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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 2 November 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 - 59)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 October 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. **OS Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT**
(Pages 62 - 118) **21/03522/OUT**
9. **Land To The North West Of Old Farm House Adjoining Orchard Piece, Mollington** (Pages 119 - 136) **23/00334/F**
10. **Scrapyard, Bunkers Hill, Shipton on Cherwell** (Pages 137 - 153) **23/01303/F**
11. **Land to Rear of Gracewell Care Home, Gardner Way, Adderbury** (Pages 154 - 218) **21/01966/F**
12. **Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ** (Pages 219 - 227) **23/00018/F**

Review and Monitoring Reports

13. **Appeals Progress Report** (Pages 228 - 239)

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 25 October 2023

Agenda Item 4

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 October 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Julian Nedelcu
Councillor Lynn Pratt
Councillor Nigel Simpson
Councillor Barry Wood

Substitute Members:

Councillor Matt Hodgson (In place of Councillor Amanda Watkins)
Councillor Dorothy Walker (In place of Councillor Jean Conway)
Councillor Sean Woodcock (In place of Councillor Becky Clarke MBE)

Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Simon Holland
Councillor Les Sibley
Councillor Amanda Watkins

Also Present:

Councillor Kieron Mallon (Speaking as Ward Member for agenda item 16)

Also Present Virtually:

Councillor Eddie Reeves (Speaking as Ward Member for agenda item 14)

Officers:

Ian Boll, Corporate Director Communities
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
David Peckford, Assistant Director Planning & Development
Nat Stock, Development Management Team Leader - North Area
Caroline Ford, Development Manager Team Leader - South Area
Paul Ihringer, Development Management Team Leader - South Area
Katherine Daniels, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Andrew Thompson, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Matt Swinford, Democratic and Elections Officer

53 **Declarations of Interest**

8. Land At Bicester Road, Kidlington.

Councillor Nigel Simpson, Declaration, as a member of Gosford and Water Eaton Parish Council which had been consulted on the application.

9. Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL.

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

10. Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL.

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

11. Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL.

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

16. 1 Elizabeth Rise, Banbury, OX16 9LZ.

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

Councillor Matt Hodgson, 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.

54 **Requests to Address the Meeting**

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

55 **Minutes**

The Minutes of the meeting held on 7 September 2023 were agreed as a correct record and signed by the Chairman.

56 **Chairman's Announcements**

The Chairman made the following announcements:

1. Agenda item 14 would be the first planning application considered at the meeting.
2. Advised members of the public attending the meeting that only registered speakers may address the Committee and requested that they did not cause a disturbance.

57 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

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

The Committee considered application 22/03877/F for the erection of three industrial buildings, replacement of former scout hut building and associated works for Middle Aston Limited at Hatch End, Old Poultry Farm, Steeple Aston, Road, Middle Aston, OX25 5QL.

Councillor Eddie Reeves addressed the Committee as a Local Ward Member.

Patrick Bradshaw, on behalf of the applicant, Middle Aston Limited, addressed the Committee in support of the application.

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

Resolved

That application 22/03877/F, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission subject to

- (a) The conditions set out as below (and any amendments to those conditions as deemed necessary)

- (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

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 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.
- (d) 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 (nondomestic 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.

60 **Land At Bicester Road, Kidlington**

The Committee considered application 22/00747/OUT, an outline 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 for Barwood Development Securities Limited and the Trustees of The Philip King Homes Trust at Land At Bicester Road, Kidlington.

Keith Fenwick, on behalf of the agent for the applicant, Pegasus, 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

That application 22/00747/OUT, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to

- a) The conditions set out below (and any amendments to those conditions as 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 necessary mitigation as set out in

the annex to the Minutes, as set out in the Minute book (and any amendments 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

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. a) 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 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 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.
 - iii. 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.

with vehicular access from Oxford Road for Manor Oak Homes/G B Bishop-Fruedling & C A Parsons at Stratfield Farm, 374 Oxford Road, Kidlington OX5 1DL.

Huw Mellow, on behalf of the agent for the applicant, Carter Jonas, addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 22/01611/OUT be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- a) The conditions set out below (and any amendments to those conditions as 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 heads of terms as set out in the annex of the Minutes as set out in the Minute book (and any amendments as seemed necessary).
 - 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

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)

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. a) 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. a) 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.
 - iii) 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 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

62

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

The Committee considered application 22/01756/F for alterations and repairs to a 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 for Manor Oak Homes/G B Bishop Fruedling & C A Parson at Stratfield Farm, 374 Oxford Road, Kidlington, Oxfordshire, OX5 1DL.

Huw Mellow, on behalf of the agent for the applicant, Carter Jonas, addressed the Committee in support of the application.

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

Resolved

That application 22/01756/F, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions as 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 2
19-217 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 vf 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.

63

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

The Committee considered application 22/01757/LB, a listed building consent application for alterations and repairs to a 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 for Manor Oak Homes/G B Bishop Fruedling & C A Parson at Stratfield Farm, 374 Oxford Road, Kidlington, OX5 1DL.

Huw Mellow, on behalf of the agent for the applicant, Carter Jonas, addressed the Committee in support of the application.

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

Resolved

That application 22/01757/LB, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions as 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 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.

The Committee considered application 23/01424/F for the demolition of an existing dwelling and erection of a new building to be used as a 9 bedroom

House in Multiple Occupation. Widening of dropped kerb for B-Hive Living Ltd at 1 George Street, Bicester, OX26 2EB.

Williams Johnson-Mota, the applicant, addressed the Committee in support of the application.

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

Resolved

That application 23/01424/F, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

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 nonopening, 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.

The Committee considered application 23/01927/F for a part retrospective - change of use from a 6 bedroom HMO to an 8 bedroom HMO (Sui Generis) for Mrs Jenny Surtees at 43A George Street, Bicester, OX26 2ED.

Jenny Surtees, the applicant, addressed the Committee in support of the application.

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

Resolved

That application 23/01927/F, in line with the officer's recommendation, be approved and authority be delegated to the Assistant Director Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

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.

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

67 **1 Elizabeth Rise, Banbury, OX16 9LZ**

The Committee considered application 23/01952/F for a 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) for Mr G Ashraf at 1 Elizabeth Rise, Banbury, OX16 9LZ.

Councillor Kieron Mallon addressed the Committee as Local Ward Member.

Ian Lyne, local resident, addressed the committee in objection to the application.

It was proposed by Councillor Harwood and seconded by Councillor Reynolds that application 23/01952/F, be refused, against the officers' recommendation, due to flooding risk, overdevelopment of the site and excessive parking and was therefore contrary to Policy DSD15 of the Cherwell Local Plan 2011-2031 (with the exact wording delegated to officers).

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

Resolved

That application 23/01952/F be refused, contrary to the officer's recommendation, for the following reasons:

1. By reason of its scale, form and massing, the proposal would result in overdevelopment of the site and would therefore adversely affect the character and appearance of the area. In addition, the proposal would result in excessive hardstanding exceeding the car parking capacity of the property, which would cause water problems and localized flooding due to water run off. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031.

68 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 7.05 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 2 November 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	OS Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton OX5 1LT	21/03522/OUT	Kidlington West	Refusal	Linda Griffiths
9	Land To The North West Of Old Farm House Adjoining Orchard Piece, Mollington	23/00334/F	Cropredy, Sibfords and Wroxton	Approval*	Imogen Hopkin
10	Scrapyard, Bunkers Hill, Shipton on Cherwell	23/01303/F	Launton and Otmoor	Refusal	Rebekah Morgan
11	Land to Rear of Gracewell Care Home, Gardner Way, Adderbury	21/01966/F	Adderbury, Bloxham and Bodicote	Approval*	Nathanael Stock
12	Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ	23/00018/F	Bicester South and Ambrosden	Approval*	Andrew Thompson

*Subject to conditions

21/03522/OUT

**Os Parcel 3673 Adjoining And West Of 161
Rutten Lane
Yarnton
OX5 1LT**

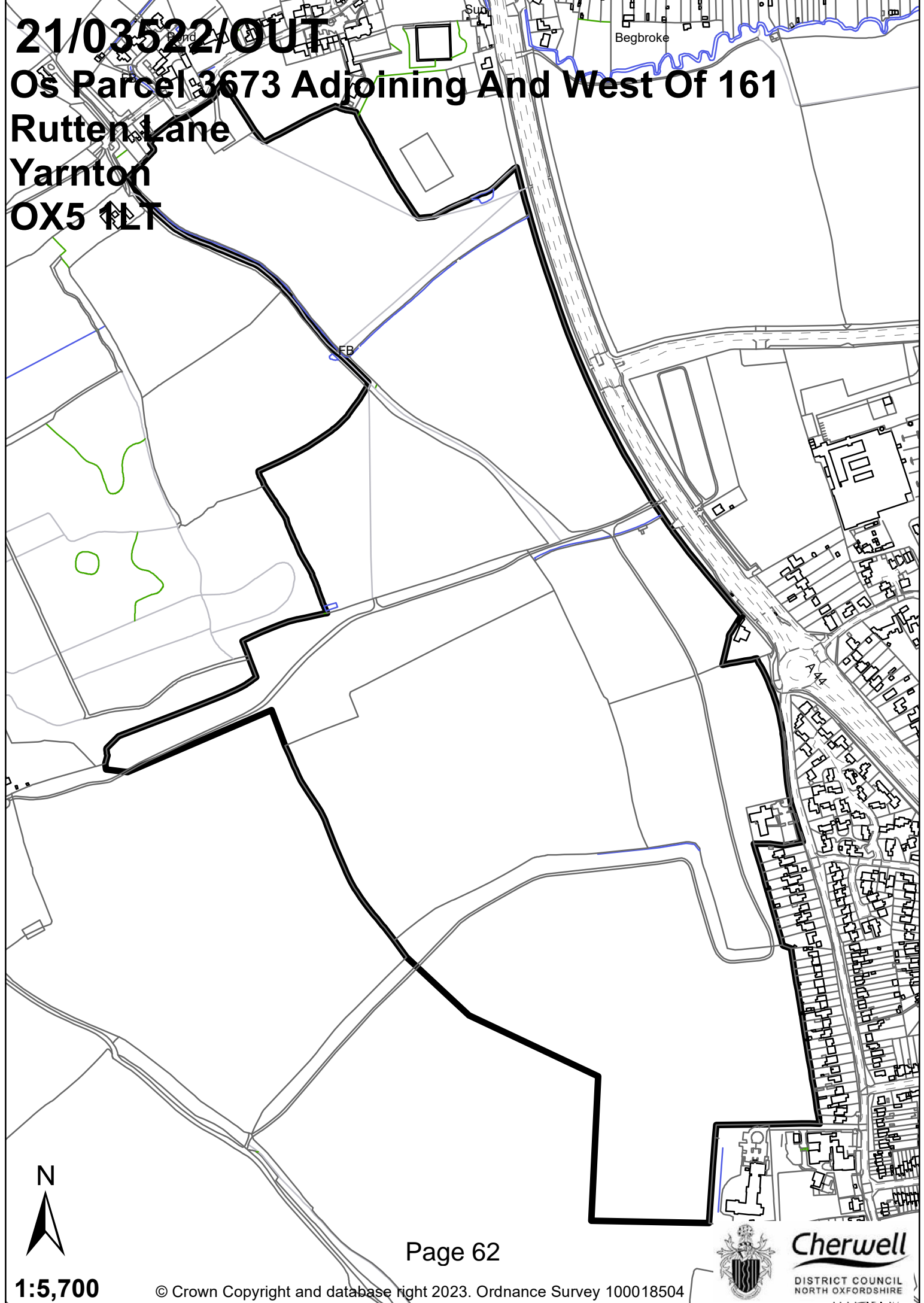


1:6,200



21/03522/OUT

**Os Parcel 3673 Adjoining And West Of 161
Rutten Lane
Yarnton
OX5 1LT**



1:5,700



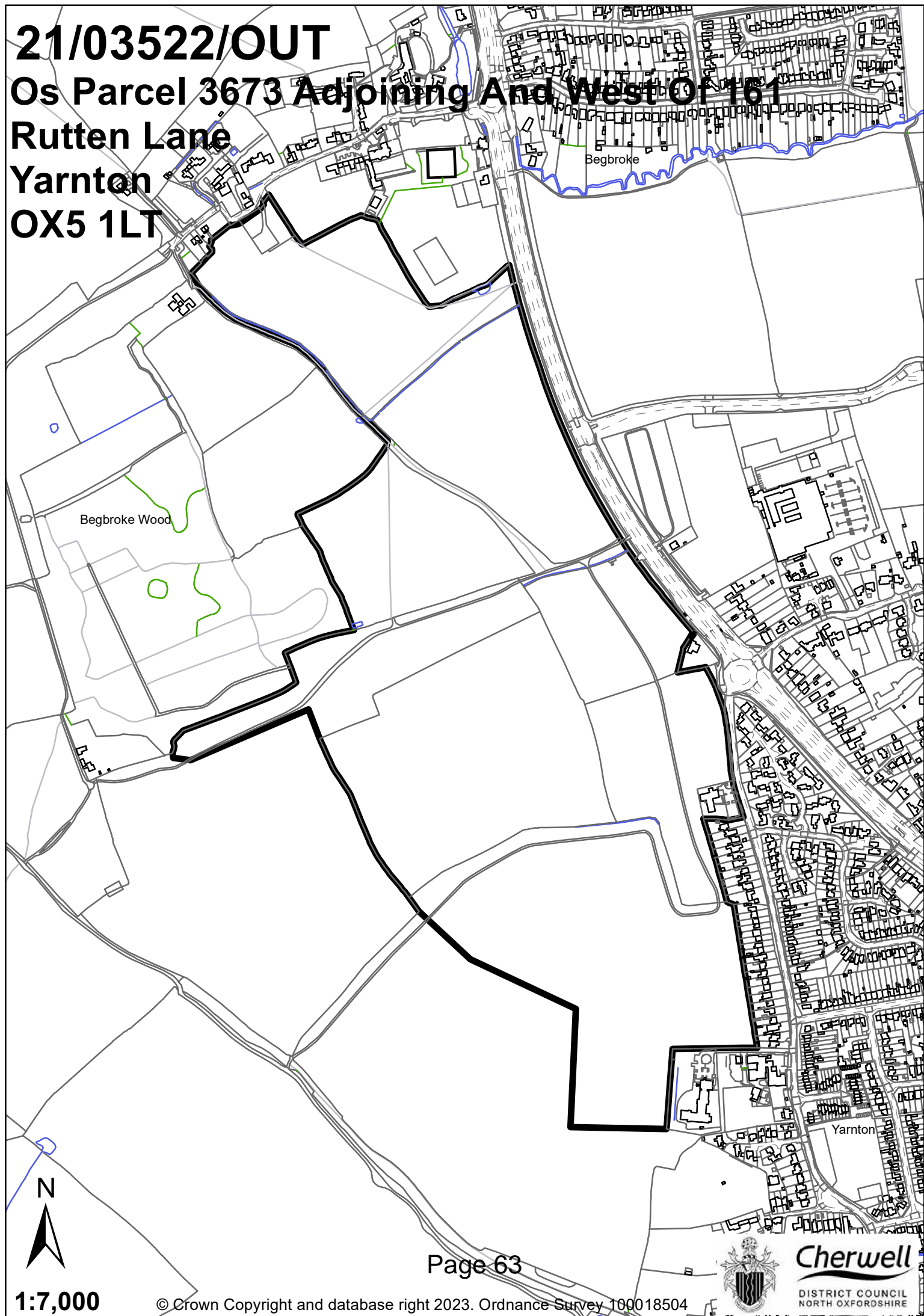
21/03522/OUT

Os Parcel 3673 Adjoining And West Of 161

Rutten Lane

Yarnton

OX5 1LT



Case Officer: Linda Griffiths

Applicant: Merton College

Proposal: The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works.

All matters are reserved, save for the principal access points.

Ward: Kidlington West

Councillors: Councillors Conway, McLean, Walker

Reason for Referral: Major development

Expiry Date: 31 March 2023

Committee Date: 2 November 2023

SUMMARY RECOMMENDATION: AN APPEAL AGAINST NON-DETERMINATION HAS BEEN LODGED (ALTHOUGH NO START DATE HAS YET BEEN RECEIVED) AND THEREFORE MEMBERS ARE REQUESTED TO RESOLVE THAT BASED ON THE CURRENT ASSESSMENT THAT PERMISSION WOULD HAVE BEEN REFUSED AS SET OUT BELOW BUT TO RESOLVE THAT OFFICERS CONTINUE TO SEEK TO RESOLVE THE OUTSTANDING ISSUES PRIOR TO THE APPEAL INQUIRY SUBJECT TO CONDITIONS AND RESOLUTION OF TECHNICAL ISSUES AND SUBJECT TO A S106 LEGAL AGREEMENT IN CONSULTATION WITH THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT AND THAT IN THE CIRCUMSTANCES THAT THOSE ISSUES ARE SATISFACTORILY RESOLVED, THAT THE APPEAL IS NOT CONTESTED

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is allocated for development under Policy PR9 of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review of the Cherwell Local Plan – Oxford's Unmet Housing Needs which was adopted on 7th September 2020. The application site forms a significant part of the allocation. Policy PR9 identifies 99 hectares of land as a village extension to the west of Yarnton which includes the development of 540 dwellings on approximately 25 hectares of land. The application site comprises one parcel of land totalling approximately 59.3 hectares. The site is located on an east and north-east facing slope. The rest of the allocated land outside of the

application site is the land identified by Policy PR9 as retained agricultural land within the Green Belt.

- 1.2. The site is predominantly arable farmland lying to the west and north of Yarnton and also includes the Yarnton Medical Practice and car park. The north-eastern edge of the site is defined by the built-up edge of Rutten Lane and the A44. There is direct frontage to Rutten Lane, as well as the rear boundaries to the residential properties located along the southeastern part of the site along Rutten Lane. The far southern boundary of the site abuts the access road serving both William Fletcher School and Yarnton Residential Nursing Home. To the southwest boundary is defined by Frogwelldown Lane, an historic footpath which rises gently towards Hanborough from Cassington Road. To the north is Begbroke Wood, a designated ancient woodland.
- 1.3. In terms of topography, the site is located on an east and north-east facing slope where it abuts the western edge of Yarnton. The land then rises moving westwards and to the south of the site.

2. CONSTRAINTS

- 2.1. The application site is within an area of historic agricultural land including historic field systems. There are existing hedgerows within the site and trees along field boundaries. To the southwest boundary of the site lies Frogwelldown Lane, an historic public footpath. Begbroke Wood, a designated ancient woodland lies to the north of the site. Dolton Lane bridleway runs through the northern part of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline consent for the erection of up to 540 dwellings, 9,000sqm of elderly care C2 use, a community hub (up to 200 sqm) and associated infrastructure including 1.8 hectares for playing field for William Fletcher School, enabling William Fletcher Primary School to expand within its own site, open space and play/recreation space within the development site. The application also proposes within retained green belt, a community woodland, area of Meadowland and nature reserve. Green infrastructure and areas of public open space are based on the retention of veteran trees and provision of a network of swales and attenuation ponds, incorporation of existing hedgerows into the layout, maintaining connectivity with retained and restored hedgerows passing through open habitat. New tree planting amongst strips of grassland to buffer retained habitats from development and to reinforce the movement of wildlife.
- 3.2. Two vehicular access points, one to the north via the A44 and the second to the south, via Rutten Lane are proposed. The principal access points into the site are to be considered under this outline application with all other matters reserved for later consideration.
- 3.3. Green infrastructure and areas of public open space are based on the retention of veteran trees and provision of a network of swales and attenuation ponds. Incorporation of existing hedgerows into the layout, maintaining connectivity with retained and restored hedgerows passing through open habitat is proposed. New tree planting amongst strips of grassland to buffer retained habitats from development and reinforce the movement of wildlife is also part of the proposals.

4. RELEVANT PLANNING HISTORY

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

20/01914/SO – Screening Opinion issued 7th August 2020 advising that the proposal was EIA development.

20/02575/SCOP – Scoping Opinion issued 9th April 2021.

5. PRE-APPLICATION DISCUSSIONS

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

21/00233/PREAPP – erection of up to 540 dwellings, up to 9,000sqm of elderly/extra care, community homework hub, play space, 1.8ha of playing pitches and amenity space for William Fletcher Primary School with associated infrastructure, community woodland and local nature reserve.

5.2. The pre-application proposals were considered to broadly meet the requirements of Policy PR9 with the exception of the community woodland, meadow land, community homework hub and extra care/care home in addition to 540 dwellings. Whilst the community woodland was to be provided within two areas rather than a single area, it complied with the policy in terms of its total land area and was considered acceptable as a departure from the policy.

5.3. In terms of the meadowland, whilst the quantum of land complies with the policy, the key difference is on how this land would be used and accessed by the public. The PR9 policy seeks a more formal space for the public with unrestricted access. This aspect is contrary to the Policy and additional details on how this land would be managed, accessed for the public and landscaped are required before any determination could be made as to whether or not this amendment was acceptable.

5.4. Community and homework hub may be acceptable in principle in lieu of a financial contribution towards improvements and/or enhancements to existing facilities within the local area.

5.5. In terms of the extra care/care home in addition to the 540 dwellings, whilst the provision of a C2 care home is not required by Policy PR9, it could be acceptable provided the application could demonstrate that an acceptable density, design and layout could be achieved as a result of the additional provision. In addition, financial contributions/obligations and other supporting infrastructure would need to be considered.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **10 February 2023**, although comments received after this date and before finalising this report have also been considered.

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

- Disregard for protected greenbelt without consideration of other brown sites.
- Increase pressure on transport infrastructure into Oxford.
- Destroy character of Yarnton and sense of identity.

- Please provide a path from the rear of properties along Rutten Lane to allow easy access to the green corridor. Historic access from properties along Rutten Lane to field.
- Noise from new school playing field proposes to be mitigated by an acoustic fence which will be an unsightly barrier.
- Flood risk. Further mitigation is required. Experience flooding to property from surface water from surrounding fields. The outfall C in the report cannot cope with the existing levels of surface water so how will it cope with the extra demand. Pond has not been maintained so overflows quickly. No acknowledgement or consideration of the combined flood risk at the development site and existing village. Heightened flood risk for Yarnton. Lack of clarity regarding future maintenance and management responsibility. In-depth local knowledge of issues can be provided. Application seems to be limited to a study of flood impact on the application site and includes scant information about the existing village hydrology. The approved design brief failed to include the existing flooding issues for the village. Flooding issues will be left to be addressed at a later date which will be much more difficult post development. Fernhill Road is also subject to surface water flooding on a regular basis.
- Lack of detail/information relating to foul sewage pumping.
- Construction access should be via A44 not Rutten Lane.
- Concern about type of play facilities proposed, recent developments are hard surfaced and unattractive and not usable for children of all ages meaning parents with more than one child and age range cannot use them.
- Loss of landscape, open countryside and wildlife corridors. To build up to 4 storeys along A44 and up to Dalton Lane contrary to previous efforts to preserve and enhance this landscape. 2.5 storeys to rear of properties along Rutten Lane is unacceptable and not in keeping with street scene. Loss of privacy due to height of buildings and slope of land. Development should be reduced to a maximum of 2 storey. The designs are completely out of character to the rest of the area and if they look like the monstrosity at the mosaic site at Barton they are going to look terrible.
- Ignores climate crisis, have recorded bats, owls, rare butterflies and red listed birds such as cuckoos in the area. Concern about neglect of area has been constantly ignored by the college landowners. How can we reach net zero by 2050 by building on all the green spaces.
- Development proposed over ancient ridge and furrow landscape and ancient settlement of Begbroke which can be seen from the air. Begbroke is mentioned in the Shell Guide for Oxfordshire as a rare rural haven next to the city. Map in chapter 9 including the woodland is outdated and vastly underrepresents numerous veteran trees and also underestimates the species change threat.
- Question use of 2017 traffic data in Vectos report, Capacity created by Wolvercote roundabout, and Banbury Road already seems to have been taken by other more recent development, for example, Long Hanborough and North Leigh. Traffic from Witney direction appears to have increased far beyond levels previously experienced and at peak times extending back to Eynsham causing vehicles to use Cassington Road to bypass the

Wolvercote roundabout. With lockdown over the road traffic analysis needs to be revisited.

- Loss of views and tranquillity. Villages will become joined up and lose their unique identity and community spirit.
- Noise and disturbance during construction. Light pollution, increased traffic pollution and traffic congestion. Lack of public transport and bus services.
- Are there enough public services to serve the development, especially in relation to GP services, local medical practices are stretched and waiting times at an unacceptable level.
- Why are the 2000 empty homes in Oxford not being used. Appalling use of green belt land and based on an inaccurate, out of date estimate of Oxford's unmet housing need. Empty office buildings as a result of people working from home should be used. Suggest re-using empty retail units.
- Impact on parish churches of Yarnton and Begbroke and parishes shares which cannot be met now, let alone with the new development.
- Infrastructure must have regard to safe pedestrian crossings and wheelchair users/pushchairs. Need to consider school parking and safe cycle routes.
- Subject to further environmental information relating to the transport assessment, and socio-economic cumulative impacts in terms of schools and education the application is supported by Oxford University Development.

Yarnton Flood Defence Group: **object** and concerns are summarised as follows:

- Appreciate changes to design since Christmas 2021 but drainage strategy still partly reliant upon continued exceedance flow at Headwall C.
- This site is the only remaining undeveloped land on the west side of Rutten Lane and A44 and probably the last opportunity to mitigate flooding at the north end of the village from the high ground overlooking the village – Spring Hill.
- Request responses and additional information; (i) calculations showing maximum capacity for surface water drain at headwall C; (ii) clarification of pipework ownership and discharge rights to a private drain; query inlet works to ditch on A44; (iii) Do not agree that the PR9 site runoff has been calculated to adequately represent the nature of the real greenfield runoff specific to the site which may require an increase in the volume of on-site attenuation tanks; (iv) the current WSP report refers to groundwater being absent based on a single trial hole dug in the Oxford clay, yet during the on-site archaeological phase we understand the archaeologists had difficulty keeping their excavations dry and also note that there still seem to be no integration of the groundwater and surface runoff to headwall C, how will a workable design for the cutoff drain and pond be arrived and what contingency will there be if it should prove insufficient, also concerns that this pond and other SUDS will simply serve as stilling ponds for silt eroded from the upper slopes and become a constant problem for the management company, eroded soils being brought down into the village in significant

quantities has been a feature of previous floods; (v) need more information regarding the management company.

- Update 22nd August 2022: the revised Surface Water Management Strategy does not seem to have materially changed and still proposes to mitigate runoff from the site to a greenfield rate no lower than the minimum requirement in the National Planning Guidelines. The revised strategy does not appear to offer any significant improvement from the current greenfield runoff rate and flooding. Whilst accepted that the site itself will be at low risk from surface-water, groundwater and sewer flooding, those vulnerable within the village remain at risk. The amount of 'betterment' to flood risk for existing villagers stated is unclear. PJA drawings now shows a foul sewer connection within the village which is of great concern as foul system is already inundated and in previous discussions with Thames Water they have declared there are no surface water sewers in Yarnton, only foul sewers as a such they don't have a statutory duty for any surface water run-off. Impact on Thames Water floodplain remains an issue.
- Update 30th January 2023: **objection** to final flood strategy dated December 2022. Having scrutinised the final report firm view is that the application should be deferred until such time as a site investigation, a flood risk assessment and flood mitigation strategy is prepared for the village of Yarnton to lay alongside the PJA site specific strategy. Remains our view that National Guidelines alone do not take into account local conditions. Previous questions have not been answered. It should be noted that these comments are very detailed and run to 12 pages and can be found on the application documentation through the council's application website.

6.3. The comments received above can all 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. YARNTON PARISH COUNCIL: **object** and are disappointed that constructive comments from this council and village residents have been largely ignored.

- Piecemeal application process for PR8 and PR9 fails to provide sufficient information to judge overall impacts on the villages and surrounding area.
- Flood risk – believe ground and surface water flows including contaminants, particularly during construction will significantly increase flood risk to Yarnton. Archaeological investigation of the site has included comment that the area is wetter than any other previously studied and that property development seemed ill advised.
- Building design – continue to object to building properties immediately behind existing properties in Rutten Lane. 4 storey development out of character with the village and street scene. 4 storey either side of A44 will result in serious negative impact on rural village, become oppressive and diminish any sense of village continuity. All buildings should conform to best

eco-specifications related to production, construction, living and subsequent demolition consistent with climate change policies.

