

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Planning Committee  
**Date:** Thursday 21 March 2024  
**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 6 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on 15 February 2024.

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 9195 North Of Claydon Road Cropredy** (Pages 16 - 55) **23/00977/OUT**
9. **OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury** (Pages 56 - 88) **23/03428/OUT**
10. **Land To Rear Of Wheelwright Cottage Main Street North Newington**  
(Pages 89 - 106) **23/02071/F**
11. **Laurels Farm Dark Lane Wroxton OX15 6QQ** (Pages 107 - 129) **23/00130/F**
12. **Grange Farm Chapel Lane Balscote OX15 6JN** (Pages 130 - 142) **23/00129/F**
13. **Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ**  
(Pages 143 - 169) **23/02682/F**
14. **DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA**  
(Pages 170 - 185) **21/01854/F**
15. **Land East Of Larsen Road Heyford Park** (Pages 186 - 228) **22/03063/F**
16. **Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester**  
(Pages 229 - 263) **23/03073/HYBRID**

17. **Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ** (Pages 264 - 272)  
**24/00251/CDC**

## **Review and Monitoring Reports**

18. **Development Brief for Local Plan Partial Review site PR8 - Land East of the A44** (Pages 273 - 425)

Report of Assistant Director Planning and Development

### **Purpose of report**

To seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR8 – Land East of the A44

### **Recommendations**

The meeting is recommended:

- 1.1 To approve the Development Brief for site PR8 (Land East of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report, subject to (i) the changes recommended in paragraphs 4.40 – 4.45 of this report, and (ii) an additional three week consultation period following this Planning Committee
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief, subject to (i) any minor amendments arising from that further public consultation and (ii) any necessary presentational or other minor corrections, in consultation with the Chairman

19. **Local Validation List Report** (Pages 426 - 463)

Report of Assistant Director Planning and Development

### **Purpose of report**

To set out the consultation responses to the proposed local validation list and to approve the use of the list when validating planning applications.

### **Recommendations**

The meeting is recommended:

- 1.1 Approve the Local Validation List, with the finalised wording of the list and appendices delegated to the Head of Development Management, prior to publication.

20. **Appeals Progress Report** (Pages 464 - 478)

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](mailto: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 to view a meeting online or attend a meeting in person, 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.

### **Webcasting and Broadcasting Notice**

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber, you are consenting to

being recorded and to the possible use of those images for and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

**Queries Regarding this Agenda**

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

**Shiraz Sheikh**  
**Monitoring Officer**

Published on Wednesday 13 March 2024

# 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 15 February 2024 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Becky Clarke MBE  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Julian Nedelcu  
Councillor Les Sibley  
Councillor Amanda Watkins  
Councillor Barry Wood

#### Substitute Members:

Councillor Douglas Webb (In place of Councillor Lynn Pratt)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)  
Councillor Simon Holland  
Councillor Lynn Pratt  
Councillor Nigel Simpson

#### Also Present:

Councillor Andrew McHugh (speaking as Ward Member on agenda item 10)

#### Officers:

Paul Seckington, Head of Development Management  
Paul Ihringer, Team Leader - South Area General Developments  
Imogen Hopkin, Senior Planning Officer  
Lewis Knox, Senior Planning Officer  
Karen Jordan, Deputy Principal Solicitor  
Emma Faulkner, Principal Officer - Scrutiny and Democratic Lead

Matt Swinford, Democratic and Elections Officer

101 **Declarations of Interest**

**9. Land Adjacent To 20 Almond Road, Bicester.**

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

**11. Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN.**

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

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

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

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

102 **Requests to Address the Meeting**

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

103 **Minutes**

The Minutes of the meeting held on 11 January 2024 were agreed as a correct record and signed by the Chairman.

104 **Chairman's Announcements**

The Chairman made the following announcement:

1. 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.

105 **Urgent Business**

There were no items of urgent business.

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

The Committee considered a proposed site visit to Laurels Farm, Dark Lane, Wroxton, for application 23/00130/F, an application for the demolition of 3no existing barns followed by the erection of 9no new dwellings; conversion and alterations to existing barn to form 1no dwelling; formation of new primary access from Newington Road, parking, landscaping and other associated works.

It was proposed by Councillor Webb and seconded by Councillor Reynolds that a site visit take place before application 23/00130/F is considered by the Committee.

The Committee considered a proposed site visit to Grange Farm, Chapel Lane, Balscote for application 23/00129/F, an application for the erection of agricultural buildings, hardstanding and other associated works.

It was proposed by Councillor Webb and seconded by Councillor Reynolds that a site visit take place before application 23/00129/F is considered by the Committee.

**Resolved**

- (1) That a site visit for applications 23/00130/F and 23/00129/F be agreed in line with the officer recommendation.

107

**Land To Rear Of Wheelwright Cottage, Main Street, North Newington**

The Committee considered application 23/02071/F for erection of a new build dwelling at Land To Rear Of Wheelwright Cottage Main Street, North Newington for Mr Kambiz Khabiri.

It was proposed by Councillor Reynolds and seconded by Councillor Webb that consideration of application 21/01630/OUT be deferred for one planning cycle to allow for site visit before the application is considered by the Committee.

**Resolved**

That the consideration of application 23/02071/F be deferred for one planning cycle to allow a site visit by the Committee.

108

**Land Adjacent To 20 Almond Road, Bicester**

The Committee considered application 23/03109/F, for the Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens at Land Adj. To 20 Almond Road, Bicester for Mr John Prpa.

Andrew Greening, local resident, addressed the Committee in objection to the application.



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

Contrary to the officers' recommendation, it was proposed by Councillor Sibley and seconded by Councillor Broad that that application 23/03109/F be refused, for the reason that the dwellings, by virtue of their height, massing, and scale, would result in an incongruous addition to the street scene causing significant harm to the visual amenities of the area and contrary to policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Resolved**

That against the officer's recommendation, application 23/03109/F be refused for the following reason:

1. The dwellings, by virtue of their height, massing, and scale, would result in an incongruous addition to the street scene causing significant harm to the visual amenities of the area. The proposed development therefore fails to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

109

**Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS**

The Committee considered application 23/03290/F, for change of use of existing poultry shed to container storage (Use Class B8) including associated landscaping at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS for Mr Geoffrey Taylor.

Councillor McHugh, who called-in the application, addressed the Committee.

Caroline Mills, local resident, addressed the Committee in objection to the application.

Duncan Chadwick, agent for applicant, and Jenny Taylor, the applicant's daughter, 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.

Contrary to the officers' recommendation, it was proposed by Councillor Webb and seconded by Councillor Nedelcu that that application, 23/03290/F, be approved subject to conditions which were to be agreed and delegated to the Assistant Director Planning and Development.

