrupt the historic planform and so in all likelihood cause a degree of harm to the special significance of the building.

Furthermore, the structural report enclosed with the application indicates the farmhouse is in a very poor state of repair and yet the Design and Access statement does not explain the impact of the proposed new opening – in the building's spine wall - on the overall structure. Again, this information and evidence should be provided before any consent is granted.

We draw your attention to the “great weight” paragraph (199) of the NPPF (2021): “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation” and to paragraph 200 which states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. In our view, the proposal to form a new opening within the listed farmhouse has not yet met those key policy tests and we urge you to seek further information and justification from the applicant before determining the application.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The development plan in Cherwell comprises the Cherwell Local Plan 2011-2031 Part 1, the Cherwell Local Plan Partial Review 2011-2031 (Part 1) – Oxford’s Unmet Housing Need and the saved policies of the Cherwell Local Plan 1996.
- 8.3. The site forms part of the allocation under Site PR7b - Land at Stratfield Farm. The wider site was allocated as part of the Cherwell Local Plan Partial Review (Adopted 7 September 2020).

CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford’s Needs
- PR2: Housing Mix, Tenure and Size
- PR7b - Land at Stratfield Farm
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Mitigating and Adapting to Climate Change

- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD15: The Character of the Built and Historic Environment
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting listed buildings
- C21 – Proposals for re-use of a listed building
- C28 – Layout, design and external appearance of new development
- C30 – Design control

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Kidlington Masterplan SPD
- PR7b Development Brief

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact

Principle of Development

- 9.2. The application forms part of the wider allocation to PR7b (Land at Stratfield Farm) which allocated the wider site for the construction of 120 homes (net) on 5 hectares of land (the residential area).
- 9.3. The policy identifies that the character and appearance of the Grade II Listed Stratfield Farmhouse and its setting is to be enhanced through appropriate building restoration and landscaping.
- 9.4. Further saved policy C21 of the CLP1996 states that sympathetic consideration will be given to proposals for the re-use of an unused listed building provided the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in this plan. The development is a part of the wider allocation.
- 9.5. As such the principle of works to allow the conversion of the listed building is supported by the wider allocation for housing and the conversion is supported in principle subject to consideration of the detailed listed building aspects.

Design, and impact on the character of the area

- 9.6. The Development Brief for PR7b stats at 6.0 *'The 'gardens' and orchard landscape around the farmhouse and the farm courtyard should retain the historic character. Garden sheds/greenhouses and other overtly domestic paraphernalia and boundary*

treatments are not allowed. Garden storage is to be integrated within the building/outbuildings footprint and protected from future conversion to additional living accommodation. Any amenity space outside of the courtyard will need subtle demarcation.’ and ‘The depths of the new built structures are to be shallow, allowing traditional roof pitches so that the farmhouse remains the dominant building on the site.’

- 9.7. *And 6.3.2 ‘Land to the north of the barns is to be used for private gardens or parking, creating a secure boundary to the existing properties on Croxford Gardens and retaining the existing woodland. Innovative design solutions will be required to avoid changing the character of the farm court or its setting. For example, overtly residential division such as fencing/sheds and greenhouses are to be restricted.’*
- 9.8. *‘Existing gated vehicular access from a main dirt track to the farmhouse will be retained and upgraded. Existing pedestrian access to the Farmhouse via steps on the front façade will be retained, albeit it will no longer be the principal access point, which will now be moved to the rear, accessible directly from the driveway. The current access between the Farmhouse and the outbuildings will be blocked with the extension of the existing low dry stone wall to enclose private amenity space. A new private vehicular access point will be created to the northwest corner of the site, between Blocks B and G (5m wide) for residents of the proposed 4 new dwellings. An adoptable turning area has been incorporated within the masterplan providing a safe point of access for fire and services.’*
- 9.9. Development Brief for Local Plan Partial Review Site PR7b - Land at Stratfield Farm sets out at Section 2 item iii: that proposals should be of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context. Further the Brief guides that historic farmhouse and barns at the site’s centre will be retained and sensitively integrated as a local landmark within a corridor of green space to retain the open setting of the farmhouse within the new development.’ and ‘appropriate building restoration and landscaping to enhance the character and appearance of the Grade II listed Stratfield Farmhouse and its setting.’
- 9.10. With Stratfield Farmhouse a building at risk there is a need to ensure that the proposals are followed with a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy as set out in the NPPF (Paragraph 190) should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.
- 9.11. The NPPF sets out at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.12. At paragraph 130 the NPPF also sets out to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 9.13. The re-use of Stratfield Farmhouse, the alterations to outbuildings and the removal of modern structures would in design terms improve the overall environment of the

heritage asset. The proposals to reuse the building and bring forward the historic character at the core of the allocation is considered to be a positive element to the proposal.

- 9.14. Buildings D and E detract from the character of the area and whilst these were perhaps legitimate modern agricultural buildings their continued presence and poor repair are detrimental to the character of the area. Therefore the removal of modern buildings in particular are a positive design outcome of this scheme.
- 9.15. The proposals for the reuse, extension and alteration to the outbuildings would also re-instate a traditional style farmstead. The use of courtyard areas for car parking is noted and whilst there would need to be control of areas through permitted development restrictions as part of the planning application, if approved, to ensure residential paraphernalia and other features do not diminish the quality of the area.
- 9.16. Overall it is considered the proposals would be an enhancement to the area and the reuse of the buildings would assist in creating a sense of place and enhance the character of the area, subject to ensuring that the impact on the heritage asset itself is appropriately managed.

Heritage Impact

- 9.17. The application proposals are for works to Stratfield Farmhouse and curtilage listed buildings which are Grade II listed buildings. The building is also present on the Heritage Risk Register.
- 9.18. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.19. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.20. Policy C18 of the adopted Cherwell Local Plan 1996 states that *in determining an application for listed building consent, the Council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council will normally only approve internal or external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.*
- 9.21. Within the Cherwell Local Plan Partial Review, the pre-wording to Policy PR7b states at Paragraph 5.94 'The farmhouse and its out-buildings are generally in a poor state of repair and the allocation of this site will ensure the renovation of these buildings and their long term future.'
- 9.22. Paragraph 5.96 states that 'We consider that only limited areas of the site should be developed to ensure that the following is achieved:...5. Retention and renovation of the Grade II Listed Stratfield Farmhouse and the protection of its historic setting'

9.23. Within the Development Brief, Section 3.2.3 states

'The site comprises a number of fields along with the two storey Grade II listed Stratfield Farmhouse, an early 19th century house and courtyard with a number of outbuildings to the north, some of which are in poor condition.'

'The farmhouse is bounded by two orchards: a modern orchard to the south and a historic orchard to the west, both of which form an important part of its setting and both of which are NERC Act S41 Habitat.'

The private garden to Stratfield Farmhouse includes the gardens to the south and west of the house, including the Traditional Orchard.

Figures 9 and 20 of the Development Brief also shows a 'Curtilage listed buildings and spaces'.

9.24. Section 4.1 of the Development Brief includes 'Stratfield farmhouse and its outbuildings are unused and in poor condition. Significant work will be required to the buildings to bring them back into use.

9.25. The farmhouse is Grade II listed and there are outbuildings and structures which are curtilage listed. The traditional orchard to the west is within the curtilage of the building and the modern orchard to the south contributes to its setting.'

9.26. Section 4.2.2 of the Development Brief (Heritage and Townscape Character) includes: 'Opportunity to enhance the character and appearance of the farmhouse and its setting through building restoration and landscaping. There is potential to reuse these buildings and sensitively incorporate them into the overall development. There are also opportunities to enhance the setting of the Farmhouse. The orchards around the Farmhouse should be retained and made a positive feature of the development contributing further towards wider community benefits.' and 'Opportunity to reflect the traditional character of Cherwell's vernacular building typologies and settlement pattern, in line with the Cherwell Residential Design Guide SPD. Development should draw inspiration from the character and materials of the existing Farmhouse and its outbuildings.'

9.27. Section 6.3.2 of the Development Brief 'The Grade II listed Stratfield Farmhouse is the focal point of the site but is currently in poor condition and on the Heritage at Risk register. The adjacent traditional orchard to the west and several outbuildings and structures form the historic setting of this farmhouse. Buildings in the curtilage of a listed building, even though not listed in their own right, are nevertheless protected by the listing of the main building and works that affect the character of such buildings need to be authorised by a grant of listed building consent, just as works to the main building would need consent.

9.28. The NPPF sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

9.29. The NPPF also guides that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or

minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 9.30. The applicant has submitted a Statement of Significance and this document is not disputed in terms of its assessment and conclusions. Stratfield Farmhouse is covered by a Grade II statutory listing and, as such, its significance in heritage terms is effectively beyond dispute.
- 9.31. The building's significance primarily derives from its early 19th -century date and the survival of historic fabric from that time. The relative lack of change to the building (both internally and externally) throughout much of the 20th century means it has survived in a form probably not dissimilar to the original, without much modification of plan form, extension, significant change of use to individual spaces, or significant disruptions for the updating of bathrooms, kitchens and associated services such as heating and plumbing.
- 9.32. Building a1 may be a later 19th -century addition to the yard. It is of rather flimsy construction, built against the boundary wall, and is not of great intrinsic significance. It does however take a recognisable agricultural form as a cart shed with probable grain store over but, like other buildings in the group, as an example of its type it is not of the highest quality.
- 9.33. Building B has survived relatively well and has a characteristic form which, with the evidence of surviving fittings, enables its probable identification (at least in its last use) as a cow house rather than a stable. It is likely to be contemporary with the farmhouse and, being of the same materials, has an obvious visual relationship with the farmhouse.
- 9.34. Building C is a probable former cart shed, this partially ruined structure has no intrinsic interest.
- 9.35. Buildings D and E are both 20th century steel-framed agricultural barns and have no heritage interest or significance.
- 9.36. Little survives of the north range of Building F except for the stone boundary walls that it was built off. Despite incursion by trees and other vegetation, the southern range still stands, built around a timber frame, with stone-built sections at either end, and with a largely intact roof structure. However, as with the other farm buildings (and probably also the farmhouse) which may originally have had stone slate roofs, the roof covering is corrugated sheet metal. Both parts of the range seem to appear in their present form on the 1899 OS map, although the southern element may have been present in 1876. While the northern range was probably an animal shelter of some kind, the use of the southern range is not known.
- 9.37. Building G, a series of ranges present in 1876 and possibly contemporary with the farmhouse, is largely a ruin, its original function unknown. Its stone-built western wall forms part of the main enclosing wall to the service and farm yards, which is ultimately attached to the listed building at the southern end. The significance of these buildings is considered to be at best limited.
- 9.38. Other small ancillary buildings are considered of no significance to the heritage asset.
- 9.39. Whilst the comments of the Georgian Group are noted, the overall works to the listed building are considered proportionate and essential to the conversion of the listed building and are a matter which has been the subject of detailed discussion between officers and heritage expertise in the Council and the works are considered to cause less than substantial harm to the heritage asset.

- 9.40. Further justification and background information regarding the inclusion of the building on the Risk Register and the investigation that took place. This includes site photographs and survey work.
- 9.41. The area of concern relates to a door opening into the kitchen (G7) from here appears rather crudely formed through the stonemasonry; this may simply be because this is at the service end of the house or may be that the opening was made through the wall after it had been built rather than contemporary with the original construction – if the outshut is a later addition, it may have been formed when that was constructed (there is evidence in G7 of a former connecting door opening between G7 and G3 providing access between the front and rear wings otherwise)
- 9.42. Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.
- 9.43. Where the fabric has clearly failed, for whatever reason, or the layout constricts beneficial, compatible, use today, it will need to be repaired, and may need to be replaced or altered, but those repairs and/or alterations need to be carried out in a way which matches or complements the fabric and design of the listed building, thus following the policy in the NPPF. Retention of as much historic fabric with its evidential layers of history, layout and features as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their special interest.
- 9.44. The submitted information argues for this change against the benefit of repairing the building and getting it back into use. As a compromise they look to retain the sense of enclosure and room proportion by adding shutter style doors within architraves to tuck into the recess when open; these would close towards the proposed dining room.
- 9.45. Overall it is considered that the proposal and the concerns of the Georgian Society cannot be sustained as a reason for refusal. The proposals would cause less than substantial harm to the asset and this is considered in terms of bringing the building back into use and the resultant removal of the building from the Risk Register.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted
- 10.2. At paragraph 199 of the NPPF, it is stated that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.3. Paragraph 202 further advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.4. The positive benefits of the building being brought back into use and with appropriate demolition of modern structures, the proposals would also enhance the setting. The significance of the buildings would be enhanced by the proposals.
- 10.5. It is considered that the proposals are therefore acceptable and in accordance with the requirements of the NPPF, Policies PSD1 and ESD15 of the Cherwell Local Plan 2015 and saved Policies C18, C21, C28 and C30 of the Cherwell Local Plan 1996.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT LISTED BUILDING CONSENT, 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 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) 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 in accordance with the following plans and documents:

Plans:

- 219-100 – Site Location Plan
- 219-100 Rev B – Existing Site Plan
- 219-101 Rev B – Farmhouse Existing Ground Floor Plan
- 219-102 Rev B - Farmhouse Existing First Floor Plan
- 219-103 Rev A - Farmhouse Existing Elevations
- 219-104 Rev A – Farmhouse Existing Elevations
- 219-105 Rev A – Existing Elevations A1 Annexe
- 219-106 Rev A – Existing Plans A1 Annexe
- 219-108 Rev A – Existing Plans Block B and C
- 219-109 Rev A – Existing Elevations Block B and C
- 219-110 Rev A – Existing Plans Block D
- 219-111 Rev A – Existing Elevations Block D
- 219-112 Rev A – Existing Plans Block E
- 219-113 Rev A – Existing Elevations Block E
- 219-114 Rev A – Existing Plans Block F
- 219-115 Rev A – Existing Elevations Block F
- 219-116 Rev A – Existing Plans Block G and H
- 219-117 Rev A – Existing Elevations and Section Block G
- 219-118 Rev A – Existing Elevations Block H
- 219-200 Rev B – Proposed Site Plan
- 219-201 Rev A – Farmhouse Proposed Ground Floor Plan
- 219-202 Rev A - Farmhouse Proposed First Floor Plan
- 219-203 Rev A - Farmhouse Proposed Elevations
- 219-204 Rev A – Farmhouse Proposed Elevations
- 219-205 Rev A – Proposed Elevations A1 Annexe
- 219-206 Rev A – Proposed Plans A1 Annexe
- 219-207 Rev A – Proposed Plans Block B and C

219-208 Rev A – Proposed Plans Block B and C
219-209 Rev A – Proposed Elevations Block B and C
219-210 Rev A – Proposed Ground Floor Plans Block D
219-211 Rev B – Proposed First Floor Plans Block D
219-212 Rev A – Proposed Elevations Block D
219-213 Rev A – Proposed Plans Block E
219-214 Rev A – Proposed Elevations Block E
219-215 Rev A – Proposed Plans Block F
219-216 Rev A – Proposed Elevations Block F
219-217 Rev A – Proposed Ground Floor Plan Block G
219-218 Rev A – Proposed First Floor Plan Block G
219-219 Rev A – Proposed Elevations Block G
219-220 Rev A – Proposed Sections (Outbuildings)
219-222 – Proposed Site Section
219-224 – Proposed Car Port

Documents:

Statement of Community Involvement produced by Carter Jonas LLP;
Planning Statement by Carter Jonas LLP;
Design & Access Statement produced by RG&P Architects;
Archaeological Evaluation by Thames Valley Services;
Heritage Impact Assessment by Asset Heritage Consulting;
Stratfield Farmhouse - Method statement for Repairs by James MacKintosh Architects

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.

Further heritage detail

3. Notwithstanding the approved plans, no development shall take place until the following details have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plans. The details shall include the following:
 - a) A method statement to record of areas to be retained and how these will be supported during the rebuilding and alteration work including thermal upgrade, lighting installation, ventilation detail and installation of fire and smoke detection measures.
 - b) In relation to Stratfield Farmhouse:
 - i) Details at a scale of 1:10 and 1:2 or alternative agreed scale for the proposed works including the new opening in the Kitchen, footings, floor repairs, fitted furniture and kitchen units and a condition survey and schedule of window, floors and doors to be repaired and refurbished including specialist joinery information.
 - ii) Decoration detail (which should be breathable in nature)
 - iii) Method statement in relation to roof repairs and new rooflight details
 - c) In relation to outbuildings and other curtilage buildings
 - i) Details at a scale of 1:10 and 1:2 or alternative agreed scale relating to joinery details for all doors, windows and glazed

- screens, including recess lintels and cills including high level windows and rooflights
- ii) Samples of new cladding and roofing materials to used as part of new or refurbished buildings
 - iii) Drainage details to be painted cast iron, or heritage aluminium with dimpled paint finish and brackets.

Reason: In order to ensure appropriate detail for the repair and long term future of the historic farmhouse and heritage assets on the site in accordance with saved Policy C28 of the Cherwell Local Plan 1996, Historic England guidance and the aims and objectives of the National Planning Policy Framework.