- Design and Access Statement – question stewardship which is unclear. Have already stated that it does not wish to be responsible for the maintenance of green spaces, trees hedgerows, water courses etc.
- Traffic assessment – detail of construction traffic routeing is unclear. Only safe route onto and off the site will be via the proposed access from A44, Rutten Lane is unsuitable. Due consideration must also be given to safety of pedestrians and cyclists using A44 path and cycle lane. Traffic data used to evaluate impact is out of date and unrepresentative of current activity. Sufficient parking for construction must be provided on site to avoid parking in Yarnton village.
- Healthcare – with closure of Sandy Lane, access from Yarnton to primary care medical facilities in Kidlington will be more difficult to access. Alarmed to see no planned expansion of Yarnton Medical Practice. Not convinced that there is sufficient evidence to support yet another elderly/extra care facility within the village.
- PRoW – opposed to any proposal of re-classification of Frogwelldown Lane as a bridleway or cycle route. The footpath has local historical importance. Visual amenity of greenfield/agricultural land seen from Frogwelldown Lane and connecting routes will be seriously, adversely affected.
- Sport and play – proposal of such extent deserves a wide range of sport and play facilities within the development area that are fully accessible to existing and proposed residents. Playing field and MUGA facility along with first class play facilities are the least that are expected to be provided. Sec 106 funding should be accessed to facilitate this and appropriate youth provision. Yarnton sports clubs (netball and football) are already at saturation and in need of more playing space.
- Utilities – astounding that such significant residential development of 540 homes can proceed when Thames Water can presently only support 50 additional properties.
- Road network – there is no reference to the proposed link between A40 and Loop Farm/Pear Tree A44 route and the effect on traffic flows.
- Update 2nd February 2023: Appreciate the detailed and considered review of the submissions made by the many stakeholders and efforts to address comments raised. Comments of BOB ICB and Thames Water must be addressed ahead of further formal planning process. Supports the comments from Yarnton flood Defence Group and expresses continued concern that the development will add surface and foul water flood risk to existing residential areas in the village. Given the lack of direct public transport services and planned closure of Sandy Lane a condition of planning permission should be that a good level of primary care provision remains within the village of Yarnton – not wholly centralised in Kidlington. Current proposals for solar panels to the border of the site will reduce health benefits of additional green space. CTMP must keep all construction movements and parking off residential roads within the village. Amended detail of access junction with Rutten Lane still represents a risk to road users. Fig 21 of DAS does not show proposed new southbound bus stop in Rutten Lane near to the site access. Would like to see greater detail of the play equipment to be

installed to ensure appropriate quality and provision. Look forward to understanding more about how the Community Trust will be structured and managed to ensure inclusive interaction with existing residents. Need to understand fully how public open spaces, flora, structures and facilities will be managed. Sec 106 must benefit Yarnton and its residents.

7.3. BEGBROKE PARISH COUNCIL: **object** – maintain previous objection to release of land from green belt and development proposed, impossible to assimilate number of documents submitted as not planners or experts in many fields presented.

- Parish council fully support objections raised by others. 4 storeys will be overbearing and contrary to Policy C28 and NPPF.
- These plans offer little to Begbroke. Virtual coalescence with Yarnton. Pedestrian crossing for Begbroke village is not included and is a major priority for the village, there must be a commitment for section 106 monies from the developers.
- Water infrastructure is inadequate and substantiated by Thames Water response who may object.
- OCCG have objected stating insufficient consulting rooms to cope with increased population and addition of Extra Care will put significant pressure on local practices.
- Object to closure of Sandy Lane.
- No retail provision meaning that all residents must go to a larger settlement such as Kidlington for shopping, nearest facility to Begbroke is Budgens Yarnton.
- Transport links – no direct bus link from Begbroke to Oxford Parkway or Water Eaton P&R which has buses to hospitals. Impractical bus changes in either Oxford or Woodstock necessary.
- Increased air pollution – is regular monitoring taking place?
- Is there still a need for these houses to meet Oxford's unmet need now thousands of houses are planned to be built around Oxford.
- Long-term management plans and effective, sensitive management (with regular reviews) will be needed in respect of green infrastructure and wildlife habitat. Merton's declaration regarding biodiversity and sustainability hardly fits with destruction of green belt and local environment.
- Ideas for Dolton Lane upsetting, disaster if turned into an urban pathway, with character lost forever. Turning the whole Binfield into woodland rather than just part of it is not a preferred option, it is special for wildlife.
- Wide range of wildlife species inhabit PR9 and Binfield – owls, swifts, hares, rabbits, crickets, spiders, deer and insects.
- Begbroke Parish Council could be involved in the stewardship of the woodland and nature areas proposed.
- Parameter Green Infrastructure Plan must clarify that trees and hedgerows will remain and be protected.

- Development and increased population bring disturbance to wildlife including presence of cats and dogs.
- Footpath 124/9/10 is shown incorrectly on all diagrams in the documents.
- Ridge and Furrow fields are of significance from medieval farming – especially in how they control surface water (Binfield).
- The sewage and drainage will present problems and impact of flooding in Yarnton and Begbroke. CDC confirm the greenfield rate here is known to already cause downstream flooding in Yarnton, therefore desirable and important that the discharge is limited to less than the greenfield rate. Clay is not free draining and flooding in Yarnton in 2021 do not support the conclusion of WSP.
- Begbroke east also experiences flooding both now and historically. Oxford City should be compelled to pay for an independent hydrologist report on this area before a single house has been built. Photos submitted to evidence flooding.
- No acknowledgement or consideration of the combined flood risk at the development site and existing village and large omission in the flood assessment maps of the known River Thames Flood Plain.
- Limited documentation demonstrating an understanding of historic drainage channels and local topography. Development will lead to heightened flood risk for Yarnton due to squeezing of available drainage capacity between PR9 and Thames flood plain.
- No measures detailed for displacement of ground water within the development site.
- No information or assessment of grey water systems and their impact on existing foul sewage networks. No information about foul sewage pumping main routes or outfall points in Yarnton.
- Concern regarding possible exceedance flow routes and flow depths from the site through Yarnton which does not have sufficient capacity in its drainage, as has been proven by recent flooding events.
- Lack of clarity regards management and maintenance responsibility for drainage scheme post development.
- Objections and concerns also made in connection with the Development Brief.
- Update 7th February 2023: **Objection maintained.**

CONSULTEES

- 7.4. CDC PLANNING POLICY: **No objection in principle** of developing this site for residential development. However, an **objection** is raised due to the failure to provide (i) the provision of public open green space as an informal parkland on 24.8 hectares of land to the west of the residential area, as required by Policy PR9 and the emerging development brief, and, (ii) an area of community woodland within 7.8 hectares of land to the north west of the residential area and to the east of Dolton Lane also required by Policy PR9 and the emerging development brief.

- 7.5. CDC LAND DRAINAGE: **comment** that (i) the submission is in line with guidance and comments given during the evolution of the proposals and the applicant has addressed the need to manage both surface water generated on the site through run-off from newly created impermeable areas, and land drainage/groundwater arising on and upstream of the site from land that will remain undeveloped. (ii) As surface water here is known to already cause downstream flooding in Yarnton, it is desirable and important that discharge is limited to less than the greenfield rate, by providing additional on-site attenuation. (iii) Land drainage interceptor drains and basins/ponds additional to surface water drainage are proposed, but until detailed work is done, it is not possible to assess the benefits that can be provided. (iv) Reference to Outfall B within FRA discharging to Rowl Brook, but outfall B discharges to the systems within Yarnton. (v) application is silent on future maintenance of attenuation. (vi) Foul drainage no comment.
- 7.6. CDC LANDSCAPE: **comment** that (i) north section of Dalton Lane Bridleway has been omitted from the red line boundary and should be included to ensure that it is protected through condition. Parameter Green Infrastructure Plan must clarify that hedgerows and trees will be protected. (ii) The creation of the landscape led development must be proven by evidence of a direct influence of the analysis of the LVIA. Dalton Lane should have landscape receptor status within the LVIA, judging its sensitivity and the impacts of the development. No metalled surface or lighting along this lane. Begbroke Ancient Woodland is also an important receptor which should be included in the Residual Effects chapter. (iii) visualisations to help stakeholders interpret the implications of the development should be included. Subject to these comments, the LVIA is a comprehensive document. (iv) play locations are acceptable in principle subject to achieving required standards.

Update 22nd December 2022: **comment** that the inclusion of Dalton Lane and Begbroke Ancient Woodland inclusion landscape receptors and respective judgement/weighting is agreed. Public open space in centre of the site has been enlarged to accommodate the SUDS and the most westerly built form has been moved approximately 5m further west. Having reviewed the updated plans and amendments set out above alongside the previous judgements of magnitude of change and overall effect in the LVIA, it is judged that the overall effect experienced by receptors set out in the original LVIA would not change. This assertion is agreed. Para 4.3.1 of the DAS should provide the necessary commitment that 2 combined LAP/LEAPs are to be provided in accordance with CDC requirements and standards. Concerned about longevity and robustness of naturalistic play areas as promoted in the DAS.

- 7.7. STRATEGIC HOUSING: **comment** that the application is supported in principle subject to clarity on a number of matters and a revised housing mix as suggested in the response. There is no mention of first Homes, split tenure to meet policy compliance, details of affordable housing standards, clustering, phasing, accessibility etc. Specific consideration should be given to the provision of bungalows, accessible homes and opportunities to provide specialist housing, self-build or self-finish housing. It is not clear how the proposed 9000sqm of floorspace for elderly/extra care should be treated for the purposes of calculating the affordable housing contribution or how C2 use will meet planning policy requirements for the PR9 site.
- 7.8. CDC ARBORICULTURE: **comment** that from a desk-based assessment, the submission documentation highlights that the proposal at outline stage has taken consideration of existing trees on site, with the proposed development areas sitting outside of the recommended CEZ and Veteran tree buffer zones. It also highlights at this stage a minimal impact with regard to tree removals, with all category A and veteran trees scheduled for retention. The proposed category B losses can

comfortably be mitigated by way of replacement planting. Updated AIA/AMS documentation will be required once the proposed layout/reserved matters stage has been reached.

- 7.9. CDC ECOLOGY: **comment** that an appropriate level of ecological survey has been carried out and in general there are few protected species issues that could not be dealt with through mitigation/design/measures during construction. A full LEMP would be needed, potentially for different phases of the development, update surveys for species such as badger, updated BIA and BIMP when layouts confirmed, management schemes for specific areas of the site (nature reserve, community woodland, greenspace) within an overarching scheme, full lighting strategy in line with BCT and ILP guidelines. **There are however, some issues and concerns** arising as a result of the relatively preliminary stage of the information submitted on habitats and the use of the site which need addressing prior to determination and request that further information is submitted in respect of **farmland birds compensation, nature reserve, meadowland area, built environment and hydrology.**
- 7.10. CDC BUILDING CONTROL: **comment** that a building regulations application will be required.
- 7.11. CDC RECREATION AND LEISURE: **require** section 106 contributions (i) £298.88 per m² maintenance for proposed on-site community hub; if the on-site hub does not include space for community activities a contribution of £617,397.50 will be required towards enhancements at Yarnton village hall; £67,983.56 community development worker for 2 years to work to integrate residents into the community and wider area; £24,300 community development fund to support groups for residents; £1,089,196.20 towards outdoor sports provision on PR7a; £450,871.28 indoor sport provision towards improvements at Kidlington and Gosford Leisure Centre; £60,480 towards public art/public realm. All index linked.
- 7.12. OCC/CDC HEALTHY PLACE SHAPING: **object** on the grounds that the health impact assessment is good but weak in one area and requires further information in another. The assessment of health does not refer to any local health data from the Joint Strategic Needs Assessment and no information is provided whether stakeholders have been engaged with regard to the health impacts of the proposed development.
- 7.13. OCC HIGHWAYS: **objections** summarised as follows:
- Further information required in order to demonstrate safe and suitable access for all users, in particular further evidence that the vehicle access onto Rutten Lane will provide sufficient visibility taking account of the road gradient as well as intervisibility between Rutten Lane and the relocated medical centre vehicular access.
 - A number of alterations to the proposed highway works are required including; (i) ensuring that crossing facilities align with LTN 1/20 standards; (ii) pedestrian and cycle infrastructure on A44 to align with preferred option for A44 corridor works, including segregated facilities, to ensure continuity; (iii) the location and layout of certain bus stops must be reviewed to ensure all are easily accessible, taking account of the location of crossing facilities; (iv) the provision of a southbound bus stop on Rutten Lane close to the site access junction; (v) a traffic calming/gateway feature on Rutten Lane to the north of the vehicle access onto Rutten Lane is required.

- The traffic impact assessment undertaken so far is not considered robust and does not adequately assess the impact of the development on the local road network. Further assessment is required in order to fully demonstrate the impact of the development on the road network and demonstrate how an identified package of mitigation will alleviate the likely significant impacts of the development in this location.
- Section 106 contributions: Mobility hub £2,087,132; A44 works Bladen to Begbroke Hill £3,246,749; A44 works Cassington Road to Pear Tree £2,704,134; Public Transport Services £798,525; Public Transport Infrastructure £28,068; Traffic Regulation Order £6,640, Travel Plan Monitoring £6,684 and Public Rights of Way £250,000. All index linked.
- **Update 22nd February 2023: Objection maintained** in respect of (i) alterations to the off-site highway works are required, including for the provision of a parallel crossing over the Rutten Lane arm of A44/Rutten Lane junction and (ii) in order to provide greater certainty over the accuracy of the forecast traffic impact, the highway authority requires the technical issues identified with the VISSIM model be addressed, and for agreed scenario testing to be presented. This will demonstrate with greater certainty whether the package of mitigation highlighted in Appendix 4 of the Local Plan Partial Review is sufficient, or whether additional measures, for example, additional bus priority measures at certain junctions, could be required, potentially with a scheme for monitoring of the development's traffic impact once occupied.
- **Update 13th October 2023: no objection** subject to S106 contributions, a S278 agreement and conditions. Following earlier responses, the Highway Authority has worked with the applicant to agree the modelling assumptions and scenarios as well as the arrangement for the crossing on Rutten Lane. A Technical Note submitted presents updated traffic modelling results as well as the proposed crossing arrangement for Rutten Lane. This updated consultation response is provided in response to that Technical Note (modelling Update Note online 06/09/23). This response also provides updated figures for the S106 obligations following a review of the calculation used to apportion those costs previously. This was done in the light of new information included within the modelling assessment and Transport Assessments from other sites that are also expected to contribute towards the infrastructure requirements. The section 106 changes are as follows: Mobility Hub £1,566,348; A44 highway works package Bladen to Begbroke Hill £2,116,660; A44 Highway Works Package Cassington Road to Pear Tree £1,762,912 and Public Transport Services £529,123. All index linked.

7.14. OCC ARCHAEOLOGY: **objection** – an archaeological evaluation will need to be undertaken on the site ahead of the determination of any planning application in order to test the veracity of the geographical survey undertaken to identify if archaeological deposits survive on the site.

Update 22nd December 2022: objection – an archaeological field evaluation has now been carried out on the proposed site and the report was approved in February 2022. The report on this work should be submitted so appropriate advice can be given.

Update 10th January 2023: objection removed and advise: A further staged programme of archaeological investigation will need to take place on the site secured by condition.

7.15. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection** on the grounds that additional information is awaited.

Update 22nd February 2023: no objection subject to conditions relating to a detailed surface water drainage scheme and management scheme.

7.16. OCC EDUCATION: **no objection** subject to section 106 requests as follows:

- Primary education £3,564,000 towards expansion of William Fletcher School
- Secondary education £3,773,812 towards the secondary school on PR8
- Secondary land contribution £332,890 towards site acquisition land costs
- Special education £367,938 within the area
- 1.8ha land for expansion of William Fletcher School as new playing field all contributions index linked.

Update 13th October 2023: Object as at the time of writing there is no formal agreement with the landowner of the access strip of land between the access site and the school. Therefore, the education requirement for land for primary school expansion contiguous with the existing school site and the Property requirements including a suitable secure access between the school and the new playing fields and staff car park, are not yet able to be achieved, and discussions are ongoing to address this issue.

7.17. OCC WASTE MANAGEMENT: **no objection** subject to section 106 contributions of £50,738.40 (index linked) towards the expansion and efficiency of household waste centres

7.18. LOCAL MEMBER VIEWS: share **concerns** raised by Thames Water and local flood resilience group in the general response that the area is very prone to surface water flooding and whilst the applicant is adding additional SUDS protection, not convinced that enough attention is being paid to this very serious concern. There have been numerous incidents of serious flooding in Yarnton with the majority of water coming from Spring Hill. The flood protection in the application may deal with the additional flooding caused by the development but such proposals do not take into account the full extent of future climate change but rather stick to NPPF guidelines. Believe this development will make the situation worse. Thames Water have also expressed concerns that the current foul drainage system will not be capable of supporting the additional load by the development, and already seen the foul drainage system in Yarnton being overloaded by additional flood waters creating a backflow and additional concerns about contaminated water invading homes. Application appears to gloss over these issues, further evidenced by the inadequate response to the local flood protection group. Appears that the site promoters are woefully unaware of the extent of the flood risk and impact on the foul drainage system and appears to assume that the new development will simply be connected to the existing infrastructure with no upgrades. As LLFA, OCC needs to take all these concerns very seriously and engage further with the Yarnton Flood Defence Group to ensure we are not storing up future trouble that the county council and local residents will have to deal with. Finally concerned that the access to the site from Rutten lane is poorly designed and likely to cause incidents as it is so close to the main access to the lane from the A44.

7.19. OCC Property Library Services – **no objection** subject to Sec 106 contribution

7.20. OCC SPECIALIST HOUSING: **comment** that following discussions with CDC it has been decided that this is not one of the better sites to seek affordable extra care housing. The county Council does not offer a view on whether the land for a care home (use class C2) proposed within this application is appropriate instead.

7.21. OCC INNOVATION: **comment** that amendment to the documentation addressing innovation is required and recommend reference to the Innovation Framework which accompanies the Local Transport and Connectivity Plan is made.

Update 3rd February 2023: no objection subject to a number of matters such as electric vehicle charging, community hub provision providing good levels of digital connectivity and parking provision with future uses in mind being considered at reserved matters.

7.22. ENVIRONMENT AGENCY: **no objection**

7.23. BBOWT: **objection** (i) recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site; (ii) impact on farmland and other birds; (iii) importance of a net gain in biodiversity being in perpetuity; (iv) biodiversity net gain; (v) hydrological impact on Oxford Meadows SAC and Cassington to Yarnton gravel pits Local Wildlife Site.

Update 23rd January 2023: **objection** as above.

7.24. NATURAL ENGLAND: **no objection** as based on the plans submitted it does not consider that the proposed development will have significant adverse impacts on designated sites.

7.25. THAMES WATER: **no objection relating to waste** as the development doesn't materially affect the sewer network, however, care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. **Inability of existing foul water network** infrastructure to accommodate the development and therefore request the imposition of a condition regarding foul water network upgrades. There are public sewers crossing or close to the development. **No objection regarding surface water** as the application indicates surface water will not be discharged to the public network. The development is located within 5m of a strategic water main, Thames Water do not permit building over or construction within 5m of strategic water mains and therefore a condition is requested requiring no construction within 5m of the main and a further condition requiring no piling within 15m of the strategic water main. Thames Water have also identified **an inability of the existing water network infrastructure to accommodate the needs of the development**. A further condition is therefore also recommended in respect of water upgrades.

7.26. THAMES VALLEY POLICE: **request** Sec 106 contributions; £4,962 – staff set up; £12,042 for vehicles and bikes; £6,375 mobile IT; £57,739 towards additional office floorspace and £5,500 towards provision of APNR in the area.

7.27. THAMES VALLEY DESIGN ADVISER: **comment** that disappointed that crime prevention and community safety is not a significant consideration at this point and should be considered through an addendum to the DAS. Curtilage parking is preferred, and all parking must be covered by active surveillance from the dwelling it serves. Parking courts should be avoided. Should be clear definition between public and private realm with defensible space provided. It is vital that public areas/public open space/play space are well overlooked by natural surveillance from surrounding dwellings with active frontage to all streets. Any apartment blocks should follow best

practice recommendations of Secured by Design. Excessive permeability should be avoided.

Update 10th January 2023: comment that disappointed that previous comments do not appear to have been addressed and still unable to find any reference to crime prevention or community safety within this application. I am **unable to support** the application until my comments have been considered and addressed by the applicant.

7.28. SPORT ENGLAND: **comment** that given that the area has been identified in a development brief and there are to be contributions towards indoor and outdoor sport, offer **support** for this application subject to a suitable amount of contribution being allocated for sport.

7.29. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **request** section 106 contributions of £466,560 to be adjusted when the housing mix and number of extra care housing is known.

Update 5th October 2022: further comment: the required increase in floor area of the Yarnton medical centre to reflect growth should result in an increase of the site by 45% and therefore seeking an allocation of land from PR9 of 0.194ha at nil cost. Dependent upon the value of the land, the contribution request above can be amended accordingly. To accommodate the elderly/extra care facility seeking a designated room fitted out to clinical standards to be retained for Health use within the building.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The 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 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption on Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC7 – Meeting Education Needs
- BSC10 – Open Space, Sport and Recreation Provision
- BSC11 – Local Standards of Provisions – 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
- ESD8 – Water Resources
- ESD9 – Protection of Oxford Meadows SAC
- 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
- INF1 – Infrastructure

ADOPTED CHERWELL LOCAL PLAN 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
- PR5 – Green Infrastructure
- PR9 – Land West of Yarnton
- PR11 – Infrastructure Delivery
- PR12a – Delivering Sites and Maintaining Housing Supply

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- TR1 – Transportation Funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- CDC Adopted Residential Design Guide SPD 2018
- CDC Adopted Developer Contributions SPD 2018
- OCC Adopted Street Design Guide 2021
- PR9 Land West of Yarnton Development Brief
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Oxfordshire Local Transport and Connectivity Plan – 2022 - and related documents such as the Central Oxfordshire Travel Plan, Innovation Framework, Active Travel Strategy, Freight and Logistics Strategy.
- Oxfordshire Parking Standards for New Developments – 2022
- Oxfordshire Implementing 'Decide and Provide' – 2022
- Oxfordshire Rail Corridor Strategy – 2021
- Oxfordshire Electric Vehicle Infrastructure Strategy – 2021
- Oxfordshire LCWIPs, Cycling Design Standards and Walking Design Standards
- Oxfordshire Mobility Hub Strategy – 2023

9. APPRAISAL

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

- Principle of development
- Environmental Impact Assessment
- Design and Access Statement
- Compliance with the Development Brief
- Affordable Housing and Housing Mix
- Heritage Impact
- Transport and Access
- Flood Risk and Drainage
- Landscape Impact
- Ecology impact
- Climate Change and Sustainability
- Arboriculture
- Health and Well-Being
- Viability
- Planning Obligation

Principle of Development

9.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) makes it clear that it does not change the statutory status of the development plan as the starting point for decision making. The Development Plan for Cherwell comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015), the adopted Cherwell Local Plan 2011-2031 Partial Review – Oxford’s Unmet Housing Need and the saved policies of the adopted Cherwell Local Plan 1996. The policies important to determining this application are referenced above.

Policy Context

9.3. Policy PSD1 of the CLP 2015 requires a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury to 2031. Policy BSC1 states that Cherwell will deliver a wide choice of high-quality homes. The CLP 2015 Partial Review – Oxford’s Unmet housing Need provides a vision, objectives and specific policies for delivering additional development to help meet Oxford’s housing needs and which can be viably delivered by 2031 in accordance with cross-boundary strategic priorities so that the vision and objectives are achieved without undermining the existing CLP 2015.

9.5. Paragraph E.10 of the CLP 2015 states, *‘Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and NPPG to maintain a continuous five year supply of deliverable, available, suitable and achievable sites as well as meeting its overall housing requirement’.*

9.6. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England and is supported by Planning Practice guidance (PPG). The NPPF states 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 and advising at paragraph 10, a presumption in favour of sustainable development'. Paragraph 11 states that applying the presumption means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or policies which are most important for determining the application are out-of-date (this includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year housing land supply of deliverable sites), granting permission unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- Or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

9.7. Paragraph 12 of the NPPF advises as follows in respect of sustainable development and the status of the Development Plan:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material consideration in a particular case indicate that the plan should not be followed'

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

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'

9.9. Paragraph 74 highlights the need for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to promote a minimum of five years supply of housing against their housing requirement set out in the adopted strategic policies, or against their local housing need where strategic policies are not more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Assessment

9.10. The site is allocated for residential development under Policy PR9 of the CLP Partial Review Plan 2020 which identifies 99 hectares of land as a village extension to the West of Yarnton. This includes the development of 540 dwellings on approximately 25 hectares of land. The application site extends to approximately 59.3 hectares and falls within the strategic allocation in the Local Plan Policy PR9. Policy PR9 is therefore the primary planning policy of the Development Plan, and the proposal

should be assessed against it. The policy is comprehensive in its requirements including matters relating to transport, connectivity, biodiversity, green infrastructure, recreation, flood risk, heritage and education provision.

9.11. The key delivery requirements of Policy PR9 are as follows:

- Construction of 540 dwellings (net) on approximately 25 hectares of land
- The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework
- The provision of 1.8 hectares of land for use by the existing William Fletcher Primary School to enable potential school expansion within the existing school site and replacement of playing pitches and amenity space.
- The provision of facilities for formal sports, play areas and allotments to adopted standards within the developable area (unless shared or part shared use with William Fletcher Primary School is agreed with the Education Authority).
- The provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area and a new Local Nature Reserve accessible to William Fletcher Primary School.
- The creation of an area of a community woodland within 7.8 hectares of land to the north-west of the developable area and to the east of Dolton Lane.
- The retention of 39.2 hectares of land in agricultural use.

9.12. The proposal will assist in delivering new homes and meeting the overall Oxford's unmet housing need requirement within Cherwell. A separate five-year housing land supply is calculated specifically for Oxford's unmet housing need (4,400 dwellings) (Policy PR12a) due to:

- The Council already has an adopted Local Plan 2011-2031 (Part 1) which sets out the district's own identified need and plan to meet that need; and
- Six specific sites are ring-fenced as allocations in the Partial Review to deliver the 4,400 dwellings to meet Oxford's distinct unmet housing need.

9.13. The Oxfordshire Growth Board agreed upon a common assumed start date of 2021 for the commencement of development after the adoption of the respective local plan reviews or updates without precluding earlier delivery. The site allocations and progress are therefore monitored from April 2021 and reported in the Annual Monitoring Reports. Whilst there are now resolutions to grant planning permission subject to Section 106 on two of the partial review sites, development has yet to commence in respect of these allocations. The Council is therefore unable to currently demonstrate a five-year housing land supply in respect of the Partial Review Plan and meeting Oxford's unmet housing need.

9.14. The application proposals broadly meet the requirements of Policy PR9 with the following significant exceptions:

9.15. Community Woodland – Policy PR9 requires the provision of a new community woodland on 7.8 hectares of land as defined on the PR9 Policy Map. The main functions of the new community woodland are to help secure net biodiversity gain and provide a buffer for Begbroke Village (a designated conservation area) to the

north, in addition to helping to protect the ancient woodland. The application proposes two smaller areas of woodland and is therefore contrary to the local plan policy in this respect.

- 9.16. Proposed Meadow – Policy PR9 requires the provision of public open green space as informal parkland on 24.8 hectares of land together with a new nature reserve accessible to William Fletcher Primary School to the north-west of the developable area. The area of land proposed does not correlate with the Local Plan for public open space as informal parkland required to enhance the beneficial use of the Green Belt, in that it is 5.5ha less than required by Policy PR9 and is not proposed as publicly accessible informal parkland. The application proposes to provide a meadow managed through rotational grazing with limited public access across limited public footpath provision. This is contrary to the local plan policy in this respect and is not currently considered acceptable.
- 9.17. Proposed Community Home - Work Hub – this is not a policy requirement of Policy PR9 but is considered to be acceptable in principle provided it does not prejudice or preclude the successful delivery of the principles and requirements of Policy PR9.
- 9.18. Proposed Elderly/Extra Care Housing – this is not a requirement of Policy PR9 but is considered acceptable in principle provided it does not prejudice or preclude the successful delivery of the principles and requirements of Policy PR9, including the delivery of 540 new dwellings on the site.
- 9.19. The application proposes 540 dwellings (Use class C3) on approximately 16 hectares with an average net density of approximately 37.5 dwellings per net developable hectares. Policy PR9 was refined (as now adopted) to increase the site's developable area to 25 hectares with a reduction in density to 31dph to allow for an appropriate response to the site's constraints and a density complementary to the site's rural edge, the village of Yarnton and the A44 frontage.
- 9.20. 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 4,400 homes are allocated as part of the Local Plan Review, none of these sites have yet progressed to full permission. 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 permissions on a number of the sites now being progressed and any adverse impacts of doing so would have to significantly and demonstrably outweigh the benefits.
- 9.21. The western part of the site remains in the green belt and will be proposed through the application as meadowland with public access.

Conclusion

- 9.22. The principle of the development of the site is considered acceptable as proposed as the proposals broadly follow the principles of the allocation and the Development Brief, however an objection is raised due to the failure to provide the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area as required by Policy PR9. The submission is therefore not currently policy compliant in this respect.

Environmental Impact Assessment

- 9.23. The application is accompanied by an Environmental Statement (ES). The ES covers Transport and Movement, Ecology, Ancient Woodland and Veteran Trees, Geology, hydrology and contamination, Flood Risk and Drainage, Air Quality, Built Heritage and Archaeology, Landscape and Visual Impact and Health. The ES identifies significant impacts of the development on the environment and the locality, and the mitigation considered necessary to make the development acceptable.
- 9.24. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 26 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and that they shall state in their decision that they have done so.
- 9.25. The information contained within the submitted Environmental Statement has been considered as part of assessing the merits of the application and the impacts of the proposed development and the mitigation measures necessary to make the development acceptable. These matters are discussed in more detail below.
- 9.26. Having assessed the Environmental Statement, Officers are satisfied for the reasons set out below that the adverse environmental effects of the development would not be significant subject to the mitigation measures set out and the resolution of technical matters and as secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation (26c) of the EIA Regulations 2017 (as amended).