**Resolved**

That application 23/03290/F be approved, contrary to officer's recommendation, 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 form and the following plans and documents:
  - TAY001/003 Rev A – Site Location Plan
  - TAY001/004 Rev A – Site Plan
  - TAY001/005 Rev A – Container Layout Plan
  - TAY001/006 Rev A – Landscaping Plan
  - Planning, Design and Access Statement
  - Protected Species Survey by Philip Irving, dated August 2023

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

3. The site shall not be used other than for the purpose of a self-storage facility and for no other purpose whatsoever, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, and there shall be no more than 56 containers on the site at any one time.

Reason - In order to safeguard the character and appearance of the area and the amenities of the occupants of nearby residential dwellings, and in the interests of sustainable development, in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No storage containers hereby approved shall be sited outside of the Poultry Barn building as identified on the drawings listed in Condition 2 of this planning permission, and no open storage of plant, materials, products, goods for sale or hire or waste shall take place on any part of the application site.

Reason - To safeguard the character and appearance of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan

2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No external lighting shall be installed at the site unless and until full details of that external lighting have first been submitted to and approved in writing by the Local Planning Authority. Those details must include the design, position, orientation of the lighting and must demonstrate the extent of and mitigation for any light spillage. The lighting shall be at a low level, consisting of LED light sources and must be fitted with directional accessories to avoid light spillage. The lighting shall not be installed other than in full accordance with the approved details prior to the first use of the development hereby approved and shall be retained and maintained as such at all times thereafter.

Reason - In order to safeguard the character and appearance of the area and in the interests of highway safety and to ensure that the development does not cause harm to any protected species or their habitats and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

110

**Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN**

The Committee considered application 23/03103/CDC, for the insertion of two new window openings at Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN, for Cherwell District Council.

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

**Resolved**

That, in line with the officer's recommendation, application 23/03103/CDC be delegated to the Assistant Director for Planning and Development to approve subject to:

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

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

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

Drawing Nos. 7165-GBS-XX-XX-DR-A-100-P01;  
7165-GBS-XX-XX-DR-A-101-P01; and  
7165-GBS-XX-XX-DR-A-103-P01.

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.

111 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.02 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

Planning Committee – 21 March 2024

### 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

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
<b>8</b>	OS Parcel 9195 North Of Claydon Road Cropredy	23/00977/OUT	Cropredy, Sibfords And Wroxton	Approval	Katherine Daniels
<b>9</b>	OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury	23/03428/OUT	Banbury Grimsbury and Hightown	Refusal	Chris Wentworth
<b>10</b>	Land To Rear Of Wheelwright Cottage Main Street North Newington	23/02071/F	Cropredy, Sibfords And Wroxton	Approval	Imogen Hopkin
<b>11</b>	Laurels Farm Dark Lane Wroxton OX15 6QQ	23/00130/F	Cropredy, Sibfords And Wroxton	Refusal	Imogen Hopkin
<b>12</b>	Grange Farm Chapel Lane Balscote OX15 6JN	23/00129/F	Cropredy, Sibfords And Wroxton	Approval	Katherine Daniels
<b>13</b>	Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ	23/02682/F	Cropredy, Sibfords And Wroxton	Approval	Michael Sackey
<b>14</b>	DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA	21/01854/F	Banbury Hardwick	Approval	Chris Wentworth

<b>15</b>	Land East Of Larsen Road Heyford Park	22/03063/F	Fringford and Heyfords	Approval	Chris Wentworth
<b>16</b>	Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester	23/03073/HYBRID	Bicester South And Ambrosden	Approval	Linda Griffiths
<b>17</b>	Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ	24/00251/CDC	Bicester South And Ambrosden	Approval	Laura Bell