Agenda Item 12
23/01424/F

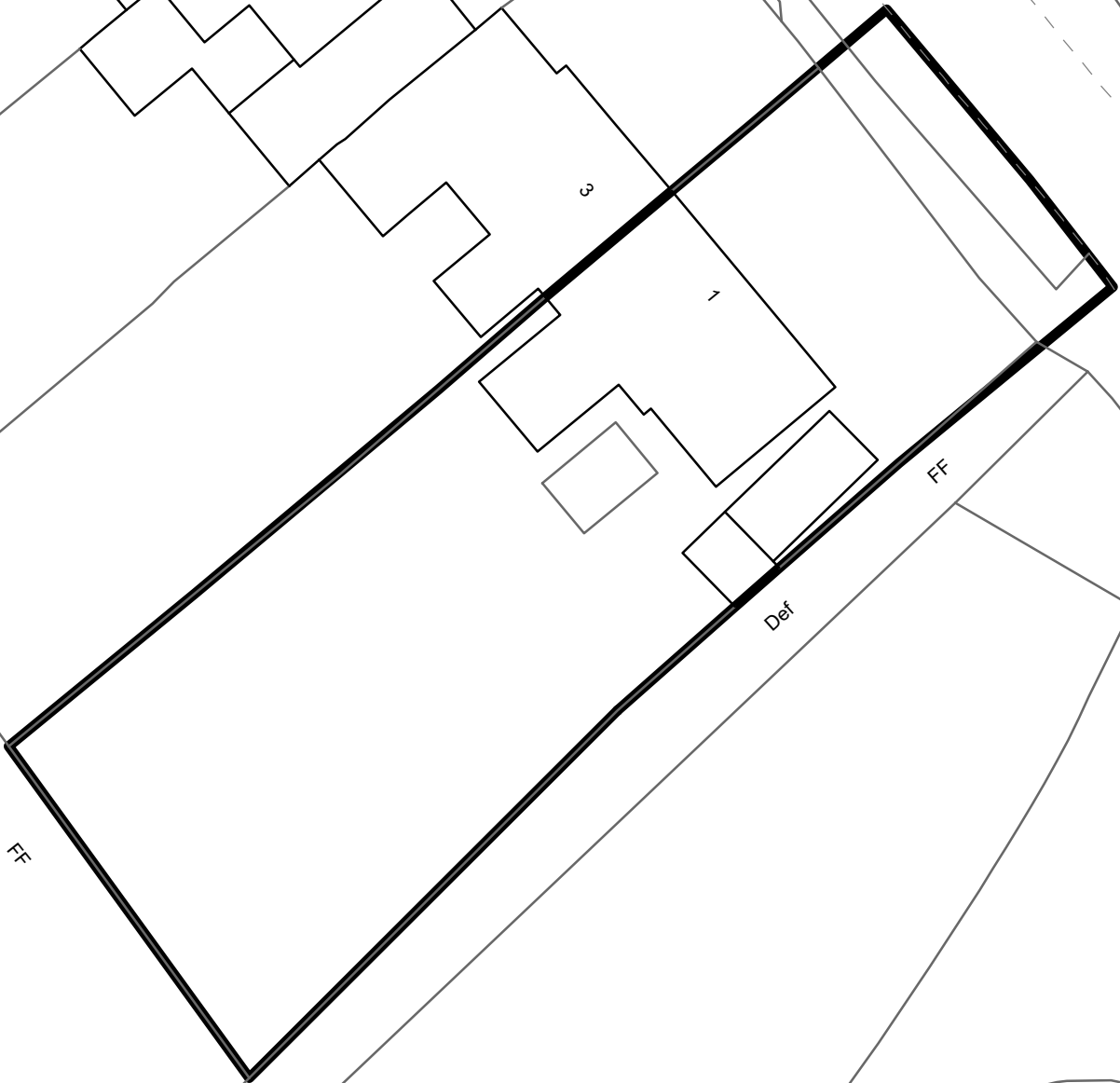
1 George Street
Bicester
OX26 2EB



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23/01424/F

**1 George Street
Bicester
OX26 2EB**

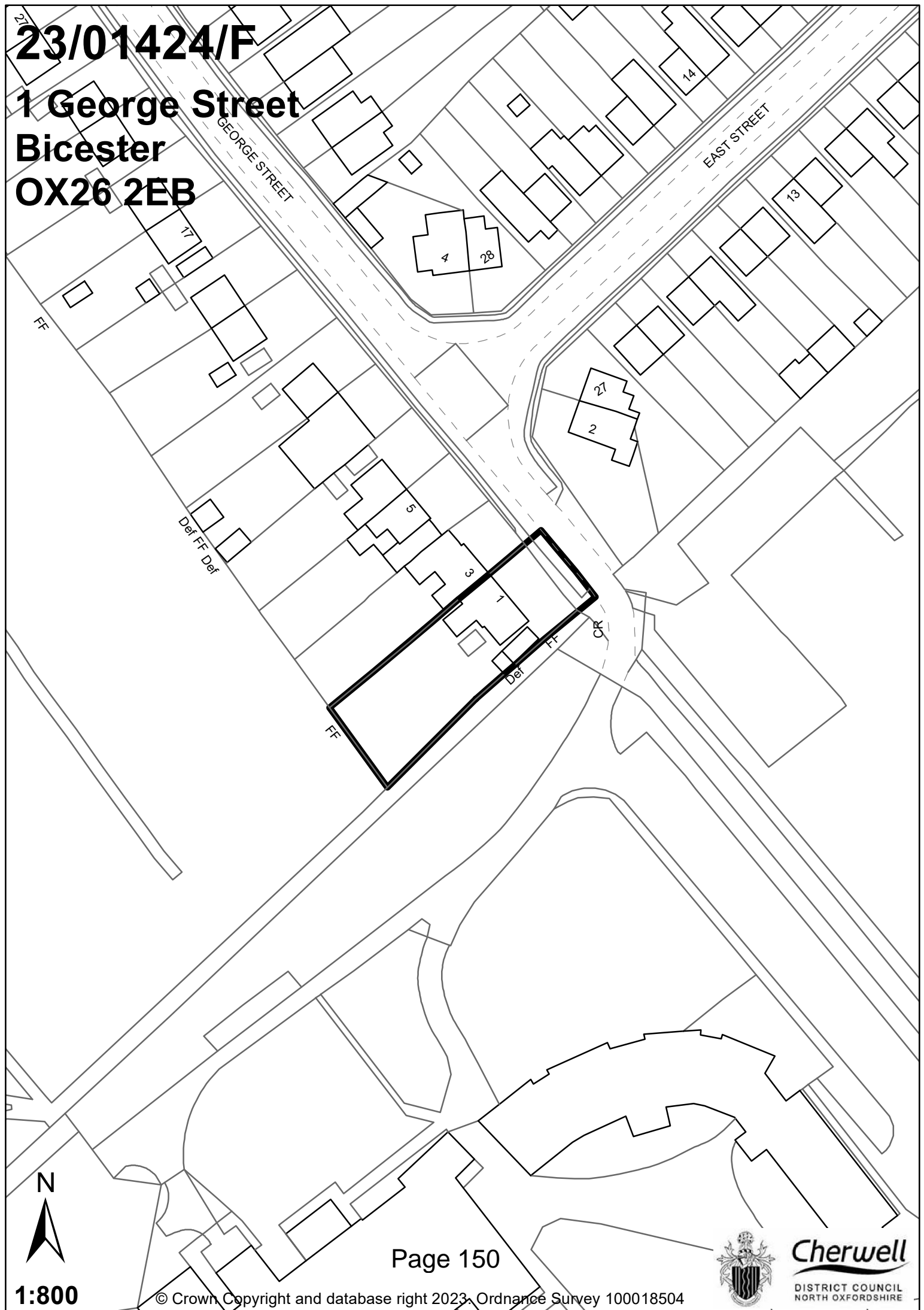


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23/01424/F

1 George Street
Bicester
OX26 2EB



1:800



Case Officer: Rebekah Morgan

Applicant: B-Hive Living Ltd

Proposal: Demolition of existing dwelling and erection of new building to be used as a 9 bedroom House in Multiple Occupation. Widening of dropped kerb

Ward: Bicester West

Councillors: Councillor John Broad, Councillor Harry Knight and Councillor Les Sibley.

Reason for Referral: Called in by Councillor Les Sibley for the following reasons: Public interest, impact on parking and highway safety and number of HMOs in the area.

Expiry Date: 9 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO NO NEW MATERIAL CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD ON 6th OCTOBER 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises of a two storey, semi-detached property that has been previously extended to the side with the addition of a single storey extension. The dwelling is constructed of red brick with a plain tile roof. There is a pre-fabricated, single storey, detached garage to the side of the property. The site has an existing vehicle access with a driveway. The front boundary is a hedgerow which has a wooden fence to the front of it.
- 1.2. The property is located within a predominantly residential area of Bicester. There is a pedestrian path/alleyway along the side of the property. The site is adjacent to a school site.

2. CONSTRAINTS

- 2.1. The application site is adjacent to a Public Right of Way (Footpath 129/1/10).
- 2.2. It is noted there is an existing telegraph pole located centrally on the front boundary of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks to demolish the existing dwelling and replace it with a new dwelling (still attached to the neighbouring dwelling) which is proposed to be used as a House in Multiple Occupation (HMO). The proposed floor plans show a total of 9 individual bedrooms (7 are shown as 1 person rooms and 2 are shown as two person rooms) able to accommodate a total of 11 occupants. The application also proposes to widen the dropped kerb at the front of the site.
- 3.2. The proposed building would have a width of approximately 11.3m, with an eaves height of 4.7m and a ridge height of 6.9m. The two storey part of the building is designed in a 'L' shape with one side extending further back; the depth of the building

is approximately 7m at the shallowest part and 11.9m at the deepest part. At ground floor level there is a flat roof section that fills the gap along the rear elevation.

- 3.3. The applicant has submitted an amended proposed block plan that shows two sections of dropped kerb with a section of standard pavement in the centre. Parking is provided to the front and side of the proposed dwelling; the drawing shows six car parking spaces, however one space is sat in tandem behind another space. Cycle and bin storage are proposed to the side behind access gates.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **7 July 2023**, but this has now been extended to **6th October 2023** following a re-consultation on a revised description (removing reference to Use Class C4 and referring instead to 9 bedroom HMO)

- 6.2. Four letters of objection were received. The comments raised by third parties are summarised as follows:

- Two existing HMO's adjacent to this property already cause parking problems, drainage issues, noise pollution, rubbish due to bins not being managed.
- Insufficient parking provision will impact on street parking.
- Impact on highway safety.
- Concerns that rear garden fence would be removed to create a larger shared communal space with adjacent HMO's.
- Existing issues with sewers – network cannot cope with an additional building with a large number of en-suite bathrooms.
- The houses should be retained as family homes.
- Will the occupants be vetted due to proximity to a school?
- The Council should have written to more properties in the local area.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: Councillor Les Sibley, will call this planning application in at the next CDC Planning Committee meeting due to the lack of communication from CDC to BTC councillors and no details being made available in the public domain.

Concerns regarding this planning application area:

- Parking issues, restricted space
- Signs/concerns for pedestrians
- Access an issue
- Cycling and pedestrian route will become a problem
- Potential building dangerous

Officer comment: The application was initially made invalid due to an incorrect drawing. Once this was received, all consultees (including the Town Council) were re-consulted with all of the plans being publicly available to view on the Council's website. No further comments were received from the Town Council following the re-consultation.

CONSULTEES

- 7.3. OCC HIGHWAYS: **no objections**, the revised plans have addressed my previous concerns regarding the parking provision, dropped kerb and emergency access to the dwelling, the plans now conform to OCC's Adopted Parking Standards and Dropped Kerb Policy respectively. The applicant has also amended the cycle parking provision to ensure it is capable of storing up to 10 cycles, however the applicant must still demonstrate, through a plan, the means of enclosure of this cycle store.

The conditions imposed on the original submission remain in place.

Subject to the conditions above, this proposal is unlikely to have a detrimental impact on the highway in terms of safety or convenience.

- 7.4. CDC ENVIRONMENTAL PROTECTION: Made the following comments:

- Noise: No comments
- Contaminated Land: No comments
- Air Quality: No comments
- Odour: No comments
- Light: No comments

- 7.5. CDC BUILDING CONTROL: The proposal will require a Full Plans Building Regulations application with a detailed fire strategy also sound insulation testing will be required.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced 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
- BSC1: District Wide Housing Distribution.
- ESD1: Mitigating and Adapting to Climate Change

- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell District Council HMO Standards 2018
- Oxfordshire County Council Parking Standards for New Developments

9. APPRAISAL

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

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

Principle of Development

- 9.2. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.3. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. There are no adopted Local Plan policies relating specifically to housing development within Bicester. However, the CLP states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: 'By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth'.
- 9.5. The development plan does not include any policies that specifically relate to Houses in Multiple Occupation (HMOs). HMOs provide affordable accommodation to rent (to individuals who are unrelated) within a shared dwelling with communal facilities. Such proposals are therefore assessed against policies relevant to residential development.

- 9.6. The site is positioned within the built-up limits of Bicester, which has good access to public transport links, local shops and amenities. It is considered that the site is in a sustainable urban location.
- 9.7. Given the above, it is considered that the principle of constructing a replacement building to be used as a HMO, which is a higher density form of residential accommodation, is acceptable. However, the overall acceptability of the proposed development is also clearly dependent on it not causing demonstrable harm to the visual amenities of the locality, residential amenities, or highway safety. These issues are discussed below.

Design and impact on the character of the area

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.9. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 9.10. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. The proposed dwelling would be slightly wider than the existing property, however it would replicate the scale of No. 3 George Street which has been previously extended resulting in a similar appearance to the proposed development. The application site is a wide plot, and the new building would still only occupy approximately three quarters of the width of the plot.
- 9.12. In terms of impact on the street scene, the application site sits at the end of the street, so the proposal would not create a terracing effect (by filling a gap between properties) and would not significantly change the existing street scene which is characterised by similar properties that set a similar distance back from the road. The proposed materials and fenestration would match the adjoining property and therefore the building would not appear out of place.
- 9.13. The proposed building is an 'L' shape with the side elevation adjacent to the alleyway having the greatest depth. The proposed building is positioned approximately 4.4m away from the boundary with the adjacent footpath, therefore it would not appear overbearing when viewed from this location.
- 9.14. Overall, the design of the proposed replacement dwelling is considered to be in keeping with the character and would not have a detrimental impact on visual amenity of the area. In this respect, the proposal accords with Policy ESD15 of the CLP 2015 and Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 9.15. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed

occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 9.16. The design of the building is an 'L' shape at two storey level, so the main projection from the body of the house does not abut the adjoining property (No. 3). Because the projecting section is set away from the neighbour the proposal would not appear overbearing or overly dominant when viewed from the adjoining property. The placement of the windows would also not result in direct overlooking of the neighbouring properties.
- 9.17. The single storey, flat roof section of the development would only extend approximately 1.6m beyond the rear wall of the extension to the adjoining property. Therefore, this element of the scheme would not be overbearing or impact on general outlook from the adjoining property.
- 9.18. The relationship with the neighbouring properties would remain largely the same as the existing situation. The properties opposite would have a similar outlook and the windows in the proposed building would have similar views to those of the existing property. There would be some views over neighbouring gardens, but this would not be significantly different from the existing relationship between the residential properties in this area.
- 9.19. In respect of the amenities of future residents of the HMO, the sizes of the single bedrooms range from 10.58m² to 12.1m², which exceed the minimum size for a single occupancy room to be used by a person over the age of 10 years (6.51m²) and the national standard of 7.5m². There are two double rooms which measure 13.0m² and 15.3m² respectively which exceed the minimum size for a double occupancy room (11m²). The shared kitchen/dining/lounge for 11 people is 42.9m². The HMO requirement for a 6-10 person HMO (1 to 2 storey) is 24m², and therefore the proposed communal area far exceeds this requirement with only one additional occupant. The bedrooms are all en-suite and are in accordance with the Council's requirements set out in the CDC HMO Standards (2018).
- 9.20. The *CDC HMO Standards 2018* is a document used by the Council's Licencing Officers to determine the 'suitability for occupation' of HMOs for licencing purposes in accordance with the provisions of the Housing Act 2004, the Licencing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended), The Licencing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and its own HMO Licencing Policy.
- 9.21. In terms of privacy for future occupiers of the building, there is one window in the first floor corridor that has the potential to allow occupiers to view into room identified as no. 8, but if approved a condition could be imposed to ensure that this window, which serves a corridor, is obscurely glazed.
- 9.22. With regards to the rear garden, the plans show a small area of fencing to provide some private space for the ground floor occupant and prevent other occupiers of the development being able to look into their living space.
- 9.23. Concerns have been raised regarding the use of the rear garden, with speculation it would be combined with the neighbouring gardens. The proposal shows boundary fencing to retain the separation between gardens. If this was a particular concern, a planning condition could require details of all the boundary fencing and ensure it is installed and retained. As the plans are showing a separate garden for this development, the proposal has to be assessed on this basis.

9.24. Subject to the condition outlined above, the development provides a suitable level of residential amenity to the future occupiers. The proposals are not considered to result in detrimental harm to adjacent neighbours nor the existing or future amenities of the residents of this site. The proposals are therefore considered to accord with Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

9.25. The NPPF (Para. 105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

9.26. The NPPF (Para. 110) advises that in assessing specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- 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.

9.27. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

9.28. The application proposes to increase the width of the dropped kerb at the front of the property. Following discussions with the Local Highway Authority, the applicant amended the proposal to show two sections of dropped kerb (the existing dropped kerb and an additional section) with a small area of retained kerb in the centre, which also allows for an access path to the property. The proposed block plan shows 6 parking spaces, although it is noted that one sits in tandem behind another space, therefore only 5 spaces front the highway.

9.29. The OCC Parking Standards for new developments document states that HMOs should allow for 0.5 vehicle spaces per bedroom within a HMO, which in this case is 5 spaces (when rounded up). The proposed development meets this requirement.

9.30. The minimum cycle provision for HMO's is 1 space per bedroom, the current cycle storage is shown to the side of the property. There is sufficient space for the required cycle store (to accommodate at least 10 cycles) and the location would be convenient with unobstructed access to the highway. A condition is recommended requiring details of the cycle store to ensure it is secure and covered.

9.31. Following the amendments to the proposal, the Local Highway Authority Officer has advised that the proposal is unlikely to have a detrimental impact on the highway in terms of safety and convenience.

9.32. On the basis of the above, the proposal would not have detrimental impact on highway safety and is acceptable in this regard, complying with Policies ESD15 and SLE4 of the CLP 2015 and Government guidance contained within the NPPF.

10. PLANNING BALANCE AND CONCLUSION

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

10.2. The decision maker needs to undertake a balancing exercise to examine whether any adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

10.3. The application would provide additional residential development within the sustainable location of Bicester. The nature and scale of the development is compatible with the existing residential area and would not cause harm to residential amenity. Safe and adequate car parking and cycle parking provision would be provided. There would be some very minor short-term economic benefits during construction and the proposal would provide smaller, affordable accommodation within the private rented market. Overall, the proposal is considered to represent a sustainable form of development in accordance with the above-mentioned policies, as such the application is recommended for approval subject to the conditions set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD ON 6th OCTOBER 2023 AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans:

- Site Location Plan
- Drawing number SU11 – [Existing site and location plan]
- Drawing number PL11 Rev E – [Proposed site plan]

- Drawing number PL10 – [Proposed plans and elevations]

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

3. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

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

4. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing adjoining building.

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

5. Full details of the enclosures along all boundaries of the site and any additional enclosures required to make the development acceptable shall be submitted to and approved in writing by the Local Planning Authority before the building hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the building and retained in perpetuity.