Design and Access Statement and Development Brief

- 9.27. Policy PR9 states that the application shall be supported by and proposed in accordance with a comprehensive Development Brief for the entire site. The Development Brief has been subject to extensive stakeholder engagement and formal public consultation and was considered at the planning committee and approved as guidance in 2021, it is therefore a material consideration in the determination of the application.
- 9.28. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ESD15 of the CLP 2015 which advises that new development should build on the character of Cherwell. It also advises that the design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits.
- 9.29. The Cherwell Local Plan 1996 contains saved Policy C28, which states that '*control will be exercised over all new development to ensure the standard of layout, design and external materials are sympathetic to the character of the urban or rural context of the development*'. Saved Policy C30 states that '*design control will be exercised to ensure... (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority*;
- 9.30. Policy PR9 is also quite specific in its place shaping principles requiring (i) *a layout, design and appearance to achieve an extension to Yarnton village that responds to the site's prominent position on the A44 corridor, its proximity and connectivity to the allocated site land to the east of the A44 (PR8), the need to protect the identity of*

Begbroke village west, the opportunity for sustainable travel into Oxford and the provision of green infrastructure and access to the countryside for the local community; (ii) a layout, design and appearance that responds sensitively to the topography and landscape character of Frogwelldown Lane; (iii) a landscaping structure for the community woodland which helps retain the perceived separation between Yarnton and Begbroke (west) and helps to protect Begbroke Wood Local Wildlife Site; (iv) development which provides a frontage to the A44 which both reflects the character of Yarnton and responds to the planned development to the east of the A44; (v) the historic lined bridleway of Dolton Lane shall be extended southwards through the developable area to create a potential connection to William Fletcher School and (vi) layout and design that encourages the sustainable and safe management of waste by individual households and by residents collectively while minimising the visual and pollution impacts.

- 9.31. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. The design guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.
- 9.32. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve.
- 9.33. A well-designed masterplan or layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about the physical appearance of a development but how it works, functions and fits together, ensuring a quality of life for those who live there.
- 9.34. The application was accompanied by a masterplan for the development of the site which in the main reflected that set out in the approved Development Brief.
- 9.35. The application is accompanied by a Design and Access Statement (DAS) which has evolved during the consideration of this application. The application submission states that the scheme has been designed with wide, linear belts of green infrastructure based around the existing trees and hedgerows providing green connectivity through the site with adequate distances from trees maintained such that their protection and continued health can be maintained in the long term. The DAS also sets out that it seeks to create a new development, the identity of which should strike a balance between responding to local vernacular and materials and the highest standards of best practice, retaining important landscape assets and achieving a 15+% biodiversity net gain, the principle of which is welcomed.
- 9.36. The original DAS however, failed to provide a contextual analysis of Begbroke and Yarnton and the surrounding area and Cherwell's special character. It is important that the proposed design parameters for the site are informed by an understanding of the historic character and evolution of the district and thereby the creation of new places that are locally distinctive. The DAS as a consequence failed to respect tradition local vernacular, typologies and use of materials etc.
- 9.37. A concern was also raised regarding the development adjacent to Rutten Lane where many of the existing properties are essentially single storey with rear gardens which immediately back onto the development site. The applicant was requested to consider further the scale and height of properties here, including their set back from the boundary to address the potential overlooking and privacy issues.

- 9.38. A number of other issues were also raised in respect of the DAS in terms of the amount of open space/play space and their relationship with the proposed SUDs, many of which were proposed to be wet for all or part of the year and proposed buffers to the green infrastructure such as the Dolton Lane extension, the boundary to the western edge and the landscape buffer to A44 which is required to provide a footpath/cycle link by the Development Brief. The DAS has been amended to show minimum widths for the green infrastructure provision within the development to ensure that the vision as set out will be successfully delivered through the reserved matters and not subsequently eroded by the built development.
- 9.39. Following the above comments, the local planning authority has had numerous discussions and meetings regarding the content of the DAS and negotiated a revised document which was submitted in June 2023 and is considered to address many of the points raised and is now on balance considered to be acceptable.
- 9.40. As such, taking into consideration 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 2015, associated guidance in the development Brief and the aims and objectives of the National Planning Policy Framework.

Affordable Housing and Housing Mix

- 9.41. The proposed development provides for up to 540 new dwellings together with C2 uses of up to 9,000sqm. Policy PR9 requires that 50% of dwellings provided on the site to be affordable housing as defined by the NPPF, and Policy PR2 sets out the housing mix, tenure and size of dwellings to help meet Oxford's housing needs. No details of housing mix are provided at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs.
- 9.42. Page 71 (paragraph 5.29) of the Cherwell Local Plan Review sets out that the provision of both affordable and market housing will be expected to include specific provision for key workers in accordance with Oxford City Council's definition of 'key worker'. Paragraph 5.30 on page 72 of that plan also states that in the interests of meeting Oxford's identified unmet housing need and the specific purpose of the Partial Review of the Cherwell Local Plan, only individual self-contained dwellings (use class C3) will be permitted. Additionally, in the interest of responding to local housing need and the desire to both increase the variety of housing stock and to increase local employment and training opportunities, scope for community self-build and/or self-finish housing will be expected to be made.
- 9.43. The affordable housing requirement in terms of mix and tenure needs to be agreed in conjunction with Oxford City and in accordance with Policy PR2 which states:
- All housing to be provided as self-contained dwellings (use class C3) only.
 - Provision of 80% of the affordable housing (as defined by the NPPF) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes.
 - Delivery of 25 to 30% of the affordable homes as one-bedroomed properties, 30-35% as two-bedroomed properties, 30 to 35% as three-bedroomed properties and 5 to 10% as four+ bedroomed properties unless otherwise agreed with CDC in consultation with Oxford City Council.

- Delivery of a mix of sizes of market homes to meet current and future needs and to create socially mixed and inclusive communities. The mix of housing is to be agreed with Cherwell District Council in consultation with Oxford City Council having regard to the most up-to-date evidence on Oxford's housing need and available evidence on local market conditions.
- Provision for key workers as part of both the affordable and market housing mix. The provision shall be made in accordance with Oxford City Council's definition of key workers unless otherwise agreed with Cherwell District Council in consultation with Oxford City Council.
- Provision of an opportunity for community self-build or self-finish housing to be agreed with Cherwell District Council in consultation with Oxford City Council.

9.44. Cherwell District Council has also adopted a First Homes Interim Guidance Note which sets out the local requirement for First Homes in Cherwell. However, this site is being brought forward to meet Oxford's unmet housing need and it is therefore important to consider Oxford City Council's First Homes Policy Statement (Technical Advice Note) March 2022. This sets out that all sites above 10 dwellings must provide 50% affordable housing split as follows: 25% First Homes; 70% social rented and 5% intermediate housing. An Oxford City local connection will apply to all First Homes for the first three months of marketing.

9.45. Oxford City Council's Local Plan Policy H10 sets out that all affordable units should be constructed to Category 2 (M4) standard and 5% of all dwellings to be Category M4 (3) (wheelchair user) standards. All wheelchair accessible homes must have suitable dedicated parking aligned with the relevant property in accordance with the requirements of Part M4 (3). All affordable housing will also be required to be developed to nationally described space standards in accordance with their Policy H15. Maisonettes are preferred to flats as they can provide dedicated outdoor space, reduced communal areas and independent access.

9.46. In terms of affordable housing clusters, affordable housing should be clustered in groups of no more than 10 dwellings of single tenure or 15 dwellings of mixed tenure.

9.47. It is also a requirement of the council and Registered Providers that the design of the affordable housing will meet Registered Providers policies in relation to sustainable and energy efficient measures being incorporated.

9.48. The applicant has submitted a viability appraisal which is discussed below but which essentially argues that the scheme is unviable. The consequence of that could be the delivery of less than 50% affordable housing depending upon the conclusion of those discussions. Should that be the case then there would be some conflict with Policy in this respect. However, should 50% affordable housing be achieved then having regard to the above, the application would be acceptable in principle subject to clarity on the points above, including the provision of First Homes and a revised housing mix/tenure split, but this can be agreed through the section 106 and an affordable housing scheme. There will also need to be consideration to the provision of bungalows, accessible homes and opportunities to provide specialist housing, self-build or self-finish housing.

Heritage Impact

Legislative and policy context

- 9.49. The site is located within an area of archaeological interest 800m west of an Iron Age and Roman settlement site identified from cropmarks and confirmed by an archaeological excavation ahead of gravel extraction. Further cropmarks of probable Bronze Age round barrows have been recorded 800m north-east of the application site. A shrunken medieval village has also been recorded 500m north of the proposed site. A programme of systematic fieldwalking in and around the site has recovered several prehistoric tools which are likely to relate to further prehistoric settlement.
- 9.50. An archaeological desk-based assessment has been undertaken which sets out the archaeological background of the site. A geophysical survey has also been undertaken on the site which does not appear to have recorded significant archaeological deposits across the site but has recorded an extensive area of ridge and furrow which has been seen elsewhere in the county to mask any earlier features on the site from being identified from such surveys. As such an archaeological evaluation will need to be undertaken on the site ahead of the determination of any planning application in order to test the veracity of these geophysical survey results and identify if archaeological deposits do survive on the site.
- 9.51. In accordance with the NPPF paragraph 194, the applicant was requested prior to the determination of this application to implement an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation which should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation.
- 9.52. The site is separated from Begbroke Conservation Area by a parcel of agricultural land. Policy PR9 states that this land which is included within the allocation should be used and planted as a community woodland, the purpose of which would be to protect the setting of Begbroke Conservation Area and protect Begbroke Wood adjacent, an ancient woodland. The application submission differs in that it proposes an area of woodland immediately to the north of the allocation with the remainder adjacent to Begbroke being retained in agricultural use.
- 9.53. 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.*
- 9.54. 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.
- 9.55. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.56. Following the comments above regarding archaeology, an addendum prepared by Oxford Archaeology was submitted in December 2022 which sought to address the

archaeological field evaluations that were undertaken on site between November and December 2021. The addendum considers that the results of the on-site investigations have validated and clarified the conclusions of the originally submitted ES chapter in demonstrating that the Site does not contain significant archaeological deposits. Oxford Archaeology consider the investigation sufficiently demonstrated that the deposits within the site can be considered to be of low or negligible value. Consequently, the objection raised by OCC has now been removed and conditions requiring a further staged programme of investigation are recommended.

- 9.57. In respect of the impact on Begbroke Conservation Area, it is considered that the area of woodland proposed is sufficient to mitigate the impact of the development on Begbroke and therefore there will be no significant adverse impact upon the setting and character and appearance of the Conservation Area.

Transport, Cycle and Pedestrian Access

- 9.58. 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').

- 9.59. 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.

- 9.60. NPPF paragraph 105 also prescribes that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.61. Policy PR4a of the Partial Review, Policies ESD13, ESD15 and SLE4 of the CLP 2015 and saved policy C30 of the Cherwell Local Plan 1996 echo the principle of active travel.
- 9.62. Policy SLE4 of the CLP 2015 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. It further advises that encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have severe traffic impact will not be supported.
- 9.63. Saved Policy TR1 of the CLP 1996 states that before proposals for development are permitted, the council will require to be satisfied that new highway, highway

improvement works, traffic management measures that would be required as a consequence allowing the development to proceed should be provided.

- 9.64. Policy PR9 requires that the application be supported by a Transport Assessment and Travel Plan, including measures for maximising sustainable transport connectivity, minimising the impact of motor vehicles on new residents and existing communities, and actions for updating the Travel Plan during the construction of the development.
- 9.65. One of the main reasons for the site's allocation is that its location enables the site to be made highly accessible by active and sustainable travel modes. The site is located adjacent to the A44, and the infrastructure requirements highlighted in the Local Plan Appendix 4, including enhanced bus services and high-quality pedestrian and cycle links to nearby communities as well as toward Oxford city, indicate how it is envisaged that the site will be made sustainable and accessible by non-car transport modes.
- 9.66. The application proposes two principle vehicular access points into the site, one from A44 and the second from Rutten Lane which are acceptable in principle. Consideration of access is a matter of consideration and approval under this outline submission. Whilst the access to A44 is acceptable, the crossing arrangements initially shown to the A44 required further consideration and it needed to demonstrate that this junction has sufficient capacity to accommodate the development traffic associated with the PR8 site which will also be taking access from this junction from the eastern arm.
- 9.67. Regarding the site access to Rutten Lane, whilst the original submission provided vision splays to demonstrate that appropriate visibility can be provided along the horizontal plane, this did not take account of the gradient of Rutten Lane in this location. Further plans were therefore requested to demonstrate that appropriate visibility between the site access junction and Rutten Lane can be achieved on the vertical plane, being taken into account of the gradient of Rutten Lane.
- 9.68. Access to the medical centre is to be altered and taken from the new access road just within the application site. Given the close proximity of the medical centre access junction with the new access road and the new site access junction with Rutten Lane, it is essential that a good degree of intervisibility is demonstrated between the medical centre access junction and Rutten Lane is achieved. The applicant has since proposed that the detailed layout of the medical centre access be agreed at reserved matters stage, and this is acceptable to the highway Authority.
- 9.69. A gateway/traffic calming feature will be required on Rutten Lane to the north of the vehicle access to ensure that speeds of vehicles exiting the A44 are lowered appropriately on the approach to the site access. An amended highway works plan was requested demonstrating the inclusion of such a feature.
- 9.70. Further to the above, a revised drawing for the access junction onto Rutten Lane (Drawing 162751A/PD02 Rev A) demonstrates that appropriate visibility splays on both the horizontal and vertical plane can be achieved, in line with standards set out in the Manual for Streets. A traffic calming build-out to the village of Yarnton is also provided in order to ensure that vehicles exiting the A44 onto Rutten Lane are made to slow down to an appropriate speed. This appropriately addresses the objections raised above.

- 9.71. Vehicle tracking drawings have also now been provided which demonstrate that large vehicles can safely navigate the access junctions and off-site highway improvements.
- 9.72. Whilst not specifically set out in the application documents, OCC understand that the applicant proposes to implement the section of segregated pedestrian and cycle facilities along the western side of the A44 along the site frontage, south to connect with Growth Deal funded works from the Cassington Road junction to Pear Tree interchange. This is welcomed by OCC who will require an obligation to enter into a S278 Agreement in order to secure the works. The details will also need to be agreed.
- 9.73. As the provision of high-quality sustainable infrastructure is key in delivering these sites, OCC consider that cycle crossing facilities should be provided directly adjacent to the pedestrian crossings in accordance with LTN 1/20. Having assessed the submission OCC is content that the number and location of pedestrian and cycle points into the site from both the A44 and Rutten Lane appear to be appropriate and largely align with pedestrian desire lines for crossing and onward journeys. One concern raised however relates to the southbound bus stop at the southernmost pair of bus stops onto the A44 and suggest that this is reviewed in order to make public transport as easily accessible and convenient as possible for future residents at the southern end of the site.
- 9.74. Further south towards Oxford there is a lack of a suitable pedestrian and cycle crossing over the Godstow Road arm of the Wolvercote roundabout. Given that Oxford will be a key destination for commuters from the development and the highlighted need to make sustainable transport as safe, convenient and attractive as possible, it will be necessary for the development to provide a suitable crossing over Godstow Road through a S278 Agreement.
- 9.75. In terms of traffic impact, a traffic modelling exercise has been carried out by a consortium of all the PR sites to test the impact of the developments cumulatively as well as refine the mitigation packages required. This modelling was carried out using an updated VISSM model of the north Oxford Road network. The original application was submitted in advance of this modelling work being carried out. This was required in order to fully understand the impacts of the development on the existing road network given known congestion issues, and to demonstrate how the mitigation package will enable further development in this area by providing for access by sustainable transport modes and potentially where additional or alternative mitigation schemes may be required to address impacts that are directly related to the development. The traffic impact assessment that was undertaken for the original submission used a trip rate derived from the TRICS database which, while robust does not take account of the required modal splits that are to be accommodated for through enhancements to sustainable transport options. The modelling that had been carried out for the original submission had also looked at the number of junctions along the A44 in isolation which was not considered acceptable in this instance because it does not accurately reflect the road network in this area, given the impacts and interrelations that junctions in the area have on each other and along the corridor as a whole which would not be reflected in individual junction capacity assessments. The additional impacts of the residential care home/extra care proposed through the application also need to be assessed. Having regard to this, OCC objected to the submission.
- 9.76. Following the above, OCC further advised in February 2023 that the modelling carried out to date had been audited for OCC and this had picked up various technical issues including: (i) bus routes and pedestrian/cycle crossings had not been programmed in correctly to account for greater use and timetabling changes

(ii) input trips from Salt Cross Garden Village were not agreed and needed to be amended; (iii) a number of more minor technical issues had also been picked up and (iv) the modelling report only presented one scenario with development and with modal shift. As a consequence, OCC did not consider that the transport modelling presented to date provided sufficient comfort that the residual cumulative impacts of the development on the transport network would not be severe and therefore continued to object to the application.

- 9.77. Further to the above, the Highway Authority has worked with the applicant to agree the modelling assumptions and scenarios as well as the arrangement for the crossing on Rutten Lane. A Technical Note has been submitted by the applicant which presents updated traffic modelling results as well as proposed crossing arrangement for Rutten Lane.
- 9.78. The Technical Note shows the provision of a parallel crossing over the Rutten Lane arm of the A44 roundabout junction. This arrangement reflects that of the crossing being installed over the Cassington Road arm of the junction to the south through the North Oxford Corridor Growth Deal works. This will ensure continuity of provision along the A44 corridor cycle route between the development site and towards Oxford city.
- 9.79. Pedestrians and cyclists would have priority over vehicles, and this is in accordance with best practice as well as OCC's movement hierarchy as set out in the LTCP. Appropriate visibility can be achieved from the roundabout junction and the crossing will be illuminated and provided on a raised profile with appropriate signage and road markings to ensure the presence of the crossing is clear to approaching drivers. This will be delivered through a S278 agreement. The above removes the previous objection to the application on this ground.
- 9.80. In terms of the transport modelling, the modelling which has now been carried out using a VISSIM model of the north of Oxford area has tested the predicted impact of the infrastructure identified in Appendix 4 of the Local Plan. Principally these are the Mobility Hub at Oxford Airport, A44 bus priority and walking and cycling improvements, enhanced bus services, A4260 and Oxford Road corridor cycle superhighway and bus priority measures, Kidlington Roundabout scheme of improvements for pedestrians and cyclists and improvements to Loop Farm and Pear Tree junctions. The schemes are all intended to enable and encourage modal shift from private car use to active and public transport through more reliable services and safer, more amenable walking and cycling routes.
- 9.81. The modelling has been carried out on the premise that the infrastructure identified in Appendix 4 of the Local Plan Partial review not only enables lower trip rates from the development site, but also reduces background vehicle traffic to an extent that the allocated development sites can be accommodated on the road network without leading to severe traffic impacts. Where journey time increases have been identified, these are mitigated through the use of bus priority measures to bypass congestion and the option to travel by modes other than the private car. The modal shift created would in turn help to mitigate the increase in congestion for private vehicles.
- 9.82. The modelling scenarios presented in the TA including the development of all other PR sites demonstrate that with a reasonable degree of modal shift away from private car use onto the improved sustainable transport routes and services to be provided by the PR sites, the overall impact across much of the network can be appropriately mitigated. The approach whereby improvements in sustainable transport options are prioritised over network improvements for private vehicles are prioritised in mitigating the impact of development traffic growth is consistent with the LTCP and OCC's adopted Decide and Provide approach.

- 9.83. Measures such as bus priority, improved crossings and high-quality direct walking and cycling routes are required not only to ensure that the negative effects on bus services or active travel routes as a result of the additional development traffic is mitigated, but also to achieve the required modal shift away from private car use.
- 9.84. The technical Note also provides an assessment of the impact of the PR9 development in isolation and without the package of infrastructure identified in the Local Plan. This is in order to assess the impact of the delivery of PR9 development in isolation prior to the delivery of the key pieces of mitigating infrastructure required to accommodate all PR sites.
- 9.85. This assessment demonstrates that the addition of the PR9 development traffic without the delivery of the package of mitigation identified results in journey time increases on the A44 and A4260 in particular during the AM peak period and along the A44 in particular during the PM peak period.
- 9.86. While these journey time increases may not quite meet the 'severe' threshold set out in the NPPF, it is nonetheless important to consider that the PR9 development is unlikely to be delivered in isolation and is likely to be delivered alongside the development of the other Partial Review sites.
- 9.87. It is therefore vital that the package of mitigation that can be delivered directly by the PR9 development – including the connection of an enhanced pedestrian and cycle route along the site frontage to the Growth Deal scheme at the Cassington Road junction, bus stops serving the development, safe and suitable A44 crossings and enhanced bus services – is all provided for at the earliest stage of the development. This is not only to provide safe and suitable access to the development, but also to ensure that some of the key pieces of infrastructure that will ensure sustainable and active travel options to/from the site are available from the start and which will tie into the overall mitigation package for the PR sites.
- 9.88. The latest consultation response also provides updated figures for S106 obligations following a review of the calculation used to apportion those costs previously. This was done in the light of new information included within the modelling assessment and Transport Assessments from other sites that are also expected to contribute towards the infrastructure requirements. These are provided in more detail in the planning obligations.
- 9.89. OCC have noted that in the recent committee report on the PR7a development site that the recommended condition requiring the implementation of a Controlled Parking Zone (CPZ) for the development that was not supported. The County Council consider that a CPZ is required for all Partial Review development sites in order to prevent the development from becoming informal 'Park and Ride' sites as well as to enforce the lower car parking levels set out in the adopted Parking Standards document. OCC consider that this is the most effective method of controlling overspill and undesirable ad-hoc parking within the site. As a consequence, the Highway Authority intends to implement a site-wide CPZ upon adoption of the internal streets in any event. However, in the interim, the county council considers that a residents parking scheme which mirrors the operation of a CPZ is required and a planning condition is requested to secure this. The implementation of a private residents parking scheme would limit disruption to future residents of the development site when the county council comes to implement a CPZ once the internal streets are adopted.
- 9.90. A key delivery requirement of Policy PR9 is the provision of 1.8 hectares of land for use by the existing William Fletcher Primary School to enable potential school expansion within the existing school site and the replacement of playing pitches and

amenity space. A number of discussions have taken place between OCC, Sanctuary Care Home and the applicant regarding access to the land reserved for the expansion of William Fletcher Primary School and the use of the existing access road to Sanctuary Care Home, which bisects the school expansion land from the existing school site.

- 9.91. There has been much discussion during the consideration of the application regarding access to the additional school land without having to cross the access road to the care home which is owned by Sanctuary and over which difficulty was being experienced in terms of a consent from Sanctuary to use the access road. The alternative options included the use of bridges or a long route around the site. These were discounted as the bridge designs had a large land take and the alternative access around the site was considered to be too long and impractical.
- 9.92. At the time of writing the report there is no formal agreement with the landowner of the access strip of land between the application site and the school. Therefore, the Education requirement for 'land for primary school expansion contiguous with the existing school site' and the Property requirements including 'suitable secure access' between the school and the new playing fields and staff car park, are not yet able to be achieved. An objection is therefore currently raised by OCC in this respect. Discussions are ongoing to seek to address this issue.
- 9.93. In terms of mitigation, Appendix 4 of the Local Plan Partial Review indicates the level of infrastructure required to support the delivery of the Partial Review sites which relate to providing new and/or enhanced sustainable travel access between the sites and key destinations, such as links to existing nearby settlements, employment areas and towards Oxford city. These will be sought through a Section 106, further details are given below.
- 9.94. Having regard to the above, subject to appropriate Section 106 and conditions the proposals have appropriately assessed the highway impacts of the development and comments made by parish councils and others have been carefully considered, the proposals have been found to be acceptable and in accordance with the Development Plan and the NPPF.

Flood Risk and Drainage

- 9.95. 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 assessment.*
- 9.96. Policy ESD6 of the CLP 2015 essentially replicates national policy contained within the NPPF in this respect when assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable development (such as residential) towards areas at lower risk of flooding. The application proposal has been assessed by the Environment Agency who have raised no objections to the proposed development.
- 9.97. 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 the 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. Proposals must also include an agreement on future management, maintenance and replacement of SUDs features.

- 9.98. The drainage strategy and surface water management solutions must be considered from the outset of the development planning process and throughout – influencing site layout and design and should not be limited by the proposed site layout and design. Wherever possible runoff must be managed at source with residual flows then conveyed downstream to further storage or treatment components where required.
- 9.99. A site-specific flood risk assessment and drainage strategy has been submitted with the application produced by WSP. This sets out that the proposed built development is located within Flood Zone 1, indicating that the land is assessed as having a less than 1 in 1000 annual probability of river flooding. The nearest main river to the site, with associated flood events has been identified on the publicly identified Flood Map for Planning. The Rowel Brook, an Environment Agency River, is located approximately 200m north of the site.
- 9.100. The FRA advises that the baseline modelling indicates that shallow surface water flood depths occur across the existing site with some higher-depth areas of surface water ponding where there are low areas in topography, consistent with existing ditches and flow routing. It further advises that the modelling indicates flows discharged off-site and peak flood depths within Rutten Lane downstream of the site are reduced as a result of the proposed ‘cut-off’ measures; the existing flood risk is not exacerbated; and post development surface water risk is considered to be low.
- 9.101. In accordance with current guidance regarding the use of Sustainable Drainage Systems the submission proposes a surface water drainage strategy in conjunction with the masterplan thus making space for multi-functional SUDS within the site boundary with swales incorporated to convey water to the proposed attenuation basins. The FRA advises that the attenuation basins are all designed with a minimum of 1:4 side slope. This drainage water strategy has been designed to deal with increased run-off from the development.
- 9.102. The original submission was assessed by OCC who raised an objection on the grounds that insufficient information had been submitted. Objections to the application were also raised by Yarnton and Begbroke parish councils and Yarnton Flood Defence Group which are discussed below.
- 9.103. Begbroke east experiences flooding both now and historically. As recently as January 2021 Yarnton has been severely affected by surface water and foul water flooding and whilst Yarnton Flood Defence Group are working with drainage agencies to address this, concern is raised that if the development of PR9 proceeds without full integration and assessment of current flood-related issues in Yarnton the overall impact from flooding will increase. A concern is also raised that there is limited documentation demonstrating an understanding of historic drainage channels and local topography and the proposed development will lead to a heightened flood risk for Yarnton due to the squeezing of available drainage capacity between the site and the Thames flood plain which borders Yarnton. It is also considered that there is insufficient information and detail regarding the displacement of ground water within the development, grey water systems, proposed foul drainage, capacity within the existing system and lack of clarity regarding management and maintenance responsibility for the drainage scheme post development.

- 9.104. Following the above objections raised and discussions with the applicant's drainage consultants, a revised Flood Risk Assessment and Drainage Strategy dated December 2022 (Document ref 06058/FRA/0001 Rev 3) was issued by PJA Civil Engineering, the drainage consultants on behalf of the applicant which supersedes that above submitted by WSP. This document provides information on the nature of identified potential flood risk at the site and follows government guidance with regards to flood risk largely in line with the NPPF and Planning Practice Guidance. In terms of surface water drainage, the strategy aims to sustainably manage surface water from the site and has been developed largely in accordance with current sustainable development best practices and the specific requirements of Oxfordshire County Council as Lead Local Flood Authority.
- 9.105. This revised FRA provided information on the potential flood risk at the site. The surface water drainage strategy aims to sustainably manage surface water from the site and a high-level drainage strategy has been developed. The assessment concludes that the site is considered at either very low or low risk of flooding from the sources assessed and whilst surface water flood risk is considered high in the localised areas in the baseline scenario, following an assessment of the proposed mitigation it considers that this would be low and that the managed nature of the surface water within the proposed site should reduce the likelihood of flooding downstream within the village.
- 9.106. During a meeting in May 2022, Yarnton Flood Defence Group expressed concerns about the potential groundwater which emerges from 'Spring Hill' west of the site where the overlying superficial sand and gravel deposits of the Hanborough Gravel Member are identified above the clay bedrock. When it cannot permeate through the clay bedrock from the overlying sands and gravels, it will flow overground with the existing topography towards the site akin to surface water flow route. PJA advise that any groundwater flow which emerges upstream of the site will therefore be captured within the proposed 'cut-off features' within the proposed development. Given this PJA advise that flood risk from ground water is considered to be low.
- 9.107. Following an assessment of the above revised FRA and surface water drainage strategy, the LLFA removed its objection to the submission subject to the imposition of conditions. The first condition requires the submission of additional detail and information to enable a further assessment of the sustainable surface water drainage strategy, the second condition requires that prior to the approval of any reserved matters that a detailed surface water management scheme for each phase be submitted and approved as part of the strategic surface water management scheme, including all supporting information as listed in the first condition and the third condition requires that prior to occupation, a record of the installed SUDS and site wide drainage scheme be submitted and approved. It should be noted that Yarnton and Begbroke parish councils and Yarnton Flood Defence Group continue to object on the grounds of flooding in Bebroke and Yarnton.
- 9.108. Further to objections raised by the parish councils and Yarnton Flood Defence Group, PJA produced a Summary Response Note dated 16th June 2023 which sets out a response to each of the concerns raised.
- 9.109. Yarnton Flood Defence group, continue to object considering that the submission had not materially changed from the original and that the report still proposed to mitigate runoff from the site to greenfield rate no lower than the maximum requirement in the National Planning Guidelines. Whilst the report now recognised that the subsoil conditions on the lower slopes are not suitable for infiltration, they assume that the proposed attenuation ponds have been increased to reflect this but note that the proposed rate of runoff at the site boundary remains the same. Whilst the report references 'betterment' to flood risk for existing communities, as

previously raised, the flood group advise that the current greenfield runoff rate is already causing flooding in the north of the village, and it is not clear how much benefit there might be to the existing village.

- 9.110. It should also be noted that CDC Land Drainage officer has been involved in discussions relating to the drainage proposals with the applicant and Yarnton Flood Defence Group in an attempt to achieve some betterment for the village.
- 9.111. In terms of foul drainage, Yarnton Flood Risk Group also raise concerns that the draft drainage strategy shows connection within the village at Aysgarth Road/Rutten Lane junction, bringing more sewage to an inundated foul system that already plays a significant part in surface flooding.
- 9.112. The comments and concerns of local residents and Yarnton Flood Defence Group have been carefully considered as too have those of CDC Land Drainage, LLFA and Environment Agency. Having regard to the applicant's Flood Risk Assessment and Foul and Surface Water Drainage Strategy, and the consultation responses who now raise no objections, the proposals are considered to be acceptable and in accordance with Policies ESD6 and ESD7 of the CLP 2015 and Government guidance within the National Planning Policy Framework.