\*Subject to conditions

Agenda Item 8  
23/00977/OUT

OS Parcel 9195 North Of  
Claydon Road  
Cropredy

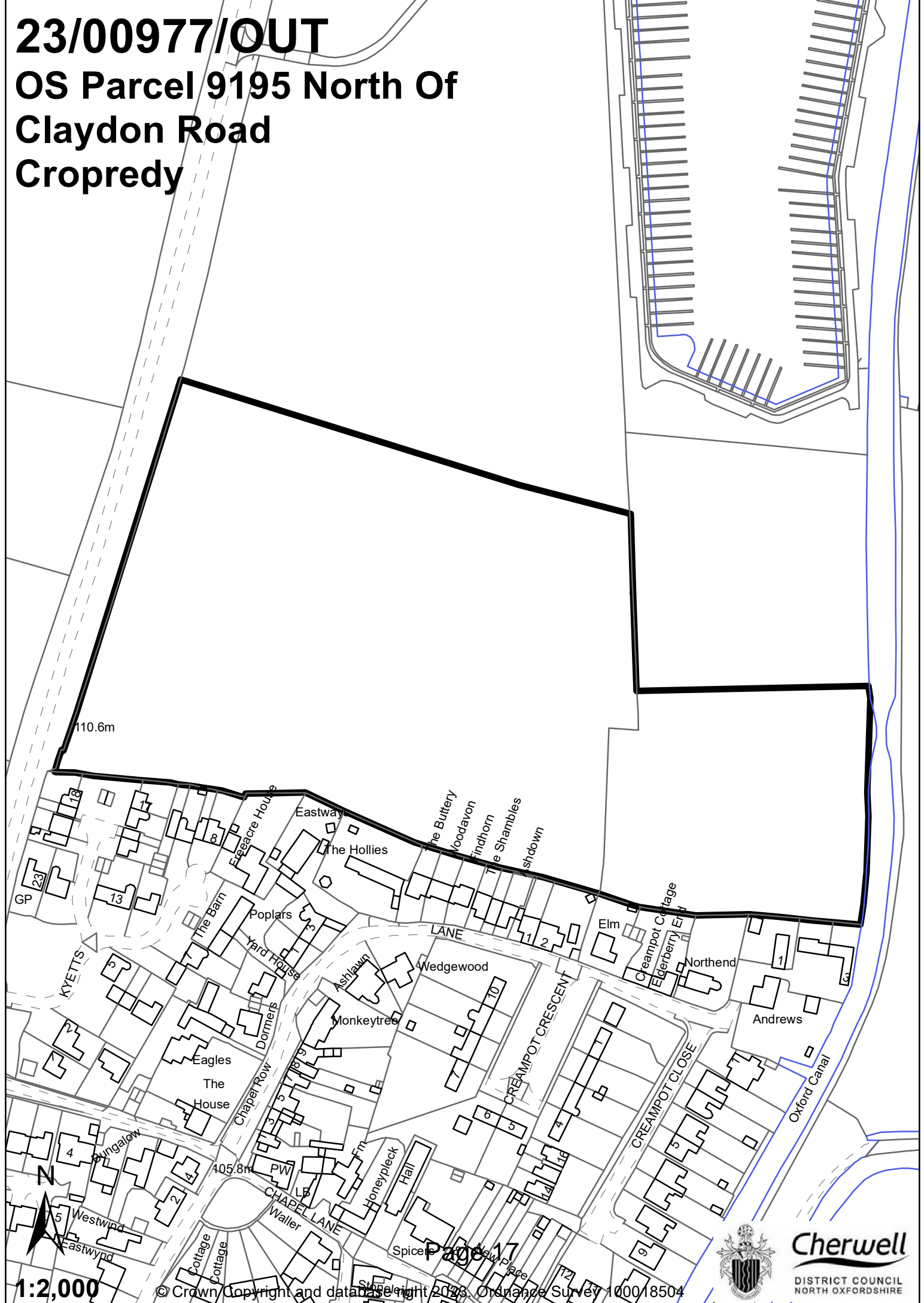


1:2,500



# 23/00977/OUT

## OS Parcel 9195 North Of Claydon Road Cropredy

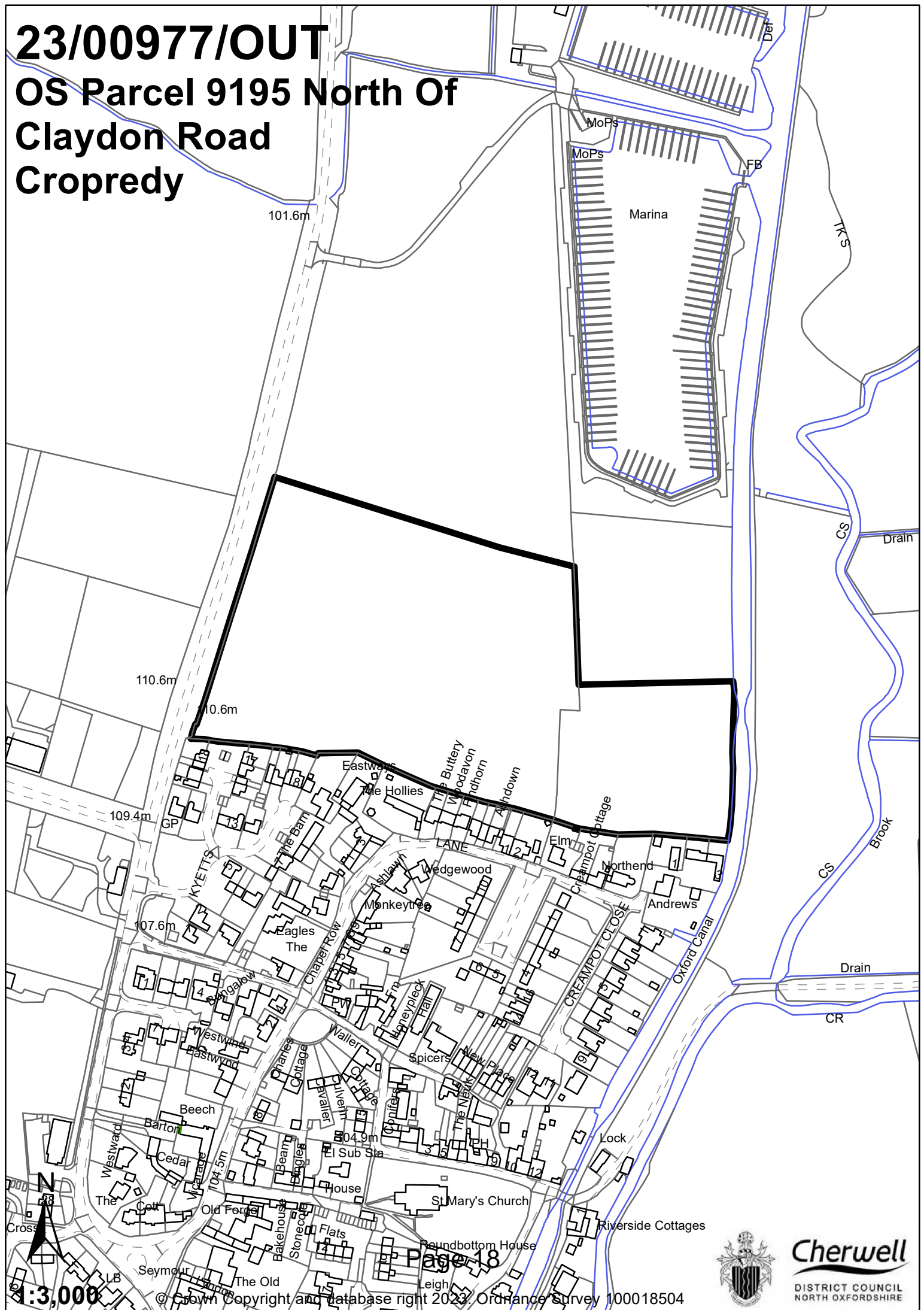


1:2,000



# 23/00977/OUT

## OS Parcel 9195 North Of Claydon Road Cropredy



1:3,000



**Case Officer:** Katherine Daniels

**Applicant:** Obsidian Strategic Asset Management Ltd

**Proposal:** Outline Planning Application (except for access) for residential development of up to 60 dwellings (Use Class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Cllrs Chapman, Reynolds and Webb

**Reason for Referral:** Major Residential Development

**Expiry Date:** 5 April 2024

**Committee Date:** 21 March 2024

---

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

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located to the north of Cropredy, and is 4.96Ha. The site sits between Claydon Road and the Oxford Canal. Cropredy Marina is located to the north of the application site. The land is currently being used for agricultural purposes. The ground level slopes away to the north towards the marina. The site forms two parcels, which are separated by mature hedging. The boundary with Claydon Road consists of a mature hedgerow, which screens the site from the road.

**2. CONSTRAINTS**

2.1. The site is not within a conservation area; however, the site lies adjacent to Cropredy's Conservation Area and the Oxford Canal Conservation Area. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposal is for the erection of 60 houses, new vehicular access, public open space and a community facility. The community facility is proposed to be a new health centre for Cropredy's GPs. The proposal is in outline, with all matters reserved except for the access into the site.

3.2. The masterplan indicates that the community facility would be at the front of the site, by Claydon Road, with the residential development behind. The open space is proposed to be adjacent to the canal.

**4. RELEVANT PLANNING HISTORY**

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

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

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

6.2. 179 letters of objection have been received, with 5 letters of support and 10 comments. The comments raised by third parties are summarised as follows:

- Impact on Highway Safety
- Cropredy Surgery cannot support the increase of the additional residents
- Will Isolate the existing proposed development from the rest of the village
- Would increase the size of the village by 30%
- CDC can demonstrate a 5 year housing land supply, and the proposal would result in development outside the confines of Cropredy.
- Loss of wildlife
- Village has not got enough services to cope with additional development
- Impact on existing water supplies
- Impact on Flooding
- Loss of agricultural land

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. CROPREDY PARISH COUNCIL: *There are advantages and disadvantages of the proposal (which are listed in the main comments). The provision of a community hall/GP surgery is considered crucial if outline permission were to be granted*

7.3. *Taking account of the opinion of the village, objects to the proposal in principle following an opinion survey that showed 85% of respondents were opposed to the development and 15% in support.*

7.4. *If CDC were to grant planning permission, please ensure the maximum benefit to the village.*

#### CONSULTEES

7.5. OCC HIGHWAYS: **Objections**, but in the event of an approval recommends the imposition of a number of conditions, and S106 contributions.