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

6. Prior to the first occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plan approved (Drawing No. PL11 Rev E) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development

have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

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

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

9. Prior to the first use or occupation of the development hereby permitted, bin storage facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The bin storage facilities so provided shall thereafter be permanently retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that the amenities of the occupants of bedroom 8 and the neighbouring properties are not adversely affected by a loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Rebekah Morgan

23/01927/F

Agenda Item 13

**43A George Street
Bicester
OX26 2ED**



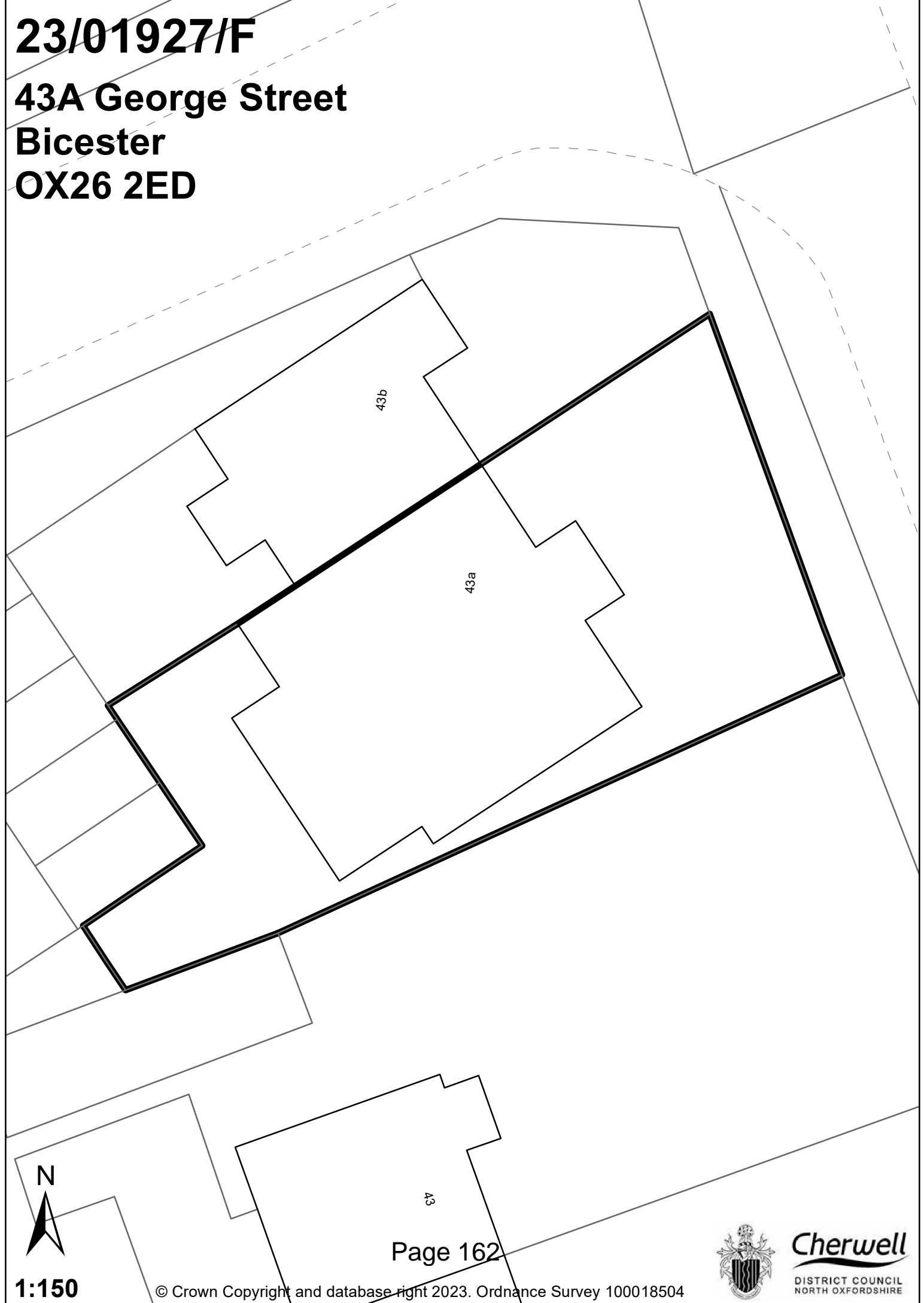
1:250

23/01927/F

43A George Street

Bicester

OX26 2ED



43b

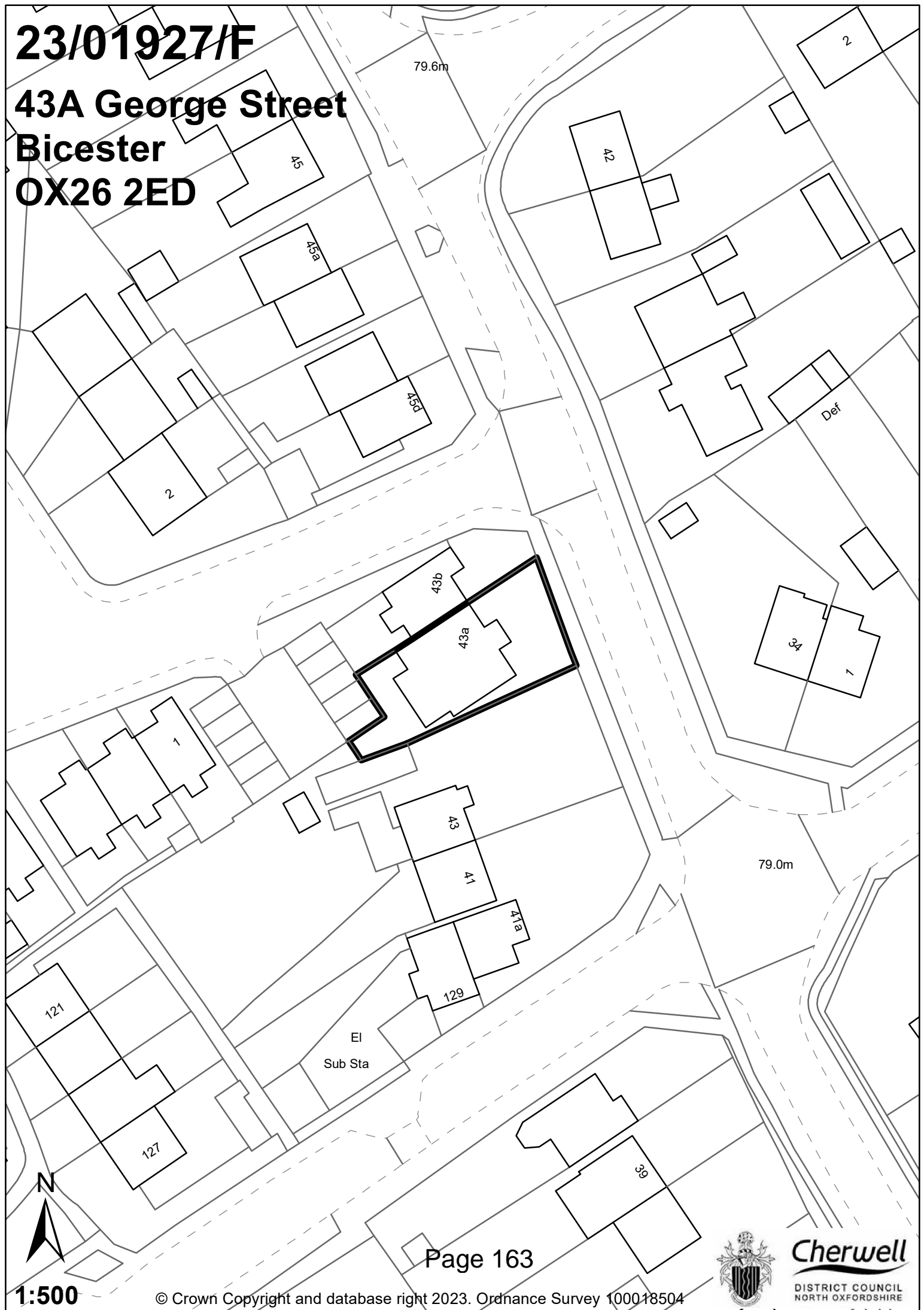
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23/01927/F

**43A George Street
Bicester
OX26 2ED**



Case Officer: Rebekah Morgan

Applicant: Mrs Jenny Surtees

Proposal: Part retrospective - Change of Use from 6 bedroom HMO to 8 bedroom HMO (*Sui Generis*).

Ward: Bicester West

Councillors: Councillor John Broad, Councillor Harry Knight and Councillor Les Sibley.

Reason for Referral: Called in by Councillor Les Sibley for the following reasons: Public interest, impact on parking and highway safety and number of HMOs in the area.

Expiry Date: 9 October 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises of a two storey, semi-detached property that has been previously extended to the side with the addition of a two storey extension. The dwelling is constructed of red brick with a plain tile roof. The site has an existing vehicle access with a driveway. The front boundary is open across the full width of the site.
- 1.2. The property is located within a predominantly residential area of Bicester.

2. CONSTRAINTS

- 2.1. The application site is identified as being close to an area of potential contaminated land. Protected and notable species are identified on the constraints data within close proximity of the site.
- 2.2. There are no heritage constraints to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks a Change of Use of the property from a 6 bedroom House in Multiple Occupation (HMO) to an 8 bedroom House in Multiple Occupation (HMO).
- 3.2. The applicant has a HMO licence for the property to accommodate a maximum of 8 people. The bedroom sizes range from 9.74m² to 12.5m² and all include en-suite bathrooms. Internal alterations have been completed to provide the 8 en-suite bedrooms and communal kitchen/living room; however, the applicant has stated that only 6 bedrooms are currently occupied.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
21/00362/F: Single storey rear extension – double storey side extension. REFUSED.

21/02687/F: Single storey rear extension and two storey side extension. APPROVED.

22/01918/F: Change of Use from 6 bedroom HMO to 8 bedroom HMO. WITHDRAWN.

22/03530/F: Change of Use from 6 bedroom HMO to 8 bedroom HMO sui generis – re-submission of 22/01918/F. WITHDRAWN.

- 4.2. The two previous applications (22/01918/F and 22/03530/F) were withdrawn following objections raised by the Local Highway Authority.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **4 October 2023**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. Four letters of objection have been received. The comments raised by third parties are summarised as follows:

- Insufficient parking
- Impact on highway safety
- Noise disturbance from existing and future residents
- Rubbish and unwanted items are already being left outside the property
- Garden is too small for the property

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: **strongly objects** on the grounds of high levels of public interest; objections raised by neighbours; highway safety and parking concerns; pedestrian safety; a full width dropped kerb has been installed without approval; not in keeping with street scene; requires parking restrictions (double yellow lines) to be implemented for safety; concerns over location of bins and waste collection arrangements; concerns regarding location of cycle parking.

CONSULTEES

- 7.3. OCC HIGHWAYS: *No objections, The parking bays now meet the requirements set out within my previous response. The emergency access to the property is also sufficient.*

- 7.4. CDC HOUSING: *No comments.*

7.5. CDC ENVIRONMENTAL HEALTH: *No comments in relation to noise, contaminated land, air quality, odour or light.*

7.6. CDC BUILDING CONTROL: *A building regulations application will be required.*

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced 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
- BSC1: District Wide Housing Distribution.
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell District Council HMO Standards 2018
- Oxfordshire County Council Parking Standards for new developments

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety and parking

Principle of Development

9.2. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development.

This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 9.3. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. There are no adopted Local Plan policies relating specifically to housing development within Bicester. However, the CLP states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: 'By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth'.
- 9.5. The development plan does not include any policies that specifically relate to Houses in Multiple Occupation (HMOs). HMOs provide affordable accommodation to rent (to individuals who are unrelated) within a shared dwelling with communal facilities. Such proposals are therefore assessed against policies relevant to residential development.
- 9.6. The site is positioned within the built-up limits of Bicester, which has good access to public transport links, local shops and amenities. It is considered that the site is in a sustainable urban location.
- 9.7. Given the above, it is considered that the principle of converting the existing dwelling on this site to a HMO, which is a higher density form of residential accommodation, is acceptable. However, the overall acceptability of the proposed development is also clearly dependent on it not causing demonstrable harm to the visual amenities of the locality, residential amenities, or highways safety. These issues are discussed below.

Design and impact on the character of the area

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.9. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 9.10. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. The application seeks a change of use only. The property has previously been extended to the side (planning permission 21/02687/F) and the current application does not propose any external alterations to the building.

- 9.12. The frontage is currently open with hard surfacing/parking across the full width. The waste bins and cycle storage would be located at the front of the property and therefore visible within the street scene. It is noted that many of the residents in this area store waste bins at the front of their properties, so this would not be out of place and conditions can be imposed to ensure suitably designed cycle/bin storage is constructed.
- 9.13. Subject to the condition identified above, it is considered that the proposed development would be acceptable with regard to the impact it would have on the character and appearance of the area. In this respect, the proposal accords with Policy ESD15 of the CLP 2015 and Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 9.14. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 9.15. There are no external changes proposed to the building that would result in any material impact on the residential amenity of the neighbouring residents. Both the existing and proposed uses are residential uses, and it is not concluded therefore that the proposal would have any additional impact in respect of in overlooking or loss of privacy to the neighbouring residents.
- 9.16. Concerns have been raised about potential noise impacts on neighbouring dwellings. With regard to noise, the proposal would result in an increase in potential occupants of the building to create higher density form of residential accommodation. However, the Environmental Health Officer has not raised any concerns that excess noise from the development is likely to be an issue. If such anti-social behaviour did prove to be a problem in the future the Environmental Health Team has legislative powers to take the necessary action.
- 9.17. In respect of the amenities of residents of the HMO. The sizes of the bedrooms range from 9.75m² to 12.5m², which exceed the minimum size for a single occupancy room to be used by a person over the age of 10 years (6.51m²) and the national standard of 7.5m². The shared kitchen/lounge is 42.9m². The HMO requirement for a 6-10 person HMO (1 to 2 storey) of 24m², and therefore the proposed communal area far exceeds this requirement. The bedrooms are all en-suite and are in accordance with the Council's requirements set out in the CDC HMO Standards (2018).
- 9.18. The *CDC HMO Standards 2018* is a document used by the Council's Licencing Officers to determine the 'suitability for occupation' of HMOs for licencing purposes in accordance with the provisions of the Housing Act 2004, the Licencing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended), The Licencing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and its own HMO Licencing Policy. It is noted that the applicant has already been granted a HMO licence that would allow the property to be occupied by a maximum of 8 people.
- 9.19. On the basis of the above, the development would provide a suitable level of residential amenity to the future occupiers. The proposals are not considered to result in detrimental harm to adjacent neighbours nor the existing or future amenities of the residents of the proposed HMO. The proposals are therefore considered to accord

with Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.20. The NPPF (Para. 105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.21. The NPPF (Para. 110) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - 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.
- 9.22. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.
- 9.23. The OCC Parking Standards for new developments document states that HMOs are required to allow for 0.5 vehicle spaces per bedroom, which is 4 spaces in this instance which are provided on the front of the property. Cycle storage is proposed to the front of the property with full details of of the cycle storage being secured via a planning condition.
- 9.24. The dropped kerb extension is retrospective and provides access to the parking spaces at the front of the development. A Local Highways Authority (LHA) Officer visited the site to assess the acceptability of a dropped kerb. They have advised the dropped kerb has been extended by approximately 5.6m, however there are no issues with the construction of the dropped kerb and that the location of the dropped kerb, in close proximity to the junction with Market End Way, which is a no through road, is considered acceptable given the reduction in the speed limit to 20mph in the area.
- 9.25. On the basis of the above, the proposal would not have detrimental impact on highway safety and is acceptable in this regard, complying with Policies ESD15 and SLE4 of the CLP 2015 and Government guidance contained within the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three

dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2. The decision maker needs to undertake a balancing exercise to examine whether any adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. The application would provide additional residential development within the sustainable location of Bicester. The nature and scale of the development is compatible with the existing residential area and would not cause harm to residential amenity. Safe and adequate car parking and cycle parking provision is provided. The proposal would provide smaller, affordable accommodation within the private rented market. Overall, the proposal is considered to represent a sustainable form of development in accordance with the above-mentioned policies, as such the application is recommended for approval subject to the conditions set out below.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans:
 - Design and Access Statement
 - Site Location Plan
 - Drawing number SLP – [Site and Location Plans]
 - Drawing number OX262EDFP02 – [Floor Plan Layout]

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

2. Within 3 months of the date of this decision, Secured by Design measures shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

3. The parking and manoeuvring areas, shown on approved plan SLP shall be retained in perpetuity and be kept unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Within 3 months of the date of this decision, the enclosures along all boundaries of the site and any additional enclosures required to make the development acceptable shall be erected in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatment so provided shall thereafter be permanently retained.

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

5. Within 3 months of the date of this decision, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

6. Within 3 months of the date of this decision, the bin storage facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The bin storage facilities so provided shall thereafter be permanently retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The applicant is notified of the requirement to retrospectively seek Section 184 consent from the Local Highway Authority (Oxfordshire County Council) for works to the highway associated with the extension to the dropped kerb.