Landscape Impact, Green Infrastructure and Recreation Provision

- 9.113. Policy ESD13 of the CLP 2015 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management and enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character; impact on areas judged to have a high level of tranquillity.
- 9.114. Paragraph B.253 of the CLP 2015 further advises that the Council seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. The application site currently consists of historic farmland, an ancient woodland and District Wildlife Site lies immediately to the north-west. And Frogwelldown Lane, a public right of way and District Wildlife Site forms the south-west boundary of the site.
- 9.115. At the northern end of the site, to the north-west of the development area, PR9 seeks the provision of 7.8 hectares of land to create a new community woodland between Begbroke Wood and Dolton Lane to help secure biodiversity net gain and to provide a buffer for both Begbroke village and to help protect the ancient woodland. This requirement is also set out in the approved Development Brief for the site.
- 9.116. The application proposes to provide 7.8 hectares of woodland but in two separate parcels of new community woodland separated by the woodland belt of Dolton Lane. The application advises that the new woodland to the west will provide a physical buffer to Begbroke Wood, existing ancient woodland and to the east of Dolton Lane, new woodland would provide a multi-structural vegetated feature which is currently demarcated by hedgerow. The remainder of the land identified as community woodland within the policy between the site and the Begbroke Conservation Area is

proposed to be retained in agricultural use. Whilst the separating of the woodland into two separate parcels is considered on balance to be acceptable, it has resulted in a shortfall in provision for the meadow area/informal parkland of 5.5 hectares.

- 9.117. Policy PR9 as already stated above requires the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area and a new Local Nature Reserve accessible to William Fletcher School. The reason for requiring this is to enhance the beneficial use of the Green Belt within the site area by requiring improved access to the countryside primarily through the establishment of a publicly accessible informal parkland between the proposed built development and the retained agricultural land to the west. This will also provide an opportunity for significant ecological and biodiversity net gains. A new Local Nature Reserve at the southern end of the site will enable easy access by the primary school and the adjacent public footpath network.
- 9.118. This requirement is wholly in accordance with Government Policy. The NPPF at paragraph 142 states: *'where it has been concluded that it is necessary to release Green Belt land for development, plans...should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land'*.
- 9.119. Paragraph 145 continues; *'once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'*.
- 9.120. Government policy in this respect is also reflected in Policy PR5 (7) which requires the application to demonstrate how the provision of green infrastructure will assist in the beneficial use and permanence of the Green Belt. Furthermore, Policy PR5 (5) requires the application to demonstrate the opportunities for improving the existing and proposed built and natural landscape through the provision of Green Infrastructure and for the protection or enhancement of the natural environment.
- 9.121. The application as submitted indicates that this area will extend to only 19.3 hectares of public open green space as a consequence of providing a block of community woodland within this area which is not in accordance with Policy PR9. Further, the application proposes that this land will be retained by the applicant as Meadowland with public access restricted only to certain areas. This is not in accordance with Policy PR9 as stated above and is not acceptable. The application also provides insufficient information regarding the ongoing stewardship of this area, including the nature reserve.
- 9.122. Policy BSC11 of the CLP sets out the local standards of provision for outdoor recreation which includes general green space and play space within a development. Whilst Policy PR9 states that provision for formal sports provision shall be made on the site, it has been agreed that a single comprehensive sports facility shall be provided on land at PR7a, so a contribution towards the provision of those facilities is requested in lieu of the on-site provision. In terms of the amount of open space and play provision within the development this is policy compliant. Concerns were raised with the applicant regarding the amount of SUDS, including wet SUDS were proposed within the public open space and therefore its usability throughout the year. In response to this concern the green space has been increased slightly which has resulted in the proposed development shifting 5m westwards. On balance this change is considered acceptable in seeking to address the issue.

- 9.123. The original submission and submitted Landscape Visual Impact Assessment (LVIA) was assessed by the Landscape Officer who raised a number of concerns. The red line boundary did not include the north section of the Dolton Lane Bridleway which should be included to ensure that it is protected, and the parameter plan should clarify that the hedgerows and trees are to remain and will be protected. Further evidence was also required to demonstrate that the landscape led development is evidenced as a direct influence of the LVIA.
- 9.124. The Dolton Lane bridleway with its mature hedgerows is deemed to be such an important feature that it merits landscape receptor status within the LVIA, judging its sensitivity and the impacts of the development. Its current character should be protected as part of the scheme with no metalled surface or lighting with the route only sided up for horse riding. A parallel cycling and walking route is preferred. The proposed safe school walking route parallel to Dolton Lane bridleway is supported. Begbroke Ancient Woodland is also a very important landscape receptor which should be included in the residual Effects chapter and not just considered under the generalist term 'Site Landscape Resource'. The production of 'visualisations' would also be helpful to stakeholders in interpreting the implications of the development. Once these points are addressed the Landscape Officer considers that the LVIA which is already quite comprehensive would be complete.
- 9.125. In response to the above comments the applicant's agent advised that, in respect of Dolton Way bridleway, changes to Dolton Lane will be limited to the introduction of a short section of paved surface at the eastern end of the lane; hedgerow and trees that line the route limit views out to the surroundings which means that the surroundings have only minimal influence on the character of the lane. The overall effect of the Slight magnitude of change experienced by this Medium-High landscape receptor. In respect of Begbroke Ancient Woodland, there will be no direct impacts as a result of the proposed development as no trees will be removed and public access will not be promoted, so footfall will not increase. The overall effect that results from this High sensitivity receptor experiencing a Negligible magnitude of change is judged to be negligible. Following re-consultation, the Landscape Officer confirms that this is accepted.
- 9.126. Having regard to the above, whilst the proposals are acceptable in terms of landscape impact and the quantum of public open space and play space within the development itself in accordance with Policies ESD13 and BSC11 of the CLP 2015 and Government guidance within the NPPF, the provision of 24.8 hectares of 'informal parkland' which is a specific key delivery requirement of Policy PR9 has not yet been resolved. The proposal is therefore contrary to Policy PR9 and Government guidance within the NPPF in this respect.

Ecology Impact

Legislative context

- 9.127. 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.
- 9.128. 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.

9.129. 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.

9.130. 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.

9.131. 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

9.132. 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.

9.133. 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.

- 9.134. 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.
- 9.135. 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.
- 9.136. 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.
- 9.137. 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.
- 9.138. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.139. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.140. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of predominantly historic farmland with a number of veteran and TPO trees and historic hedgerows within which have the potential to be suitable habitat for bats, breeding birds, badgers, reptiles and invertebrates. To the northern boundary of the site is Begbroke Wood, an ancient woodland and Local Wildlife site and Frogwelldown Lane, a public right of way and District Wildlife Site forms the south-western boundary of the site. Pixey and Yarnton

Meads and Rushy Meadows SSSI's are both within 2km of the site. The constraints have also identified a number of Protected and Notable species on or close to the site. There are no buildings to be removed or altered due to the proposed development.

- 9.141. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.142. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.143. The application is supported by an Environmental Statement which assess the likely significant effects resulting from the development in terms of ecology and nature conservation. The application is also accompanied by a Biodiversity Impact assessment and Biodiversity Improvement and Management Plan as required by Policy PR9. Policy PR9 also specifically requires that the submission includes (i) measures for securing net biodiversity gain; (ii) measures for retaining and conserving protected/notable species identified; (iii) demonstration that designated environmental assets will not be harmed, including no detrimental impacts to watercourses through hydrological, hydro-chemical or sedimentation impacts; (iv) measures for the protection and enhancement of existing wildlife corridors, including Frogwelldown Lane District Wildlife Site and Dolton Lane and the protection of existing hedgerows and trees; (v) the creation of a new green infrastructure network with connected wildlife corridors, including within the developable area; (vi) measures to minimise light spillage and noise levels on habitats especially along wildlife corridors; (vii) provision of built in bird and habitat boxes; (viii) farmland bird compensation; (ix) proposals for wildlife management in conjunction with conservation organisations including the Local Nature Reserve and community woodland; and (x) application supported by a phase 1 habitat survey.
- 9.144. The ES submitted with the application includes a chapter on ecology to address the likely significant effects resulting from the proposed development in terms of ecology and nature conservation. The ecological survey work in respect of the proposal has been informed by a desktop study, habitat survey based on extended Phase 1 survey methodology which was initially carried out in August 2018 and updated in April 2020 in order to ascertain the general ecological value of the site and identify the main habitats present and faunal survey.
- 9.145. Mitigation measures identified to be incorporated within the scheme include the retention and protection of all veteran trees with suitable buffers from the development, the retention and protection of the vast majority of hedgerows and non-veteran trees, the creation of a community woodland which is a specific policy requirement, reinstatement of historical hedgerows to redefine the boundary of the green belt and the creation of meadowland and nature reserve (again part of the green infrastructure publicly accessible space required by the policy).
- 9.146. The submission has been assessed by BBOWT and the Council's Ecologist. BBOWT raised a number of objections to the submission. The first relates to the

recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site on the grounds that without appropriate mitigation it is highly likely that there would be significant increase in the use of local paths and green spaces and therefore damage to Begbroke Wood and Frogwelldown Lane District and Local Wildlife sites, contrary to Policy ESD10 of the CLP 2015. The revised application submission dated December 2022 does not sufficiently address this concern and BBOWT maintain their objection. A further Technical Note 06 dated March 2023 advises that a dense double staggered row of thorny shrubs at the edge of Begbroke Woods with interpretation boards to highlight the sensitivities of habitats will be sufficient to overcome the concerns.

- 9.147. The second objection raised by BBOWT relates to the impact of the development on farmland birds and that it is therefore important that the green spaces proposed are appropriately managed for the benefit of these species in perpetuity with consideration given to zoning some of the open access areas as some species are particularly vulnerable to disturbance by dogs and people. In the absence of this BBOWT consider the submission to be contrary to Policy ESD10 and that the benefits of the development do not outweigh the harm. Technical Note 06 dated March 2023 advises that the green open spaces will be secured for the lifetime of the development, but do not provide any detail regarding this management/funding etc.
- 9.148. The third objection raised by BBOWT relates to the importance of a net gain in biodiversity being in perpetuity which is considered to be at least 125 years. BBOWT advise that the proposed Trust and Management Company which should have experience in such matters and who will be ultimately responsible for the green spaces must be clearly set out to ensure that this can be achieved. The submitted Technical Note 06 advises that an organisation will be set up for the lifetime of the development to manage and deliver the habitat creation but does not provide any further information or detail as to how this will be successfully achieved and funded.
- 9.149. The fourth objection raised by BBOWT relates to biodiversity net gain and advises that the advice within DEFRA guidance for metric 3.0 should be used to calculate net gain as this guidance suggests that vegetated back gardens should be condition 'poor' and buildings have no condition score. The applicant submission identifies gardens as 'moderate'. And therefore, a higher score. This would have a significant impact resulting in a much-reduced net gain for biodiversity, somewhat lower than the 10% sought. The submitted Technical Note 06 dated March 2023 advises that an updated Biodiversity Net Gain Assessment dated February 2023 has been undertaken to reflect changes to the scheme and the comments made by BBOWT, stating that there will be a 14.86% net gain in habitat units for biodiversity and 66.7% net gain in hedgerow units.
- 9.150. The fifth objection raised by BBOWT relates to the hydrological impact of the development on Oxford Meadows SAC and Cassington to Yarnton gravel pits Local Wildlife Site. The Oxford Meadows SAC contains a key part of what remains of the best examples of exceptionally high-quality flood plain meadows (MG4 type). The vegetation of an MG4 type meadow is exceptionally sensitive to changes in water quantity and quality. In particular both summer and winter levels need to be maintained within narrow boundaries of height level in order for the vegetation type to remain. BBOWT therefore consider that a detailed ecohydrological report will be needed to demonstrate no impact on the SAC. In this respect the Technical Note 06 dated March 2023 advises that the SAC were considered during the allocation of the site through the Partial Review which concluded no adverse effects on the integrity of the SAC and as there have been no changes/information or evidence to the contrary, this remains relevant.

- 9.151. BBOWT have been asked to comment further on the Technical Note 06 dated March 2023 submitted in response to the objections above, at the time of writing the report, a response was awaited.
- 9.152. As advised above, the submission has also been assessed by the council's ecologist who advises that an appropriate level of ecological survey has been carried out on the site and in general there are few protected species issues that could not be dealt with through mitigation/design/measures during construction. It is advised however that there are some issues arising as a result of the relatively preliminary stage of the information submitted on habitats and the use of the site which need addressing prior to determination. These are as follows:
- 9.153. Policy PR9 (11h) calls for farmland bird compensation in recognition of the difficulty of mitigating for nesting/breeding farmland birds on a development site. Currently the proposal for farmland birds found on the site (which include skylark) is that the meadowland will provide foraging resources. This will not replace the level of breeding opportunities which would be lost. Compensation suggests off site provision of a similar opportunity for these birds. There is limited information on how the meadowland is planned to be used in terms of the extent of access by the public and how this will allow undisturbed access for ground nesting birds as this is rarely compatible with dog walking and amenity use. Unless there are substantial areas which cannot be accessed the farmland birds are unlikely to be mitigated for through this provision and compensation should be outlined.
- 9.154. A key delivery requirement of Policy PR9 is the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area which should also include a new Local Nature Reserve accessible to William Fletcher Primary School. Proposals for the extent and type of nature reserve need to be put forward at this stage so that the plans can be viewed holistically, and we are able to assess the merits of public access/ecological area. Under Policy PR9 and the approved development brief the functions that it is desirable for the Nature Reserve to demonstrate is clear. Following ecological, hydrological and topographical surveys of the site it should be possible for an outline of the potential habitats which could be achieved to be put forward for assessment and comment, even if only at outline stage.
- 9.155. Under PR9, proposals for management of the nature reserve needs to be in conjunction with a Conservation Organisation The application makes no mention of an approach to a conservation organisation to gain their input on what would be feasible here in terms of management of a Nature Reserve ongoing and whether any organisations are amenable to involvement. As part of this application submission information is required on the extent of the nature reserve, proposed location, habitat types to be created and the level of public access envisaged along with information on how and what level of input from a Conservation organisation will be incorporated into this. Without at least a preliminary proposal the area cannot be counted in a metric to assess net gain and we do not know the level of access envisaged or its potential extent which impacts assessment of the availability of publicly accessible green space overall. Therefore, we cannot assess if the Nature Reserve is able to achieve the requirements as set out in the approved development brief as follows:

'a local nature reserve to be provided of a potentially viable size to enable the following features: - Connect Dolton Lane to Frogwelldown Lane (to be agreed, subject to location) – establish a wildlife corridor – habitat to encourage local flora/fauna – accessibility to William Fletcher School as a key community space. Habitat creation within the nature reserve area is to support notable and protected species such as the silver-washed fritillary and black hairstreak butterflies and great

crested newt which have been recorded at the site. Footpaths in this area are to be appropriately fenced to limit access to the areas of habitat'.

- 9.156. The provision of the nature reserve and the need to provide greater clarification and information has been discussed at length during the consideration of the application with the applicant, but the details remain limited.
- 9.157. In terms of the proposed meadowland, in order to determine whether the 'good' condition of grassland proposed within the biodiversity metric is feasible, CDC ecologist concurs with the comments made by BBOWT in this respect, requiring more information about how this area will be managed long term. Achieving this condition in grassland which forms green space for a development is ambitious and could be realistic dependent on management and access. This would impact the net gain that could be achieved on site. Currently two management options are outlined within the BIMP – grazing or cutting. Grazing with cattle is likely to lead to a better ecological outcome, however it is not clear which is feasible on site when considered in conjunction with other factors such as access to livestock and public use. It is noted that the BIMP states restricted access from grazing would be needed to limit disturbance to farmland birds but there is a question over how this could work with the large number of residents who would expect to use this greenspace, particularly given that much of the immediate greenspace around dwellings are required for SUDS. It should also be noted that restricted public access to this meadowland is contrary to Policy PR9 which requires this to be provided as informal parkland for public access to provide improved access to the countryside as a public benefit of releasing this land from the Green Belt for development purposes.
- 9.158. In terms of the built environment the Ecologist advises that CDC's guidance currently seeks a minimum of the equivalent of one provision for bats/birds per dwelling integrated into the fabric of buildings. Currently insufficient provision for bats/birds/invertebrates are proposed. In addition, the policy seeks the incorporation of green roofs and green walls which have not been committed to. This would contribute to net gain on the site and if not included their omission should be justified.
- 9.159. A Technical Note 07 dated May 2023 has been submitted to address the concerns raised by the ecologist. At the time of writing the report, a response is awaited.
- 9.160. The Cassington to Yarnton gravel pits Local Wildlife Site is one of the most important sites for birds in Oxfordshire. Its value is partly due to the relatively undisturbed complex of lakes which is used by large numbers of breeding and wintering waterbirds, as well as marginal habitats and undisturbed scrub which also provide important nesting and foraging areas for bird species. BBOWT therefore consider a report as above which demonstrates any impact on the SAC.
- 9.161. Both sites are highly dependent upon hydrology and therefore vulnerable to any changes in it. There will also need to be a need for measures to ensure that anything put in place (such as SUDS schemes) are maintained in perpetuity, with maintenance programmes and the potential for replacement in time if necessary to ensure there is no reduction over time in the effectiveness of the provision. Demonstration that designated environmental assets will not be harmed, including no detrimental impacts to water courses through hydrological and hydro-chemical or sedimentation impacts is also a specific requirement of Policy PR9.
- 9.162. Having regard to the above, Officers are not convinced that a net gain of 10% or more in biodiversity net gain can be achieved and that further detail and information as requested is submitted prior to the determination of the application. Neither are Officers satisfied, on the basis of the advice from the Council's Ecologist and

BBOWT, 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. Therefore, the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been not yet been met and discharged.

Climate Change and Sustainability

- 9.163. 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 also address this. The application submission was not accompanied by a sustainable strategy or energy statement. It should be noted that demonstration of climate change mitigation and adaption measures is also a key design and place shaping principle which should also be addressed through a Design and Access Statement as it is vital that this is considered in the initial design stage and not considered as an afterthought once consent is granted for the development of the site. The applicant was requested to address this matter prior to the determination of the application.
- 9.164. An energy statement was submitted in December 2022 which has been developed through consideration of the Energy Hierarchy and how it can be applied across the development to minimise carbon emissions and advises that the design, specification and construction of buildings will achieve the specifications of the Future Homes Standard. It further advises that the application of the Energy Hierarchy will depend on the build out date as once Part L 2025 comes into force, dwellings will be constructed to comply with that higher standard, but prior to that they will be constructed to comply with the interim FHS 2021. It advises that the feasibility of both District Heating and Combined Heat and Power has been explored but is unlikely to be viable for the proposed development. It advises that a combination of solar photovoltaics, wastewater heat recovery, ground source heat pumps and air source heat pumps will be utilised to achieve the Future Homes Standard. It is proposed however that the precise details will be established through subsequent reserved matters.
- 9.165. In terms of innovation, pre-application advice was given and there has also since been discussion with the applicant about the need to provide for innovation which is considered to be particularly important in this location, recognising that there is a large allocation on either side of the A44 around the Begbroke Science Park, pursuant to Policy PR8. As this is an outline submission, the innovation team sought confirmation that innovation would be provided for and requested a document addressing innovation to be submitted. These matters included provision of full fibre to all users; 5G infrastructure in design consideration; potential for non-allocated parking to become green space or re-purposed in future if not needed; electric vehicle charging provision, flexibility of design of the community hub, monitoring of usage of different modes of transport and on-site renewable energy generation and consideration for storage and smart energy solutions.
- 9.166. Following the above comments, the applicant submitted a new statement to address the above-mentioned issues. This has been reassessed by OCC's innovation team who are now satisfied that the matters can all be dealt with through reserved matters.
- 9.167. The above-mentioned Energy Statement and Innovation Statement both leave much to reserved matters and do not make any specific commitments for the development beyond those required by current legislation. This is disappointing and it is therefore considered that any planning consent would require a condition which requires the submission of a more detailed energy/innovation strategy to be

submitted and agreed prior to the submission of a reserved matters and prior to the commencement of any development on the site.

Arboriculture

- 9.168. The site comprises arable farmland, with hedgerows defining field boundaries. Trees are almost exclusively located within the hedgerows and comprise predominantly broadleaved native species including pedunculate oak, ash, crack willow and field maple. The hedgerows and trees growing within them are a defining feature of the site. The submission advises that an objective of the design process has been to retain as much of the existing tree and hedgerow stock as possible with this to be integrated into the layout, incorporating wide, linear belts of green infrastructure base around the existing trees and hedgerows providing green connectivity through the site. The submission states that 100% of Category A trees, 98% of Category B trees and 100% of Category C trees will be retained.
- 9.169. Ancient and veteran trees are present across the site which impose significant planning restrictions and each veteran tree which are marked on the submitted Tree Retention and Removal Plan will be protected by a buffer on a radial distance of 15x stem diameter with no upper cap.
- 9.170. This submission has been assessed by the Arboriculture Officer who raises no concerns to the proposals and advises that the proposed category B tree losses can comfortably be mitigated by way of replacement planting and an updated AIA/AMS document which will be required once the proposed layout/reserved matters stage is reached.

Health and Well-Being

- 9.171. Health and Well-Being is high on both the Government's and council's agenda, particularly in the light of the recent pandemic and the impact it has had on the population, emphasising the need for access to good quality public open space as well as the benefit of private outdoor space. The council therefore suggests that a Health Impact Assessment is carried out in connection with any planning application submission. A Health Impact Assessment is a tool used to identify the health impacts of a development and how best to prevent ill-health, promote good health and reduce health inequalities.
- 9.172. The application was accompanied by a Health Impact Assessment which was assessed by OCC's Healthy Place Shaping Team who raised an objection on the grounds that it did not fully assess and recommend adequate mitigations to protect and promote health and wellbeing. The inadequacies raised included: (i) does not refer to any local health data from Oxfordshire's Joint Strategic Needs Assessment (ii) further information required on whether stakeholders have been engaged with regard to the health impacts of the proposal; (iii) no reference to relevant policy; (iv) assessment of health inadequate as does not refer to any local health data from the Joint Strategic Needs Assessment so it is not possible to identify whether the development will have a positive or negative impact on the health and wellbeing of the local population; (v) play areas and green space will promote physical activity and are therefore required early in the development to have a positive impact; (vi) need attractive safe spaces to cross A44 to promote active travel; (vii) the community hub should be provided early on in the development to promote social interaction.
- 9.173. Following the above, a revised Health Impact Assessment was submitted in December 2022. This was assessed by OCC Healthy Place Shaping Team who advise that it has now been amended to address previous comments and the

development does not show adverse impacts on human health. The only outstanding issues related to the delivery of safe attractive spaces to wait at the A44 crossing and promotion of active travel which will be addressed in consultation with transport officers. Consequently, OCC removed their objection, and the revised Health Impact Assessment is now considered to be acceptable.

Viability

9.174. In January 2023 the applicant submitted a viability assessment to progress discussions between the local planning authority and Oxfordshire County Council to reach an agreement on an acceptable and viable level of contributions and affordable housing. At the time of writing this report the final report from the viability consultant instructed by the council is awaited.

9.175. The applicant has advised that if all infrastructure contributions requested by CDC, OCC and others are paid that only 42% affordable housing provision can be met. This is not considered acceptable to CDC as a shortfall in affordable housing provision will not be policy compliant in terms of 50% affordable housing provision required to meet Oxford's Unmet Housing Need which is a direct consequence of removing the site from the Green Belt and allocating it for development through the Partial Review 2020 specifically to meet that need, albeit where a scheme is proven to be unviable, a solution should be negotiated to enable a scheme to be viably delivered, especially in a case like this where it relates to an allocated site. The shortfall stated by the applicant is not considerable, at approximately £4m.

9.176. The draft report received from the council's viability consultant on 24th August 2023 accepts and agrees with many of the inputs to the appraisal but advises that there are a number of matters requiring resolution as follows:

- The three bed units used in the assessment are oversized when compared to those normally provided by house builders, this has a consequence of producing a higher build cost figure than is likely to be achieved if a more average 3 bed unit size is proposed. We have therefore asked the applicant to consider this matter further as this will impact the overall shortfall in viability for the site. To date this has not happened.
- Some outstanding issues around arrangements for long term management and maintenance, income opportunities where land/ assets are retained (such as land for health care, the community hub and open space areas)
- The council's viability report states that there is a difference of approximately £1.8m in the build costs quoted by the applicant, reducing the above gap to £2.2m
- There is existing Thames Water pipework running through the centre of the site which the applicant proposes to divert as part of the development at a cost of £2.49m. It should be noted that Thames Water have not required the pipework diversion. Following discussion with the applicant and further work by PJA, a report has been submitted that shows that if the current masterplan was not changed and the Thames water pipe was retained in situ that there could be a loss of approximately 39 residential units from the scheme. The report also advises that if the pipe was retained and the masterplan amended accordingly that there would only be a loss of approximately 2 units. The applicants advise that the masterplan submitted with the application broadly reflects that shown in the approved Development Brief, which is correct. However, the Development Brief is only a guidance

document and where viability is an issue, such as here, further consideration should be given to retaining the pipeline and amending the masterplan.

- Following the submission of the viability assessment, OCC have in their latest consultation response of October 2023 reduced a number of the infrastructure contributions requested by approximately £2.5m.

9.177. It is considered that together with the OCC s106 costs reduction, the amendment to the size of the 3 bed dwellings costed and the build costs quoted by the council's viability assessment that there should not be any significant viability gap for the proposed development and that if there is still a gap, further consideration should be made as to the best way to resolve this before a reduction in affordable housing is reached.

9.178. Having regard to the above, it is considered that the applicant's position is not accepted at this point in time and that any shortfall in affordable housing provision below 50% is not acceptable.

Planning Obligation

9.179. To ensure that the development is acceptable in planning terms, several harmful impacts of the development would need to be mitigated and/or controlled through covenants in a legal agreement. All Section 106 requirements are subject to statutory tests and to be taken into account in deciding to grant planning permission, they need to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Officers have had regard to the requirements of relevant development plan policies and considered the planning obligation requirements against the above provisions. Having done so, officers are of the view that a significant number of items need to be secured through a planning obligation before development can be considered acceptable and, in turn, planning permission granted. These items are as follows (all figures must be index linked):

9.180. CDC Obligation

- 50% affordable housing to NDSS and CDC/OCC requirements and standards
- The delivery of 24.8ha of informal parkland, 7.8ha of new woodland, a local nature reserve within the informal parkland
- Provision and maintenance of play areas – tbc
- SUDS management and maintenance – tbc
- Management and maintenance of public open space – tbc
- Community hall facilities – if onsite provision maintenance contribution of £298.88 per m2 but if off-site contribution of £617,397.50
- Community development worker - £67,983.56
- Community development fund - £24,300.00
- Outdoor sports provision - £1,089,196.20
- Indoor sport provision - £450,871.28

- Public realm - £200 per unit plus 12% maintenance and management

9.181. OCC Obligations

- Mobility hub - £1,566,384
- A44 highway works Bladon to Begbroke Hill - £2,116,660
- A44 highway works - £1,762,912
- Public transport services - £529,123
- Public transport infrastructure - £28,068
- Traffic Regulation Order - £6,640
- Travel Plan Monitoring - £6,684
- Public rights of way - £250,000
- S278
- Primary education - £3,662,000
- Secondary education - £3,773,812
- Secondary land contribution - £332,890
- Special education - £367,938
- Land for primary school – 1.8ha
- Waste management - £50,738.40
- Public libraries - £58,867
- Monitoring Fee - tbc

9.182. Other Obligations

- ICB – provision of land for car park to medical centre plus contribution tbc
- Thames Valley Police - £86,609

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2024 requires that planning applications 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 that do not be normally refused unless outweighed by other material consideration.

10.2. In respect of this application, weighing in favour of this proposal is that the council cannot currently demonstrate a five-year housing land supply in respect of the Partial Review Local Plan 2020, the provision of market, affordable and older persons housing which attracts significant weight, improvements to bus

infrastructure and service, promotion of active travel, highway infrastructure and economic benefits.

- 10.3. However, at the current time, there are a number of areas where resolution of issues is outstanding and which would create harmful effects that would weigh in favour of not supporting the development. It is considered that the shortfall in affordable housing provision, Biodiversity Net Gain and the lack of provision of public accessibly green space on 24.8 hectares of informal parkland as specifically required by Policy PR9 as a consequence of removing the application site from the Green Belt must also be given significant weight. There is also no agreed S106 or other Planning Obligation in place at this time. The local planning authority is therefore satisfied that conflict with the Development Plan weighs heavily in this case.
- 10.4. The application is therefore considered to be contrary to Policies ESD10, ESD15 and INF1 of the CLP 2015 and Policies PR2, PR5 and PR9 of the Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.
- 10.5. Notwithstanding the above, the issues highlighted are not insurmountable in the view of Officers and are areas where, had an appeal not be lodged, where Officers would have continued to attempt to resolve the issues. An appeal has been lodged and it would be advisable for Officers to continue to work to negotiate on these issues to narrow areas in dispute. This is important to reduce the opportunity for a costs award to be made against the Council. Should Officers be able to negotiate all issues and agree a set of conditions and a S106 with the appellant, in consultation with the Assistant Director for Planning and Development then the Council may not be able to contest the appeal. This however remains to be determined depending upon progress made in the lead up to the Inquiry.