7.6. OCC EDUCATION: **No objections** subject to S106 contributions for primary, secondary, special education and secondary land contribution

7.7. OCC ARCHAEOLOGIST: **No objections**, subject to the imposition of planning conditions

7.8. OCC WASTE MANAGEMENT: **No objections**, subject to S106 contributions for household waste recycling centres.

7.9. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to planning conditions regarding surface water drainage.

7.10. ENVIRONMENT AGENCY: **No objections** subject to planning conditions.

7.11. INTERGRATED CARE BOARD (ICB) BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST: **Supports the application**

7.12. CDC HOUSING STRATEGY: **No objections**, subject to entering into a S106 to secure 35% affordable housing

7.13. CDC CONSERVATION: **No objections**

7.14. CDC POLICY: **Objections**, no pressing need for housing

7.15. CDC BUILDING CONTROL: **No comment**

7.16. CDC RECREATION AND LEISURE: **No objection**, subject to S106 contributions.

7.17. CDC ENVIRONMENTAL PROTECTION: **No objection**, subject to conditions relating to noise, contaminated land and air quality. No comments on light or odour.

7.18. CDC ECOLOGY: No comments received to date

7.19. THAMES WATER: **No objection** to foul water sewage or surface water drainage. Have **comments** on Water, and recommends a planning condition.

7.20. CANAL AND RIVERS TRUST: **No objection** subject to conditions and S106 contribution to existing towpath.

7.21. CRIME PREVENTION DESIGN ADVISOR: **Holding objection**. Has concerns regarding the impact of the proposal on crime prevention.

#### **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)

- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2023)

## 9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact
- Highway Impact
- Provision of Doctors Surgery/Health Care Centre

### Principle of Development

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

### *Development Plan*

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

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

9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.

9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.

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

9.8. Paragraph E.19 of the Local Plan states, '*If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the*

*next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability”.*

- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Cropredy is a Category A village.
- 9.11. Policy Villages 2 of the CLP 2015 states, *‘A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014’.* This Policy notes, *‘Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission’.*
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. ‘Whether the land has been previously developed land or is of less environmental value’;*
  - ii. ‘Whether significant adverse impact on heritage and wildlife assets could be avoided’;*
  - iii. ‘Whether development would contribute in enhancing the built environment’;*
  - iv. ‘Whether best and most versatile agricultural land could be avoided’;*
  - v. ‘Whether significant adverse landscape and visual impacts could be avoided’;*
  - vi. ‘Whether satisfactory vehicular and pedestrian access/egress could be provided’;*
  - vii. ‘Whether the site is well located to services and facilities’;*
  - viii. ‘Whether necessary infrastructure could be provided’;*
  - ix. ‘Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period’;*
  - x. ‘Whether land the subject of an application for planning permission could be delivered within the next five years’;*
  - xi. ‘Whether development would have an adverse impact on flood risk’.*

#### *National Planning Policy Framework*

- 9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.14. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.



9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

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

9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.17. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

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

### **Housing Land Supply Position Statement (Update) January 2024 Context**

9.20. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.21. This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<b>Table 1 Step</b>	<b>Description</b>	<b>Five Year Period 2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.22. Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.23. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

#### **Recent appeal decision at Heyford**

9.24. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.25. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.26. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal

instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

- 9.27. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

#### *Assessment*

- 9.28. The Council's housing supply position of 5.8 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.
- 9.29. Policy Villages 1 of the CLP 2015 designates Cropredy as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.30. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Cropredy village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 9.31. Cropredy is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2).
- 9.32. As of 31<sup>st</sup> March 2023, 792 dwellings had been completed at Category A villages, with 100 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.33. 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."*

- 9.34. As noted above, 792 dwellings have now been delivered at Category A villages under PV2 and a further 100 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 is exceeded.
- 9.35. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.36. An appeal for 37 houses at Cropredy was dismissed in 2017 on heritage grounds, where the Inspector noted that the sustainability credentials of the village had materially reduced since the 2015 Local Plan was adopted. Nevertheless, the appeal was not dismissed on sustainability grounds, and officers note that unlike some much smaller Category A villages (Weston on the Green, Chesterton, Wroxton, Finmere and Fringford), the village has various amenities to meet its day to day needs. It is noted that Cropredy will not be classified as a Larger Village in the new Local Plan, but limited weight is afforded to the new Local Plan given it has not yet been to examination. Officers also note the recent appeal decision at Milcombe (also a Category A village and which will not be a Larger Village). Therefore, on balance, the proposal is not considered unacceptable on grounds of locational sustainability.
- 9.37. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

#### *Policy Villages 2 Criteria*

- 9.38. The applicable criteria of Policy Villages 2 are provided at paragraph 9.11 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The site appears to be Grade 3 BMVL, however it is unknown if it is Grade 3a (good) or 3b (moderate).
- 9.39. In this instance, the site is adjacent to a Category A village, which has a convenience store, 2 pubs, primary school, playing fields, doctors surgery. The village has lost its bus service, and thus there is greater reliance on the motor vehicle; therefore, although Cropredy is still classed as a category A village, it is not as sustainable as it was at the time of the adoption of the 2015 Local Plan.

#### *Conclusion*

- 9.40. The latest housing supply figure for the district is calculated at 5.8 years. Whilst the NPPF states the requirement to have a 4-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations, with Cropredy being classed in the CLP 2015 as one of the larger, more sustainable villages within the district. While the sustainability credentials of Cropredy are reduced since the CLP 2015 adoption, it does have facilities to meet day to day needs and officers note the recent appeal decision at Milcombe, a smaller Category A village albeit with a regular bus service. Overall, whilst the 750 target of housing in these Category A villages is

exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below and other material considerations.

## DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

### *Policy*

- 9.41. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.42. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.43. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.44. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.45. With regards to this current proposal, it is confirmed that the density of the development will not be at 30 dwellings per hectare which is not in accordance with the requirements of Policy BSC2. However, given its location, and at the edge of the village, it is considered a density of less than 30 dwellings per hectares could be seen as a compromise in this particular location.

### *Assessment*

- 9.46. This is an outline application, in which all matters are reserved, except for access, to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and a footways around

the site. The indicative road layout also separates the green buffer with the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the northern edge. There is also a perimeter road to the south, resulting in a gap between the existing dwellings along Chapel Row/Creampot Lane, Kyetts Corner and the new dwellings.