CASE OFFICER: Rebekah Morgan

Agenda Item 14
22/03877/F

Hatch End Old Poultry Farm
Steeple Aston Road
Middle Aston
OX25 5QL



1:900

22/03877/F

Millbrook House

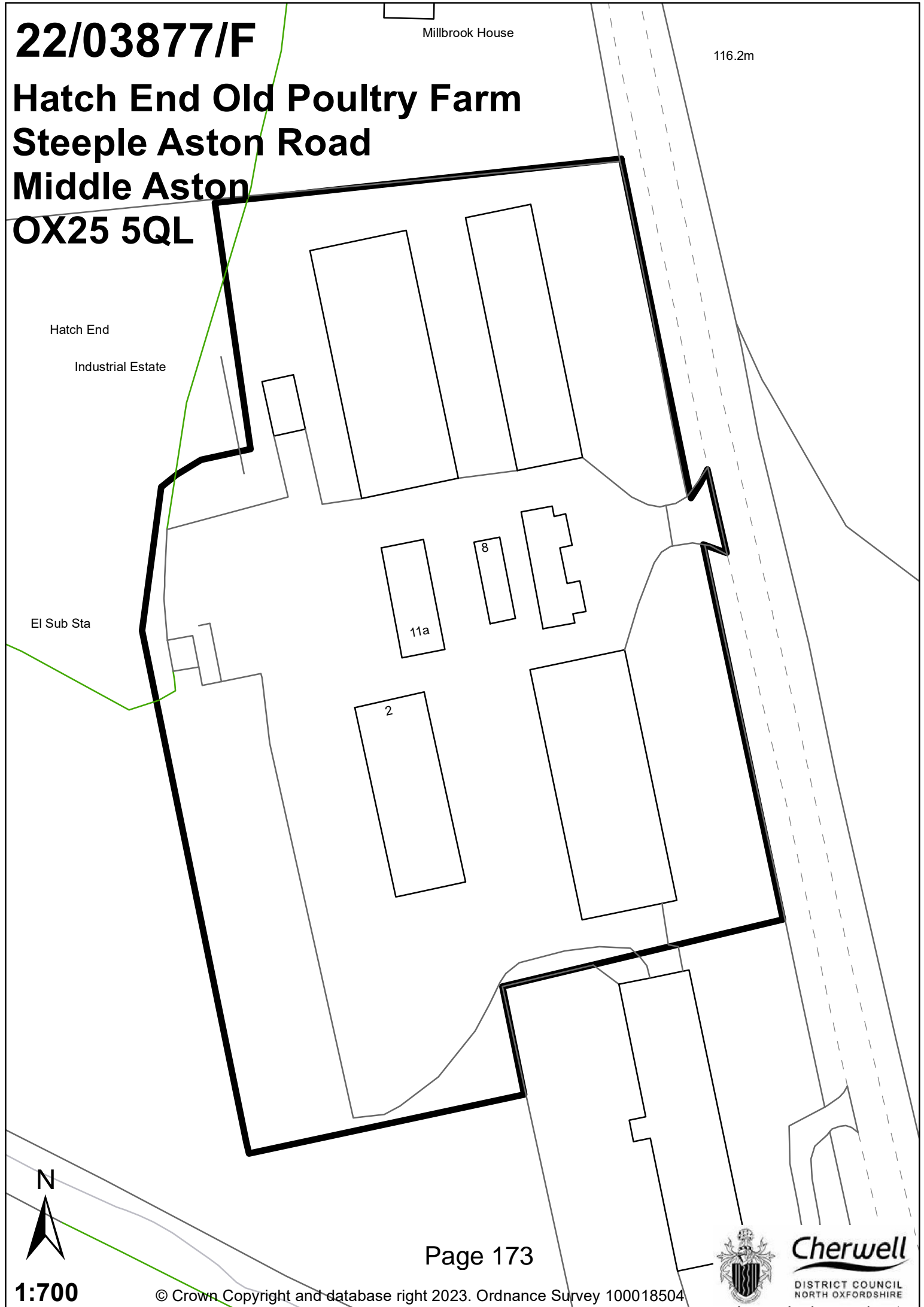
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Hatch End Old Poultry Farm Steeple Aston Road Middle Aston OX25 5QL

Hatch End

Industrial Estate

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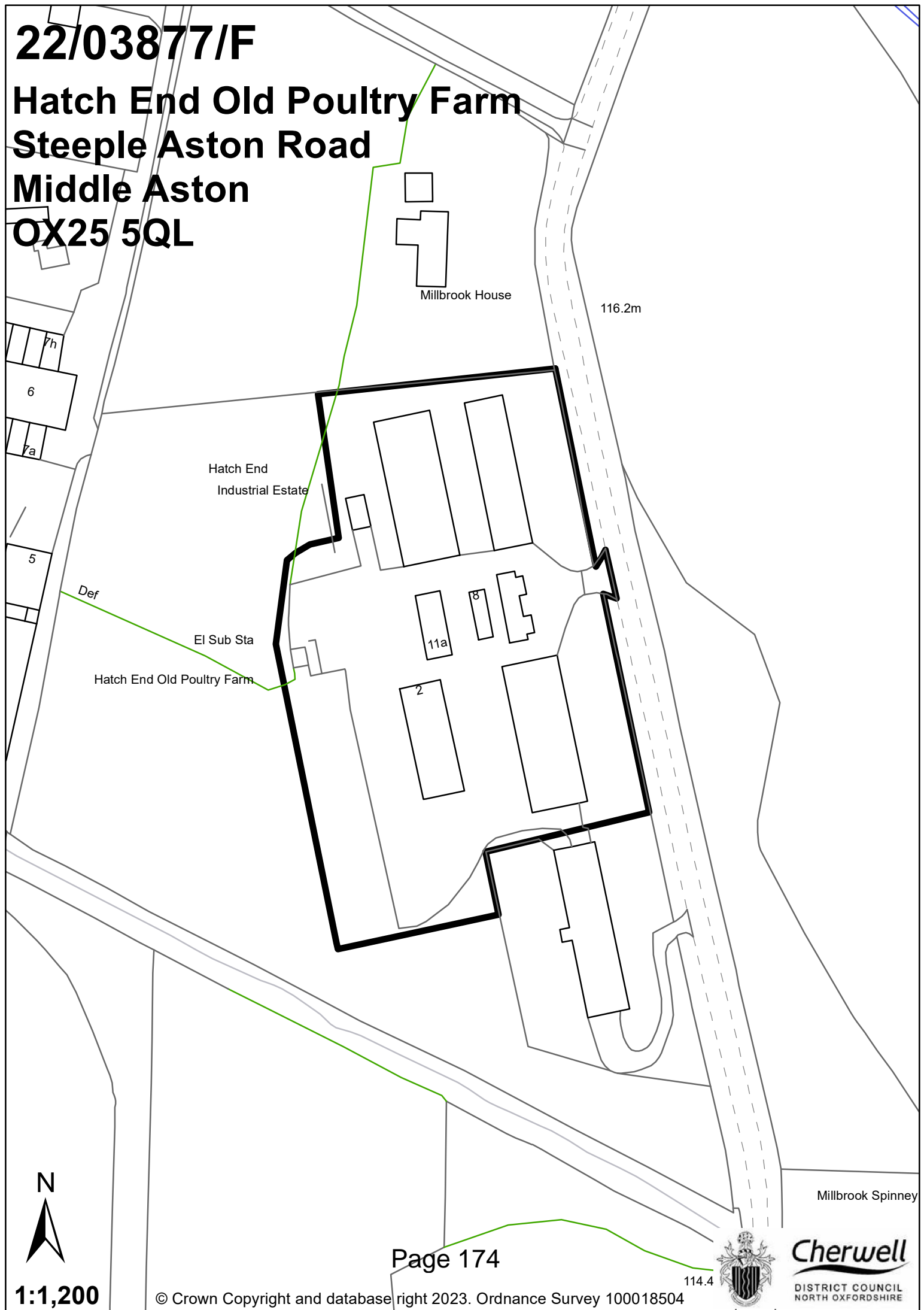


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22/03877/F

**Hatch End Old Poultry Farm
Steeple Aston Road
Middle Aston
OX25 5QL**



Millbrook House

116.2m

Hatch End Industrial Estate

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Hatch End Old Poultry Farm

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Case Officer: Katherine Daniels

Applicant: Middle Aston Limited

Proposal: Erection of three industrial buildings, replacement of former scout hut building and associated works

Ward: Deddington

Councillors: Cllr Bryn Williams, Cllr Eddie Reeves, Cllr Andrew McHugh

Reason for Referral: Referred by Assistant Director For Planning and Development for the following reasons: The Planning History and consultee responses

Expiry Date: 13 April 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to Hatch End Business Park, which is located to the western side of Fir Lane, between Middle Aston and Steeple Aston. It currently consists of a number of low range, single storey, former agricultural units clad in timber, which have been used for a variety of commercial uses but which are largely now vacant. It also includes a scout hut store building believed to be used largely for storage in the north-western corner of this group of buildings.
- 1.2. To the north is a relatively recently constructed new dwelling. Further commercial units in separate ownership exist to the west of the site. To the south-east of the site is a further converted former agricultural unit beyond which lies a public footpath (364/5/10) and the local primary school at the edge of Steeple Aston.
- 1.3. The site rises quite sharply from the road with the units and land to the rear of the site being located on higher ground (approx. 5 to 6 metres difference between the road and the areas of parking to the rear of the existing buildings).

2. CONSTRAINTS

- 2.1. The application site is within Mid-Cherwell Neighbourhood Plan area. Immediately to the south of the site is a public footpath (364/5/10). Whilst not within the Conservation Area the Steeple Aston Conservation Area also extends along Fir Lane and is within 100 metres of the site.
- 2.2. Several mature trees exist across and adjacent to the site. These include a prominent row of roadside lime trees (Cat A trees) located adjacent to the road to the east of the site and an old avenue of mature trees (horse chestnuts and beech – Category A and B trees) immediately to the north-west of the site, which are subject to a Tree Preservation Order. There are also numerous other trees around the

boundary of the site including a belt of trees separating the site from the public footpath to the south.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal comprises the erection of three new storage, warehousing and office units, and the replacement of the former scout hut. The replacement of the scout hut building is proposed to be 107 sq m rather than 54 sq m. Units 8, 9 and 10 would both comprise of 186 sq m, with the addition of 24 car parking spaces and 10 cycle parking spaces.

4. RELEVANT PLANNING HISTORY

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

Whole site

55/00153 – Erection of poultry plant for research – Permitted

75/00367 – Residential development – Refused

82/00414 – Erection of 2 broiler houses – Permitted

82/00483 – Extension to two broiler houses – Permitted

96/00939/F - Change of use of buildings to B1, B2 and B8 uses inc. m/cycle repair workshop, car preparation, metal fabrication, vehicle maintenance, joinery store/workshop, furniture store/restoration, catering equipment store, assoc. landscaping, parking and access works (RETROS.) – Refused due to impact on highway

97/01419/F - Change of use of building Nos 2, 3, 4, 5, 8 and 9 to various B1, B2 and B8 uses (offices/general industrial/warehouses). Use of building (Jabaville) as scout hut and use of existing office building as office not assoc. with poultry farm. (RETROSPECTIVE)- This application was permitted subject to conditions and a legal agreement. The legal agreement required the removal of a number of former buildings, the laying out of the access and parking and the provision of landscaping etc. It also includes several conditions including condition 1 which only allows for the buildings to be used for the uses specified within the application in the interests of amenity and highway safety. It later appears that an informal mechanism was introduced which allowed for the occupiers to change through an exchange of letters between the applicant and with the Local Planning Authority. This however subsequently this appears to have been removed by a further letter. This consent also included conditions which restricted the use of outdoor spaces, hours of operation, parking and landscaping.

21/01123 – Demolition of existing buildings, construction of replacement business units (buildings 2, 3, 4, 5 and 6 as use Classes E(g)(i), E9g)(ii) and E(g)(iii) an Building under classes B8 and associated external works (Re-submission of 20/01127/F). Refused.

20/01127 - Demolition of existing buildings, construction of replacement business units (buildings 2, 3, 4, 5 and 6 as use Classes E(g)(i), E9g)(ii) and E(g)(iii) an Building under classes B8 and associated external works Refused.

- 4.2. A number of further permissions have been granted on the site however these have generally been made personal to the intended occupier or strictly controlled through conditions. These include the permissions outlined below:

Northern western Building

00/00014/F - Change of use from storage of catering equipment (B8) to car disassembly (B2) and storage/distribution of parts (B8) – Permitted

00/00985/F - Change of use from storage of catering equipment (B8) to Prestige Car Preparation (B2) – Permitted

South western building

07/01779/F - Change of Use from sui generis use to Class B1 (business) use – Permitted (required business to be approved in writing prior to occupation)

03/01548/F - Change of use to repair of vehicles and operate coach and mini bus for private hire and HGV freight (RETROSPECTIVE) – Permitted (personal consent)

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **2 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

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

- Outside the confines of Steeple Aston
- Accessibility and Safety Issues
- Limited services (Bus, Walking, Cyclepaths)
- Damage to Historic Buildings (through vibration)
- Erodes the gap between Steeple and Middle Aston
- Construction Traffic
- Impact on residential amenity through increase in noise and disturbance
- 30% increase of the site, 50% car parking spaces
- Lack of Biodiversity enhancements

- 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. STEEPLE ASTON PARISH COUNCIL: **Objects** on the grounds of no justification, expansion of the site and the impact upon the highway network, increase the use of travel by car, pedestrian safety and the impact on the school. The Travel Plan is not credible.

OTHER CONSULTEES

- 7.3. CDC BUILDING CONTROL: Full plans building regulations application will be required
- 7.4. CDC LAND DRAINAGE: **No objections** subject to planning condition relating to drainage details and surface water management plan.
- 7.5. CDC ENVIRONMENTAL PROTECTION: Have **no objections** provided conditions are imposed relating to noise, contaminated land and lighting.
- 7.6. CDC ARBORICULTURE: An impact assessment should be submitted to the local planning authority
- 7.7. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions.
- 7.8. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** due to no drainage strategy or report and no flood risk assessment
- 7.9. THAMES WATER: **No objections** however recommends informative

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 (CLP 2015)

- Policy SLE1 - Employment Development
- Policy SLE4 - Improved Transport Connections
- Policy BSC12 - Indoor Sport, Recreation and Community facilities
- Policy ESD1 - Mitigating and Adapting to Climate Change
- Policies ESD3-ESD5 – Sustainable construction and renewable energy
- Policies ESD6 – 7 – SUDS and flood risk
- Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

- Policy ESD13 - Local Landscape Protection and Enhancement
- Policy ESD15 - Design and the Built Environment
- Policy ESD17 - Green Infrastructure
- Policy Villages 1 - Village Categorisation

Saved Policies of the adopted Cherwell Local Plan 1996 (CLP 1996)

- Policy EMP1 - Allocation of sites for employment generating development
- Policy TR7 - Minor roads
- Policy TR10 - Heavy Goods Vehicles
- Policy C8 – Sporadic Development in the Open Countryside
- Policy C15 - Coalescence
- Policy C28 - Design Considerations

Mid-Cherwell Neighbourhood Plan (May 2019)

- Policy PD4 - Protection of Important views and vistas
- Policy PD5 - Building and Site Design
- Policy PD6 - Control of Light Pollution
- Policy PC1 - Local Employment

Other

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Steeple Aston Conservation Area Appraisal
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area including heritage impact
- Highways matters
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Other matters

Principle of Development

Policy Context

9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and case law has determined that the Development Plan is the starting point for decision making. In this case the Development Plan consists of the CLP 2015, the Saved Policies of the CLP 1996 and the Mid Cherwell Neighbourhood Plan (2019) ('MCNP').

- 9.3. Policy SLE1 of the CLP 2015 relates to employment development and in respect of existing employment sites states that employment development will be focused on existing employment sites, including in the rural area and that intensification will be permitted subject to compliance with other policies in the Plan and other material considerations. The policy then states that, unless exceptional circumstances are demonstrated, employment development in the rural area should be located within or on the edge of Category A villages (as defined by Policy Villages 1).
- 9.4. Policy SLE1 then goes on to list a set of criteria against which proposals new employment proposals in rural areas will be considered. However, given that this proposal is for the expansion of an existing employment site these criteria need to be considered in this context and in light of the earlier statements in this policy that employment development will be focused on existing employment sites and permitted on existing and vacant employment sites in the rural areas including intensification.
- 9.5. Policy ESD1 states the Council will mitigate the impact of development on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and by delivering development that reduces the need to travel.
- 9.6. Policy PC1 of the MCNP also considers employment development and states that continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged. It goes onto state that proposals for the establishment of new small businesses will be considered favourably where they:
- a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy or enhance agricultural production.
 - b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.
 - c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking.
- 9.7. The NPPF also highlights that significant weight should be placed on the need to support economic growth and should enable the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings. Paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Assessment

- 9.8. The application site is an existing employment site within the rural area of the district. It is therefore not a new employment site for the purposes of planning policy where the more rigorous tests outlined in Policy SLE1 relating to justifying the

principle of the use in a rural location would apply. The area of land to be developed largely remains within the historically approved site area and a small extension is proposed to this area it is not considered to be significant in policy terms given the site's visual containment and its proximity to Steeple Aston, a Category A village, which benefits from a food shop, public house, primary school and post office. The site is also previously developed land.

- 9.9. Therefore, as the current proposal comprises an intensification of an existing employment site in the rural area close to a Category A village, the principle of development is broadly supported by Policy SLE1 of the CLP 2015 and PC1 of the MCNP. It is acknowledged that the current site appears to have historically operated at a very low level, but *the existing floor space could be used - i.e. the use could significantly increase - without further consent.*
- 9.10. The site would also provide a number of small units which may provide employment opportunities for local people which is supported by PC1 of the MCNP.
- 9.11. Concerns have also been raised that the applicant has not demonstrated a need for the development to be in this location. However, given the fact the site is an *existing* employment site of a similar scale in the rural area where Policy SLE1 supports intensification this is not considered reasonable to require and would be more appropriate in circumstances for where a *wholly new* employment site is proposed (i.e where the site is not the redevelopment of an established employment site as is the case here).
- 9.12. Concerns have been raised regarding the locational sustainability of the site in regard to opportunities for walking, cycling and public transport. The site is located near to Steeple Aston, a Category A village, and opportunities to walk and cycle to the site would be available to residents albeit some of this would be in the road carriageway as the public footpath from the village on Fir Lane terminates at the access to the school and does not extend to the site (see the following paragraph). Notwithstanding the site's relative locational sustainability, the application relates to an *existing employment site* and the decision maker must have regard to the existing situation, which may be considered a fallback position, and that the proposal would not result in any new net floor space over the existing.
- 9.13. During the course of the application, the applicant has agreed to provide a footpath link through the site to link to the public right of way which exists in the tree belt to the south of the site and to the north of the school playing field. This would not provide a continuous footpath link back to the village via a segregated footpath, and people would still need to walk on the verge or in the road for approximately 120 metres. However, it would provide an *improved* connection back to the village compared to the existing situation. Whilst this is not ideal in terms of a pedestrian connection and a continuous route would have been more desirable, OCC has confirmed that it considers the arrangement put forward by the applicant to be acceptable in safety terms. On balance, given (1) the current site is already an existing employment site of a similar size and (2) the views of the Local Highway Authority re the footpath, the proposed arrangement is considered acceptable.
- 9.14. The closest bus stops to the site are on located on South Side approximately 1km to the south of the site and are served by the S4 Gold Service, which operates between Oxford and Banbury every hour Monday to Saturday. The service is hourly, although the distance to the bus stop is further than ideal. Oxfordshire County Council has requested £28,377 to support the S4 route. The applicant considers this is not reasonable, as OCC has not requested similar on another application (The Apollo Business Park, Wroxton). Each case is considered on its own merits, and different circumstances may apply that warrant different conclusions. OCC has

clearly indicated that the proposal is likely to cause an increase in demand of trip generations. It is clear that Steeple Aston has a bus service, whereas the Apollo Business Park is located in a less sustainable location than this application site. The application is also accompanied by a Travel Plan to encourage sustainable forms of travel to the site which is considered acceptable and would require a monitoring fee to be secured through a legal agreement.

- 9.15. Opportunities also exist for cycling to the site. Whilst it is noted there are limitations regarding the opportunities for sustainable transport options, given the site is an *existing employment site* of a similar scale and the proposal is considered to comply with the Policy SLE1, which is supportive of intensification of existing rural employment site, this would not warrant a reason to refuse the scheme.
- 9.16. It is noted that previous planning permissions on the site have sought to restrict the businesses that operate from the site with the use of planning conditions (see planning history section for further information), and it appears that this requirement has been relaxed overtime albeit without any formal application to vary or modify the condition. However, the current application has to be assessed against the relevant planning policies that exist today and these historic conditions do not alter the fact that the site is an authorised employment site.
- 9.17. As noted elsewhere in this report Use Class E has been introduced and has a much wider range of uses that can operate under this use class. Many of these uses, such as offices, retail and restaurants etc., are 'main town centre uses' as defined by the NPPF, which would not be considered appropriate on this site at this scale without strong and robust justification given conflict with other planning policies.
- 9.18. Officers consider this balance of uses to be acceptable in principle having regard to current planning policy. Whilst offices (Class E (g) (i)) are defined as a 'main town centre use' in the NPPF, on balance and having regard to the context of the site (including history, scale and location) the extent of office use on the site is considered to be 'small scale rural offices' and therefore would be exempt from the sequential assessment in accordance with paragraph 89 of the NPPF.
- 9.19. In addition to the above, during the course of the application the extent of the application site has been reviewed and no longer includes the land between Lakeside Business Park to the west and the application site and relates much more closely to the previously consented application site. Any future application on this land outside of the red line would need to be considered on its own merits.