11. RECOMMENDATION

THAT BASED ON THE CURRENT ASSESSMENT THAT PLANNING COMMITTEE WOULD HAVE RESOLVED TO:

- **REFUSE PERMISSION FOR THE REASONS OUTLINED BELOW.**

PLANNING COMMITTEE FURTHER RESOLVE TO ALLOW OFFICERS TO CONTINUE TO SEEK TO RESOLVE THE OUTSTANDING ISSUES PRIOR TO AND DURING THE APPEAL INQUIRY SUBJECT TO CONDITIONS, RESOLUTION OF TECHNICAL ISSUES AND SUBJECT TO A S106 LEGAL AGREEMENT IN CONSULTATION WITH THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT AND THAT IN THE CIRCUMSTANCES THAT THOSE ISSUES ARE SATISFACTORILY RESOLVED, THAT THE APPEAL IS NOT CONTESTED

1. The proposal has failed to adequately demonstrate that the application will deliver the public open space in the form of an informal parkland as specifically required by Policy PR9 which is required as a consequence of removing the allocated land from the Green Belt. As such the proposal is contrary to Policy PR9 of the Cherwell Local Plan Review 2020, the approved Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

2. The proposal has failed to adequately demonstrate that the development would not impact existing flora and fauna and that ecological mitigation would successfully

deliver a 10% net gain in biodiversity and to ensure the protection, enhancement and connectivity with the local green infrastructure network alongside the successful delivery of the Local Nature Reserve. As such the proposal fails to accord with Policies ESD9, ESD10 and ESD13 of the adopted Cherwell Local Plan 2011-2031, Policies PR5 and PR9 of the Cherwell Local Plan Partial Review 2020, the approved Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

3. The application proposal has failed to secure an appropriate safe and convenient access from William Fletcher Primary School to the new school playing fields as required by Policy PR9 which is contiguous with the existing school boundary. The proposal is therefore contrary to Policy PR9 of the Cherwell Local Plan Partial Review 2020, the adopted Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

4. The proposed development, when set against the financial viability of the scheme, would fail to provide an adequate level of affordable housing provision. The proposal is therefore contrary to Policies PR2 and PR9 of the Cherwell Local Plan Partial Review 2020 and Government guidance contained within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

5. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not satisfied that the development would provide for appropriate on-site infrastructure or infrastructure contributions towards offsite mitigation 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 contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, Policies PR2, PR9 and PR11 of the Cherwell Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

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	50% of the dwellings to be affordable homes.	TBC	<p>Necessary – Yes, the site is allocated within Cherwell Local Plan Partial Review 2020 – Policies PR2 and PR9 are relevant.</p> <p>Directly related –</p> <p>Fairly and reasonably related in scale and kind – yes, the amount is a policy requirement</p>
ICB	Transfer of land at the rear of the medical centre for use as a car park and contribution depending on land value of car park land	TBC	<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 the additional population generated by the development. The additional land will enable Yarnton Medical Centre to be extended to meet the demands of the increased population.</p> <p>Directly related – the land will enable the existing medical centre to be extended to meet the growing demand for the services.</p> <p>Fairly and reasonably related in scale and kind – yes</p>
Thames Valley Police	CID/Staff set up costs of £4962; vehicles/cycles £12,042; mobile IT £6,375; ANPR £5500; premises £57,730	TBC	<p>Necessary – increased demand and need for officers and equipment to serve the additional population in accordance with the Councils Developer Contributions SPD</p> <p>Directly related – to mitigate the impact of the development and increased population.</p> <p>Fairly and reasonably related in scale and kind – yes</p>
Outdoor Sports Provision	Based on £2,017.03 per dwelling 540x£2,017.03 = £1,089,196.20 towards the provision at PR7a to provide grass pitches, 3G football	TBC	<p>Necessary – Policies BSC10 and BSC11 seek to address existing deficiencies in access to sports and recreation through new provision or enhancement of</p>

	pitch with floodlighting and car parking. The development of the larger outdoor sport facility at PR7a (4ha of pitches) will be a sustainable site aimed at serving all the partial review sites.		existing facilities either on site or commuted sum off-site. PR9 of Partial Review is also relevant. CDC Playing Pitch Strategy identifies the need to provide an additional 4ha of grass pitches in the Kidlington area by 2031. In addition, the studies show the need to provide two full-size 3G football pitches by 2031. The proposed site for the development of off-site sport provision has been identified in the Cherwell Local Football Facility Plan. Directly related – yes Fairly and reasonably related in scale and kind – yes
Indoor Sports Provision	Based on £335.32 per person 540 x 2.49 = 1,344.60 1,344.60 x £335.32 = £450,871.28 towards improvements at Kidlington and Gosford Leisure Centre which include the building of a new teaching pool.	TBC	Necessary – Policies BSC10 and BSC12 seek to address existing deficiencies in existing provision through enhancements. Directly related – Yes Fairly and reasonably related in scale and kind – Yes
Community Hall	On-site provision so commuted sum for maintenance of £298.88 per m2	TBC	Necessary – Policy BSC12 of CLP and PR11 of Partial Review Directly related – to mitigate the impact of the development. Fairly and reasonably related in scale and kind – Yes
Community Development Worker	As the development is between 500 and 1000 dwellings, developers are expected to provide the costs of employing a community development worker for 0.8 FTE for 2 years. Costs calculated at Grade G £33,608.50	TBC	Necessary – Community development is a key strategic objective of the CLP and the creation of sustainable communities. SO10 seeks to provide sufficient good quality services, facilities and infrastructure to serve the new community Paragraph B.86 seeks to ensure that new development fully integrates with existing settlements to forge one

	pa plus 26% on costs. 0.8 of FTE = £33,877.37 for 2 years. Total £67,754.74		community rather than separate communities. A community development worker at the early stage in a new development to kickstart the process of bringing people together is vital. Directly related – yes Fairly and reasonably related in scale and kind – yes
Community Development fund	Calculated at £45.00 per dwelling 540 x £45 = £24,300.00	TBC	Necessary – NPPF advises that planning should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other and support local strategies to improve health, social and cultural well-being. Community Development is a key objective of the CLP. Directly related - Yes Fairly and reasonably related in scale and kind – Yes
Public Art, Public Realm and Cultural Well-being	£60,480 towards a public art scheme at £200 per unit plus 12% for management and maintenance.	TBC	Necessary Developer Contributions SPD 2018 Directly related. Yes Fairly and reasonably related in scale and kind. Yes
Public Open Space and maintenance arrangements	Provision of public open space within the built development	TBC	Necessary – Policy BSC11 Directly related – Yes Fairly and reasonably related in scale and kind – Yes
Play Space and maintenance arrangements	1 x LAP 1 x LAP/LEAP 1x LEAP/NEAP/MUGA on-site provision with maintenance costs TBC	TBC	Necessary – Policy BSC11 Directly related – yes Fairly and reasonably related in scale and kind – Yes
Nature Reserve and maintenance arrangements	On site provision within informal parkland with access from William Fletcher Primary School	TBC	Necessary Policy PR9 Directly related. Yes Fairly and reasonably related in scale and kind. Yes

Community Woodland and maintenance arrangements	7.8 hectares	TBC	Necessary Policy PR9 Directly related. Yes Fairly and reasonably related in scale and kind. Yes
24.8ha informal parkland and maintenance arrangements	To be provided to the west of the development	TBC	Necessary Policy PR9 Directly related yes Fairly and reasonably related in scale and kind yes
Allotments and maintenance arrangements	On-site provision	TBC	Necessary Policy BSC11 Directly related yes Fairly and reasonable related in scale and kind yes
Mobility Hub	£1,566,384 contribution toward the delivery of a mobility hub at London Oxford Airport	TBC	Necessary – Policy PR4a and Appendix 4 of Partial Review Local Plan Directly related – yes Fairly and reasonably related in scale and kind - yes
A44 highway works package – Bladon to Begbroke Hill	£2,116,660 contribution towards bus priority measures on A44 and segregated pedestrian and cycle facilities between Bladon Roundabout and Begbroke Hill junction	TBC	Necessary – Policy PR4a and Appendix 4 of Partial Review Local Plan Directly related - yes Fairly and reasonably related in scale and kind - yes
A44 highway works package – Cassington Road to Pear Tree	£1,792,912 contribution towards bus priority measures and segregated pedestrian and cycle infrastructure along A44 between Cassington Road and Pear Tree interchange	TBC	Necessary Policy PR4a and Appendix 4 of Partial Review Local Plan Directly related - yes Fairly and reasonably related in scale and kind - yes
Public Transport Services	£529,123 contribution to 3x RTI displays at bus stops serving the site	TBC	As above
Public Transport Infrastructure	£28,068 for TRO to consult and implement a speed reduction on A44	TBC	As above

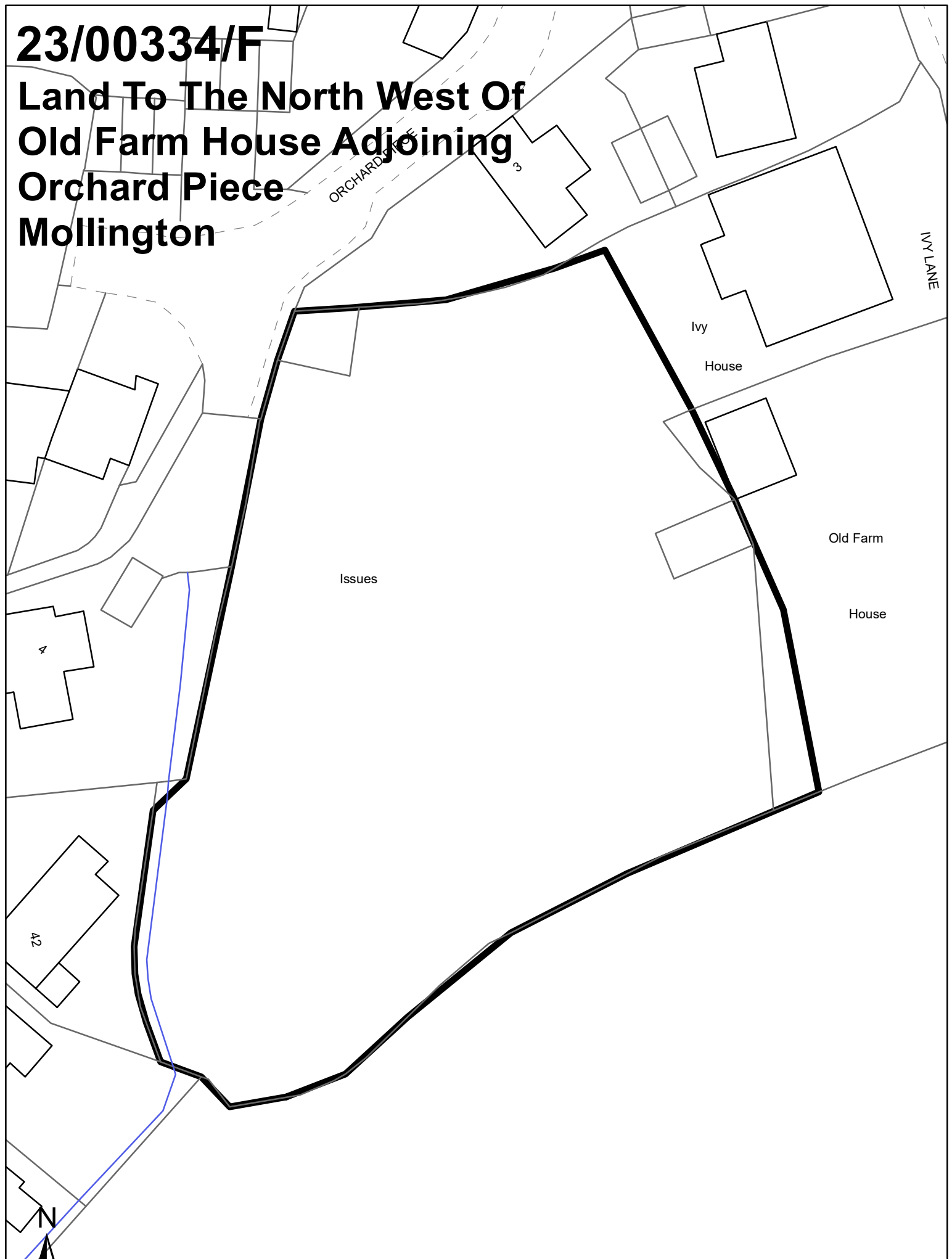
Travel Plan Monitoring	£6,684 for monitoring of Framework Travel plan, Residential Travel Plan and Care Home Travel Plan for period of 5 years	TBC	
Public Rights of Way	£250,000 contribution towards improvements to PRow in the vicinity	TBC	
Primary Education	£3,662,000	TBC	
Secondary Education	£3,775,812	TBC	
Secondary Land contribution	£332,890	TBC	
Special Education	£367,938	TBC	
Land for Primary School Expansion	1.8ha with suitable access to be provided from the current William Fletcher School site to the new fields at no cost to OCC	TBC	Policy PR9
Household Waste and Recycling	£50,738.40	TBC	
Library Service	£58.867	TBC	
CDC and OCC S106 Monitoring Costs	TBC	TBC	

Land To The North West Of
Old Farm House Adjoining
Orchard Piece
Mollington



23/00334/F

**Land To The North West Of
Old Farm House Adjoining
Orchard Piece
Mollington**

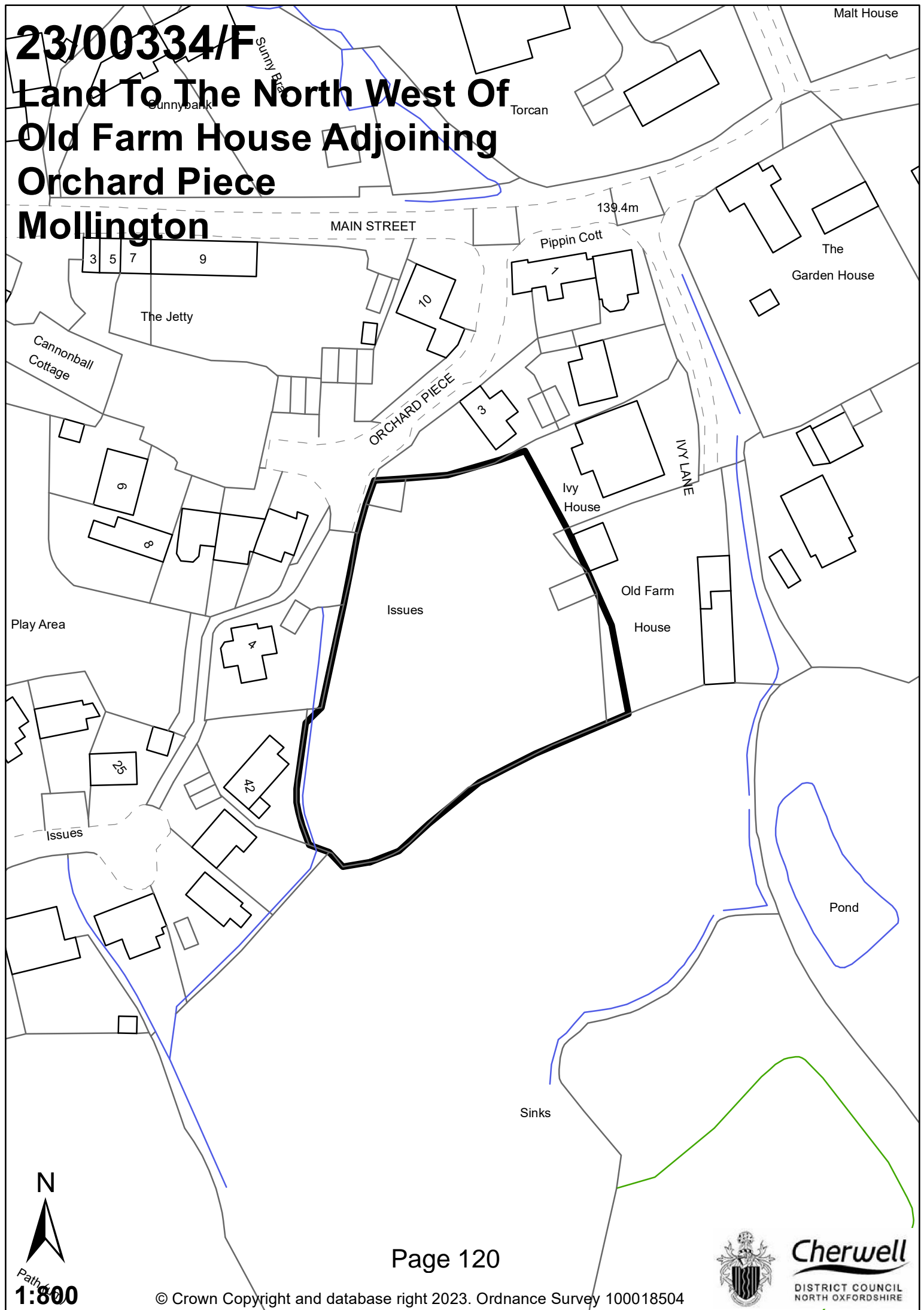


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23/00334/F

Land To The North West Of Old Farm House Adjoining Orchard Piece Mollington



**Land To The North West Of Old Farm House
Adjoining Orchard Piece Mollington**

23/00334/F

Case Officer: Imogen Hopkin

Applicant: Mr T Hill and Ms K North

Proposal: Erection of a single dwelling, alterations to existing access off Orchard Piece, felling of 6 Category C trees

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

Reason for Referral: Called in by Councillor Douglas Webb due to high level of public interest and the site planning history

Expiry Date: 10 November 2023 **Committee Date:** 2 November 2023

SUMMARY RECOMMENDATION: APPROVE WITH CONDITIONS AND SECTION 106 AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at the end of the cul-de-sac Orchard Piece in the south of the village of Mollington. Historically, the site formed part of the curtilage of The Old Farmhouse to the east of the site and was used as an orchard. The site still has a number of trees on and has a rural appearance within the village. The site is accessed by a gated entrance onto Orchard Piece. The levels drop from north to south across the site. An outbuilding which was formerly used by The Old Farmhouse still stands on the site.
- 1.2. The site is located in the Mollington Conservation Area and The Old Farm House to the east of the site is a Grade II listed building. There are trees covered by a Tree Preservation Order to the immediate north of the site in close proximity to the access to the site.

2. CONSTRAINTS

- 2.1. The site is within Mollington Conservation Area, the setting of a Grade II listed farmhouse, within an Archaeological Alert Area, potentially contaminated land, and overlaps with protected species buffers.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks approval for a single dwelling on the site. The dwelling is positioned approximately 10m from the south boundary of the site.
- 3.2 Amended plans have been received to reduce the proposal to a 2 bedroom dwelling, with an open plan sitting, living and dining area at ground floor. The dwelling has an

eaves height of 3.5m and a ridge height of 6.4m. The plans indicate the dwelling would be local stone, natural slate with timber or aluminium windows.

3.2 Updated ecology information was provided on 19th September to inform the proposal.

4. RELEVANT PLANNING HISTORY

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

Application: 21/01481/F	Withdrawn	19/07/2021
Erection of a single dwelling (re-submission of 20/01112/F)		
Application: 20/01112/F	Withdrawn	23/06/2020
Erection of a single dwellinghouse		
Application: 18/00473/F	Refused	25/05/2018
Development of site to create 3 dwellings		

4.2. The refused application, 18/00473/F, was refused for the following reasons (summarised):

1. Loss of the curtilage listed outbuilding
2. Harm to an undeveloped gap, which contributes to the rural character of the Conservation Area
3. Access is substandard for visibility
4. Absence of an ecological survey

5. PRE-APPLICATION DISCUSSIONS

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

5.2. **21/01372/PREAPP:** The enquiry was for one dwelling on the site, including elevational drawings.

5.3. Officers advised that the broad principle of the development would be acceptable, as, in principle, the site is considered to be within the built up limits of the village. Officers highlighted elements that needed improving, such as the design and the proposal's impact on highway safety and protected species.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **2 March 2023**, by advertisement in the local newspaper expiring **9 March 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **24 July 2023**.

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

- Privacy concerns if trees are removed and potential for overlooking
- Impact on the Conservation Area, and contrary to Conservation Area Appraisal 2010
- Demonstrable harm to an important undeveloped gap which contributes to the rural character of Mollington Conservation Area
- Harm to the visual amenity of the neighbouring Grade II listed building
- Protect areas of green space
- Change of use from agricultural, and not currently in use as a garden
- Poor visibility of existing access
- Impact on parking within Orchard Piece
- Potential for more dwellings to be sought in the future
- Flood risk
- Tree report lacks information
- Ecology report vague and makes assumptions, along with impact on wildlife
- Potential to impact watercourse
- No sewerage information provided
- Hedgerows would be impacted

6.3. The matters raised by third parties in letters of support are summarised as follows:

- Good to make use of space
- Vacant site brought back into use, and at present it is not maintained
- Would not generate extra traffic or parking issues, due to having a drive
- Benefits outweigh the disruption that would occur during construction
- Many of the objectors are not in the immediate vicinity, so would not be impacted by the development

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MOLLINGTON PARISH COUNCIL: **No objections** to application as submitted but raised concerns relating to biodiversity, trees, lack of transport appraisal, lack of construction management plan, harm to an undeveloped gap.
- 7.3. Awaiting updated consultation response to the amended plans.

OTHER CONSULTEES

- 7.4. CDC ENVIRONMENTAL HEALTH: **No comments** with respect to noise, contaminated land, air quality, odour, light.
- 7.5. CDC ECOLOGY: **No objections**, based on the information received on 19th September. Requires a Section 106 agreement and conditions.
- 7.6. CDC CONSERVATION: **Comments**, including suggested amendments.
- 7.7. OCC HIGHWAYS: **No objections**, subject to conditions relating to access details and parking spaces.

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)

- BSC1 – District Wide Housing Distribution
- ESD1 – Mitigating and Adapting to Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Retention of features contributing to conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Mollington Conservation Area Character Appraisal (2010)

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
- Ecology and trees
- Other matters

Principle of development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996. The District's current housing land supply position of 5.4 years supply of housing for the period 2022-27 as reported in the Council's 2022 Annual Monitoring Report ('AMR'). The Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 9.4. Also relevant is the NPPF. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.5. The principle of residential development is outlined through Policy Villages 1 of the CLP 2015, which categorises villages in the district. Mollington is recognised as a Category B village, which are satellite villages associated with a larger service centre which, in this instance, is Cropredy. The policy seeks to restrict development in Category B villages, in line with their relative sustainability. It states within the built-up limits of Category B villages minor development, infilling and conversions of buildings may be considered acceptable subject to other material considerations.
- 9.6. Mollington has no bus service linking it to Cropredy (removed since the adoption of the Local Plan), the village has no school or shop and the public house only opens on occasion. However, Policy Villages 1 is part of the up-to-date Development Plan and this is the context under which this application must be considered.
- 9.7. The proposed development is not considered to be infilling. In the supporting text of Policy Villages 1, infilling is defined as 'the development of a gap in an otherwise continuous built-up frontage'. Given the size of the application site, its location in the corner of Orchard Piece and the siting of the proposed dwelling in the south of the site, it could not be argued that the development would constitute infilling.
- 9.8. For minor development to be acceptable under Policy Villages 1, the site must be located within the built-limits of the village. Historically, the site was used an orchard in relation to The Old Farm House to the east of the site. Presently, the site has a rural character. However, the site has a significantly different character to the agricultural fields to the south. When the built form of Mollington from the south looking northward,

as well as when Mollington is viewed on a map, the southern edge of the village has a fairly consistent built edge which is considered to form the edge of the village. Although the application site is an exception this, projecting into the village, it is surrounded on three sides by residential development, and is heavily treed, such that it does not have an open character.

- 9.9. In terms of the principle of development, the existing boundaries of residential development of the village, the site's close relationship to existing properties, and its heavily treed character, it is considered that the site is located within the built-limits of Mollington and therefore the principle of minor development on the site is considered to be acceptable, subject to the other material considerations discussed below. The proposed development therefore complies with Policy Villages 1 of the CLP 2015.

Design, and impact on the character of the area

- 9.10. 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.”*
- 9.11. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. New housing development should provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 9.12. 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.
- 9.13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.14. Section 66(1) 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.
- 9.15. The site is located within the Mollington Conservation Area and in close proximity to The Old Farm House, a Grade II listed building. The site is mentioned in the Mollington Conservation Area Appraisal as an area of undeveloped land which makes a positive contribution to the character and appearance of the area.
- 9.16. The scale of the proposed dwelling has been reduced over the course of the application, from a 3 bed dwelling to a 2 bed dwelling, with the height and length reduced in size. Its design and fenestration has also been amended. The amended proposal has an appearance similar to the apple barn appearance that the Conservation Officer suggested was necessary for the principle to be acceptable in heritage terms.

- 9.17. The Conservation Officer has not objected to the amended proposals, although noting it would be a shame to lose the existing open space. The position and height of the single dwelling is considered to be an acceptable alternative such that, while the character of the orchard would be altered, given its scale and the retention of the vast majority of the trees on the site, the proposal would result in harm that would warrant refusal of the application. The Conservation Officer has requested a range of conditions to ensure a high specification for the details of the dwelling.
- 9.18. The previous determined application, 18/00473/F, was refused on the basis of the loss of an undeveloped gap on Orchard Piece, which provides a visual link to the countryside. That application was for 3 dwellings, and would have had a more urbanising effect on the site and its surroundings than would the current proposal. Key differences between the two schemes include the amount of built development and the number of trees retained. The current proposal is a single, modest dwelling, positioned broadly centrally within the site, providing for retention of the vast majority of the trees such that it would not appear unduly obvious or incongruous. Any greater tree loss would significantly change how the site is experienced in visual terms and whether it can be considered within the built limits of the village.
- 9.19. The application includes plans to bring the adjacent curtilage listed outbuilding to the east of the site back into use. This is supported by the Conservation Officer, although they have highlighted that separate listed building consent would be required for any alterations to the building. At present, no listed building consent has been sought, although the applicant's attention could be drawn to this requirement through the inclusion of an informative note should approval be granted. The previously refused application, 18/00473/F, sought to remove the outbuilding and this harm to the heritage assets was a reason for refusal, whereas this application seeks re-use of the building, which is a benefit to the proposal.
- 9.20. For the reasons outlined, on balance, and subject to conditions relating to detailed design elements, the proposal for a single dwelling is acceptable in this location, due to its sympathetic appearance, its position set back within the site and the retention of the vast majority of trees on the site. The amended proposal would not result in harm to the designated Conservation Area, or the significance of the adjacent listed building through change to its setting.

Residential amenity

- 9.21. Policy ESD15 of the CLP 2015 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.22. The Cherwell Design Guide (2017) states that a minimum distance of 22m back to back between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable.
- 9.23. Concerns have been raised by neighbours regarding impact to the amenity of dwellings surrounding the site. The western boundary of the site is curved and positioned between 17m and 24m from the side wall of the proposed dwelling. Due to the position of the building, its windows and height of the building, there would be no loss of amenity to No. 4 Orchard Piece or No. 42 Chestnut Road, positioned to the west.
- 9.24. The first floor habitable room windows of the proposed dwelling face out to the open countryside to the south and north, therefore not overlooking the dwellings to the east and west. The first floor side window on the eastern elevation serves a landing and is sited 26m from the western boundary. As this is not a habitable room, and is a

considerable distance from the side boundary, there is no need to condition obscure glazing to this window.

9.25. The dwelling would not be located in close proximity to any existing dwelling and the site is well screened from the public domain by mature vegetation. Given the separation distances, existing vegetation, and no habitable first floor side facing windows, the currently proposed dwelling is considered to not cause harm to the amenities of neighbours. The proposed development therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

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 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”.

9.28. The Local Highway Authority has not objected to the application, and has requested conditions relating to the visibility of the entrance of the site and to ensure the proposal provides 2 parking spaces.

9.29. The proposal provides 3 parking spaces, which is in excess of the 2 spaces required at rural dwellings, as outlined by Highways Officers. This can be resolved through the condition.

Ecology and trees

9.30. The NPPF requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government’s commitment to halt the overall decline in biodiversity; these aims are echoed in Policy ESD10 of the CLP 2015.

9.31. The Ecology Officer originally objected to the scheme, as there was insufficient information provided to demonstrate the application could be carried out lawfully, which posed a risk to European Protected Species. Updated Ecology information was submitted through the course of the application, which the Ecology Officer is satisfied overcomes the original objection. They have required an agreement so that any off-site land proposed to fulfil the biodiversity net gain requirement is tied to the development.

- 9.32. The Officer has recommended conditions relating to the Biodiversity Habitat Management Plan submitted with the application, details of appropriate lighting and and CEMP for biodiversity to be conditioned. There are also conditions within the Naturespace Certificate that are required to be included verbatim.
- 9.33. The site has had a Preliminary Ecological Survey and provided an additional biodiversity net gain metric for the Ecology Officer to assess. The Ecology Officer has objected to the scheme, and raised in both their comments that the site is a red zone for the European Protected Species Great Crested Newts and is within 50m of a pond that has been assessed to be of good quality to support great crested newts. The comments from the Ecology Officer require confirmation that further information would be required to be submitted to confirm that the development can be carried out lawfully, therefore posing a risk to a European Protected Species, with no mitigation, compensatory habitat, receptor site or licensing route identified.
- 9.34. The additional information is required to be submitted, as it goes to the heart of the permission in determining whether it could be feasibly carried out or not. In the absence of the additional information confirming there would be no risk and with mitigation plans for the great crested newt, the application is required to be refused on this basis.
- 9.35. The site includes a number of protected trees, some of which are proposed to be felled as part of the development. There have been no comments received from the Arboricultural Officer. If the application were to be approved, a condition could be imposed for landscaping or additional planting.