- 9.47. The site comes under the Cherwell Valley within the Cherwell Landscape Character Assessment. The main distinguishing features of these are broad, with rolling slopes, with loose patchwork of fields, with strong field patterns.
- 9.48. The LVIA states that the impact of the proposed development of the Landscape would have moderate adverse impact on the site and immediate setting, moderate/minor adverse effect on the localised setting and a negligible adverse effect on the wider locality. There would be some urbanisation effects as a result of the proposed development, but the proposal would be seen in context to the existing residential properties to the south. Given its scale, spatial relationship with and lack of linkage to existing development, the proposal could be seen as a stand-alone development, adjacent to Cropredy, which would lead to a negative impact on the character and appearance of the locality.
- 9.49. The application states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition can be imposed to ensure building height details are submitted as part of any approval.
- 9.50. The materials of any development would also have to be carefully considered, as the colours of the brick/stone and roofing tiles could blend in within the locality. The duller the materials, the less impact the proposal would have on the wider landscape. This would assist with creating a high-quality scheme, which respects and enhances the site's surroundings.
- 9.51. Overall, although there would be some change to the overall landscape, the development would be seen would result in some harm to the character and appearance of the locality. However, there are some benefits of the scheme, which could outweigh this harm to the character and appearance of the locality. Further consideration on this matter is given in the paragraphs below.

#### HIGHWAYS IMPACT

- 9.52. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.53. In addition, paragraph 115 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.

- 9.54. The proposed access into the site is off Claydon Road. The Local Highway Authority has objected to the proposal; however, the LHA advises the objection could be overcome subject to the securing of S106 obligations towards public transport and public rights of way. A carriageway and footway along the full length of the west side of Claydon Road. Planning conditions are also recommended.
- 9.55. Overall, therefore, it is considered that the proposal would not result in a danger in those using the highway, and the impact is considered to be satisfactory.

### DRAINAGE

- 9.56. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 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.
- 9.57. Paragraph 175 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.
- 9.58. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, 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.
- 9.59. 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.
- 9.60. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided

suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding. The Environment Agency has also requested a condition be imposed on any permissions. For this reason, it is considered that the drainage of the site is acceptable.

### RESIDENTIAL AMENITY

- 9.61. 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.
- 9.62. The application is in outline form at this stage; therefore, the consideration of residential amenity is greater at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.63. It is therefore considered that the limited impact on residential amenity is not sufficient 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.
- 9.66. 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.
- 9.67. 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.

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

#### *Policy Context*

9.69. Paragraph 180 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.

9.70. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.71. Paragraph 191 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.

9.72. 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.

9.73. 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.

9.74. 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.

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

#### *Assessment*

9.76. The applicant has provided an ecology statement, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.

9.77. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.

9.78. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.

9.79. The proposal includes a biodiversity net gain of 15.31% on site habitat units and 33.4% in hedgerow units.

9.80. 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.

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

#### HERITAGE

9.82. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, 'a Local Planning Authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.83. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

9.84. The site is not within a Conservation Area nor adjoining a listed building. The proposal is adjacent to Cropredy's Conservation Area and the Oxford Canal Conservation Area. The Conservation Officer considers there will be no harm to the significance of

the Conservation Areas. The masterplan shows the residential elements being proposed away from the conservation area, therefore the proposal is considered not to have significant impacts in these regards.

- 9.85. The County Archaeologist has requested that in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 200), archaeological investigation works prior to commencement of works, and should be in place during the construction period. Therefore, it is considered that the impact upon archaeology is acceptable provided conditions are imposed.

#### The Provision of a Doctors Surgery/Health Centre

- 9.86. The proposed development seeks the provision of a new doctor's surgery. According to the masterplan the surgery will be provided at the front of the site. The ICB originally objected to the proposal, as it was not sure how the surgery was going to be delivered. However, the ICB now supports the proposal for the Health Centre, on the strict condition that the surgery is delivered within 2 years. This is due to the current GP surgery's lease coming to an end. The building would provide 10 clinical rooms, with a minimum size of 16 sqm.
- 9.87. The current doctor's practice is currently not fit for purpose, and a lot of work would be required to update and modernise the existing building. The current building is limited in space for any expansion. This case has been made to the LPA that, given the works required, realistically the best option is for a new doctor's surgery.
- 9.88. The landowner is willing to provide the land upon which the new facility would be built, and the developer will provide the building. The new facility would be provided to the NHS at nil capital cost to them. This is a significant benefit, which should be weighed in the balance.
- 9.89. The main concern is whether the new facility can be provided. However, the applicant has made assurances that this facility would be delivered.
- 9.90. A S106 would be required to be entered into, to ensure that the facility will be delivered. The heads of terms are currently being negotiated. However, it is understood that the applicant is willing to have a clause in the legal agreement to ensure that no dwellings would be constructed until works commence on the new facility. In addition to this, an additional clause would be required in order to prevent a certain number of dwellings not to be built/occupied until the doctors surgery was completed and first in use. This would ensure the new facility was delivered, as it is a significant benefit to the scheme.

#### SUSTAINABLE CONSTRUCTION

- 9.91. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 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 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans

should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

#### *Development Plan*

- 9.92. 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).
- 9.93. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.94. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

#### *Assessment*

- 9.95. The application is at outline stage, therefore it is not clear how the dwellings will be constructed, and how many sustainable features would be used as part of the development of the scheme. Therefore, further consideration would be required at the reserved matters stage. There are no reasons why this application cannot accord with Policy.
- 9.96. The applicant has confirmed that the Doctors Surgery/Health Centre would be constructed to BREEAM excellent. Therefore, this element accords with Policy.

## S106

- 9.97. 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.
- 9.98. 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:
- 9.99. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.100. 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.
- 9.101. 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.
- 9.102. This application is for up to 60 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.
- 9.103. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 21 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.104. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.105. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed

masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.

- 9.106. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.
- 9.107. The proposal includes the provision of land and building for a new Doctors Surgery/Health Care facility. The landowner is willing to give the land at nil cost, and the housing developer will provide the building to the Doctors. This means there will be nil capital cost to the ICB for the provision of a new surgery for Cropredy. This is a significant benefit to the overall scheme.
- 9.108. Although the draft heads of terms does not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

#### OTHER MATTERS

- 9.109. The Crime Prevention Design Advisor has raised a holding objection, however given that this is at outline stage, the crime prevention can be considered further at the reserved matters stage. This is also acknowledged by the Crime Prevention Design Advisor. It is recommended that the developer seeks further guidance prior to a reserved matters application, if outline consent is granted.

### **10. PLANNING BALANCE AND CONCLUSION**

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

#### *Positive benefits - Economic*

- 10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.
- 10.3. In addition, the proposal is providing a new health care centre, which will also include additional employment in the local area. This is also being provided at Nil capital cost to the NHS. This is a significant benefit.

### *Social*

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.
- 10.6. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.
- 10.7. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.
- 10.8. The proposed health care centre will provide an improved health care provision for the local residents and new residents, which again significant weight is to be afforded to.