Conclusion

The proposed development is considered to be a redevelopment and intensification of an existing rural employment site, which is supported by Policy SLE1 of the CLP 2015 and Policy PC1 of the MCNP. The site is located close to Steeple Aston, a relatively sustainable category A village allocated for additional housing in the MCNP, and would provide opportunities for local employment given the range of uses. The type of uses proposed now more closely align with the employment uses supported by local planning policy. Overall, therefore, the principle of the redevelopment of the site is considered acceptable, with overall acceptability subject to compliance with other policies and other material considerations.

Character and appearance including heritage impact

Policy context

- 9.20. Policy ESD13 of the CLP 2015 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting which positively contributes to an areas character and identity. It also requires new development to conserve, sustain and enhance the setting of heritage assets such as Conservation Areas.
- 9.21. Saved Policy C8 of the CLP 1996 seeks to resist sporadic new development in the open countryside and Saved Policy C15 also states the Council will prevent the coalescence of settlement by resisting development in areas of open land, which are important. Saved Policy C28 states that all development should ensure that the layout, design and external appearance are sympathetic to its context.
- 9.22. Policies PD5 and PD56 of the MCNP are also relevant and sets out that proposals should have full regard to the Heritage and Character Assessment of the Neighbourhood Plan, should be sensitively designed and should minimise the risk of light pollution.
- 9.23. The NPPF advises that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character and history. In regard to heritage assets the NPPF states assets should be conserved in a manner appropriate to their significance and great weight should be given to assets conservation. Where development would lead to harm (including setting) it should require clear and convincing justification. Where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the scheme.

Assessment

- 9.24. The existing site lies outside the built limits of the village and has a rural character and appearance. The trees around the site, including along the frontage, make a positive contribution to the character and appearance of the locality. Whilst the existing buildings on the site are of limited architectural merit, they are existing structures and maintain a strong agricultural character and appearance, associated with their previous use as poultry sheds. The site currently contributes to the rural setting of the villages and the Conservation Area. The Conservation Area Appraisal includes the 'Peripheral Areas' Character Area closest to the application site and states '*As the name suggests, these areas are set at the extreme edges of the historic core and have a less formal feel to them when compared with the traditional streets. Despite being separated, these entrances to the village are similar in their low-key rural approaches to the historic areas.*' The visual appraisal for the area identifies significant trees and important hedges and vegetation in the area.
- 9.25. The proposed three new units on site extends the built-up area to the west, but would not result in any loss of any existing vegetation on site. The proposal would, however, be constructed within the bank. The overall design of the buildings is similar to the existing buildings. There would be a step up but it would be seen as part of the existing site, not having a detrimental impact on the character and appearance of the locality. The existing vegetation would remain on site i.e. would not be removed.
- 9.26. In terms of Saved Policy C15, which seeks to prevent coalescence of settlements, the proposed built form on the proposed development is largely located on the footprint of existing buildings and contained within the extent of the authorised site and would remain relatively low profile. Therefore, the impact in terms of

coalescence between Middle Aston and Steeple Aston is considered limited in this case.

- 9.27. Full details of the materials of the development and any lighting scheme can be controlled through condition to ensure they are appropriate for the site and surroundings.
- 9.28. It is acknowledged that the site would appear more developed than is currently the case given the increase in height and bulk of the buildings and the likely increased level of activity on the site over present levels. Overall, however, the existing buildings are of no significant architectural merit and it is considered that the proposed development, for the reasons outlined above including scale and relatively simple design, is an appropriate design response for the site which would provide an improved employment offering on the site whilst also preserving the setting of the Conservation Area and the verdant and rural character and appearance of the locality including the setting of the villages. The proposed development is therefore considered to be acceptable in design terms.

Highway matters

Policy Context

- 9.29. Policy SLE4 of the CLP 2015 states that development which is not suitable for the roads that serve the development and which have severe traffic impacts will not be supported. It also states that 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. Saved Policy TR7 states that development that would attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted and Saved Policy TR10 has a similar trust in regard to HGV movements.
- 9.30. Policy PC1 of the MCNP notes that favourable consideration will be given to proposals for employment development that are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or amenity.
- 9.31. Paragraph 108 of the NPPF states that in assessing development proposals it should be ensured that safe and suitable access to the site can be achieved for all users; and the significant impacts from the development on the transport network or on highway safety can be cost-effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.32. The current proposal would retain the existing access onto Fir Lane to serve the development. The visibility from this is considered acceptable and to be in excess of the Manual for Streets stopping sight distance given the recorded 85th percentile recorded speeds and the LHA raises no objection to the application in this respect.
- 9.33. As part of the consultation on the application, local residents and the parish councils have raised significant levels of concerns regarding the impact of the development in respect of traffic generation, the adequacy of the highway network and highway safety matters alongside concerns over the amount of parking at the site. The roads serving the site are relatively narrow rural lanes with several pinch points being single width in some locations.

- 9.34. The application has been accompanied by a Transport Statement and Framework Travel Plan. These have been subject to consultation with the LHA, which raises no objection to the application subject to a legal agreement securing financial contributions to the bus service and travel plan monitoring and a number of conditions.
- 9.35. The Transport Statement reviews the traffic impact of the development which has included a baseline study of the vehicle trips associated with the existing land uses at the site (factored to take account of the vacant units) using a manual traffic count at the site. A forecast of the vehicle trips likely to be associated with the proposed development has been calculated through the interrogation of comparable site surveys in the TRICS database which is common industry practice for Transport Statements. This takes account of all trips to the site including visitors. The difference in traffic associated with the existing use of the site and the forecast traffic from the proposed development provides the net traffic generation. The mode share (i.e. whether people walk, cycle, use public transport or drive) for the development is based on the travel to work census data for the local area. Despite criticism of these methodologies by objectors, this approach and the trip generation and net impact is considered acceptable by OCC Highways who provides the District Council with expert advice in this regard.
- 9.36. The submitted details show that in the AM peak (0800-0900) there is estimated to be a total of a 9 net increase of movements associated with the proposed development and 7 additional movements in the PM peak (17:00-18:00). Over the course of the day (07:00-19:00) there is forecast to be 48 additional movements. The visits of heavy good vehicles to the site are likely to be limited due to the small size of the commercial units and be similar to the existing situation.
- 9.37. The LHA has considered this information and the characteristics of the site and surrounding road network and advises that the increase in trip generation is unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network so would be acceptable in this regard and not lead to a severe impact which is the high threshold for refusal set by the NPPF in regard to such matters.
- 9.38. Concerns have been raised by local people and the Governing Body of the School regarding the impact of the increase traffic on the road safety at Dr Radcliffes C of E Primary School, which is located to the south of the site and, like many schools, has peaks of traffic at school drop off and pick up time including parking on the highway. The LHA has considered this in detail on the previous applications to which they stated: *The County's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result the County still concludes that the additional traffic generated by the development does not give rise to a safety concern that the County needs to address.* Therefore, whilst the concerns of residents in this respect are noted, it is considered that the level of traffic associated with the development would not lead to road safety concerns that would justify refusal of the application.
- 9.39. In regards to vehicle parking, the proposed development would provide an additional 14 parking spaces. OCC Highways have considered these and advises the level of parking to be acceptable to serve the development and should not lead to unwanted on street parking. The level of cycle parking proposed, 10 spaces, is considered acceptable.

- 9.40. The application is accompanied by tracking plans and these demonstrate that the site would operate in a safe and efficient manner allowing vehicles to enter and leave the site in a forward gear.
- 9.41. The submission also included a Construction Traffic Management Plan. The LHA has raised a number of concerns regarding the details therein, but these matters can be controlled through a condition of any planning permission given. The concerns of residents regarding construction traffic are noted; however, given their temporary nature and with the submission of an amended CTMP this is not considered to be a matter which would justify refusal of the application.
- 9.42. Overall, the development is considered acceptable from a highways perspective and is considered to comply with the relevant planning policy and is not considered to result in a severe highway impacts or result in unacceptable highway safety impacts.

Residential amenity

- 9.43. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space.
- 9.44. Saved Policy ENV1 of the CLP 1996 state development which is likely to cause materially detrimental levels of noise, smell, fumes or other types of environmental pollution will not normally be permitted.
- 9.45. The proposed development is considered to be located a sufficient distance from the neighbouring properties to ensure it does not significantly impact on their residential amenity. The scale of the buildings would be slightly taller than the existing buildings and would be clearly visible from the windows in the side elevation of the new dwelling to the north of the site, Millbrook House. However, given the distance, approx. 55 metres, the scale of the proposals, the impact on this light or outlook to this property is not considered to be significant. By the nature of the uses proposed (use class E(g) allows for uses which can be carried out in a residential area without detriment to its amenity) for the majority of the site they are considered to be appropriate for a residential area. The unit which is proposed to be used for storage and distribution is located to the to the northern part of the site. The Council's Environmental Protection Officer has raised no objections to the application in this respect and officers agree with this assessment.
- 9.46. Concerns have also been raised that additional traffic through the villages would be raise to unacceptable levels of noise, disturbance and vibration. However, given the relatively small scale of the development this is not considered to be significant in planning terms.

Ecology Impact

Legislative context

- 9.47. 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.

- 9.48. 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.
- 9.49. 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.
- 9.50. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.51. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.52. Paragraph 180 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.
- 9.53. Paragraph 185 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.

- 9.54. 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.
- 9.55. 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.
- 9.56. 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

- 9.57. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.58. A number of conditions are required to protect the ecology and biodiversity of the site including measures during construction, a lighting scheme to ensure it is not harmful to wildlife and a Landscape and Ecology Management Plan with a biodiversity enhancement plan to ensure a net gain in biodiversity is secured on the site.
- 9.59. The proposal did not submit an ecological statement or a biodiversity net gain assessment as part of the application. Given that the development is for the erection of 3 new buildings and a replacement building (to which the replacement of unit 3 has been carried out) it is considered unlikely the proposal would have a detrimental impact on ecology, although it is recommended that a condition is imposed to ensure biodiversity enhancement measures are provided.

Flood Risk and Drainage

- 9.60. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.61. The site is located in Flood Zone 1, which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. Surface water from the existing site is connected to a pipe to watercourse to the east of the site.

9.62. The LLFA has objected to the proposal due to the lack of a Flood Risk Assessment. As the proposed development is not a Major Application, an FRA is not required, especially when the site is located within Flood Zone 1. Although the LLFA has objected to the lack of an FRA, the Council's Land Drainage Officer does not object to the proposals provided that a condition is imposed. The applicant agrees to this condition being imposed. In light of the comments received and having considered LLFA concerns and the overall size of the proposed development, the matters relating to flood risk and drainage are acceptable.

Other matters

9.63. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard. The proposed development has not been accompanied by an Energy Assessment however can be conditioned to ensure the development accords with this policy. The energy efficiency measures could include good fabric insulation, improved air tightness and low energy light fitting with presence detection.

9.64. In regard to Policy ESD5 the application includes an analysis of renewable and low carbon energy provision. In this case it is likely the proposed that the units would have air-source heat pumps to provide heating and cooling as the most effective source of renewable energy. Solar panels had been considered but discounted due to the orientation of the buildings and tree coverage which would reduce effectiveness and future cost benefit to incoming tenants and air source heat pumps were considered more effective.

10. PLANNING BALANCE AND CONCLUSION

10.1. The principle of intensifying the use of an existing employment site close to a Category A village is considered to comply with Policy SLE1. The proposal is considered to protect the local environment by being sensitively designed to its rural setting and having regard to the ecological and natural constraints of the site. Whilst the proposal would lead to the creation of additional traffic on the nearby highway network this is likely to be relatively limited when compared to the existing use of the site and it is not considered to result in a severe impact on the highway network which is the high threshold set down by national planning policy. The LHA has carefully considered the highway safety matters and advises that the proposal would not result in unacceptable impacts in this respect.

10.2. The proposed development would provide economic benefits in the form of providing opportunities for new jobs and construction activities.

10.3. Overall, the proposal is considered to comply with the Development Plan when considered as a whole and there are not considered to be any material considerations which would justify refusal. The proposed development is therefore considered to constitute sustainable development and it is therefore recommended that Planning Permission be granted.

10. RECOMMENDATION

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

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED**

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

- **Contribution of £27,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston**

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawings numbered Proposed Site Plan (2203.PR.03 rev I), Unit 3 Floor Plans (2203.PR.08 Rev B), Unit 3 Elevations (2203.PR.09 Rev B), Units 8, 9, 10 Plan (2203.PR.05 Rev B), Unit 8, 9, 10 Front Elevations (2203.PR.06 Rev A), Proposed Unit 9 Elevations (2203.PR.07 Rev A), Section CC (2203.PR.010 Rev A), Swept Path Analysis (J32-7040-AT-A01 Rev B)

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

3. No development shall commence unless and until details of all finished floor levels in relation to existing and proposed ground levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be carried out other than in full accordance with the approved levels.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to the Local Planning Authority and agreed in writing. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Thereafter the development shall be carried out in strict accordance with the approved details.

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

Note: The CTMP should follow Oxfordshire County Council's template.

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

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

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or

monitoring required by this condition.

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

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

9. No development shall commence above slab level unless and until full details of the pedestrian access through the site linking to the public right of way to the south of the site have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

10. No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the measures in 5.2.1 and 5.3.1.1 of the submitted ecological survey and also include a plan of buffer zones and how they will be marked as well as any other timing and precautionary methodology/supervision needed for bats on site. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

11. No development shall commence above slab level unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include full details of a biodiversity enhancement scheme to demonstrate a net gain in biodiversity for the site. The development shall not be carried out other than in accordance with the approved LEMP and the biodiversity enhancements shall be carried out in

accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

INFORMATIVE ON CONDITION 12: The LEMP shall include the use of a Biodiversity Impact Assessment Metric to demonstrate a net gain in biodiversity. The Council seeks to secure a 10% net gain.

12. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.
- (b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

13. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. This shall include samples of the proposed timber, metal cladding and a sample panel of the proposed stone walls. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

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

14. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

15. No development shall not commence above slab level until full details of the sustainability and energy proposals has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall commence above slab level unless and until a scheme for landscaping the site has been provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

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

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

(e) details of any boundary fences or walls.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and shall be retained as such thereafter and the approved soft scheme shall be implemented by no later than the end of the first planting season following occupation of the development.

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

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

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

18. Details of the any proposed external lighting including the design, position, orientation and the management of such lighting shall be submitted to and

approved in writing by the Local Planning Authority prior to commencement of those works. It shall be demonstrated how the lighting scheme complies with the guidance outlined in Section 5.3.2.6 of the Windrush Ecology – Preliminary Ecological Appraisal (March 2021). The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In the interests of the ecological value of the site and the visual amenity and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy PD6 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework

19. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose and shall be used for no other purpose whatsoever.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

20. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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.

21. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason : To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision, traffic generation and

servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. No goods, materials, plant or machinery (other than vehicles) shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved under a separate discharge or variation of condition by the Local Planning Authority.

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

24. Notwithstanding the provisions of Part 3 (changes of use) and Part 7 (non-domestic extensions and alterations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be changed use, extended or hard surfaces laid within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

25. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the site shall only be occupied for the purposes falling within Class E(g) (i), (ii) and (iii) with ancillary Class B8 use and for no other purpose whatsoever.

Reason: In order to retain planning control over the use of the site, to ensure residential amenities are protected and the character of the area is maintained, and to ensure the development complies with Policies SLE1, SLE2, ESD1 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.

26. Notwithstanding the submitted details, no development shall take place until an arboricultural survey undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions is carried out, submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of identifying and retaining important trees on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