Other matters

- 9.36. A number of neighbours have raised concerns regarding the flooding to the site and neighbouring dwellings as a result of the development. The site lies within Flood Zone 1, which is an area shown to have less than a 0.1% change of flooding of water in any year. There could be conditions relating to water drainage and foul sewage for an approval to ensure satisfactory drainage of the site and avoid any chance of flooding. Therefore, the proposed development is acceptable in this regard and any refusal on this basis could not be substantiated at appeal.

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 broad principle of development in this location is acceptable, as the site is considered to be within the built-up limits of the village, subject to the retention of the majority of the trees on the site as proposed here. Given its design and siting the proposal as amended is considered acceptable in relation to the visual impact and neighbour amenity. The proposal is acceptable in highway safety terms subject to conditions. The information submitted demonstrates the application to be acceptable in ecology terms, subject to a Section 106 legal agreement and relevant conditions. As such, the proposal is acceptable and can be recommended for approval.

11. RECOMMENDATION

THAT PERMISSION IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Location/Block Plan, drawing number 5624.01 Rev B
- Proposed Floor Plans/Roof Plan, drawing number 5624.02 Rev C
- Proposed South and West Elevations, drawing number 5624.03 Rev D
- Proposed North and East Elevations, drawing number 5624.04 Rev C
- Tree Constraints Plan, drawing number 11548 Tcp 01
- Mollington Topographical Survey, drawing number 1215 1319 1
- Renovation of Existing Outbuilding, drawing number 5624.05
- Arboricultural Impact Assessment
- Ecological Report
- Biodiversity Net Gain Feasibility Study
- Biodiversity Net Gain Feasibility Study – Appendix 1
- Biodiversity Net Gain Feasibility Study – Appendix 2
- Biodiversity Net Gain Feasibility Study – Appendix 3
- NSP Certificate
- Biodiversity Impact Map v1

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 above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site and has been inspected and approved in writing by the Local Planning Authority. The new stonework to be used in the construction of the external walls of the new dwelling hereby approved shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel, and shall be retained as such thereafter.

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

4. No development shall commence above slab level unless and until samples of the slate to be used externally in the construction of the roof of the new buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the sample approved and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the area and designated heritage asset, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy

Framework.

5. No development shall commence above slab level unless and until a schedule of any external materials not included within Condition 3 or 4 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the sample approved and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the area and designated heritage asset, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to their installation in the development, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

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

7. Prior to the first occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,

(d) details of boundary treatments.

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

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

8. All planting, seeding or turfing comprised in the approved details of landscaping

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

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

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

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

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

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

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

12. Prior to the commencement of the development hereby approved, a plan showing car parking provision for 2 spaces to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be laid out in accordance with the approved details 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 and the car parking spaces shall be retained in accordance with this condition for the parking of vehicles at all times thereafter.

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

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

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

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement above slab level of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes on the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

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

15. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Land formerly

known as 'Beggar's Boy Cottage': Impact Plan for great crested newt District Licensing (Version 1)", dated 13th September 2023.

Reason - In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 200

16. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason - In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 200

17. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification) the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of the character and appearance of the area and in the interests of sustainable development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

Informative: It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

Informative: It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the

enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing author

Case Officer: Imogen Hopkin

**Scrapyard
Bunkers Hill
Shipton On Cherwell**



23/01303/F

**Scrapyard
Bunkers Hill
Shipton On Cherwell**

Sewage

Ppg

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Page 137

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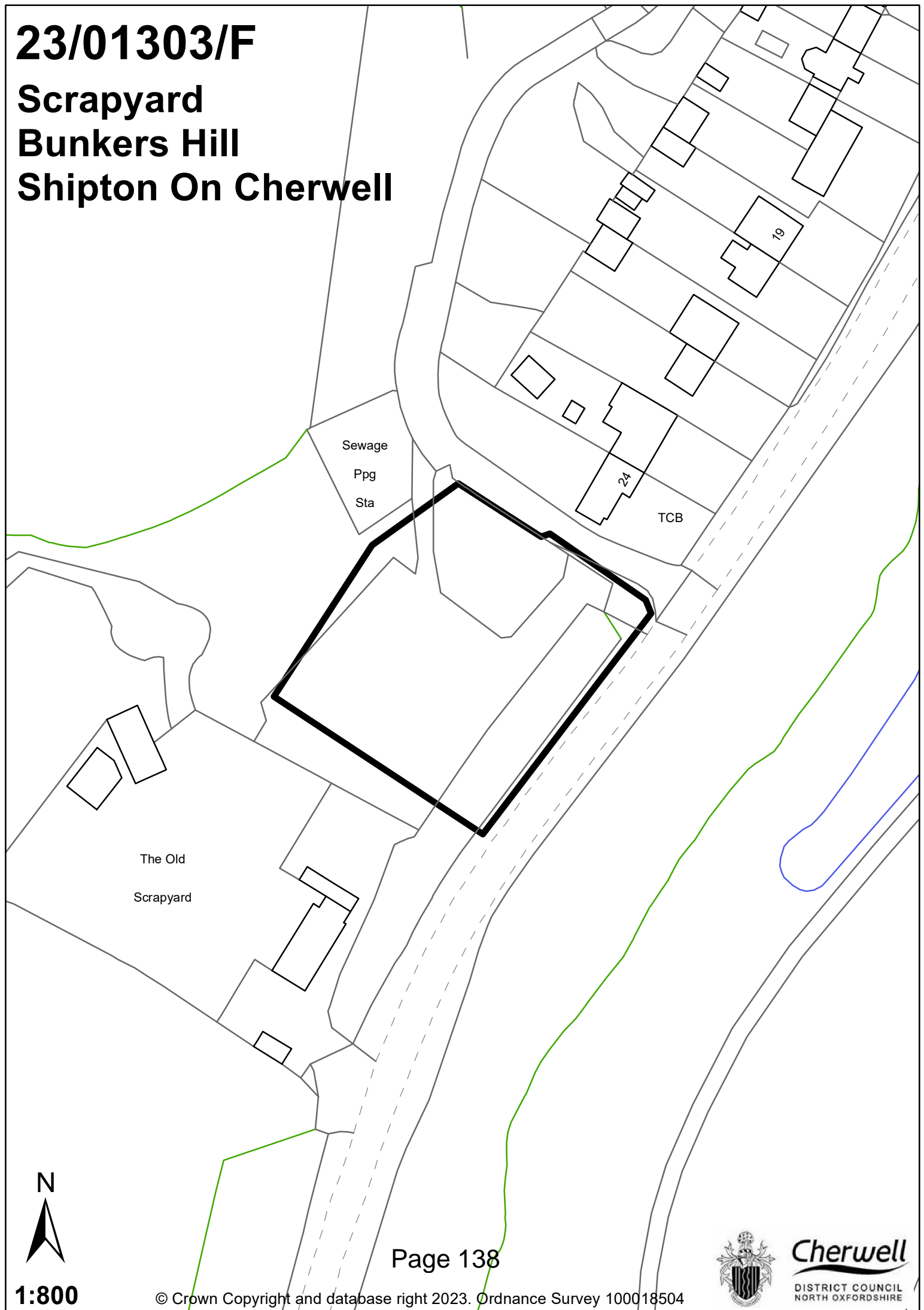


Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

23/01303/F

Scrapyard Bunkers Hill Shipton On Cherwell



The Old
Scrapyard

Sewage
Ppg
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TCB

19

24



1:800



Case Officer: Rebekah Morgan

Applicant: Evans Exports Ltd

Proposal: Erection of single dwelling, detached garage and construction of new vehicular access.

Ward: Launton And Otmoor

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

Reason for Referral: Called in by Cllr. Coton for the following reasons: Public Interest

Expiry Date: 09 November 2023

Committee Date: 02 November 2023

SUMMARY RECOMMENDATION - REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a former scrapyard but is described in the application form as '*currently disused.*' During the site visit it was observed that several storage containers, a mobile home, and fencing (dividing the site) have been placed on the land. The east and north boundaries of the site have some existing mature trees adjacent to the roads. The site is surrounded by palisade fencing that sits on the inside of the tree line.
- 1.2. The area immediately to the south of the site is a commercial site which currently has a building under construction. To the north are the residential properties that form Bunkers Hill. To the east and west of the site is open countryside.

2. CONSTRAINTS

- 2.1. The application site is within an area identified as potentially contaminated land and within 2km of a Site of Special Scientific Interest.
- 2.2. The site is bounded on two sides by roads. There are mature trees along the boundary with the A4095 and some more trees along the northeast boundary of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a detached, 5-bedroom dwelling with detached four bay garage. The application would also create a large domestic curtilage for the property with the site area totalling 2246 sq. metres.
- 3.2. The proposed dwelling measures approximately 16.1m in width by 13.8m in depth (at the widest points) with an eaves height of approximately 5m and a maximum ridge height of 9.4m. Details of the proposed materials have not been provided, the application form states '*TBC but most likely brick/render*' with '*interlocking tiles/slates*' for the roof and '*TBC – either upvc or aluminium*' for the windows (no colour stated).

- 3.3. The proposed detached garage would measure approximately 13m in width by 6.7m in depth with an eaves height of approximately 2.5m and a ridge height of approximately 5.9m.
- 3.4. Vehicle access would be taken from the A4095 and the plans indicate the removal of four trees to facilitate this.

4. RELEVANT PLANNING HISTORY

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

22/03372/F: Variation of Conditions 2 (plans), 3 (alternative scheme), 4 (drainage of parking area) and 5 (landscaping) of 21/01702/F - small changes to the approved plans prior to commencing works. PENDING

21/01702/F: Erection of replacement workshop building for automotive use (B2), alteration to entrance gates, landscaping and demolition of existing buildings. APPROVED

20/00221/CLUE: Certificate of Lawfulness of Existing Use for use of the land for the storage and preparation of cars for banger racing B2. Land shown on plans attached edged red and referred to as ("The Red Land") in statutory declarations. REFUSED

19/02052/F: Erection of galvanised & powder coated green scorio palisade fencing (retrospective). REFUSED

19/02051/CLUE: Certificate of lawfulness of existing use for the use of the land located to the rear of the scrapyards for the preparation of cars for banger racing. REFUSED

19/01320/CLUE: Certificate of Lawful Use Existing for a timber building located to the rear of the scrapyards, together with its use for the preparation of cars for banger racing. APPROVED

19/00620/CLUE: Certificate of Lawfulness of Existing Development for the timber building to the rear of the scrapyards together with its use as a welding and metal fabrication workshop. REFUSED

18/01874/CLUE: Certificate of Lawfulness Existing for scrap and car breakers' yard, including material salvage, fabrication/welding, vehicle maintenance, repair and storage. WITHDRAWN

18/01091/F: Workshop/Storage building. APPROVED

18/0190/F: Vehicle repair workshop. WITHDRAWN

17/01567/F: Change of use and extension of former car repair and storage building to create a dwelling and creation of new access. REFUSED

12/01271/F: Demolition of existing car repair buildings and construction of 3 No. dwellings. REFUSED

05/01158/CLUE: Certificate of Lawful Use Existing: To continue use as a vehicle scrapyards. REFUSED

04/02196/OUT: Outline Planning Permission. Erection of a detached dwelling. WITHDRAWN

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site 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 **12 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Six letters of support have been received. The comments raised by third parties are summarised as follows:

- Improve the overall appearance of the site
- Improvement from the scrapyards use
- Improve landscaping around the area
- No visual impact to having a house in this location
- The site is already well screened
- Works to trees are a positive to reduce the height
- Increase security for the site
- Result in biodiversity net gain and improvements to ecology

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. SHIPTON ON CHERWELL AND THRUPP PARISH COUNCIL: No comments received.

CONSULTEES

7.3. OCC HIGHWAYS: **no objections** subject to standard conditions in respect of full details of the access, specification details of the turning/parking area and the provision of electric vehicle charging points.

7.4. CDC ENVIRONMENTAL PROTECTION:

- Noise: No objection subject to conditions in respect of the provision of a Construction Environment Plan (CEMP) and details of acoustic insulation to be installed in the property.
- Contaminated land: The contaminated land report has identified some potential contamination risk and recommends a phase 2 investigation. Conditions are requested in respect of additional contaminated land investigations to ensure appropriate remedial measures are identified and implemented on the site.
- Air quality: No comments.
- Odour: No comments.

- Light: No comments.

Additional comments have been received regarding the relationship with the adjacent commercial site. The consent for the commercial site includes conditions requiring no details of any proposed plant.

- 7.5. CDC ARBORICULTURAL OFFICER: **no objections**, the proposal highlights the majority of trees on site are BS5847 category C trees, with an inherently low lifespan. The proposal to manage the trees on the highway goes beyond my comments from a planning perspective. However, from this perspective I am content items in line with BS5837 have been considered, and the proposal does not impact high quality trees as only one has been identified on the site. The proposal reflects an opportunity to increase diverse tree cover within the site and so would request a replanting condition be added should permission be awarded.
- 7.6. CDC ECOLOGY OFFICER: The site is in an ecologically sensitive area being adjacent to the SSSI, LWS and CTA however in itself it has relatively low ecological value due the surfacing (with the exception of the tree lines). There are few ecological issues on site, therefore, given the scale of the development I would consider impacts on the SSSI and LWS are likely to be minimal. The PEA recommends some measures for biodiversity enhancement which are generally fine and should achieve a net gain on site - although they are at a preliminary stage and more details will need submitting via condition. I would recommend that swift bricks are considered within the new dwelling given the adjacent records.

I would recommend that the following Conditions are applied to any permission: A CEMP for biodiversity A lighting strategy A LEMP/biodiversity strategy – detailing any tree planting to be carried out, types of seed mixes, management ongoing, location and type of enhancements such as bat and bird bricks, planting for invertebrates.

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
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Landscape impact
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: Development beyond the built-up limits of settlements
- C28: Design and Layout of Development
- C30: Design of New Residential Development
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Development on contaminated land

8.3. Other Material Planning Considerations

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

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
- Trees
- Ecology
- Other matters

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 (CLP 1996). The District's current housing land supply position of 5.4 year's supply of housing for the period 2022-27 as reported in the Council's 2022 Annual Monitoring Report ('AMR'). The Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.
- 9.3. Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social, and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 9.5. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Bunkers Hill is a small cluster of approximately 40 dwellings with a small garden centre at the northern end and the former scrapyards at the southern end. There are no community facilities in terms of shops, schools, leisure facilities etc. Due to the nature of grouping of dwellings, it can best be described as a hamlet. In an appeal decision (ref: APP/C3105/A/13/2194858) on this site in 2012, the Inspector

commented '*Bunkers Hill is essentially a single row of about 20 houses isolated from any settlement and with few facilities of its own. While a bowls club there seems still to be operating, the adjacent sports and social club has closed. I do not consider that it should be treated as a settlement, rather sporadic development in the countryside.*' Your officers concur with the view taken by the planning Inspector that Bunkers Hill is not a village. This also demonstrates that housing proposals on this site have previously been dismissed at appeal because the principle of development was not accepted.

9.6. Notwithstanding the above, the application site is located to the south, away from the cluster of dwellings at Bunkers Hill and is therefore within the open countryside. Policy Villages 1 is permissive of proposals of this scale, only where they are "within the built-up limits of the village".

9.7. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

(i) it is essential for agriculture or other existing undertakings, or

(ii) the proposal meets the criteria set out in policy H6; and

(iii) the proposal would not conflict with other policies in this plan.

9.8. Paragraph 80 of the NPPF states:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;'

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

– is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

– would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

9.9. The application documents state that the proposed dwelling would be occupied by a worker related to the adjacent commercial site, but no information has been provided to demonstrate 'an essential need' for the dwelling. Security provision for a commercial unit would not constitute an 'essential need' for someone to be living on site as this need could be met through the installation of other security features and would certainly not require a dwelling of the size proposed. The commercial use is a general automotive workshop (Use Class B2) so is unlikely to require a worker on site

24hrs a day. Furthermore, the design of the dwelling with no first-floor windows on the southwest gable, its distance from the boundary and the boundary landscaping would offer limited natural surveillance of the neighbouring site.

- 9.10. It is considered that a 'rural worker' would be someone employed in a rural industry such as farming or forestry, rather than someone who simply works for a general employer that is in a rural location. Notwithstanding this, the NPPF requirement is for an 'essential need' and as set out above, this has not been demonstrated by the application.
- 9.11. With regards to criteria b-d of paragraph 80 of the NPPF, the proposal does not relate to a heritage asset, it does not involve the re-use of redundant or disused buildings, and it does not involve the sub-division of an existing property.
- 9.12. Criteria e requires the design to be '*truly outstanding*' and therefore, it needs to help raise the standards of design in rural areas and must '*Significantly enhance*' its setting. The standard for exceptional design under this requirement is extremely high and is intended as an exception. The proposed development would not be of exceptional design and does not meet the expectations of this criterion.
- 9.13. The application site is on land that was a former scrapyard and part of the site has consent for redevelopment for commercial uses. The parcel of land that makes up the application site is tidy. During the site visit, it was noted that some storage containers were located on the land which the applicant argued were a temporary requirement until the commercial units are completed. The site is not an eyesore and once the containers are removed, it would revert to being an open parcel of land. There are no clear environmental benefits to the proposal as there is no evidence to suggest the site requires remediation works if left undeveloped. There is no justifiable benefit of developing the site to 'tidy it up' and any unauthorised structures can be dealt with under the Council's enforcement powers. Approving the development for this reason would potentially set an unfortunate precedent for other comparable sites.
- 9.14. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. The proposed location of the development is remote, and the needs of occupiers cannot be met without the need to travel (by private motor vehicle). Therefore, the proposal is not considered to represent 'sustainable development' because it fails to meet the economic objective or social objective of sustainable development as set out in the NPPF. It is also not clear if the proposal would meet the environmental objective due to the limited information submitted.
- 9.15. The Council has concluded that the proposal does not comprise minor development, infilling, or conversion within the built limits of a settlement. The proposal is therefore contrary to the Council's rural housing strategy, as outlined in Policies ESD1, BSC1 and Policy Villages 1 of the CLP 2015 and saved Policy H18 of the CLP 1996, which seeks to deliver the housing growth in the district in the most sustainable manner reducing the need to travel and the impact on climate change and Government guidance in the National Planning Policy Framework which seeks to encourage sustainable patterns of growth.

Design and impact on the character of the area

- 9.16. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes

positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 9.17. 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." The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and detailing, but states that new development should avoid the creation of 'anywhere places' which do not respond to local context.
- 9.18. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale, and density of existing dwellings in the vicinity.
- 9.19. Paragraph 130 of the NPPF states that planning policies and decision should ensure that developments:
- a) Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.20. The application site is in a prominent position on the A4095 (Bunkers Hill). The proposed dwelling is a large, five bedroom detached two storey building. The front elevation of the property spans approximately 16.5m with a depth of approximately 13.8m. The design includes gable features on the front, a projecting gable to the rear, external chimney and a single storey, flat roof section. A detached garage is also proposed. The garage measures approximately 13.3m by 7m as is positioned along the northeast boundary with the gable facing towards the A4095 (front of the site).
- 9.21. The proposed dwelling would be large. However, it would be set back in the site away from the frontage. The design does include set down sections to create an appearance of subservience on some parts of the dwelling, which helps to reduce the overall appearance of a bulky building, especially on the front elevation. Boundary planting is shown on the plans which would soften the appearance of the development

from the main road. There are some design features such as the external chimney breast and projecting gables that do not enhance the overall design.

- 9.22. The materials and finishes are important part of the design. The submission lacks these details which makes it more difficult to understand the overall design approach. The application form suggests the use of brick and render. It is not ideal to assess the proposal without full details showing how materials are to be used. However, conditions could be used to require full details (showing how the materials will be used) and to provide samples of the proposed materials. This would ensure the type of material is acceptable and used in an appropriate way to enhance the overall design.
- 9.23. The bulk and massing of the garage would also result in a prominent building located along the northeast boundary of the site. The building would measure approximately 13.3m by 7m with a height of 6m. This is unfortunate, but as this is also set back within the site it would be viewed within the context of the scale of the new dwelling.
- 9.24. On balance, whilst there are some design features that do not enhance the design of the property, they are not so harmful to warrant a reason for refusal, particularly given the limited visibility of the site from the public domain. Therefore, the proposal is considered to accord with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 9.25. Paragraph 130 of the NPPF states that planning decisions should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.26. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.27. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.28. Saved Policy ENV1 of the CLP 1996 states that: "Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted."
- 9.29. The proposed dwelling would be located on a large plot with plenty of outdoor amenity space. The dwelling is generous in proportions providing adequately sized rooms which all have sufficiently sized windows to provide natural light. Overall, a sufficient level of amenity will be provided for the future occupiers of the dwelling.
- 9.30. The adjacent site to the south has consent for a commercial unit which is currently under construction. The building has consent for Use Class B2 (General Industry) which may not be compatible with a residential use due to the potential noise and disturbance.
- 9.31. The proposed dwelling would be situated approximately 16m from the boundary with the commercial site and approximately 30m from the consented building. Conditions restrict the hours of operation (Monday-Friday 8am to 6pm, Saturday 8:30am to

2:30pm, No working on Sundays/Bank Holidays), however there are no conditions to restrict noise levels or the type of B2 use. Conditions also however required to detail noise levels for any plant equipment to be used, which provides some regulation of noise on the site.

- 9.32. The proposed dwelling would be located a sufficient distance away from the existing commercial site. The Council's Environmental Health Officer has recommended conditions requiring details of acoustic insulation for the proposed dwelling, which should they consider would adequately mitigate against any noise from the adjacent site.
- 9.33. The proposed location of the dwelling is on the southern side of the site and would be approximately 36m away from the side of the nearest residential property which is located on the opposite side of Field View Lane. The proposed elevation facing the neighbouring property includes one first floor window that is shown to be obscurely glazed. Given the design and siting of the proposed dwelling, it would not have an adverse impact on neighbouring amenity in terms of overlooking or loss of outlook.
- 9.34. With regards to residential amenity, the proposal complies with, Policy ESD15 of the CLP 2015, Policies ENV1 and C30 of the CLP 1996 and Government guidance contained within the National Planning Policy Framework.

Highway safety and accessibility

- 9.35. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: "Be designed to deliver high quality safe...places to live and work in."
- 9.36. Paragraph 110 of the NPPF 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.*
- 9.37. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. 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.*"
- 9.38. The Oxfordshire County Council Parking Standards for New Developments sets parking standards for villages and hamlets within Oxfordshire. The standards outline a 5+ bedroom property should benefit from "*Up to 3 spaces per dwelling*". As such, the proposal represents an over-provision of parking, which is likely to result in the dwelling being car dependent. Whilst this is a concern, it is not considered to be so harmful as to justify a reason to refuse the application on this basis, as this would not result in a detrimental impact to highway or pedestrian safety.

- 9.39. The proposal includes a new vehicle access from the A4095, which would provide good visibility in both directions. The site is large and sufficient space is provided for the manoeuvring of vehicles to allow them to enter and leave the site in a forward gear.
- 9.40. The Local Highway Authority Officer raises no objections to the proposal but has requested planning conditions. The planning conditions relate to the specification details for the parking area and the proposed access to ensure they are constructed with appropriate materials and retained. The proposed access would also be subject to a road agreement with the Local Highway Authority.
- 9.41. Subject to the conditions, the proposal would not be detrimental to highway and pedestrian safety or result in any significant impacts of the highway network and thus compliant with local and national planning policies in this regard.

Trees

- 9.42. Policy ESD10 of the CLP 2015 states *'the protection of trees will be encouraged, with an aim to increase the number of trees in the'*.
- 9.43. The application proposes the removal of three trees ((two U category and 1 C category) along the southeastern boundary of the site. This area is a belt of trees and vegetation that is positioned between the site and the highway. The applicant has confirmed that their ownership includes this area up to the edge of the pavement.
- 9.44. An arboricultural impact assessment has been submitted with the application. It sets out the proposed removal of the trees and identifies the need for general maintenance of the existing trees around the site; detailing the necessary works. The three trees to be removed pose a constraint to the development and would need to be removed to facilitate the vehicular access from the A4095. The report concludes that these are poor quality trees and could be replaced with re-planting elsewhere on the site. The trees to be retained are situated around the perimeter and could be adequately protected during the construction of the development.
- 9.45. The Council's Arboricultural Officer has raised no objections to the proposal. Most of the trees on site are Category C trees and have an inherently low life span. The proposed management of trees of the trees is in line with BS5837 and the proposal does not impact on high quality trees (with only one identified on the site). The Arboricultural Officer concludes that there is an opportunity to increase diverse tree cover within the site.
- 9.46. The removal of the trees to create a vehicle access is acceptable as the trees are low quality and have a limited lifespan. Replacement tree planting would compensate for the removed trees and provide an opportunity to increase the diversity of tree species on the site. The proposal would not have a detrimental impact on trees and complies with Policy ESD10 of the CLP 2015 in this regard.

Ecology

- 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. 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.
- 9.50. 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.
- 9.51. 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.
- 9.52. The application is supported by a detailed protected species survey which concluded that the existing site has a low baseline for ecology and proposed development would not be detrimental. The survey identifies mitigation and enhancement measures and suggests a CEMP is prepared for the site.
- 9.53. The Council's Ecology Officer has advised the site is in an ecologically sensitive area, however the site itself has a relatively low ecological value due to the surfacing (apart from the tree lines). The advice states the impacts on the Site of Special Scientific Interest (SSSI) and Local Wildlife Site (LWS) are likely to be minimal.
- 9.54. The recommendations within the Preliminary Ecological Appraisal set out some measures for biodiversity enhancement which should provide some net gain on site. These are at a preliminary stage and would need more details submitting via condition.
- 9.55. Officers are satisfied, on the basis of the advice from the Council's Ecology Officer, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land 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 and Species Regulations 2017, have been met and discharged.

Other Matters

Climate change and sustainability

- 9.56. Policy ESD1 of the CLP 2015 states that '*measures will be taken to mitigate the impact of development within the District on climate change*'. It sets out several considerations when incorporating suitable adaptation measures in new developments.

- 9.57. Policy ESD3 of the CLP 2015 goes on to require all new development to incorporate sustainable design and construction. There is also a requirement for new dwellings to achieve a water efficiency limit of 110 litres/person/day.
- 9.58. Policy ESD5 of the CLP 2015 supports the use of renewable and low carbon energy provision in developments.
- 9.59. The submitted plans show the inclusion of solar panels on the roof of the garage building. The supporting statement also suggests the dwelling would be designed to incorporate high standards of internal insulation and heating could be by way of air-source heat pump.
- 9.60. The information submitted is limited but this could be conditioned to ensure sustainability measures are incorporated into the building and that the required water efficiency levels are met. There is also the potential to significantly increase the provision of solar energy by incorporating some in the roof of the main dwelling.

Contaminated land

- 9.61. Policy ENV12 of the CLP 1996 states: 'Development on land which is known or suspected to be contaminated will only be permitted if:
- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site
 - (ii) The development is not likely to result in contamination of surface or underground water resources
 - (iii) The proposed use does not conflict with the other policies in the plan
- 9.62. The submitted geo-environmental desk survey has identified potentially contaminated land on the site. This does not pose a current issue because the site is not in a residential use, however, the ground would be disturbed during construction work. Further surveys and remedial work would be required to ensure the site was safe for future occupants of a residential dwelling.
- 9.63. The Council's Environmental Health officer is satisfied with the submitted information and advises that these matters could be dealt with via condition to ensure the appropriate surveys are submitted and suitable mitigation/remedial works are carried out.

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. This application seeks planning permission for a single dwelling on this greenfield site. The site is located outside the built-up limits of a settlement, is visually prominent, and as such is considered to be in an area of open countryside. The proposal therefore conflicts with Policy H18 of the CLP 1996 and Policy Villages 1 of the CLP 2015. There is no exceptional circumstances case provided with this application to warrant an exception to the adopted Policy and with a healthy provision of windfall sites in rural areas the proposal fails to comply with the Policy. The principle of the development is therefore not considered acceptable.