### *Environmental*

- 10.9. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.10. Cropredy has a number of services and employment opportunities. It is a Category A village, although its bus service has stopped since the adoption of the CLP 2015 and accordingly it has lower sustainability credentials than in 2015. Nevertheless, officers note that the Milcombe appeal was allowed for 35 houses for a smaller Category A village albeit with a regular bus service.

### *Negative impacts*

- 10.11. The application site is positioned beyond the existing built-up limits of the village on the western side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

### *Conclusion*

- 10.12. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.13. The proposal seeks permission for up to 60 houses on the edge of a Category A Village and the construction of a health care centre. While the total number of houses developed under Policy Villages 2 has exceeded 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. Cropredy is a Category A village, however it is not as sustainable as other category A villages in the District. The Local Highway Authority has requested monies for public transport enhancements, which may improve the sustainability of Cropredy.
- 10.14. The proposal seeks to provide a new health care facility and provided this can be delivered, this is a significant benefit to the village and surrounding villages.

10.15. Overall, it is considered that the identified harm to the character and appearance of the locality is outweighed by the significant benefits of the scheme and it is recommended that outline planning permission is granted.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

**Summary below, see table at Appendix 1 for more detail**

- **Health Centre**
- **Public Transport**
- **Public Rights of Way**
- **Highway Works**
- **Travel Plan Monitoring**
- **Traffic Regulations Order**
- **Community Hall facilities**
- **Outdoor Sport Provision**
- **Indoor Sports Provision**
- **Public Realm / Public Art**
- **Primary Education**
- **Secondary Education**
- **Secondary School Land Contribution**
- **Special School Contribution**
- **Waste Management**
- **LAP/LEAP to be provided and maintenance towards upkeep**
- **Affordable Housing, 35% with tenure to be agreed.**

**IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 5<sup>TH</sup> APRIL 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.**

**CONDITIONS**



1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

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

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

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

TBC

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

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

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to the submission of any reserved matters and prior to the commencement of 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 identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. 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 development [or relevant phase of development] is resumed or continued.

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.

10. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 50 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common has been submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. The acoustic barriers shall be installed prior to the first occupation of the affected dwellings and the first use of the common areas in full accordance with the approved details and shall be retained as such thereafter.

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

11. No development shall commence unless and until a detailed air quality impact assessment to identify the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: In the interests of residential 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.

12. No development approved by this planning permission shall commence until such a time as a scheme to protect land at risk of flooding as shown in the approved Flood Risk Assessment reference 016\_8210439\_SM\_Flood\_Risk\_Assessment, Issue 5, dated 16 August 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of hard and soft landscaping schemes
- Details of existing and proposed ground levels

The scheme shall demonstrate that flood risk will not increase and shall be fully implemented and subsequently maintained as approved for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and prevent flooding elsewhere.

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

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

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

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

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

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

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

17. No development shall commence unless and until a plan detailing the layout of the car parking area has been submitted to and approved by the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

Reason: in the interest of highway safety

18. No development shall commence unless and until a swept path analysis all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

Reason: In the interest of highway safety

19. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport

20. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

22. Prior to the implementation of the development a plan showing details of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW should be provided for approval by Local Planning Authority.

Reason: in the interest of sustainable travel.

23. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained

within the National Planning Policy Framework.

24. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

25. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a. The parking of vehicles of site operatives and visitors;
- b. The routing of HGVs to and from the site;
- c. Storage of plant and materials used in constructing the development;
- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

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

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

26. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

27. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

28. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

29. No dwelling shall be occupied until details have been submitted to and approved in writing, to demonstrate the dwellings have been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

30. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

31. Following the approval of the Written Scheme of Investigation referred to in condition 1, 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 staged programme of archaeological evaluation and 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.

- 32.** Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets

CASE OFFICER: Katherine Daniels

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

<b>Planning Obligation</b>	<b>Regulation 122 Assessment</b>
----------------------------	----------------------------------

Detail	Amount	Trigger point	
Health Centre	Land and construction cost at NIL capital cost to ICB	Prior to commencement of development of the housing and to be completed by 25% of the number of dwellings occupied	<p><b>Necessary</b> – to create a new health centre for Cropredy, for the benefit of the future occupiers.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Transport	£67 980 (RPI-x Dec 21)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>



Public Transport services	£1 502	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way	£30 000 (Baxter Oct 21)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – to mitigate against the increase in residential numbers on the right of way network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Highway Works	£200 000 (Baxter tbc)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – towards a new off road shared cycling and walking path from the development site to the School Lane junction</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

Travel Plan Monitoring	TBC		<p><b>Necessary</b> – to mitigate against the increase in residential numbers on the highway network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Traffic Regulations Order	TBC		<p><b>Necessary</b> – to mitigate against the increase in residential numbers on the highway network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Community Hall facilities	£68 602.48 Final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p><b>Necessary</b> - contribution towards improvements Cropredy Hall or Cropredy sports and social club</p> <p><b>Directly related</b> – For use of future occupiers by the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sport Provision	£121 021.80 Final figure to be agreed	Off-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first	<p><b>Necessary</b> - contribution enhancement of the sports facilities at Cropredy tennis, football, cricket and canoe clubs</p>

		Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p><b>Directly related</b> – For use by future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Indoor Sports Provision	£50 096.81 Final figure to be agreed	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p><b>Necessary</b> - off-site indoor sport contribution towards additional equipment to increase the provision of short mat bowls in Cropredy and the provision of indoor sport in the locality</p> <p><b>Directly related</b> – For use by future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p>
Public Realm / Public Art	£13 440 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until	<p><b>Necessary</b> - Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. Public art and the quality of the</p>

		the Practical Completion Certificate has been issued	<p>public realm are important considerations in the design and layout of a development.</p> <p><b>Directly related</b> – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p><b>Fairly and reasonably related in scale and kind</b> – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p>
Primary Education	£415 316 Final Figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> to provide adequate education provision in Cropredy primary school as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Secondary Education	£465 318 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p>