23/01164/F

OS Parcel 0927 East Of And Adjoining
Chacombe Road
Wardington

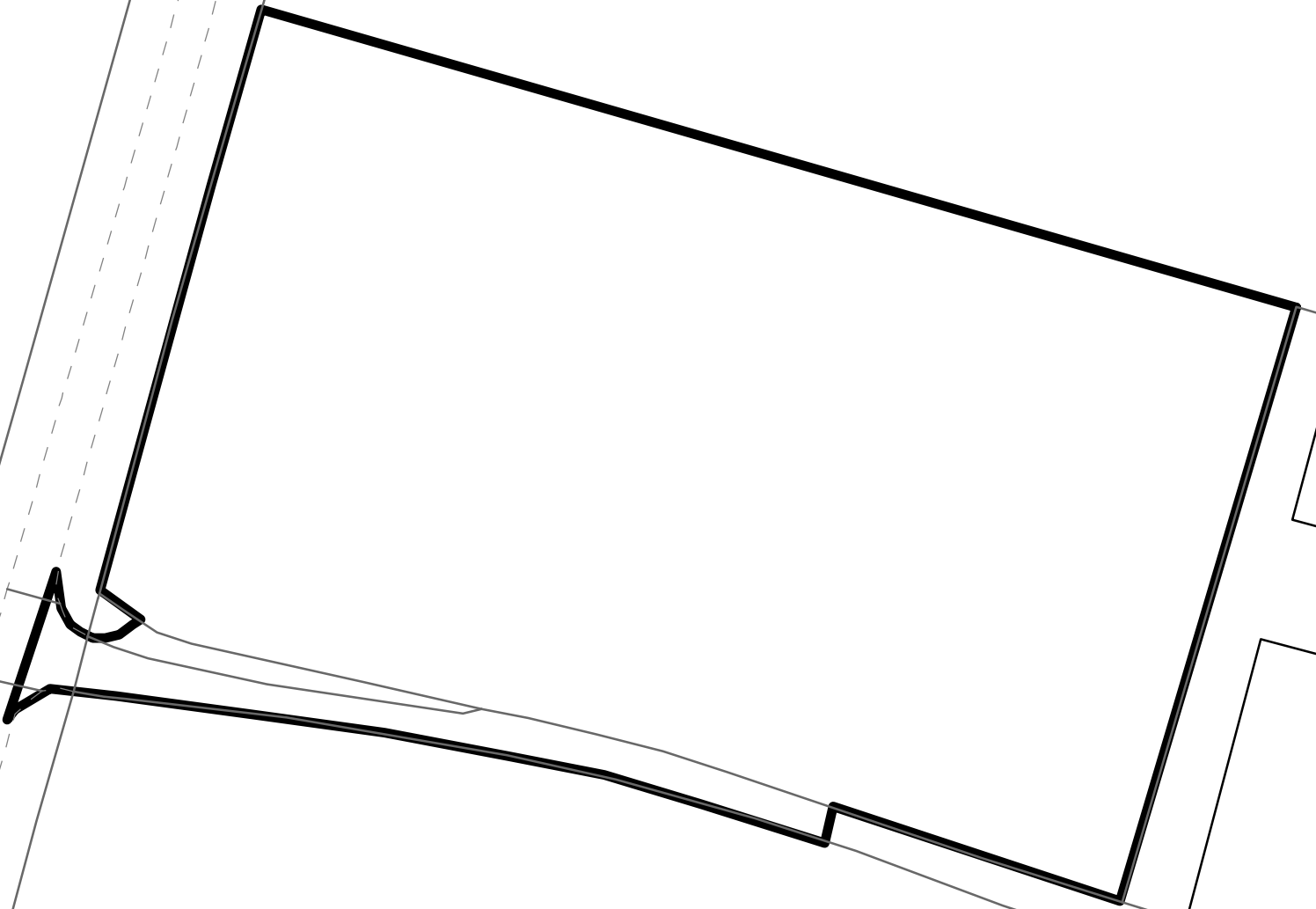


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23/01164/F

**OS Parcel 0927 East Of And Adjoining
Chacombe Road
Wardington**



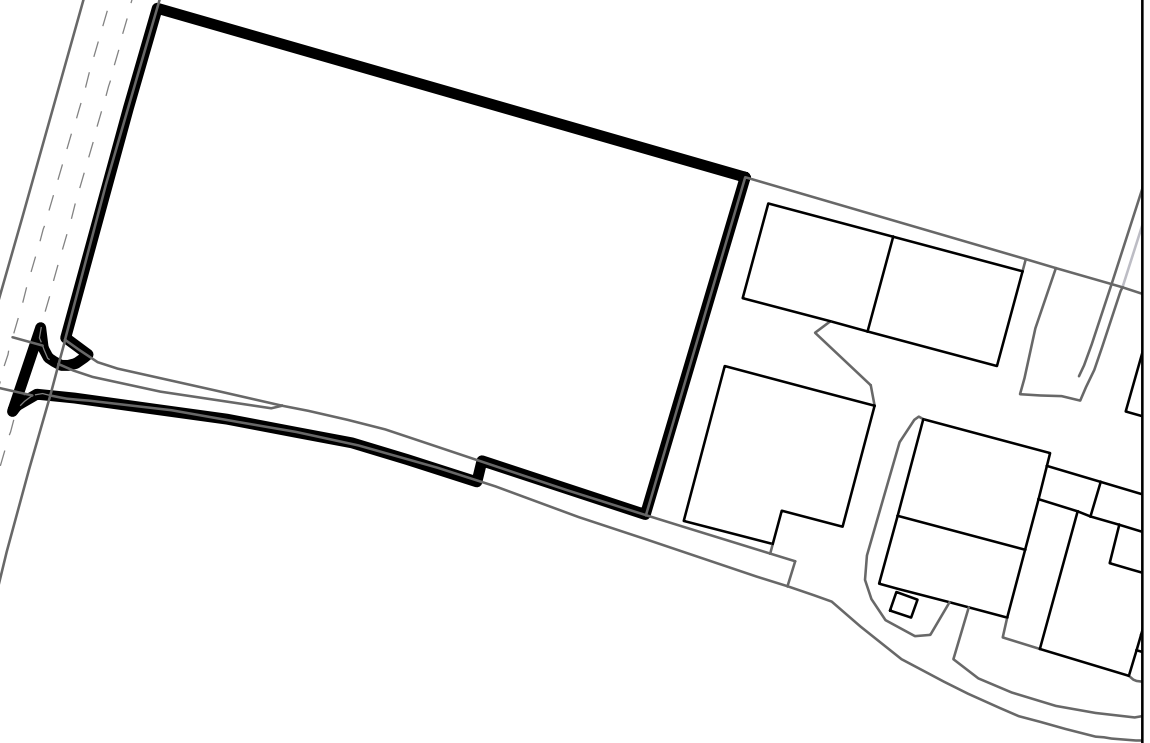
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23/01164/F

**OS Parcel 0927 East Of And Adjoining
Chacombe Road
Wardington**

WARDINGTON ROAD



1:1,400



Case Officer: Saffron Loasby

Applicant: DSV United Kingdom Ltd

Proposal: New detached offices and agricultural buildings for a new agricultural seed facility, including access road, parking, landscaping, and associated facilities.

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllrs Chapman, Reynolds and Webb

Reason for Referral: 1,000+ sq m floor space created

Expiry Date: 13 October 2023

Committee Date: 05 October 2023

SUMMARY RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site lies to the east of the Wardington Road, just south of the village of Wardington and 5 miles northeast of the town of Banbury, in the Cherwell valley, north Oxfordshire.
- 1.2. The site is accessed from an existing private highway junction that currently serves various agricultural buildings, though the site itself is undeveloped, open countryside. The adjacent farm buildings are mostly modern steel framed buildings with exposed concrete panel lower walls, box profile tin clad sides and cement fibre sheet roofs.
- 1.3. The site is currently used for arable crops, which is part of the DSV trial crop land which the company used to rent locally. The site has now been purchased outright by DSV.
- 1.4. The application has been submitted with the following supporting documents:
 - Drainage Statement
 - Transport Appraisal
 - Ecological Appraisal
 - Landscape and Visual Impact Assessment
 - Design and Access Statement

2. CONSTRAINTS

- 2.1. The application site is within the countryside, designated as Category 1 Best and Most versatile land (BMV) and a public right of way (footpath 23 route, code 393/23/10) runs from the village (approx. 730m) north of the application site, through the farm buildings, that are located (approx. 45m) to the east and continues south towards Coton Farm, north of Chacombe. There is a Grade II Listed barn located

approximately 80m east of the edge of the application site and a small pond is marked on the constraints map (albeit not visible when the site visit was carried out).

- 2.2. The site is bound on the south and west by a small, trimmed hedgerow. There is one mature tree located close to the entrance of the site.
- 2.3. The site is in Flood Zone 1 with limited key landscape features on the actual application site. The site is flat and visibility from the site to the village and surrounding countryside is extensive. There are limited tree copses or wooded areas that break up the line of sight and therefore there is predominantly open countryside bar the existing farm structures.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposals are for new detached offices and agricultural buildings for a new agricultural seed facility, including access road, parking, landscaping, and associated facilities.
- 3.2. The proposal comprises the erection of 4 main buildings plus a large glasshouse and boiler room. These are described in more detail below.
- 3.3. The office space would be a detached, two storey building. This building would be sited front and centre of the west boundary facing Wardington Road, with a new entrance and car parking hardstanding separating it from the road and existing hedgerow. The form of the building steps in and out on the front and rear elevations. The roof is split between mono-pitches and a central flat roof. The internal staircase has been pushed forward and is fully glazed to the front elevation to help define the entrance. To the rear is a glazed link to buildings 2 and 3. This is also accessible via a spiral staircase and open walkway at first floor.
- 3.4. Internally the ground floor offers 202 sq m of gross internal floor area (GIFA) comprising a lobby and waiting area upon entry, four offices with 8no desk spaces. There is a canteen and staff room, lift, disabled WC, and toilet and shower space.
- 3.5. At first floor the offices comprise a further 190 sq m GIFA, three further offices with 6no desk spaces. A landing/informal meeting area, equipment store, kitchenette, two additional toilets and a meeting room for 10 people.
- 3.6. Materials comprise sheet metal roofing, aluminium windows, a mixture of smooth and profile metal wall cladding on a brick plinth. Braise soleil are proposed around some of the ground floor openings.
- 3.7. Buildings 2 and 3 would be linked together by a large roller shutter door internally. Building 2 measures 20m x 19.5m, is two storeys high and is referred to as the 'small seed processing unit'. It has a mezzanine at first floor comprising storage space, a Laboratory area and milling room. At ground floor there is further office space, toilets and changing facilities. Both floors are accessible via the glazed link to the office building.
- 3.8. Building 3 comprises 35.4m x 20.8m, with a 6m overhanging roof. This is referred to as the 'large seed processing building' and whilst tall only has one ground floor level. Both buildings 2 and 3 measure approximately 8.7m to the ridge and 6m to the eaves. Both buildings comprise similar materials to those of the office building, detail under paragraph 3.6 above. Eighteen rooflights are proposed in building 2 and 43 rooflights in building 3.

- 3.9. Building 4 is referred to as the machinery hall and comprises 35.4m x 21.3m, made up of the same materials, similar dimensions and with 48 rooflights.
- 3.10. Finally, the proposed glasshouse and neighbouring boiler room would be sited along the south boundary of the application site and measure 4m to the eaves, 36m x 12m. This would consist of mostly glass and profile sheet metal.
- 3.11. Associated car parking space would be provided to the far west of the application site with an access from Wardington Road and machine parking and manoeuvring space will be provided to the eastern part of the application site, accessed directly from the farm track.

DSV Ltd, justification for relocation and the proposed development.

- 3.12. Extract from the applicant's website: DSV United Kingdom Ltd [is] part of an International plant breeder based in Germany and with subsidiaries across the world. DSV UK operates from it breeding and trials centre at Wardington in Oxfordshire comprising of around 50ha of land used to breed winter wheat and forages and for National List trials of wheat and grass.
- 3.13. At present the applicant is located on land to the north of the application site at Top Dawkins Farm. The land is shared with the working farm and two of the newest agricultural buildings on site are used for this purpose. DSV are located in the older barns and have a shared access and a glasshouse. A Prior Notification application was recently refused for a portacabin to be located to the south of the existing building, as it did not meet the legislation requirements for this type of application. One of which was that the building was not for agricultural use.
- 3.14. Discussion with the agent has informed officers that the existing buildings comprise a total floor area of 2,305 sq m, including 771 sq m that is currently being rented. If the rented space was included the existing space would be close to that proposed on the application site. The glass house is larger than the existing as it includes the space the polytunnels currently use and a new boiler room.
- 3.15. Land is currently rented by the applicant from four local farmers, two of which are in the village of Wardington, the others being in Edgecote and Great Bourton. One farm, closest to the new and existing sites, has good quality land (management, topography and soil type) for the trials and plant breeding that is carried out, thus remaining local to the existing facilities will enable DSV to continue their research. DSV are increasing the land they rent from farmers as the business grows but the increase in field trials does not equate to an increase in facilities.
- 3.16. Wardington is the only facility in the UK and is currently the HQ of the UK operations. DSV advises this is not proposed to change. Additionally, DSV runs field trials with third parties at multiple locations in the UK. The activity at the new site would not differ from what is currently carried out on the existing site.
- 3.17. The existing site was not originally designed for DSV, and the applicant states DSV lacks the space to carry out business in an efficient manner. The existing site incorporates work carried out on small machines with the large seed handling unit where the forklift operates. The proposal aims to separate these two activities for efficiency and staff safety.
- 3.18. Currently the offices and working areas are within what was originally a cattle barn and as such it is difficult to heat efficiently. DSV states that the new premises would be more environmentally friendly regarding energy consumption; that fire exits and

signage into the existing infrastructure are not optimal, and the new facility would have fire safety built into the design.

- 3.19. It is understood that DSV store seed as part of the business and is very difficult and costly in terms of energy in the existing facility due to damp conditions. The new site would be insulated and include efficient drying systems without having to move seed to third-party storage off-site. The dampness has previously limited the life-span of some of the laboratory equipment such as ovens and delicate measuring devices.
- 3.20. Creating a machinery hall with workshop keeps machinery away from pedestrian working areas and allows the safe and efficient movement of vehicles. Due to lack of space, vehicles are stored in the working space, having to move them outside and out of the way before starting any process, thus having an impact on safety and efficiency.
- 3.21. Staff: At present there are 10 staff working on site with 5 further members working from home. DSV advises the plan is to have all staff under one roof and capacity to hot desk and have meetings on site when needed. Staff on the current site all live within a 10-mile radius (with one in Daventry, 12 miles away). Two members of staff live in the village of Wardington and this year two seasonal staff members were also from the village. DSV Ltd contracts the services of local farmers as well as local cleaners and maintenance staff. Machinery service engineers are also small local business owners. DSV advises that it seeks to support local community and foster relationships with local businesses.
- 3.22. The applicant has advised that it does not intend to rent out office space and that if required a legal agreement related to DSV's sole use would be acceptable.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the application site.
- 4.2. However, given the applicant already uses premises locally (approximately 370m to the north of the application site) it is considered appropriate to look at the planning history of this site to fully understand how the site has established over time. The site is shared as part of a working farm and therefore applications on this site are relevant to both Top Dawkins Farm (landowner) and DSV Ltd (the applicant).
- 4.3. **00/01530/F** – Change of use from agricultural to light industrial and office use B1 and warehousing and distribution use B8 – Refused 25/09/2000. (Top Dawkins Farm)
- 4.4. **10/00943/F** – Erection of Venlo glass house – Permitted 10/08/2010. (DSV)
- 4.5. **13/00288/F** – Alterations to the existing access – Permitted 19/04/2013. (DSV)
- 4.6. **15/00161/F** – General Purpose Agricultural building – Permitted 25/03/2015 (Top Dawkins Farm)
- 4.7. **21/01472/AGN** – Erection of general-purpose farm building – Permitted 13/01/2022 (Top Dawkins Farm)
- 4.8. **22/03265/AGN** – Portacabin. Planning Permission required. 22/11/2022 (DSV)

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and central to the village of Wardington, by advertisement in the local newspaper. The final date for comments was **12 June 2023**, 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. WARDINGTON PARISH COUNCIL: **No objection**

OTHER CONSULTEES

- 7.3. BUILDING CONTROL: **No objections** to the application. Confirm a building regulations application will be required for this approval.
- 7.4. CDC ARBORICULTURE: **No objection**. The proposal seeks to retain the boundary hedge, therefore details/information to demonstrate how the existing hedge/trees will be protected throughout the development stages. All trees and structural vegetation must be surveyed and assessed as to value under BS5837 and root protection areas specified. The arboricultural layer should form the basis of detailed landscape proposals. I welcome the proposal to plant trees on the site and should be planted in the next planting season following the completion of the development, and in accordance with hard and soft landscape proposals, a planting specification, design and details to be submitted to the council for approval. An aftercare specification will be necessary to ensure the scheme is going to be successfully established.
- 7.5. OCC HIGHWAYS: Original **objection removed** following further consultation. See documents on file.
- 7.6. Initially OCC was concerned that the new location would not provide safe and suitable access for all users, primarily pedestrians, as there was no safe walking route to the new site. Further negotiation confirming agreement to including an access direct from the site to the existing public footpath (393/23/10) that sits between the application site and the village of Wardington to the north, removed this objection. This was in addition to agreement to make a contribution to replacing the two stiles with kissing gates and potentially improving the surface through a Unilateral Undertaking (UU).
- 7.7. Other OCC concerns raised included an over provision of parking facilities and access visibility with potential removal for existing hedging.
- 7.8. OCC DRAINAGE: **No objections** subject to conditions.
- 7.9. OCC ARCHAEOLOGY: **No objections** subject to conditions
- 7.10. CDC ECOLOGY: **Objection**. In general, there are few protected species issues on site that cannot be dealt with by conditioning a CEMP for Biodiversity.

7.11. A Biodiversity Assessment has been carried out; however, the actual metric has not been submitted so we are not aware of the detail. The summary appears to demonstrate that in general a net gain could be achieved in both linear and area habitats. I have some concerns that there appears to be very limited buffers to the hedgerows which will limit their biodiversity value and make sympathetic management difficult. Effort should be made to ensure functional hedgerow buffers are retained so that ground flora can be encouraged. A full Ecological management and monitoring plan to include an updated metric (showing timescales for reaching proposed habitat conditions) should be conditioned which shows habitat creation with species and objectives with management and monitoring ongoing for at least 30 years and ongoing measures for the lifetime of the development. This should also include additional enhancements for biodiversity on site such as bat and bird bricks (integrated into the fabric of the buildings where possible), log piles, invertebrate provisions etc.

7.12. CDC ENVIRONMENTAL HEALTH: **No objection** subject to conditions.

7.13. No comments were received from CDC Economic Growth, Landscape Services, Natural England or Thames Water.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development (site not allocated).
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP1: Employment Generating Development (retained with regard to rural sites – site allocated).

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Ecology impact
- Highways
- Other Matters

Principle of Development

Policy Context

- 9.1 Criteria listed below within Policy SLE1 of the CLP 2015 are relevant to the first four key issues. The site is not allocated, and the criteria therefore need to be met to support new employment proposals within rural areas on non-allocated sites. In order to conduct a proper review of the proposal's policy compliance, these criteria are considered separately, within the sub-sections of this Appraisal.
- 9.2 The site is located in the open countryside, on category 1 best and most versatile land and on an un-allocated employment site. Policy SLE1 of the CLP 2015 states that employment development will be focused on existing employment sites and permitted subject to compliance with other policies in the Plan and other material considerations. It continues:
- 9.3 Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1).
- 9.4 New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:
- a. They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
 - b. Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.
 - c. They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings.
 - d. 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.
 - e. 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 on any designated buildings or features (or on any non-designated buildings or features of local importance).

- f. 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.
 - g. There are no suitable available plots or premises within existing nearby employment sites in the rural areas.
- 9.5. Policy PSD1 of the CLP 2015, relating to a presumption in favour of sustainable development, seeks to secure development that improves the economic, social and environmental conditions in the area.
- 9.6. Paragraph 85 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements... The use of sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Assessment

- 9.7. Policy SLE1 of the CLP 2015 relates to employment development, defined as B Use Classes, and has a strong urban focus. In the rural areas it states that unless exceptional circumstances are demonstrated, employment development would need to be located within or on the edge of Category A villages. The proposal is approximately two miles from the nearest Cat A village (Cropredy), with farmland dividing the two. It therefore fails to meet the requirement to be within or on the edge of a Category A village. Wardington is classified as a Cat B village. No exceptional circumstances have been demonstrated.
- 9.8. In terms of the sustainability of the location, if accessing the site on foot there are no public footpaths along the main roads for 0.5 miles (0.7km) and no street lighting for on the walk along Wardington Road to the bus stop on Mount Pleasant. The public right of way accessed from the same point and across open countryside measures approximately the same distance and also unlit. At present there are also two stiles to cross on this route. Walkable / wheeling neighbourhoods are defined within Manual for Streets (MfS) as up to about 800m and bus stops should be within 400m. It is understood that the No. 200 bus service that ran between Daventry and Banbury, calling at Wardington was cut in April of last year. At present this is insufficient as an adequate means of commuting to and from work. As such, the development would promote a reliance on the car.
- 9.9. Paragraphs 84 and 85 of the NPPF sit alongside the Local Plan policies which allows for such development where it is adequately justified. The NPPF is not considered to be interpreted as unconditional support for the provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions. Policy SLE1, and ESD1 which sits alongside this, is therefore considered to be consistent with the NPPF and given full weight.
- 9.10. In addition to the policy requirement to demonstrate exceptional circumstances, Policy SLE1 goes on to note that new employment proposals within rural areas on non-allocated sites will be considered against a list of criteria. These are also considered to be relevant to the assessment of whether the location has been adequately justified. Below is an assessment of the proposal against the most relevant these criteria:
- 9.11. *Be outside of the Green Belt* – The proposal meets this criterion.