- 10.3. There are no significant issues with design, neighbouring amenity, trees, ecology, or highways, subject to the imposition of conditions requested by technical consultees.
- 10.4. It is concluded that the benefits of one additional house to the Council's housing land supply and to the local economy and construction are significantly and demonstrably outweighed by the proposal's conflict with the Council's housing strategy in particular Policies ESD1, BSC1 and Villages 1 of the CLP 2015 and saved Policy H18 of the CLP 1996, and Government guidance contained within the NPPF. The proposal would not result in a significant environmental improvement of the site, with the Council having the ability to control the existing unauthorised structures with their enforcement powers. The application is therefore recommended for refusal.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW:

1. The proposal constitutes residential development in the open countryside, beyond the built-up limits of a settlement, for which it has not been demonstrated that there is an essential need. The dwelling would therefore be an unjustified and unsustainable form of development. The proposed development is therefore contrary to Policies ESD1, BSC1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Policy H18 of Cherwell Local Plan 1996, and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Rebekah Morgan

21/01966/F

**Land To Rear Of Gracewell Care Home
Gardner Way
Adderbury**



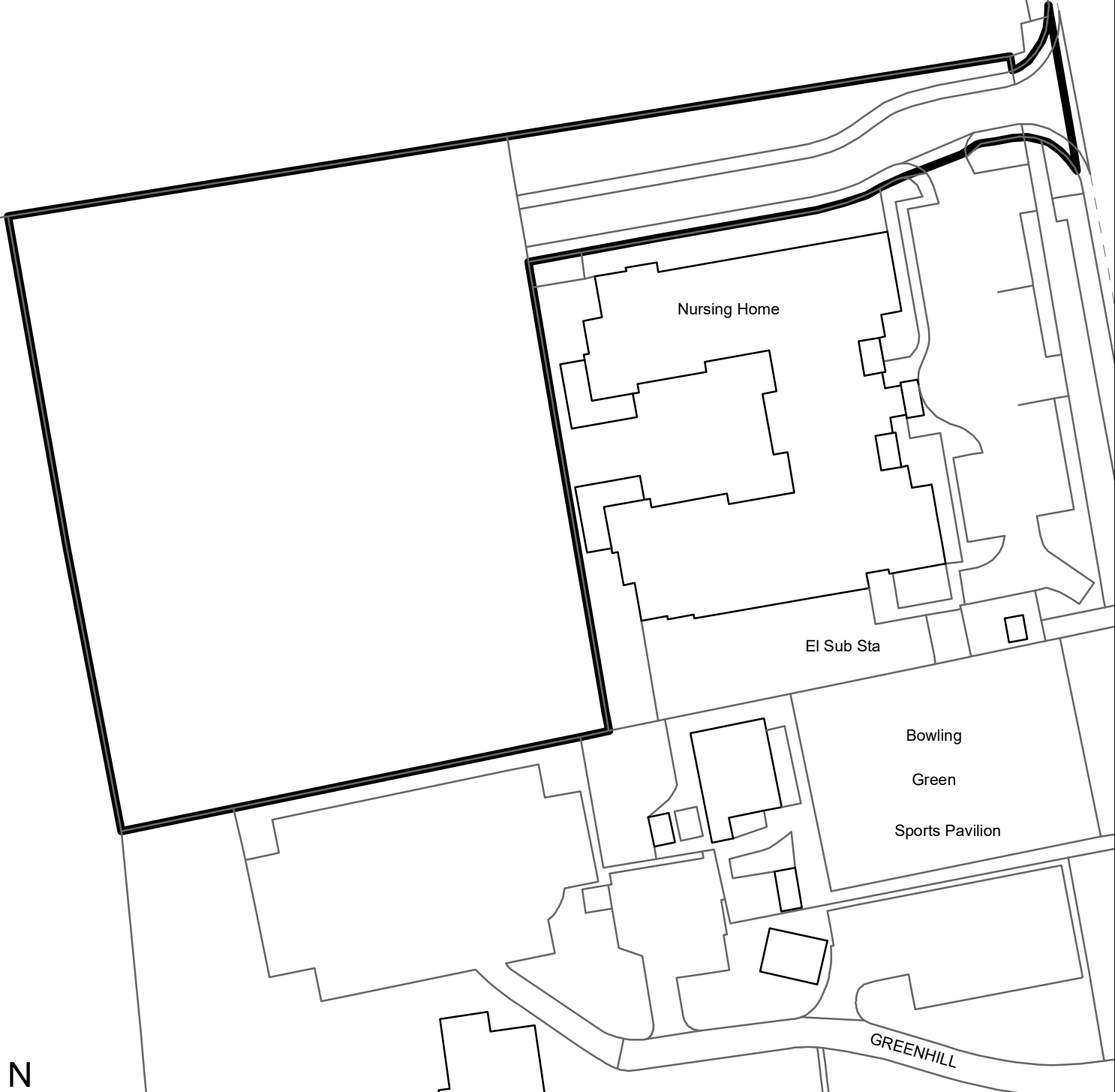
1:1,000



21/01966/F

Land To Rear Of Gracewell Care Home Gardner Way Adderbury

115.7m

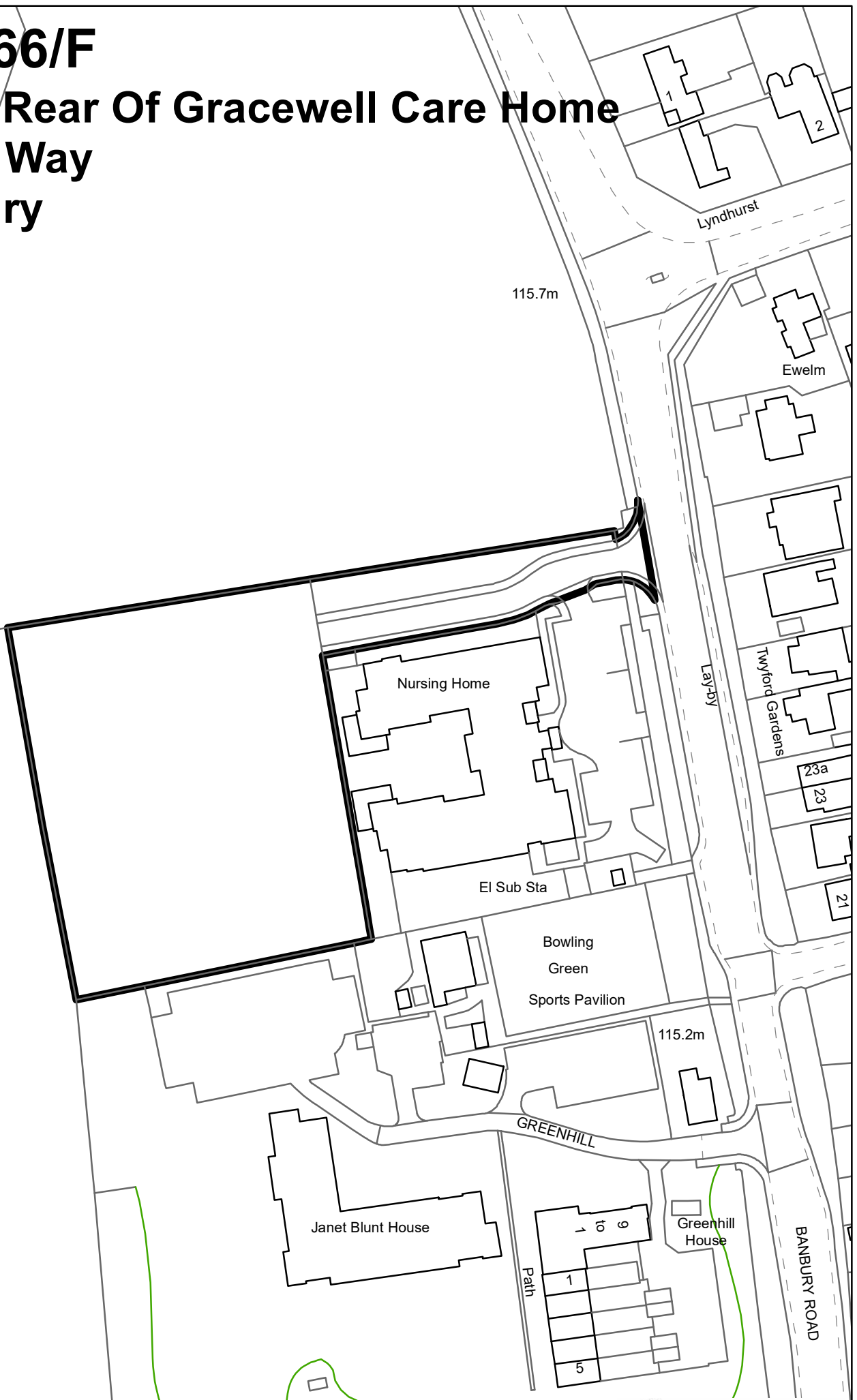


1:800



21/01966/F

Land To Rear Of Gracewell Care Home Gardner Way Adderbury



1:1,200



Case Officer: Nathanael Stock

Applicant: Malvern Homes Limited

Proposal: Erection of 18 dwellings and access road

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Hingley, Cllr Nell and Cllr Pattenden

Reason for Referral: 10 or more dwellings

Expiry Date: 18 August 2023

Committee Date: 2 November 2023

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

Background

This planning application was originally considered by the Planning Committee on 8th December 2022. The recommendation in the agenda published 1st December 2022 was to delegate powers to officers to grant permission subject to (i) resolution of objections regarding ecology and sustainable construction, (ii) conditions and (iii) planning obligations, and for these to be resolved within 3 months of the committee date

By the time of the Planning Committee, the issue regarding sustainable construction had been addressed, leaving ecology as the outstanding objection. Comments were received from the Council's ecology officer in the week after planning committee, which noted that the applicant's additional information (i.e. biodiversity metric) showed a 67% net loss in habitats for biodiversity. Subsequent discussion has taken place between officers and the applicant with regard to the biodiversity net gain being provided off-site i.e. to provide the necessary uplift, which would need to be secured through a Section 106 Agreement, and the applicant has been exploring options as to appropriate sites at which the biodiversity gain may be provided.

The application is being returned to Planning Committee given the long time it has taken to resolve this matter. A copy of the previous committee report is appended to this report.

1. APPLICATION SITE AND LOCALITY

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

2. CONSTRAINTS

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

3. DESCRIPTION OF PROPOSED DEVELOPMENT

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

4. RELEVANT PLANNING HISTORY

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

13/01672/HYBRID - **Full Planning** - Site A - Phase 1 - Construction of a 60 bedroom elderly nursing home (Use Class C2) with associated access, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure **Outline** - Site B - Phase 2 - Construction of extra care facility of up to 3,450 sq m (GIA) (Use Class C2) with associated circulation, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure – Granted

16/00675/F - Variation of Condition 5 of 13/01672/HYBRID – Granted

17/00777/REM - Reserved Matters to 13/01672/HYBRID - Layout, scale, appearance, access and landscaping of the site - Granted

17/00802/F - The construction of a 36xno. bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking, landscaping and tree planting – Granted

20/01845/OUT - Erection of up to 9no residential dwellings (Use Class C3) and associated access, with all other matters reserved - Withdrawn

5. PRE-APPLICATION DISCUSSIONS

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

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

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 July 2021**.
- 6.2. The comments raised by third parties are summarised as follows:
- Loss of area of open space used by dog walkers
 - Disruptive to elderly residents in the care home
 - Impact on local wildlife
 - Too many units on the site resulting in no amenity space, no affordable housing and lack of car parking
 - Increase in local traffic to detriment of area
 - Question level of parking spaces and if garages will be large enough for modern cars
 - No demand for additional housing but need for elderly residential care housing
- 6.3. 3 representations have been received: 3 objecting, none supporting and no comments. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. **ADDERBURY PARISH COUNCIL: Objection.**

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

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

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

Site is prominent on the horizon and both Greenhill House and the Care Home can be viewed from across the Sor Brook valley and Adderbury Circular Walk, in spite of

the screening which is in place. *Object to adding further housing/development which will detract from the amenity value of the Public Rights of Way across the Sor Valley and will be potentially even more damaging since it will include the 'back garden paraphernalia' associated with housing developments.* Dwellings too tall and any further development should be kept lower to avoid being seen from the open countryside.

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

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions

“...the contributions requested are necessary to make the development acceptable. It is now for the planning authority to decide whether the development should be permitted or refused”.

- 7.4. OCC LOCAL LEAD FLOOD AUTHORITY: **No objections** subject to conditions.

- 7.5. OCC EDUCATION: **No objections** subject to S106

- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions

- 7.7. CDC LAND DRAINAGE: **No comments** to make

- 7.8. CDC ARBORICULTURAL OFFICER: **No objections** subject to conditions

- 7.9. CDC BUILDING CONTROL: **No comments** to make

- 7.10. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections** subject to conditions

- 7.11. CDC ECOLOGY OFFICER: **Objection/comment:**

With regard to the above application and the additional information provided, the biodiversity metric submitted shows a large 67% net loss in habitats for biodiversity. Policy ESD10 states that a net gain must be sought and the NPPF also states measurable net gains should be pursued. If a net loss in habitat units can be avoided on site as stated, then it should look to be achieved off site through identification of a suitable site and scheme where the necessary uplift in units can be created.

The landscape plans state that there will be swift and house martin bricks/nesting opportunities through the site but do not state the location or number – it should be ensured this is included in any LEMP.

- 7.12. NATURE SPACE PARTNERSHIP: **No objections**

- 7.13. CDC RIGHTS OF WAY OFFICER: **No objections** subject to condition

- 7.14. THAMES WATER: **No objections** subject to conditions

- 7.15. CDC LANDSCAPE OFFICER: **Objection** to removal of 2.5m landscape buffer / trees.

“There appears to be no intention to retain the existing belt of trees on the western boundary by the developer. I would therefore wish to see a detailed hard and soft landscape proposals along with tree pit details under a DISC application. I can then consider the landscape management plan in context with the detailed landscape proposals”

7.16. CDC STRATEGIC HOUSING OFFICER: No comments received

7.17. CDC PLANNING POLICY: No comments received

7.18. CDC WASTE & RECYCLING: No comments received

7.19. RAMBLERS ASSOCIATION: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC8 – Securing Health and Wellbeing
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

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

Principle of Development

National Planning Policy Framework (NPPF)

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

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

significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.4. Paragraph 12 also advises, amongst other things that *the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.5. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.6. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 75 states that *a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

Development Plan

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.8. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy continues by stating that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.* Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.*
- 9.9. In terms of affordable housing provision Policy BSC3 of the CLP 2015 states that *all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.* The Policy continues by stating that *should the promoters of development consider that individual proposals*

would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an in-house economic viability assessment can be undertaken. Where it is agreed that an external economic viability assessment is required, the cost shall be met by the promoter. Where development is demonstrated to be unviable with the above requirements, further negotiations will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided.

- 9.10. Policy BSC1 of the CLP 2015 states that *Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.*
- 9.11. Policy BSC4 of the CLP 2015, which covers the issue of providing housing mix on new development, states that *new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 9.12. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.13. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.
- 9.14. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply.
- 9.15. The Council's housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.16. In terms of Category A villages, the 2021 AMR shows that 749 dwellings are either completed or under construction on sites with planning permission for 10+ dwellings at Category A villages. During 2020/21 there were 88 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 246 dwellings that are under construction from the supply of permitted sites and are likely to be delivered in the short term. Between 1 April 2014 and 31 March 2021 there were a total of 503 net housing completions on the Policy Villages 2 sites which is an average of 71 homes per year. The AMR continues by highlighting that *Since 1 April 2014 a total of 1,062 dwellings have been identified for*

meeting the Policy Villages 2 requirement of 750 dwellings. These are included in the Housing Delivery Monitor in Appendix 2. Policy Villages 2 requirement has already been exceeded by 312 dwellings when considering the planning permissions and identified sites without planning permission in the above (749+287+26).

- 9.17. At 31 March 2022, there were at least 916 dwellings either completed or under construction on sites with planning permission for 10+ dwellings at Category A villages, comprising 706 dwellings completed and at least 210 under construction. During 201/22 there were 203 dwellings completed at Category A villages that contribute to the PV2 requirement of 750 dwellings. There are permissions for a further 161 dwellings on 6no sites that at 31 March 2022 had yet to commence construction.
- 9.18. Section E of the CLP 2015 concerns the monitoring and delivery of the Local Plan. Paragraph E.19 states that *if the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability.* In this instance the most recent published review undertaken by the Council is the Housing & Economic Land Availability Assessment (HELAA) (February 2018). This application site was not reviewed in the HELAA and therefore not considered.
- 9.19. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Adderbury is a Category A village.
- 9.20. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that, *a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.21. Policy Villages 2 continues by setting out that when identifying and considering sites, particular regard will be given to the following criteria:
- *Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*

- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.*

Adderbury Neighbourhood Plan

- 9.22. Policy AD1 states that *the Neighbourhood Plan defines an Adderbury Settlement Boundary, as shown on the Policies Map. Proposals for infill development within the boundary will be supported, “Development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character. New isolated homes in the countryside will not be supported except in special circumstances described in paragraph 55 of the Framework. Proposals for the provision of affordable housing on rural exception sites immediately adjacent to the Adderbury Settlement Boundary will be supported where they meet an identified local need and relate well to the built form of the existing settlement”.*
- 9.23. Policy AD2 confirms that *the Neighbourhood Plan defines the Adderbury Green Infrastructure Network around and within the village, as shown on the Policies Map. The Network comprises a variety of green infrastructure assets, including informal open space and Local Green Spaces, allotments, playing fields, assets of biodiversity value and children’s play areas, footpaths, bridleways and cycleways. Development proposals on land that lies within or immediately adjoining the defined Network must demonstrate how they maintain or enhance its integrity and green infrastructure value, by way of their landscape schemes, layouts, access and or through equivalent alternative provision nearby.*
- 9.24. The adjoining site of the Seccombe Court Retirement Home is allocated under Policy AD19 as a community asset and local services. This policy states that *proposals to improve the viability of established community use for the following buildings and facilities (by way of the extension or partial redevelopment of existing buildings) will be supported, provided that the scheme does not have a harmful impact on the street scene, and that any resulting increase in use will not harm the amenity of neighbouring properties. The Policy continues by stating that proposals that will result in either the loss of, or significant harm to, facilities listed above, will be resisted, unless it can be clearly demonstrated that: i. the operation of the facility, or on-going delivery of the community value of the facility, is no longer financially viable; or ii. it is more appropriate to replace it with a facility of equivalent or better value to the community in an equally convenient location for residents of the Parish.*

Assessment

- 9.25. Policy Villages 1 of the CLP 2015 designates Adderbury as a ‘service village’ where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable ‘minor development’, regard will be given to the size of the village and the level of service provision, the site’s context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.26. The site is within the village envelope/boundary as defined in the Adderbury Neighbourhood Plan. In addition, the principle of development on this site has been considered acceptable with the outline permission and reserved matters approval for the 36no bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking,

landscaping and tree planting. This development has not been implemented and the planning permission has now expired.

- 9.27. The current application now seeks planning permission to development the site for a different type of use in the form of 18 residential units with a mix of dwellings and apartments of sizes from 2, 3, 4 and 5 bed. Access to the development would be off the existing service road to the immediate north of the Seccombe Court Home. The access road would form part of the northern boundary to the site with a bank of mature / semi-mature trees along the northern boundary.
- 9.28. Adderbury is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages.
- 9.29. The requirement of Policy Villages 2 ("PV2") to provide 750 homes at Category A villages is monitored in the Council's AMR. Table 39 of the AMR shows that, on 31st March 2021, 749 dwellings had either been completed or were under construction on sites with planning permission. Para. 5.159 of the AMR records that between 1 April 2014 and 31 March 2021 a total of 1,062 dwellings have been identified for meeting the PV2 requirement of 750 dwellings.
- 9.30. At 31 March 2022, there were at least 916 dwellings either completed or under construction on sites with planning permission for 10+ dwellings at Category A villages, comprising 706 dwellings completed and at least 210 under construction, and there are now at least 1,077 dwellings that have been identified for meeting the PV2 requirement.
- 9.31. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,
- "There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised."*
- 9.32. As noted above, as of 31 March 2022 706 dwellings had been delivered at Category A villages under PV2 and at least a further 210 dwellings were under construction, with another 161 with the benefit of planning permission that has not started. Given these numbers and the trajectory of annual completions including 203 completed in 2021-22, it is highly likely that the total number of dwellings delivered under PV2 has now exceeded the 750 set out in the policy.
- 9.33. That the total of 750 will by now have been met is a material consideration when assessing further applications for 'major' developments at the Category A villages.
- 9.34. However, while the proposal may be considered contrary to the Council's housing strategy, the following factors lead to a conclusion that in this instance the principle of development should be considered acceptable.

- 9.35. Firstly, like the numbers in Policy BSC1 limited weight is applied to the figure of 750 set out in PV2 given that the Council's housing need is now informed by the standard method rather than the numbers set out in the 2015 Plan.
- 9.36. Secondly, the site is on the northern edge of Adderbury, one of the larger villages in the Cherwell district, which has a range of facilities enabling residents to meet their day-to-day needs. Although located at the northern edge of Adderbury village and c. 1km from the village high street shop, the site is within 800m of the primary school and at least one public house and, critically, the site has been included within the village boundary for the Adderbury Neighbourhood Plan (on the basis of its permission for care facility). In addition, there is footpath access into the village and bus stops within walking distance, and a regular bus service is available from Adderbury.
- 9.37. The proposal would provide a mix of residential units in terms of size and type with houses and apartment and the proposal thus complies with Policy BSC4 of the CLP 2015. Being located within the village boundary the development would comply with the requirements of Policy Villages 1 as a 'Minor Development' which is identified as appropriate type of development in Category A villages. The development would make a contribution towards the level of rural housing in a Category A village.

Conclusion

- 9.38. While the proposal may be considered contrary to the Council's housing strategy, and is over 800m from some of the village's key amenities, the site has been included within the village boundary for the Adderbury Neighbourhood Plan, and the site is in a relatively geographically sustainable location, with footpaths close-by, a range of amenities within the village and regular public transport available from the village, meaning future occupiers of the proposed development would have a realistic choice of travel in order to meet their day-to-day needs.

Design, and impact on the character of the area

- 9.39. 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.
- 9.40. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.41. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

- 9.42. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.43. Policy BSC2 of the CLP 2015 states amongst other things that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. With regards to this current proposal, it is confirmed that the density of the development is at 30 dwellings per hectare which would comply with the requirements of Policy BSC2.
- 9.44. The proposed layout is for a development which fronts onto an internal access road to provide an acceptable street scene. In terms of design the dwellings would be to a mix of styles and designs to provide a high-quality development on the site. The heights of the dwellings vary with a clear / equal split between two storey and two and half storey dwellings where the two and half storey dwellings incorporate dormer windows on the front and rear elevation to allow accommodation within the roof space. Turning to the design of the apartment block on the site this would be to a height of two and half storey with the top floor in the form of dormers on the front and rear elevations to provide the top floor accommodation within the roof space of the building. The footprint of the apartment building would essentially be that of a L – shape with a frontage onto the internal access road and the access to the private car park provided on the main access driveway along the northern boundary.
- 9.45. The use of dormers is not a feature on the Seccombe Court care home, but it is noted that the adjoining, 2.5 storey residential development on Greenhill / Janet Blunt house located to the immediate south the development features flat roof dormers. This adjoining residential development shares a common boundary with the current application site and maintains a surface car park between the boundary and the existing residential units. As such the use of dormers on the proposed scheme would not appear out of place within this part of Adderbury.
- 9.46. The layout does not provide public open space nor an area of play as required under Policy BSC11 of the 2015 CLP the threshold for a LAP is 10 dwellings. However, it is considered that in this instance a contribution towards a local play area / recreation space could be provided by the applicant to off-set this issue. It is accepted that the application is subject to a viability appraisal and that the reduction of units on the site could have impact on the viability of the scheme. In terms of where the money would be spent discussions with Adderbury Parish Council has provided three potential areas in Adderbury for the money. These are improvements to the Lucy Plackett play area, and / or the Rise play area, and/or the new community and sports centre on Milton Road for which it has planning permission, although this development is yet to be started. The three locations are being considered by officers along with the applicant to establish what work is required and whether the locations are close enough to the proposed development to justify the contribution.
- 9.47. It is noted that the Council's landscape officer objects to the scheme on the grounds that the proposed layout does not accommodate the existing landscape buffer on the western edge of the site which has established trees and was required as part of the original scheme to screening development for the benefit of users of the PRoW west of the site. The proposed development would result in the removal of the approved tree belt which are small saplings at the moment and the proposed 2.5 m strip as shown on this part of the site to replace the 10m wide screen buffer is considered inadequate for this purpose. This weighs against the proposal.

- 9.48. Its layout, scale and general design is considered broadly acceptable but, on the basis of the loss of the 10m wide tree belt, the proposal would adversely affect the character and appearance of the area and in this regard the proposal fails to accord with Policy ESD15 of the CLP 2015 and Saved Policies C28 and C30 of the CLP 1996.

Residential amenity

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

Highway safety

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

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact*

on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.55. Access to the site would be taken off the existing service road to the north of the site which currently provide access to the existing Seccombe Court care home located on the adjoining site. Once within the site the access road would serve the new development in the form of a cul-de-sac which would ensure the access is not used by anyone other those living / visiting the site.
- 9.56. Parking for each residential dwelling would be provided in the form of on-plot parking with associated integral garages to ensure that on-street parking is kept to a minimum. In terms of the apartment building the parking would be provided in the form of a small private parking courtyard to the rear of the building. Access to this parking area would be off the main access road serving the development and as this access point is directly off the main access road the residential would not need to drive into the main part of the development to access the parking.
- 9.57. The access road would also allow for the continuation of the public right of way across the northern section of the site. This public right of way allow access into the area of open countryside to the west of the site and has a route code of 101/30/10 and route number 30. Members would see that there are no objections to the proposal in terms of impact on the public right of way raised by the Council's Rights of Way Officer.
- 9.58. The Local Highway Authority has no objection to the proposal subject to conditions and contributions to be covered by a S106 agreement. Although there are no issues in terms of the conditions members will see later in this report due to viability issues the development would not be able to support a S106 for the contributions sought by the County Engineers. OCC has been made aware of the viability issue and requested to confirm that there are no objections where contributions would not be available, although at the time of writing no response to this request has been received. Notwithstanding this it is considered that the development as proposed would not lead to a highway safety issue and therefore a refusal on highway safety could not be supported in this instance.

Drainage

- 9.59. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of the NPPF states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 9.60. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

- 9.61. Turning to the Development Plan, Policy ESD6 of the CLP 2015 essentially replicates national policy in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.62. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.63. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. Following an initial objection to the scheme from the LLFA, the applicant has revised the drainage details with a detailed drainage strategy within which the applicant has confirmed that a SuDS scheme will be incorporated into the drainage of the site. This will ensure that the development will not result in any flooding of the site nor any flood risk to adjoining land parcels within the area. The LLFA has considered the revised details and confirmed no objections subject to conditions. For this reason, it is considered that the drainage for the development is acceptable and not a reason to refuse the application.

Ecology Impact

Legislative context

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

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

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

Policy Context

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

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

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

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

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

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

Assessment

- 9.73. This application is supported by a detailed ecology appraisal as well as a Biodiversity Net Gain Metric. The ecology assessment outlines that the site is an open grass field with a fringe of recently planted mixed native scrub and stock fencing on the west boundary, a hedge and trees on the north boundary, timber feather board fencing along the east boundary, and post and rail fencing along the south boundary. Clearly the development of this site for residential use would result in a loss of natural habitat on the site; however, the development would provide an opportunity for bat and bird boxes on the dwellings to reduce the impact of the development.
- 9.74. Following an objection raised by the Council's Ecology Officer revised details were submitted by the applicant. The Ecology Officer notes that the applicant's submitted biodiversity metric shows a large, 67% loss of habitats for biodiversity. Policy ESD10 states that a net gain must be sought and the NPPF also states measurable net gains should be pursued. If a net loss in habitat units can be avoided on site as stated, then it should look to be achieved off site through identification of a suitable site and scheme where the necessary uplift in units can be created. This would need to be the subject of a Section 106 agreement.
- 9.75. Officers consider that both of these financial contributions are necessary, i.e. biodiversity net gain and the improvements to the existing play area. Discussions are well under way to finalise and secure a mechanism to address the biodiversity net gain requirements.
- 9.76. Overall, on balance, and subject to conditions and a Section 106 agreement, it is considered that the refusal of the application due to ecology impact is not warranted in this instance.

Sustainability

- 9.77. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.78. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*

- 9.79. Policy ESD 2 relates to Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.80. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*
- 9.81. This application seeks permission for the development of 18 residential units on the site. The applicant has provided a Sustainability Statement in support of the application. This statement identifies the measures that will guide the detailed design of the development such that the proposals comply with national and local sustainable development policies.
- 9.82. In summary, the house type designs and site layout include features to aid passive solar gain, including plot orientation and glazing design; the house type designs and build specification will achieve high levels of insulation and energy efficiency, aimed at achieving comfortable betterments over the u-value backstops identified in Part L; a low carbon electric heating strategy will be pursued at the development. This will include the specification of air source heat pumps and hot water heat pump cylinders; the site's forecasted emission rate represents a significant 63.90% saving over Part L 2021; the site's emission rate will lessen in the years ahead as the National Grid continues to decarbonise; each home will be zero carbon ready from the point of first occupation; and measures will be incorporated into the design of each property to achieve a water consumption lower than 110 litres per person per day.
- 9.83. The measures set out in the submitted Sustainability Statement mean the proposal would comply with Policies ESD1, ESD2 and ESD3 of the CLP 2015 as well as paragraphs 154 and 155 of the NPPF. To ensure the details in the statement are provided it is recommended that any permission is subject to an appropriately worded condition.

S106

- 9.84. 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.

9.85. 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.*

9.86. Policy BSC 3 of the CLP 2015 states, amongst other things that at *Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.87. 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.

9.88. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 18 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.

9.89. The policy requirement is for 30% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 6 units with a 70:30 tenure split between rented and shared ownership. However, as part of the application the applicant has provided a detailed viability assessment of the scheme, which highlights that the proposal would not be viable with the cost of providing an element of affordable housing as part of the development. For this reason, the application as submitted would not be supported by any S106 contributions such as affordable housing.

9.90. To assist in the LPA's appraisal of this submission on viability officers instructed an independent review of the applicant's viability assessment which was carried out by Bidwells. In reviewing the viability assessment Bidwells confirmed that the findings of the applicant's assessment were reasonable and within the region of costs expected for this type of development. The Bidwell review of the development has therefore

concluded support for the applicant's view that the proposed scheme is unable to make any contribution towards the provision of affordable housing whilst maintaining economic viability although a small contribution of £30,000 could be sought out of the development.