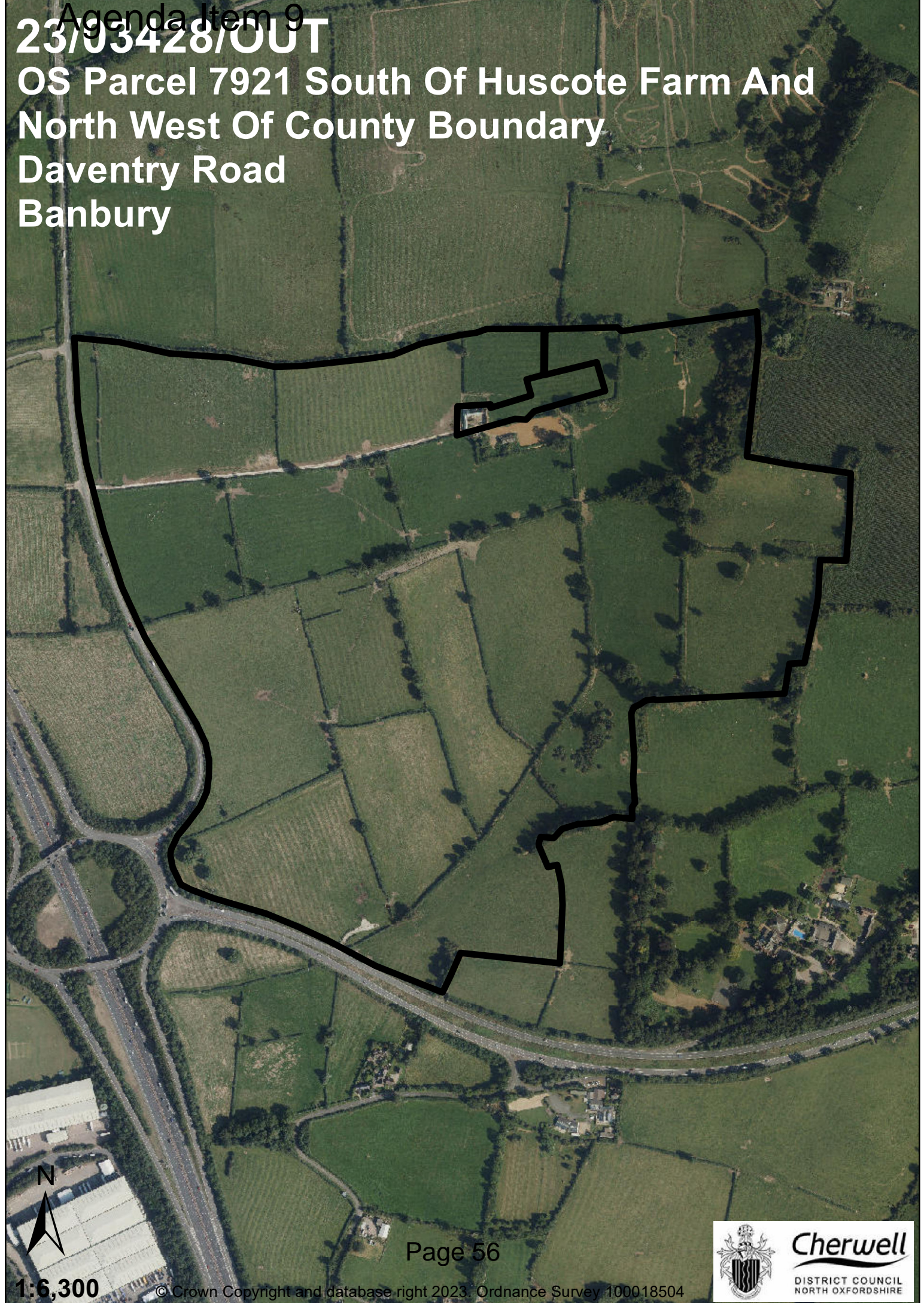
			<p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Secondary School Land Contribution	£46 662 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special School Contribution	£35 896 Final figure to be agreed	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.is at capacity with planned growth.</p>
Waste Management	£5 638 (BCIS All-in TPI 327)	TBC	<p><b>Necessary</b> The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is</p>

			<p>delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p><b>Directly related.</b> Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
LAP/LEAP to be provided and maintenance towards upkeep	TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – Site based LAP required in accordance with Policy BSC10.</p> <p><b>Directly related</b> – contribution towards the maintenance of the site-based LAP.</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% with tenure to be agreed.	Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p>

			<b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.
--	--	--	---

Agenda Item 9  
23/03428/OUT

OS Parcel 7921 South Of Huscote Farm And  
North West Of County Boundary  
Daventry Road  
Banbury