- 9.12. *Sufficient justification has been provided to demonstrate why the development should be located in a rural area on a non-allocated site* – The applicant advises that the new development must be next to the fields it uses for its research. However, we would question this given the distance of the existing site to Edgecote and Great Bourton, both approximately 2km from the application site.
- 9.13. *High quality design, appropriate in scale and respect the character of the villages and surroundings* – Officers agree that buildings 2 to 4 are well designed and respect the character of the agricultural area. There are concerns regarding the proposed office building, its scale, need, future functions and concerns regarding the scale of the proposal as a whole. The assessment of the impact on the character and appearance is outlined later in the report.
- 9.14. *No detrimental impact on amenity or highway network* – The Local Highway Authority has raised concerns that appear could be overcome with an agreement to invest in footpath improvements. However, officers have concerns with the sustainability of the location along with the *in principle* policy conflict; officers are also of the view that improvements to the footpath, whilst a planning gain would not justify or satisfactorily mitigate the locational sustainability concerns, and also having concerns regarding the visual impact of future footpath improvements in the countryside. See the Highway Safety sub heading below.
- 9.15. *No suitable available plots or premises within existing nearby employment sites in rural area* – No information has been provided in this regard to justify the rural location. The submission documents advise there are no other suitable locations but does not demonstrate what research has been carried out to make this claim. Additionally, no justification is provided as to why smaller buildings cannot be considered across a wider area rather than building them all in one location.
- 9.16. Policy SLE1 goes on to note that the Local Plan has an urban focus, and that justification will be required for new sites in rural areas, and this should include applicants demonstrating a need for and benefits of employment development in a particular location and explaining why the proposed development should not be located at the towns.
- 9.17. It is also noted that the application form states that the proposal is a Class E use. Officers disagree that it would be – our view is that the use is a Class B use. But if it is Class E, then Policy SLE2 is relevant and the site's poor sustainability credentials would be key, especially its distance from towns and Category A villages, and the same conclusions would be reached on the acceptability of the principle of development as the Policy SLE1 assessment above.

Conclusion

- 9.18. The spatial strategy of a Local Plan is to direct growth towards the most suitable locations and to limit growth in rural areas. This proposal fails to comply with that spatial strategy. It has not been demonstrated that exceptional circumstances have been met as required by SLE1 or that sufficient justification has been provided for providing this scale of development in a rural location. Very substantial harm would therefore arise as a result of the proposed siting of the development, in conflict with the spatial strategy, with Policies SLE1, ESD1 and PSD1 of the CLP 2015 and with the provisions of the NPPF.

Design and impact on the character of the area

Policy context

9.19. Policy ESD13 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 also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape. Policy ESD15 states successful design is founded upon an understanding and respect of an area's unique built and natural context and should contribute to an area's character respecting the traditional form, scale and massing of buildings.

Impact due to scale and visibility of the proposal

9.20. It is understood that the existing site (comprising approximately 0.45ha) is not entirely fit for purpose for the growth of DSV. However, the proposal comprises not only in excess of 2,000 sq m of new floor area but also two large parking and turning areas. The scheme proposes two separate vehicular accesses, up to 30 car parking spaces, manoeuvrability for large farm vehicles and a considerable amount of associated hardstanding. The buildings proposed for development, whilst agricultural in character, are closely comparable to the buildings located on the farm site to the east in terms of floor area. These buildings are very apparent from several surrounding views and by reason of its scale and design the proposal would have a significant impact on the wider countryside and landscape character. With the addition of a two-storey office building aimed at creating an 'entrance' and a far more formalised layout it is clearly a different design approach to that of the existing and neighbouring farm sites, having a more urban character.

9.21. The application site is within 100m of a listed barn; however, given the immediate farm surroundings it is considered to be detached enough in distance to not cause harm to its immediate or wider setting.

9.22. The scheme suggests retention of the existing hedges, except for where further visibility is needed at the access point. New hedge planting is proposed along the north and east boundaries, although no information has been submitted with regard to future landscaping beyond the Proposed Block Plan drawing. Whilst it is appreciated that the landscape character does not lend itself to large screening tree belts some mitigation should be further considered and is referred to in the conclusions of the submitted Landscape and Visual Impact Assessment (LVIA). This document also advises hedges should be improved and enhanced, allowing growth to 3m, additional structural planting to the north elevation and wider landscape planting to mitigate the proposed buildings on the wider landscape.

9.23. Officers mostly agree with the content in the submitted LVIA, but disagree with the assessment given specifically to Views 5, 6, 17 and 21. Whilst most have been given minor to negligible outcomes, this is based on the existing neighbouring farm buildings as a backdrop or continuation of development. In some instances (View 6) the continuation of farm buildings includes the existing DSV site, the existing farm buildings to the east and the expanse of the proposed development as one long continuation of built form that is vast in scale and considered to have an adverse impact on the countryside.

9.24. Figure 8 'Visual Envelope' of the LVIA (pg 11 of Appendix 1) shows clearly the openness of the site and expanse of surrounding landscape whereby the proposed development would have predominantly unobstructed views.

Conclusion

- 9.25. It is considered that, whilst officers agree partially with the content of the submitted LVIA, the scale and design of the proposed development would result in substantial harm on the rural character and appearance of the area. This would be in conflict with Policies ESD13 and ESD15 of the CLP 2015, and Government guidance in the NPPF.

Ecology Impact

Legislative context

- 9.26. 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.
- 9.27. 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.
- 9.28. 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.
- 9.29. 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.
- 9.30. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.31. 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.
- 9.32. 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.
- 9.33. 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.
- 9.34. 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.
- 9.35. 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.
- 9.36. 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.
- 9.37. 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

- 9.38. 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:
- a. 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:

- b. 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
- c. 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')

9.39. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the applicant has submitted an ecological assessment. In general, there are few protected species issues on site that cannot be dealt with by conditioning a CEMP for Biodiversity.

9.40. A Biodiversity Assessment has been carried out; however, the actual metric has not been submitted so we are not aware of the detail. The summary appears to demonstrate that in general a net gain could be achieved in both linear and area habitats. However, some concern is that there appears to be very limited buffers to the hedgerows which would limit their biodiversity value and make sympathetic management difficult. Effort should be made to ensure functional hedgerow buffers are retained so that ground flora can be encouraged. A full Ecological management and monitoring plan to include an updated metric (showing timescales for reaching proposed habitat conditions) should be conditioned which shows habitat creation with species and objectives with management and monitoring ongoing for at least 30 years and ongoing measures for the lifetime of the development. This should also include additional enhancements for biodiversity on site such as bat and bird bricks (integrated into the fabric of the buildings where possible), log piles, invertebrate provisions).

Conclusion

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

Highways

9.42 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.*

9.43 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".

- 9.44 The proposed development would be accessed from an existing access serving the agricultural uses to the east i.e., no new access onto the highway. The Local Highway Authority has no objection to the proposals and based on the LHA's views there is no objection to the scheme on highway safety grounds, subject to conditions and agreement via a Unilateral Undertaking to connect the footpath with the site and improvement to the public footpath. These would comprise replacing the existing stiles with kissing gates and improvement to the path to prevent mud build up.
- 9.45 Given the LHA's comments it would be difficult to include a reason for refusal on highway safety. Officers are concerned over the sustainability of this site for cyclists, pedestrians and future growth or future occupiers of the building, but this is a matter relating to the principle of development and not highway safety (see earlier section of this report).

Other matters

- 9.45. The proposal is located away from residential properties and would not appear to adversely impact on their amenity. An application is currently under consultation for a new dwelling on the neighbouring farm site to the east of the existing agricultural farm buildings under planning references 23/02331/F and 23/02332/LB. Whilst a material consideration, given the immediate surrounding uses the new buildings are unlikely to give rise to an adverse impact on neighbour amenity.
- 9.46. Regarding drainage and flood risk, the site is not in Flood Zones 2 or 3, and the lead local flood authority has no objection; the proposal is thus considered acceptable in this regard.
- 9.47. The applicant has expressed agreement to legally tying the new buildings to the specific business use. However, officers are concerned with the scale of the buildings and the principle of and impact of the use classes (office, research and development, storage and distribution) in this rural location on an unallocated site in an unsustainable location.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The economic objective of the NPPF would be partially satisfied because the proposal would allow an existing rural based business to expand and grow. However, conversely, this would allow another business to relocate into the old building thus potentially creating further intensification over and above that of the existing business to the detriment the countryside and adversely impacting on sustainability. As such, some weight is to be afforded to economic benefits.
- 10.2. The social objective of the NPPF seeks the provision of strong, vibrant and healthy communities. Insufficient evidence has been provided to demonstrate that the existing business could not be housed elsewhere, thus still providing local jobs within the locality closer to more sustainable locations. The proposal cannot be given any positive weight on social grounds due to the inappropriate location for the development.
- 10.3. The environmental objective of the NPPF seeks to protect and enhance our natural environment. The proposal fails to do this because it does not respect the Local Plan's spatial strategy, to the detriment of the local rural area. This harm is given substantial weight.

10.4. On balance, the proposal does not represent sustainable development because it fails to accord with the provisions of the NPPF, the policies of the Local Plan and other policy guidance. As such, it is recommended for refusal.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY)

1. The proposal represents unsustainable development because it conflicts with the spatial strategy of Cherwell Local Plan 2011-2031 by proposing development on an unallocated site. The scale and nature of the use is considered inappropriate in this rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be the size and scale proposed and located on an unallocated rural site. Given its location remote from towns, larger villages and key amenities, the proposal would be sited in a geographically unsustainable location and would promote reliance on the private car. In addition, by reason of its scale and design, the proposal would have an adverse effect on the character and appearance of the area. The proposal therefore conflicts with Policies PSD1, ESD1 and SLE1 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

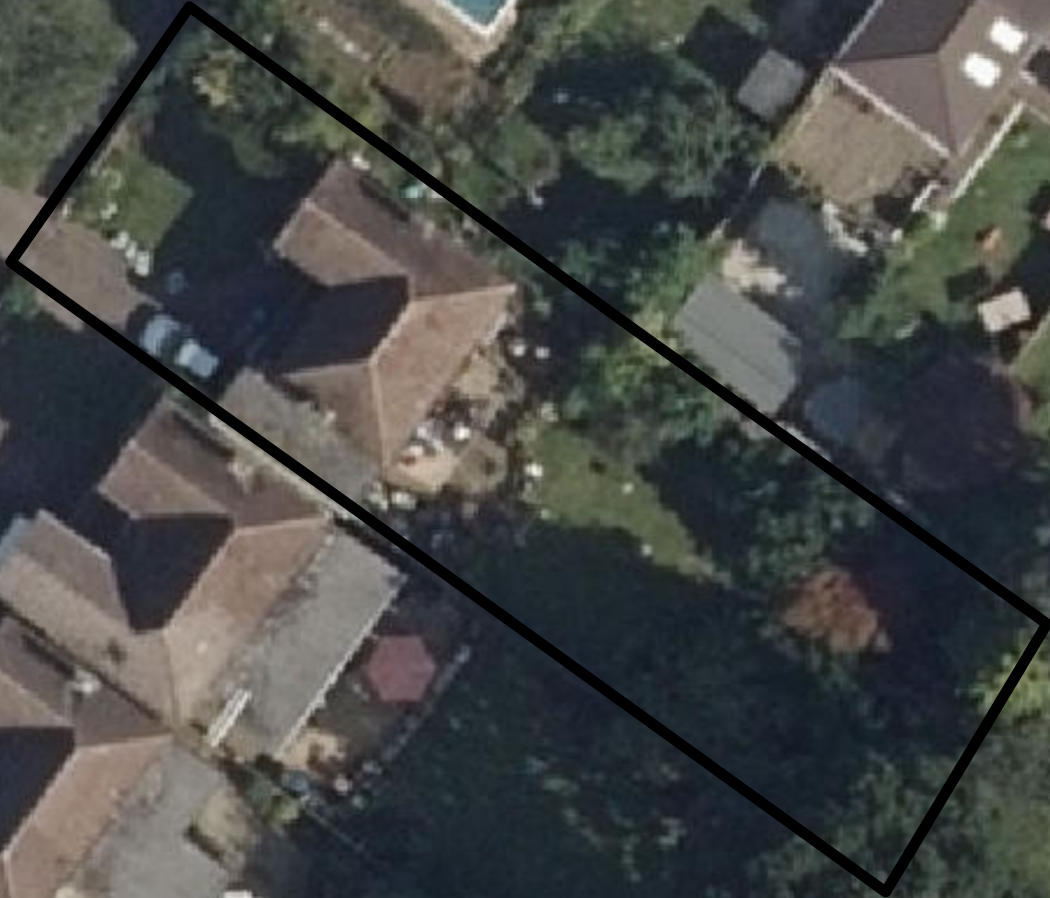
CASE OFFICER: Saffron Loasby

TEL: 01295 221611

23/01952/F

Agenda Item 16

**1 Elizabeth Rise
Banbury
OX16 9LZ**



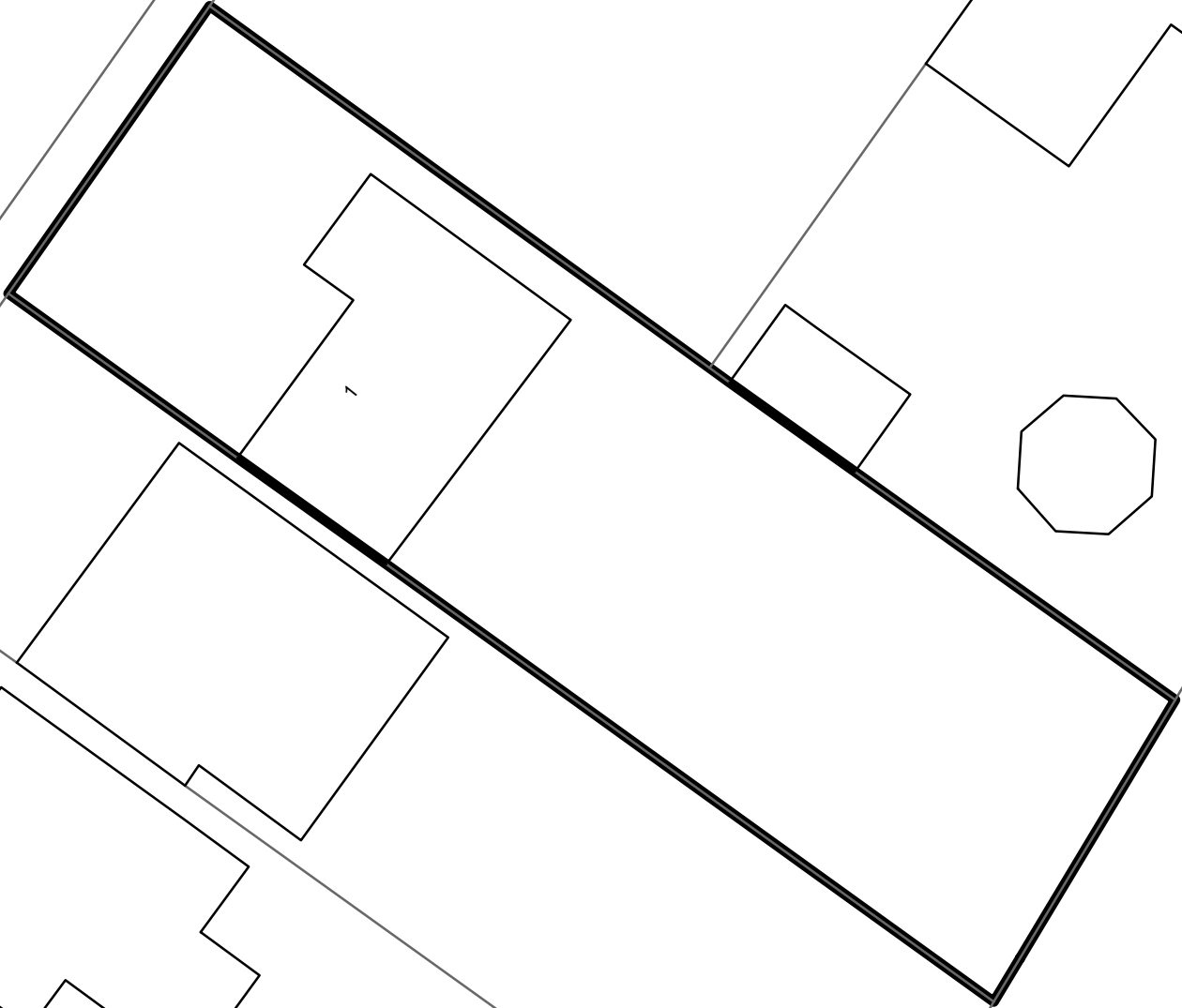
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23/01952/F

1 Elizabeth Rise

Banbury

OX16 9LZ



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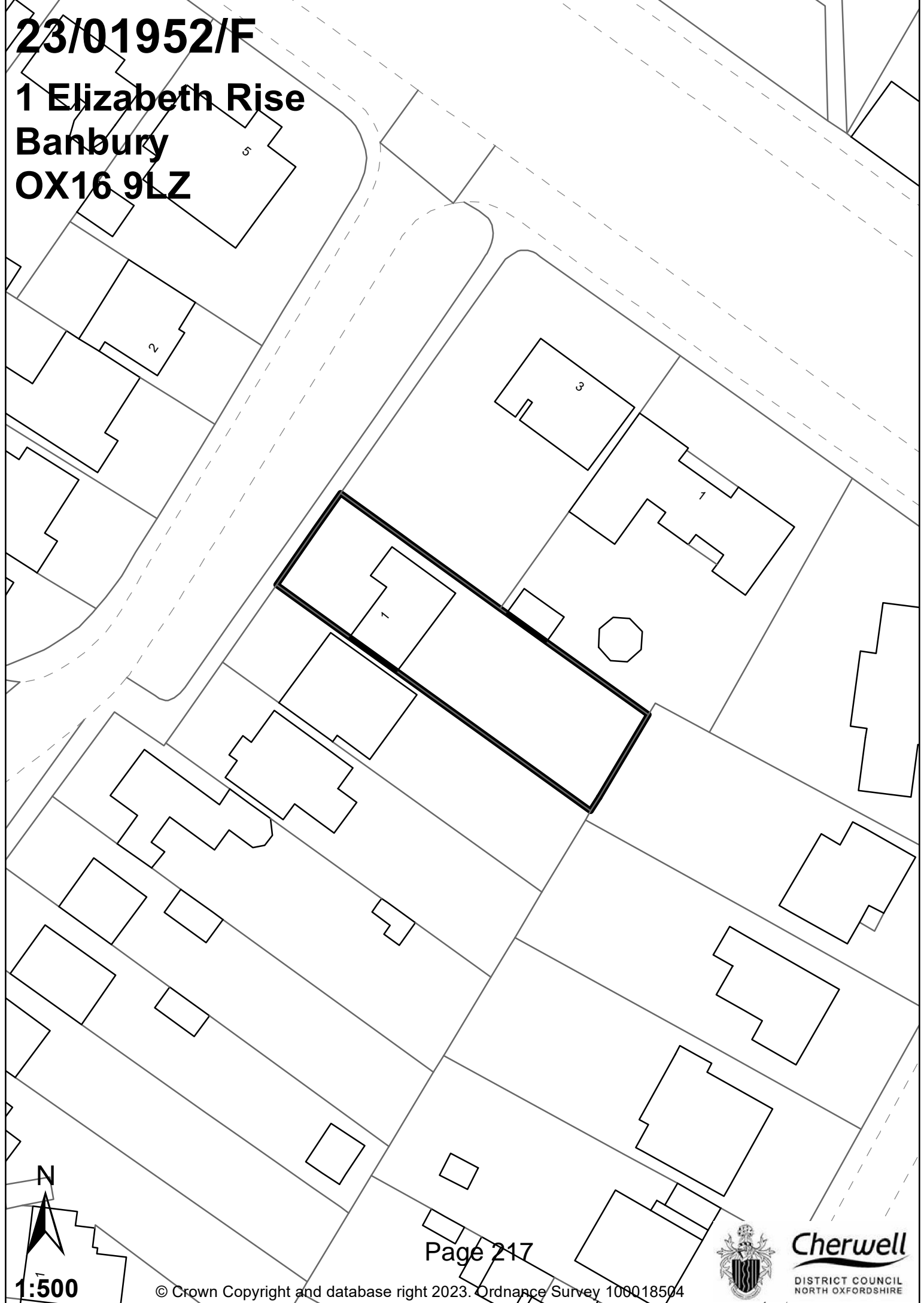
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