- 9.91. Taking this review into consideration the Strategic Housing Officer, although consulted, has not made any request for affordable housing. As outlined in the paragraphs above Oxfordshire County Council has requested contributions towards highway mitigation measures but all of which would result in the development being unviable and therefore would prevent the scheme from being implemented.
- 9.92. In addition, it is also the case that the development has not provided a play area as required under Policy BSC11 of the 2015 CLP and the £30,000 could be used towards an upgrade of an existing play area in the local area. Also, the developer would be required to make an off-site financial contribution to ensure sufficient biodiversity net gain, which would need to be in addition to the above. This, however, is limited to the level of S106 contribution which could be required out of this development and as such any contribution towards affordable housing or highway mitigation measures would not be sought on this proposal. If one or both of the play area improvements and off-site biodiversity net gain is not provided, the proposal would then be unacceptable in that/those regards.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. The Council can presently demonstrate at least five years housing land supply. Paragraph 11d of the NPPF is therefore not engaged.
- 10.4. This application seeks planning permission for 18 dwellings on this vacant site. Planning permission has previously been granted to development the site for a single building to provide 36no bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2). Although the approval for this nursing facility has now expired it is clear that the principle of developing this site is acceptable. On this basis the key with the current proposal is the change in type and appearance of development on the site in the form of residential dwellings.
- 10.5. Although the site itself is not allocated for any particular development in the Adderbury Neighbourhood Plan it is located within the village boundary. Adderbury is a Category A Village under Policy Villages 1 of the CLP 2015. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances; this development would be for 10 dwellings and therefore falls within

this category. In addition, although over 800m from some of the village's key amenities, the site is within 800m of the primary school and at least one public house, and is in a broadly geographically sustainable location and future occupiers of the development would have access to a range of services within the village and a realistic choice as to how they access others outside the village. On balance, the site's sustainability credentials do not count against the proposal.

- 10.6. In terms of visual impact, the site is located to the rear of the Seccombe Court care home and would not be clearly visible from any public highway. The development would be built to the maximum density required under BSC2 of the CLP 2015 and therefore makes the most efficient use of the land as required under the NPPF. However, the amount of development on the site results in something of a cramped form of development and harsh urban edge, emphasised by the proposed removal of the 10m landscape buffer to the western edge which was required to make the approved care home acceptable in landscape and visual terms. Overall, it is considered the proposal would adversely affect the character and appearance of the area and this weighs against the proposal.
- 10.7. Subject to conditions the proposals are considered acceptable in terms of transport, drainage and flood risk, and could be designed to ensure acceptable in terms of neighbour amenity. Subject to conditions and a planning obligation as part of a Section 106 agreement the proposals are acceptable in ecology and biodiversity terms.
- 10.8. This scale and type of development would normally require a S106 to be negotiated and attached to any planning permission granted to include an element of affordable housing. As outlined under Policy BSC3 the district council will need to be satisfied that such affordable housing is economically viable in terms of its ability to meet the need identified. As part of the supporting documents attached to the application the applicant has submitted a detailed viability assessment with the application. The viability assessment outlines the fact that the development would not be viable in the event that a S106 would be required. In considering this the Council's viability consultant, Bidwell's has reviewed the details and advises that the applicant is correct and as such there is no S106 to be attached to the development in the event that the application was to be approved. Notwithstanding, the applicant has confirmed that as no play area has been provided on the site that a contribution towards improvements on an existing play area close by could be provided as part of a S106 to a maximum of £30,000. The off-site financial contribution towards biodiversity is required and would need to be in addition to the above. If the applicant does not agree, then the application would need to be refused.
- 10.9. The provision of 18 residential units on the site would align with the NPPF objective to significantly boost the supply of new housing and should be afforded significant weight. There would also be some economic benefits associated with the development including the jobs through construction.
- 10.10. Overall, taken as a whole, and on balance, the adverse impacts identified are considered not to clearly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

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

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

ii. 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. FURTHER DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT POWERS TO REFUSE PERMISSION ON THE BASIS OF ANY OUTSTANDING ISSUE WHICH IN THEIR VIEW HAS NOT BEEN ADEQUATELY ADDRESSED BY THE APPLICANT WITHIN 3 MONTHS OF THE COMMITTEE DATE, OR ANY EXTENSION TO THIS PERIOD DEEMED REASONABLE, FOR THE DRAFT REASONS FOR REFUSAL SET OUT BELOW (AND ANY AMENDMENTS AS DEEMED NECESSARY)

i. The ecological report submitted with the application does not adequately assess the impact on the development will have upon the local ecological. The development fails to demonstrate an ecological enhancement on the site as part of the development and therefore fails to comply with Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 and paragraphs 174 and 180 of the National Planning Policy Framework

ii. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not satisfied that the development would provide for appropriate on-site infrastructure or infrastructure contributions towards offsite mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policies INF1, BSC11 and ESD10 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CONDITIONS

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

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

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

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

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

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

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

5. No development shall commence unless and until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:

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

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

6. Prior to the first occupation of the development a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

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

- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010 and Government guidance contained within the National Planning Policy Framework.

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

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

8. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that demonstrates all habitable rooms within the dwellings will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required, then the methods for rating noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with approved details.

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

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

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

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance

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

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

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

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

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

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

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation

strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of 'Biodiversity Protection Zones';
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs

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

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

24. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted

to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

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

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

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

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

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

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

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

contained within the National Planning Policy Framework.

29. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

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

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

Planning Obligation		Regulation 122 Assessment	
Detail	Amount	Trigger point	
Provision of off-site commuted sum for improvements to local play area	£30,000	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Enhancement of biodiversity as mitigation for the net loss on site	2.2 habitat units (TBC)	Prior to the commencement of development	<p>Necessary – To mitigate the impact of the proposal i.e. a 67% net loss in habitats for biodiversity. Sufficient biodiversity net gain will need to be achieved off site through identification of (a) suitable site(s) where the necessary uplift in units can be created.</p> <p>Directly related – Specifically to mitigate the impact of the proposed development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and relevant Government guidance in the National Planning Policy Framework and in accordance with relevant legislation</p>

Land to rear of Gracewell Care Home, Gardner Way, Adderbury**21/01966/F****Case Officer:** Wayne Campbell**Applicant:** Malvern Homes Limited**Proposal:** The erection of 18 dwellings and access road**Ward:** Adderbury, Bloxham and Bodicote**Councillors:** Cllr Bishop, Cllr Hingley, and Cllr Nell**Reason for Referral:** 10 or more dwellings**Expiry Date:** 14 February 2022**Committee Date:** 8 December 2022**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: (i) NO OBJECTIONS FROM ECOLOGY OFFICER AND CONFIRMATION OF SUSTAINABILTY MEASURES, (ii) CONDITIONS, AND (iii) PLANNING OBLIGATION****1. APPLICATION SITE AND LOCALITY**

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

2. CONSTRAINTS

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

3. DESCRIPTION OF PROPOSED DEVELOPMENT

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

4. RELEVANT PLANNING HISTORY

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

13/01672/HYBRID

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

16/00675/F

Variation of Condition 5 of 13/01672/HYBRID
Permitted

17/00777/REM

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

17/00802/F

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

20/01845/OUT

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

5. PRE-APPLICATION DISCUSSIONS

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

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

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

6. RESPONSE TO PUBLICITY

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

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

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

6.3. 3 representations have been received: 3 objecting, none supporting and no comments. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. ADDERBURY PARISH COUNCIL: **Objection.**

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

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

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

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

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

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

OTHER CONSULTEES

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

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC8 – Securing Health and Wellbeing
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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

8.4. Other Material Planning Considerations

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

9. APPRAISAL

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

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

Principle of Development

National Planning Policy Framework (NPPF)

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

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

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

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

Development Plan

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

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

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

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

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

Adderbury Neighbourhood Plan

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

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

Assessment

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

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

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

Conclusion

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

Design, and impact on the character of the area

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

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

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

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

Highway impacts

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

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

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

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

Residential amenity

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

Drainage

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

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

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

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

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

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

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

Ecology Impact

Legislative context

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

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

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

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

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

Policy Context

- 9.60. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.61. Paragraph 175 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- 9.62. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.63. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal

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

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

Assessment

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

S106

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

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

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

Sustainability

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

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

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

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

10. PLANNING BALANCE AND CONCLUSION

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

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

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

11. RECOMMENDATION

RECOMMENDATION

- A. DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:**
 - i. THE RESOLUTION OF:**
 - a. NO OBJECTIONS FROM THE ECOLOGY OFFICER**
 - b. ADEQUATE INFORMATION TO ADDRESS SUSTAINABILITY**
 - ii. TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
 - iii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS**

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

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

CONDITIONS

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

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

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

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

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

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

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

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

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

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

6. Prior to the first occupation of the development a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

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

and Government guidance contained within the National Planning Policy Framework.

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

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

8. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that demonstrates all habitable rooms within the dwellings will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required, then the methods for rating noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with approved details.

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

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

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

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

10. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance

with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

whilst the development takes place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

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

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy

Framework.

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

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

INFORMATIVE

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

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

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

Agenda Item 12
23/00018/F

Whitelands Farm Sports Ground
Whitelands Way
Bicester
OX26 1AJ



1:2,800



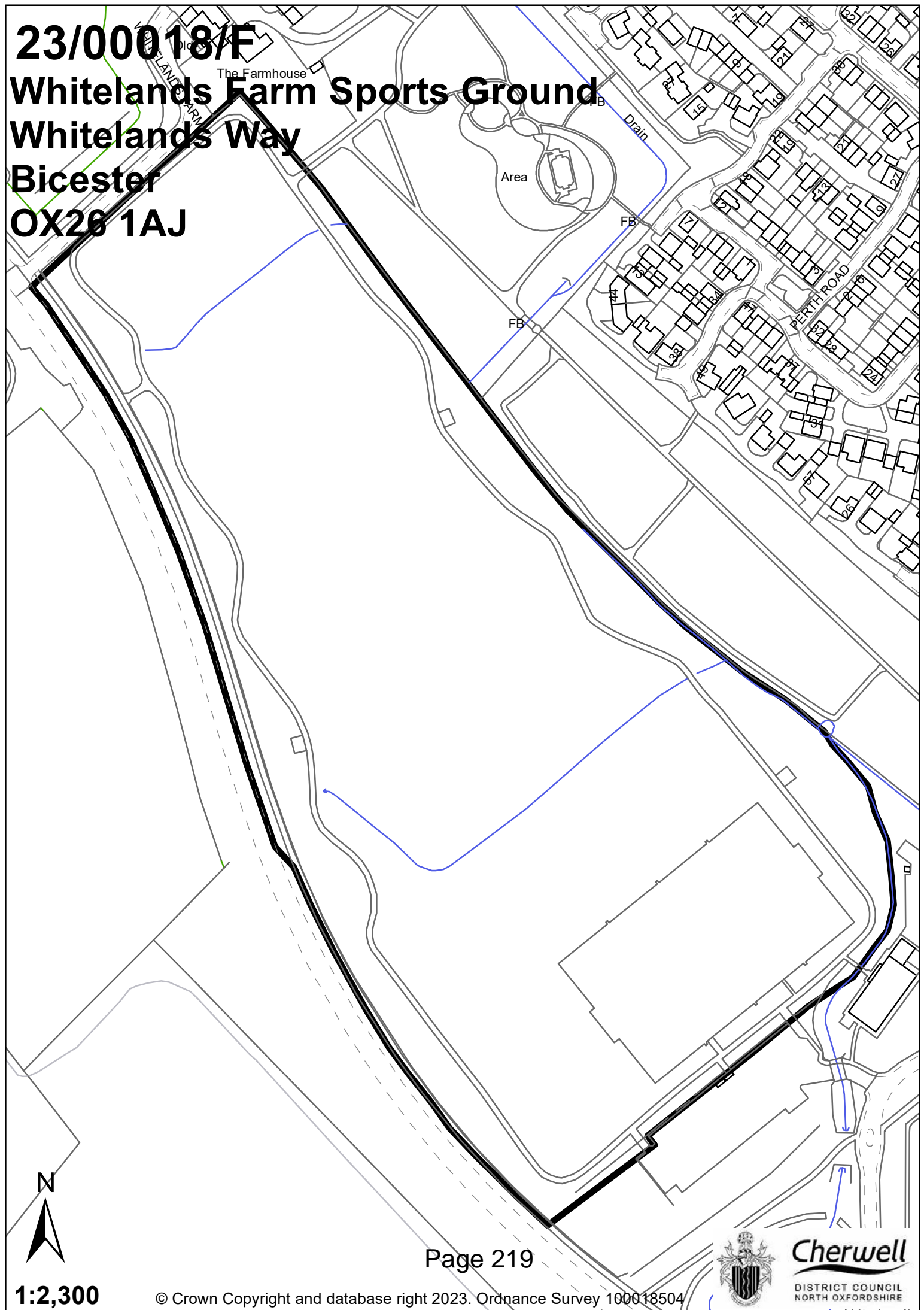
23/00018/F

Whitelands Farm Sports Ground

Whitelands Way

Bicester

OX26 1AJ



1:2,300



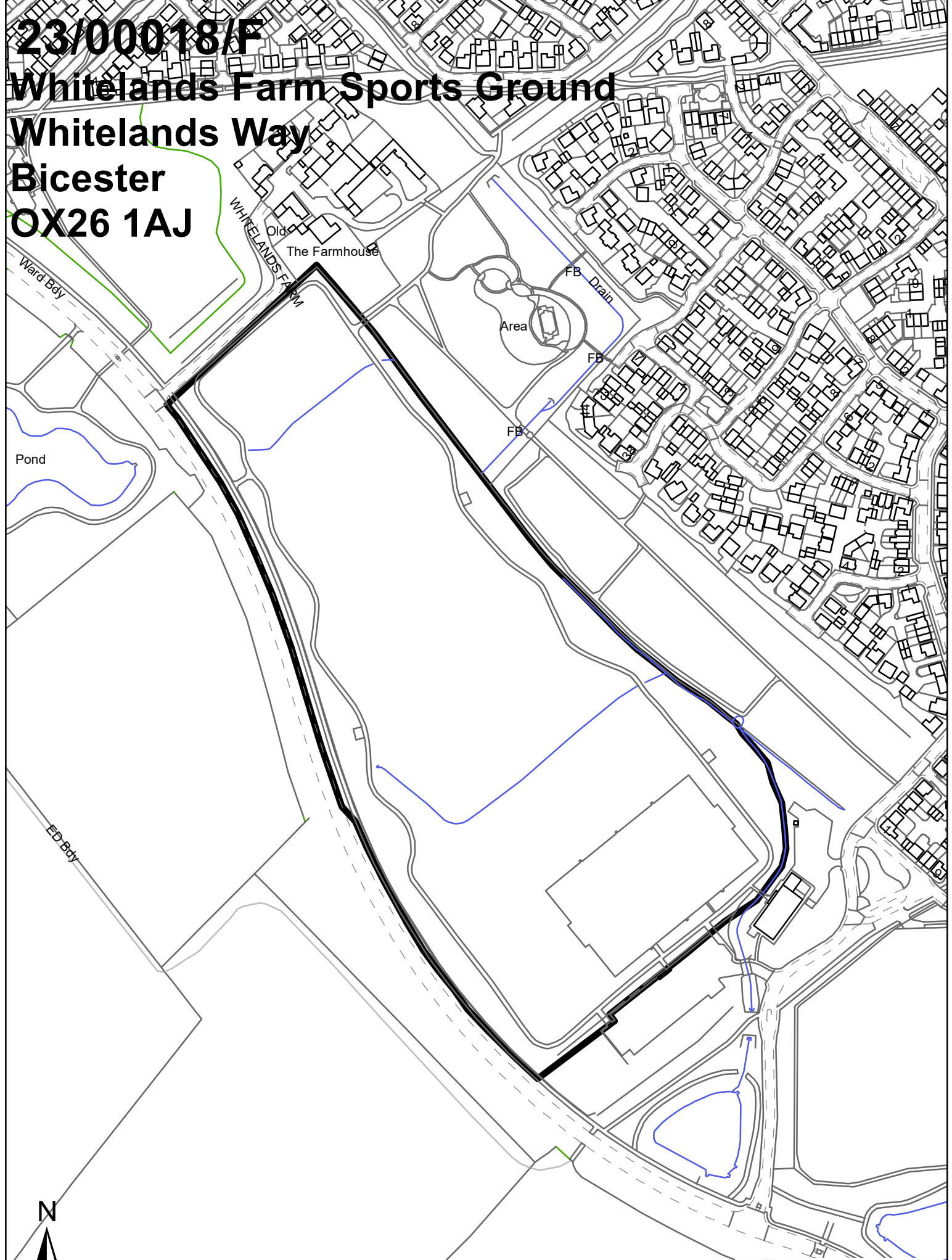
23/00018/F

Whitelands Farm Sports Ground

Whitelands Way

Bicester

OX26 1AJ



1:3,300



Case Officer: Andrew Thompson

Applicant: Bicester Town Council

Proposal: Perimeter lighting around the running track for the Whitelands sports farm site

Ward: Bicester South And Ambrosden

Councillors: Councillor Cotter, Councillor Pruden, Councillor Sames

Reason for Referral: Application affects Council's own land

Expiry Date: 13 December 2023

Committee Date: 2 November 2023

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS ON COMPLETION OF THE CONSULTATION PERIOD.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to the sports ground located at Kingsmere. The Sports Village site comprises 17 hectares, within the wider South West Bicester mixed use development. It is located at the southern edge of the Kingsmere site and is bounded by Vendee Drive to the west. There are currently no street lights on Vendee Drive.
- 1.2. In terms of existing floodlights the existing sports floodlights are 15m in height (approved under 15/01615/F) and further floodlights have recently been approved for the rugby pitches which are also 15m in height (approved under 23/00473/F). At the time of the application submission, some of the formal sports provision has not been implemented.
- 1.3. Other lighting to the car park is c.5m in height with other lighting to the south and street lights to the Kingsmere Development which are c.10m in height. The Kingsmere residential development overlooks the open space.
- 1.4. Other street furniture includes two outdoor gyms within the open space and CCTV cameras and there are a number of access points from the neighbouring housing development.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposes 11no., 6m high lights to the perimeter pathway which is used by walkers/joggers and other recreational activities to access the formal sports provision.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 06/00967/OUT - Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land (as amended by plans and documents received 24.10.06). Approved
- 3.3. 11/00565/CDC - Construction of winter games pitches, cricket outfield and cycle track at South West Bicester Sports Village. Approved
- 3.4. 15/01615/F - Development of the South West Bicester Sports Village in two phases comprising phase 2: construction of a two-storey sports and functions pavilion including vehicular access and parking: phase 3A: construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut
- 3.5. 23/00473/F - Installation of 9x new lighting masts along low energy LED lighting - Approved

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1 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 is **14 November 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2 The comments raised by third parties are summarised as follows:

28 letters of support have been received to the application setting out that the lights would add to usability and security of the pathway for recreational activity (e.g. running) particularly in winter months and for female users. The proposals would support the use of the area.

1 letter of objection has been received that the proposals would lead to unnecessary light pollution in the area and there are other places to walk.

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

6. RESPONSE TO CONSULTATION

- 6.1 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

- 6.2 BICESTER TOWN COUNCIL are the applicant

CONSULTEES

6.3 No consultees have responded at the time of writing (comments awaited from CDC Ecology, Environmental Health, Recreation and Leisure and OCC Highways and Rights of way teams).

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- BSC 10: Open Space, Outdoor Sport and Recreation Provision
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15 - The Character of the Built and Historic Environment
- Bicester 3: South West Bicester Phase 2

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution

7.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Equalities Act 2010 (“EA”)

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Residential amenity
- Ecology

Design, and impact on the character of the area

8.2 Policy BSC10 sets out that in determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs. The proposals form part of Policy Bicester 3 and the ongoing development at South-West Bicester which requires the provision of opportunities for Green Infrastructure links beyond the development site to the wider town and open countryside.

8.3 Policy ESD15 of the CLP 2015 states that developments should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions and deliver buildings, places and spaces that can

adapt to changing social, technological, economic and environmental conditions. Policy ESD15 also states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 8.4 The support and concern of the local community have been noted with the space appearing to be well used and connected to the wider development of SW Bicester.
- 8.5 The application proposals relate to a large and open sports field serving Whitelands Farm Sports Ground. The field itself is open to the surrounding development to the north-east and the highways to the south with the Community Woodland beyond.
- 8.6 It is noted that a number of lighting columns and floodlights have been approved or have been installed on the formal sports pitches. The area is therefore principally designed and created for outdoor sport and recreation.
- 8.7 It is considered that the proposed 6m-high lighting columns, will be seen in conjunction with the lighting for sports pitches (at 15m in height), other lighting of the development of the Kingsmere area and formal sporting activity.
- 8.8 There are similar lighting columns to the north of the site and lighting to the car parking area for the sports facilities and indoor changing and sports facilities which overlook the area. The lighting columns themselves are relatively lightweight in design and will not be unduly prominent or out of place in this location. The proposals would include solar panels which would reduce the energy consumption of the street lights.
- 8.9 The proposals therefore would enhance the usability of the area which is designed for recreational activity and formal sport. The enhancement will support health and wellbeing of the community of southwest Bicester. The proposals are therefore in accordance with Policies ESD15, BSC10 and Bicester 3 of the Cherwell Local Plan and the aims and objectives of the National Planning Policy Framework

Residential Amenity

- 8.10 In terms of residential amenity, whilst one objection has been received there is broad support from local residents. The site is within the built-up limits of Bicester and the surrounding area is already well-lit at night through the formal sports and the wider residential area. It is noted that Environmental Health raised no objection to other sports pitch lighting (e.g. 15m high floodlights under 23/00473/F) although comments to this application are awaited.
- 8.11 It is therefore considered that a reason for refusal based on additional light pollution and detriment to residential amenity cannot be justified.
- 8.12 The proposals are therefore considered to be in accordance with Policies ESD15, BSC10 and Bicester 3 of the Cherwell Local Plan and saved Policy ENV1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Ecology

- 8.13 Policy ESD13 of CLP 2015 states that Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside or cause undue harm to important natural landscape features and topography. Policy ESD10 requires the protection and enhancement of the rural environment.

- 8.14 Whilst the area is dominated by formal sports provision and recreational activity, the area is surrounded by hedgerows with tree and native shrub planting. There is a bird feeding station close to the sports pavilion in the southeastern corner of the field.
- 8.15 Considering the use of the site and the approved lighting, it is considered that the proposed lighting which are lower and limited in scope in terms of light spillage and would not introduce a new or unacceptable impact on protected species. Comments from the Council’s Ecologist are awaited.
- 8.16 As such the proposals are considered to be in accordance with Policies ESD10 and ESD13 of CLP 2015 and the aims and objectives of the National Planning Policy Framework.

Duty under The Equalities Act 2010

- 8.17 S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 8.18 It is noted that a number of respondents have responded that the current lack of lighting discriminates against female users of the open space. Whilst the concerns have been carefully considered above, Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 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.
- 9.2 The application site is an area designated as an area for outdoor sport and recreation and the proposals would enhance the usability of the area which in turn would support the social wellbeing of residents and wider health. The proposals would not materially affect the amenity of occupiers of residential properties which front the outdoor space and having regard to the approved and built floodlights would not introduce new impacts on the natural environment. As such the benefits of the proposals outweigh any negative aspects.

10. 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 AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS OR ADDITIONS TO THOSE CONDITIONS AS DEEMED NECESSARY OR WHICH ARE RECOMMENDED BY A CONSULTEE AND CONSIDERED ACCEPTABLE)

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

Site Location and Block Plan

Proposed finished levels and drainage layouts (ref: DE1101824001)

Zeta Rapid Mount Solar Nano lighting details

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

Cherwell District Council

Planning Committee

2 November 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 **23/0086/FULL – 67 Oxford Road, Banbury, Oxon, OX16 9AJ**

Conversion from 10-bed HMO to 12-bed HMO (Sui Generis) (Resubmission of 23/00120/F)

Confirmation of Valid Appeal by PINS. Awaiting Start Letter.

- 3.2 **23/00676/F – 12 Mill Close, Charlton on Otmoor, Kidlington, OX5 2UE.**

Remove rear conservatory and outbuilding. Remove concrete garage, timber shed and greenhouses. Construct new two storey side and rear extension, with lean-to single storey infill to rear.

Officers Recommendation: Refused (Delegated)

Method of Determination: Written Representation.

Start Date: 20.09.2023.
Appeal Reference: 23/00093/REF

3.3 22/03698/TEL – Area of Grass Verge, Austins Way, Hook Norton.

5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Start Date: 20.09.2023.
Appeal Reference: 23/00094/REF

3.4 23/000176/F – 1 School Paddock, Bucknell, OX27 7LR.

Variation of Condition 2 (plans) of 21/03977/F - minor alteration to position of the garage, small increase in width, modest increase in ridge height.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 21.09.2023.
Appeal Reference: 23/00095/REF

3.5 23/00065/OUT – Land North of Ells Lane, Bloxham, Banbury, Oxon.

Outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: 1 Day Hearing.
Start Date: 02.10.2023.
Appeal Reference: 23/00097/REF

3.6 23/00987/F – 67 The Fairway, Banbury, Oxon, OX16 0RR.

Single Storey Rear Extension.
Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation (HAS)
Start Date: 03.10.2023.
Appeal Reference: 23/00098/REF

New Enforcement Appeals

3.7 None

Appeals in Progress

3.8 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.

3.9 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.

3.10 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

3.11 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

3.12 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

3.13 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

3.14 22/02637/F – Chapel Cottage, Wroxton Lane, Horley, Banbury, OX15 6BD.

Single-storey rear extension, removal of an existing door to create opening and removal of the window, and cut down of wall to FFL. (resubmission of 21/02720/F)

Officers Recommendation: Refused (Delegated)

Method of Determination: Written Representation.

Start Date: 15.06.2023.

Appeal Reference: 23/00078/REF

3.15 23/00150/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

3.16 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

3.17 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, Oxfordshire, OX17 1

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 22/02773/F – 4 Manor Road, Fringford Bicester, OX27 8DH.

First floor extension above existing lounge; extension to rear of existing garage to provide utility/workshop space with home-working office above and link to main house. New pedestrian access gate to front. PV panels to new south facing roof. New external boiler, oil tank and rainwater harvesting tank.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Householder Appeal (HAS)
Start Date: 15.06.2023.
Appeal Reference: 23/00076/REF

3.23 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

3.24 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.

3.25 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

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

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.

Forthcoming Public Inquiries and Hearings between 2 November 2023 and 7 December 2023.

3.26 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.

3.27 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space,

biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

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.

3.28 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.

Appeal Results

3.29 22/01696/LB – The Planning Inspector dismissed the appeal by Mr Andrew Mackersie for the Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse at 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

The appeal inspector agreed with the Council that the dormer window would lead to the loss of historic fabric, including the bulk of the structure on the appearance of the Listed Building would result in a less than substantial harm. The inspector concluded that the public benefits would not outweigh the harm, and therefore the appeal was dismissed.

3.30 21/01561/F – The Planning Inspector Dismissed the Appeal by Mr Christopher McNally for the erection of one detached dwelling and detached garage at the 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

The application proposed the erection of a detached dwelling and garage and was taken to committee with a recommendation of approval. Members overturned the recommendation and refused on highway safety and access grounds as well as impact on the character and appearance of the conservation area and impact on nearby listed buildings.

The council successfully defended refusal reason two relating to character and appearance of the area and impact on heritage assets with the inspectorate stating that the elevated positioning of the proposed dwelling would result in a high level of residual harm to the setting and significance of the listed building without sufficient public benefits to outweigh this harm and would fail to preserve or enhance the significance of the conservation area.

Given the lack of a local highways authority objection the inspectorate concluded that the development would not result in significant harm to the safety of the local highway network and would not warrant a refusal on this basis.

The appeal was dismissed.

3.31 23/00149/F – The Planning Inspector Dismissed the appeal by Mr Peter Osbourne for the erection of a single storey detached garage at 3 Byron Way, Bicester, Oxon, OX26 2YP.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation.

Start Date: 16.06.2023.

Appeal Reference: 23/00063/REF

Appeal by 3 Byron Way against the decision by Cherwell District Council to refuse planning permission for the erection of a single storey detached garage. The main issue in respect of this appeal raised by the CDC was the impact on the character of the area, specifically “the development would result in a visually incongruous form of development that would detract from the character and appearance of the street scene”. The inspector acknowledged the large open front gardens, and the site being set back from the road however, agreed with Case Officer that the development would be a visually incongruous addition that would detract from the character and appearance of the street scene. Further detailing that ‘the development in front gardens areas is not a common feature, garage would be prominent and appear as an alien and incongruous feature in street scene thus conflicting with the provisions of the Development Plan and with The Framework’.

3.32 23/00519/F – The Planning Inspector Dismissed the appeal by Mr Paul Leverton for an extension to a 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 at 44 Shearwater Drive, Bicester, Oxon, OX26 6YS.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00079/REF

Appeal by 44 Shearwater Drive against the decision by Cherwell District Council to refuse planning permission for the first floor side extension and single storey ground floor extension. The main issue in respect of this appeal raised by CDC was the impact on the character of the area, specifically “development fails to show subservience to the existing dwelling and would fail to sympathetically integrate into existing built environment or reinforce local distinctiveness”. The report further criticised the side extension extending beyond the front elevation of the main dwelling. The inspector acknowledged many first-floor side extensions in the area, however appellant noted similar structures the inspector dismissed these references as they were not comparable by virtue of their design, location and/or position. Regarding the application site the inspector stated ‘the dwelling would project out in front of the main part of the dwelling, and it would also project in front of the neighbouring dwellings. Thus, appearing unduly prominent and incongruous in the street scene and would conflict with the provisions of the Development Plan and The Framework’ the appeal has therefore been dismissed.

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:

Shahin Ismail, Legal Services Manager and Deputy Monitoring Officer
shahin.ismail@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 Dan Sames, Portfolio Holder for Planning

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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