23/01952/F

**1 Elizabeth Rise
Banbury
OX16 9LZ**



Case Officer: Daisy Kay-Taylor

Applicant: Mr G Ashraf

Proposal: Single and two storey front extensions, first floor side extension and single and two storey rear extensions, removal of chimney on south-west elevation (revised scheme of 22/03323/F and 23/01059/F)

Ward: Banbury Calthorpe And Easington

Councillors: Cllrs Ian Harwood, Kieron Mallon and Lynne Parsons

Reason for Referral: Called in by Councillor Lynne Parsons for the following reasons:

- over-development
- out of keeping with area and street scene

Expiry Date: 8 September 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a two-storey detached dwelling located within the built form of Banbury. It is set within a spacious plot and bounded by residential neighbours to the north, east and south set in similar size plots. The highway lies to the west/north-west beyond a generous grass verge, which includes trees. There are slight levels differences across the site but none that has a bearing on the assessment of the application.

2. CONSTRAINTS

- 2.1. The dwelling is not a listed building nor is the site located within a designated conservation area or sited within the setting of a listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application, a revised scheme of 22/03323/F (approved) and 23/01059/F (refused) seeks planning permission for single and two storey extensions to front side and rear.
- 3.2. The changes from the approved scheme (22/03323/F) are: (1) one additional, centrally placed, first floor gable-roofed extension to the rear, and (2) omission of the rooflight to the lean-to roof of the single storey front extension.
- 3.3. The changes from the refused scheme (23/01059/F) are: (1) omission of the first-floor front gable projection between the existing gable and approved gable, (2) omission of two of the three previously proposed first floor rear gable projections, (3) addition of a Juliet balcony to the previously proposed full length window to the first floor rear element, and (4) omission of a rooflight to the south-western elevation.

4. RELEVANT PLANNING HISTORY

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

22/03323/F - Part single/part double storey front extension, first floor side extension and single storey rear extension and removal of chimney on south west elevation.
Approved

23/01059/F - Single and two storey front extensions, first floor side extension and single and two storey rear extensions and removal of chimney on south west elevation (revised scheme of 22/03323/F) – **refused**, for the following two reasons

1. By reason of its design, scale and siting the proposed development would adversely impact on the character and appearance of the area. The proposed development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, the CDC Home Extensions and Alterations Design Guide (2007) and Government guidance contained within the National Planning Policy Framework.
2. By reason of its scale, siting and design the proposal development would adversely impact the amenity of No.3 Elizabeth Rise through loss of outlook, and an imposing and overbearing form of development. The proposed development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996, the CDC Home Extensions and Alterations Design Guide (2007) and Government guidance contained within the National Planning Policy Framework.

4.2. The element of that proposal which led to Refusal Reason 1 was the centrally placed two-storey gable projection to the front elevation. The element of that proposal which led to Refusal Reason 2 was the outer two of the three first floor gable projections to the rear. Both have been omitted in the current proposals.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **14 August 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Two letters of objection have been received; their comments are summarised as follows:

- Excessive scale, alien and out of keeping with the character of adjacent properties; would be a carbuncle
- Loss of privacy from the proposed first floor window in the rear extension; the windows should be re-designed so that they don't overlook neighbouring properties
- The applicant destroyed/removed all existing mature trees and extensive habitats on the site

- Impact on infrastructure
- Excessive number of vehicles parked in and near the property, requiring paved frontage area and resulting in overspill and obstructions to neighbours' right of access
- Would set an unwelcome precedent for future development at adjacent properties

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections**

OTHER CONSULTEES

7.3. None

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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development / impact on amenity

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact
- Other matters

Impact on the character and appearance of the area

- 9.2. The proposed development would be of significant size and would not be set down or set back from the existing dwelling and given its scale and massing it would not be a subservient addition.
- 9.3. However, the proposed front/ side extension would be similar to those at Nos. 3 and 5 adjacent to the south as well as no. 6 opposite. In this context the proposal is considered to not disrupt the street pattern significantly to warrant refusal. It is also identical to that approved under application 22/03323/F.
- 9.4. Given its siting, the proposed rear extension is considered acceptable in terms of its impact to the character and appearance of the surrounding area. The first floor element would not be visible from within the street scene and could not reasonably be said to result in any harm to the character and appearance of the area.
- 9.5. The previously proposed central gable projection to the front elevation, which was the basis for the first reason for refusal of the last application, has been omitted from the current proposals. The rooflight to the approved single storey front element has also been omitted, resulting in a simpler, less cluttered appearance.
- 9.6. The proposed materials, including facing brick, tiled roof and aluminium door would all match those of the existing dwelling.
- 9.7. The proposed removal of the chimney would not adversely affect the character and appearance of the surrounding area and was approved under 22/03323/F.
- 9.8. For these reasons the proposal is not considered to be demonstrably harmful to the visual amenity of the character of the area, and the proposal therefore accords with saved Policies C28 and C30 of the CLP 1996, Policy ESD15 and Government guidance contained within the NPPF.

Impact on residential amenity

- 9.9. The neighbour situated closest to the proposed extensions is No. 3 Elizabeth Rise to the south-west. The two-storey side extension would be sited close to the common boundary. However, No. 3 has a primarily front and rear facing aspect, i.e. no primary purpose habitable room windows facing north. The first floor element to the rear is the only difference from the approved scheme that would be experienced by this neighbour but it would be set well off the common boundary with the neighbour and would not conflict with the 45 degree rule measured from the centre point of the neighbour's nearest windows. It is therefore considered that the proposal would not adversely affect the amenities of No. 3 through loss of outlook nor would it be imposing or overbearing to that neighbour.
- 9.10. No windows are proposed to the south-west side elevation and so no overlooking would result. Given its siting to the north-east of the neighbour the proposal would

not result in loss of light to this neighbour. Overall, therefore, the proposal is considered acceptable in amenity terms with regard to No. 3 Elizabeth Rise.

- 9.11. The outer two of the three previously proposed gable projection to the rear elevation, which were the basis for the second reason for refusal of the last application, have been omitted from the current proposals, satisfactorily addressing that second refusal reason.
- 9.12. The rear extensions may be seen by the neighbours (Nos 1 and 3) on Queensway to the north/north-east of the site but given the separation distance between the proposed development and these neighbouring properties (in the case of No. 3, c.19.5m to the single storey element, c.22m to the two-storey element, with No. 1 further than that, whereas the Council's guidance expects 14m), the proposals would not adversely affect the living conditions of these neighbours either through loss of light, privacy or outlook or through an imposing or overbearing form of development.
- 9.13. The rear extensions may also be seen by the neighbours (Nos 126 and 128) on Bloxham Road to the south-east of the site but given the separation distance (approx. 45 metres, which is twice the 22 metres expected in the Council's guidance) between the proposed development and these neighbouring properties, the proposals would not adversely affect the living conditions of these neighbours either through loss of light, privacy or outlook or through an imposing or overbearing form of development

Impact on highway safety

- 9.14. The proposed development would result in one additional bedroom, and this may have an impact on parking requirements for the occupiers of the property. However, the Council's parking standards (two parking spaces) are no different between three bedroomed dwellings and four bedroomed dwellings. In any case, there is sufficient space between the dwelling and the footpath for at least three parking spaces. It cannot therefore be reasonably concluded that the current proposal would adversely impact on the safety or convenience of the local highway network.

Other matters

- 9.15. In addition to matters covered above, the letters of objection refer to (1) destruction of mature trees and wildlife habitats, (2) the proposals' impact on infrastructure and (3) that the proposal would set an unwelcome precedent for future development at adjacent properties.
- 9.16. In relation to trees and ecology, it must be noted that (a) planning application ref. 22/03323/F has been approved, (b) the two-storey rear element would be sited above the approved single storey rear element and would have no additional impact on either trees or biodiversity, (c.) the site is not located within a Conservation Area or subject to any designations in relation to trees or ecology and (d) the applicant has separate responsibilities under the 1981 Wildlife Act.
- 9.17. In relation to the proposals' impact on infrastructure, it is considered that the proposal would have no materially greater impact than the approved scheme, and it is noted that a development of one metre less in depth could likely be carried out under the property's permitted development rights.
- 9.18. In relation to the setting of precedent, every case is assessed on its own merits. However, the fact that similar side extensions have been approved at Nos 3 and 5 means that any objection to the principle of the two-storey side extension would be

unreasonable. The additional two-storey rear element proposed here would not be harmful in terms of visual or residential amenity or highway safety.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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 drawings numbered 00-ST-02 D, 00-PR-EL-01 E, 00-PR-FP-01 D, 00-PR-FP-02 D and 00-PR-FP-03 D.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The materials and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall fully match, in material and colour, those used in the existing building, and shall be retained as such thereafter.

Reason - to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Daisy Kay-Taylor / Nathanael TEL: 01295 227966 / 221886
Stock

Agenda Item 17

Cherwell District Council

Planning Committee

5 October 2023

Appeals 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 **23/00662/F - The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ**

RETROSPECTIVE - Change of Use of public house (Sui Generis) to hotel/bed and breakfast (Class C1)

Officers Recommendations: (Application did not pass Validation)

Method of Determination: Written Representations

Appeal against non-determination

Start Date: 13/09/2023

Appeal reference: 23/00092/NON

- 3.2 **22/02866/OUT – Land East of Ploughly Road, Ambrosden.**

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space,

biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5Days)
Hearing Date: 21/11/2023.
Hearing Venue: Council Chambers.
Planning Reference: 22/02866/OUT
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

3.3 22/03802/OUT - Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way, Hempton Road, Hempton.

Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Hearing (1 Day)
Hearing Date: 14/11/2023.
Hearing Venue: Council Chambers.
Planning Reference: 22/03802/OUT
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

New Enforcement Appeals

3.4 None

Appeals in Progress

3.5 22/02104/F - Land to The Rear of No.12 And South of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ.

Erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works.

Officers Recommendation: Refusal (Committee)
Method of Determination: Hearing. (1 Day)
Hearing Date: 18/10/2023.
Application Reference: 22/02104/F
Appeal Reference: 23/00088/REF
Start Date: 08.08.2023.

3.6 21/04289/OUT - OS Parcel 1570 Adjoining and West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park.

Outline planning application for the erection of up to 230 dwellings, creation of new

vehicular access from Camp Road and all associated works with all matters reserved apart from Access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Day)
Hearing Date: 05/12/2023.
Application Reference: 21/04289/OUT
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

3.7 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

3.8 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

3.9 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

3.10 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 22/02637/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

3.12 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

3.13 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

3.14 22/03215/PIP – Land West of School Lane & Foxden Way, Great Bourton, Bourton.

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

3.15 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

3.16 **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

3.17 **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.

3.18 **22/00998/F - 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

3.19 **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

3.20 **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)
Method of determination: Hearing
Hearing Date: 25.10.2023
Hearing Venue: Council Chambers, Bodicote House
Application Reference: 22/03741/F
Appeal Reference: 23/00087/REF
Start Date: 11.07.2023.

3.21 20/00236/ENF - Ambrosden Post Office and Newsagents, Post Office, Merton Road, Ambrosden, Bicester, OX25 2LX.

Breach of Condition 8 - 01/00694/F – Parking.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Start Date: 13th September 2022
Appeal Reference: 22/00043ENF

3.22 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

3.23 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

Forthcoming Public Inquiries and Hearings between 6 October and 2 November 2023

3.24 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

3.25 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: 1 day Hearing.
Hearing Date: 17.10.2023
Hearing Venue: Council Chambers, Bodicote House
Start Date: 09/03/2023.
Appeal Reference: 23/00065/REF

3.26 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)
Method of determination: Hearing
Hearing Date: 25.10.2023
Hearing Venue: Council Chambers, Bodicote House
Application Reference: 22/03741/F
Appeal Reference: 23/00087/REF
Start Date: 11.07.2023.

Appeal Results

3.27 22/02133/F – 18 Fairford Way, Bicester, OX26 4YG

RETROSPECTIVE – Replacement of 7FT high, 5FT wide conifer hedge with 3 fence panels with concrete posts.

Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 26.04.2023.
Appeal Reference: 23/0007/REF

The Inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector found that the open frontages and planted areas contribute positively and significantly to the character of the area, resulting in an open and leafy character where openness and soft landscaping is a striking and positive feature.

This was an obvious and planned feature of the area and arises from the original planning permission. The Inspector considered that compared to the strong and prevailing open character of the frontages within the area, the fence appears significantly out of place and is contrary to the identified character. Rather than appearing as a green and natural feature, as a hedge may have done, it appears harsh and presents a hard-edged frontage.

The Inspector did not accept that the erection of the fence is the only means of resolving issues with regard to the poor state of the previous hedge, litter and dog fouling. The appellant's concerns in this respect were not considered to outweigh the negative effects that the fence has on the area. The Inspector concluded that the development is contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

3.28 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

The Inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector found that the open frontages and planted areas contribute positively and significantly to the character of the area, resulting in an open and leafy character where openness and soft landscaping is a striking and positive feature. This was an obvious and planned feature of the area and arises from the original planning permission.

The Inspector considered that compared to the strong and prevailing open character of the frontages within the area, the fence appears significantly out of place and is contrary to the identified character. Rather than appearing as a green and natural feature, providing space between the pavement/road and the boundary of the gardens, it appears harsh and presents a hard edge to the back of the pavement.

The Inspector did not accept that the erection of the fence and the enclosing of the area is the only means of resolving issues with regard to the poor state of the previous wall, litter and dog fouling. The appellant's concerns in this respect was not considered to outweigh the negative effects that the development has on the area. The Inspector concluded that the development is contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

3.29 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

The Inspector identified the main issues as the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of neighbouring residential properties with regard to outlook.

The Inspector found that there are long clear views along Peregrine Way with low level planting and the backdrop of the dwellings providing only very limited visual mitigation to the proposed mast. However, given its height, the mast would still project well above the surrounding dwellings and be seen clearly against the skyline. The Inspector considered that the mast would be seen as a prominent feature by local residents, road users and pedestrians. Further, the mast would be much taller and bulkier than the lamp columns which lie nearby and its height would set it apart from other street furniture. The Inspector considered that the mast would appear as an intrusive feature and would harmfully detract from the character and appearance of the area. The Inspector recognised that policies and decisions should support the expansion of the communications network, however, this must be balanced against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative of the Framework for development to achieve well designed places for the long term. From what the Inspector had seen and read there appeared to be no obvious alternative sites that might be suitable and available.

The Inspector did not consider that the proposal had been sympathetically design as required by the Framework and concluded that the development would be harmful to the character and appearance of the area and does not consider that harm to be outweighed by the support in the Framework for high quality communications when weighed against the Development Plan harm and the wider requirements of the Framework. With regard to the effect of the proposal on the character and appearance of the area, the Inspector considered the proposal to be contrary to the aims of Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28, C30 and C39 of the Cherwell Local Plan 1996 and paragraph 126 of the Framework.

With regard to the living conditions of the occupants of neighbouring residential properties in terms of outlook, the Inspector considered that the proposed mast would be clearly visible from the ground and first floor windows in the rear elevations of 1 Falcon Mead and 19 Partridge Chase. Whilst the Inspector acknowledged that the lower part of the proposed mast would be screened by landscape features in the rear gardens of these properties, the top portion would be clearly visible from within the properties and their rear gardens, at close range, appearing as a prominent and incongruous feature on the skyline, causing harm to the occupant's outlook. Whilst the Inspector considered the impact upon outlook from properties on Merlin Way to be more limited due to the greater distances involved, the proposed mast would be visible, against the skyline, when viewed from their rear facing windows and their respective gardens, causing harm to the outlook of the occupants of those properties. The Inspector concluded that the proposal would be contrary to the aims of Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraph 130 of the Framework.

The Inspector also commented on concerns raised with regard to the potential effects on health, particularly the proximity of the proposed monopole to residential properties, although the appellant had provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The Inspector considered that in these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. Further, the Inspector commented that no sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

3.30 **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

The Inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector found that the properties in the vicinity of the appeal site were generally enclosed at the fronts with the predominant form of boundaries being stone walls or hedging, and that timber fencing is not a common feature of the streetscene. The Inspector considered that the fencing is a prominent feature in the streetscene and it is clearly visible from both Horton Hill and The Green, appearing stark and at odds with the other boundary treatments in the vicinity of the site. The Inspector considered that the appellant's need for privacy and security, and to prevent parking on his land, could be addressed by other types of boundary treatment.

The Inspector concluded that the fence is out of character and unacceptably harmful to the appearance of the area, conflicting with the provisions of Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

4.0 Conclusion and Reasons for Recommendations

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

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

- 6.1 None. This report is submitted for information.

7.0 Implications

Financial and Resource Implications

- 7.1 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:
Kimberley Digweed, Service Accountant
kimberley.digweed@cherwell-dc.gov.uk

Legal Implications

- 7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:
Shiraz Sheikh, Assistant Director of Law and Governance and Democratic Services and Monitoring Officer
shiraz.sheikh@cherwell-dc.gov.uk

Risk Implications

- 7.3 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
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

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