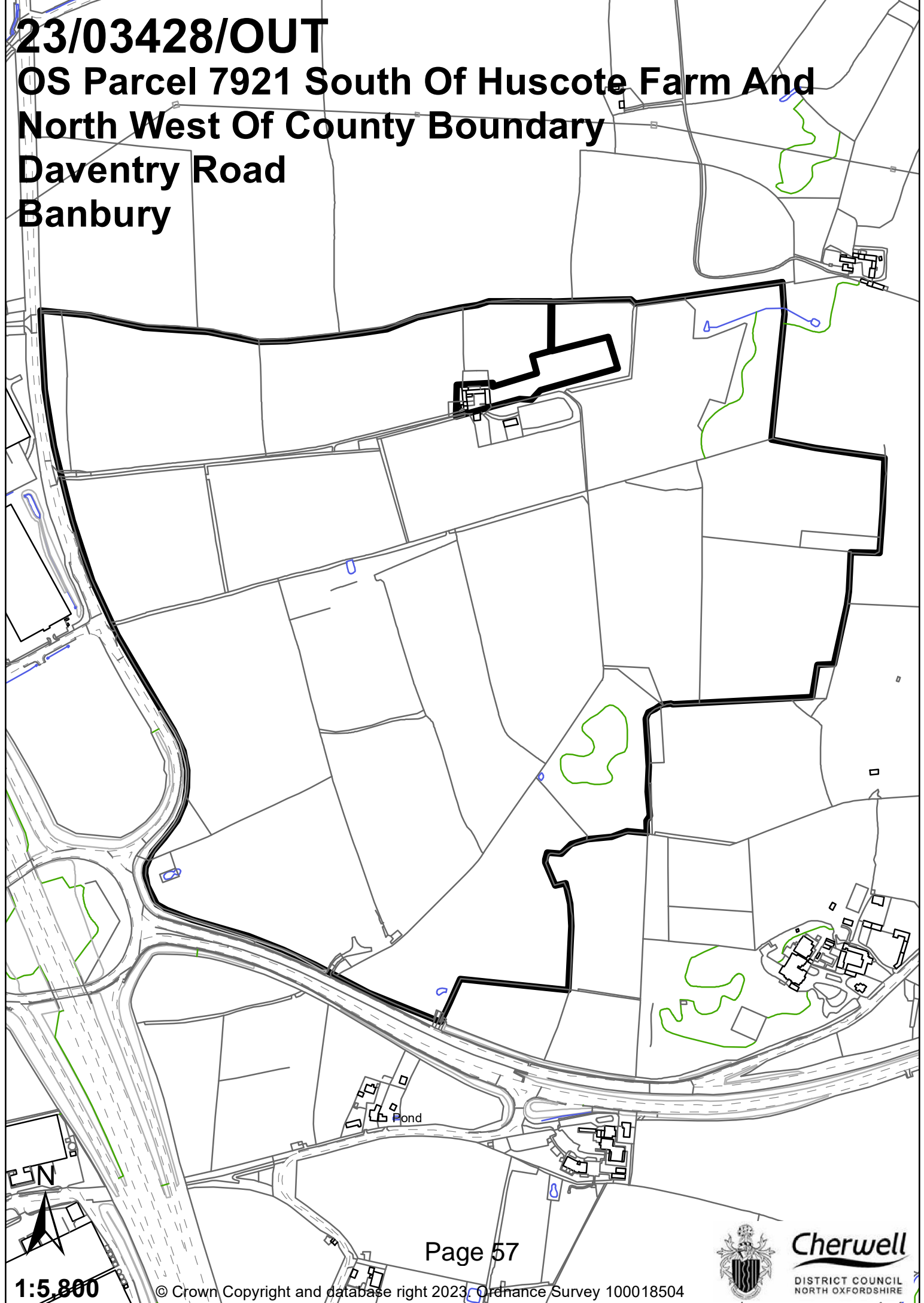


1:6,300



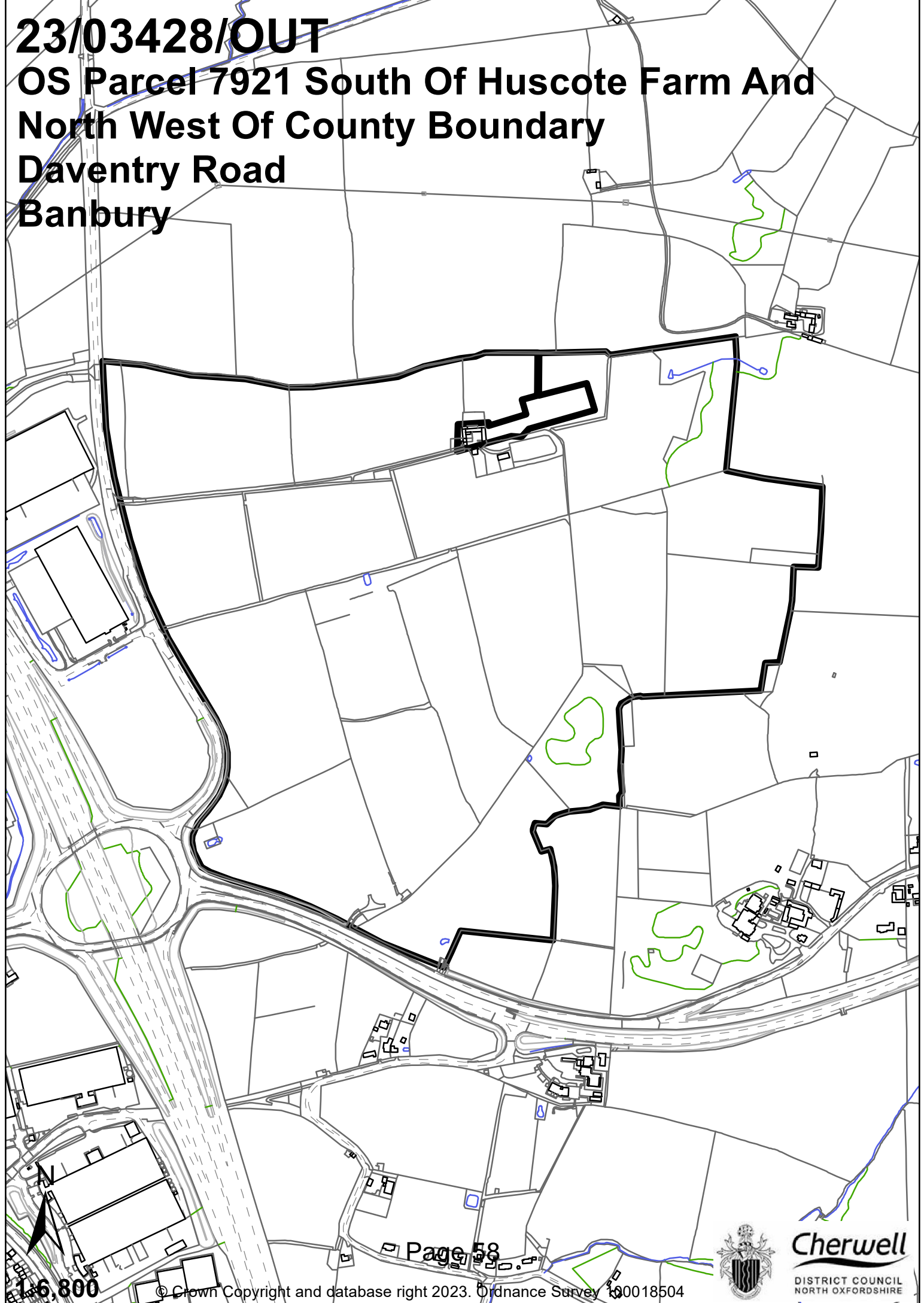
**23/03428/OUT**

**OS Parcel 7921 South Of Huscote Farm And  
North West Of County Boundary  
Daventry Road  
Banbury**



# 23/03428/OUT

## OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury



**Case Officer:** Chris Wentworth

**Recommendation:** Refuse

**Applicant:** Greystoke CB

**Proposal:** Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse

**Ward** Banbury Grimsbury and Hightown

**Councillors** Cllr Beere, Cllr Biegel, Cllr Woodcock

**Reason for Referral** Major Development/Departure from Development Plan

**Expiry Date:** 26 March 2024

**Committee Date:** 21<sup>st</sup> March 2024

---

## **SUMMARY OF RECOMMENDATION – REFUSAL OF PLANNING PERMISSION**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located on land northeast of Junction 11 of the M40, east of the A422 Daventry Road and north of the A422 Brackley Road. It lies opposite and east of the new Frontier Park development (now complete but currently unoccupied) and east of the built-up area of Banbury, which lies primarily west of the M40, in open countryside. The site would be accessed from two points on the A361 Daventry Road, which in turn provides direct access to Junction 11 of the M40.
- 1.2. The site extends to 66.15ha of greenfield agricultural land, comprising nineteen field parcels that are defined by mature hedgerows and trees. The fields comprise a mixture of arable and pastoral land (of Grade 3a and 3b quality). The site is bounded by the A422 Brackley Road to the south, and the A361 Daventry Road to the west. It adjoins open countryside to the north and east. Carrdus School, an independent day preparatory school, lies c.180m east of the site, separated by a dense woodland copse.
- 1.3. To the west of the A361 and opposite the site is the recent commercial development of Frontier Park, which comprises a mix of B1, B2 and B8 employment uses on an area of land allocated for employment development (Policy Banbury 15) in the Cherwell Local Plan Part 1 2011-2031 (2015). There are no footpaths (Public Right of Way, PRoW) within the site, although there are several within the wider vicinity.
- 1.4. The application site is not covered by any national or local landscape designations. With one small exception, most of the site is not in, or adjacent to, an environmentally sensitive area (i.e., sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding

Natural Beauty, or sites covered by international conservation designations), and therefore does not represent an environmentally sensitive location, as defined by Regulation 2(1) of the EIA Regulations.

- 1.5. The one exception is a woodland copse in the northeast corner of the site, which is listed under S41 of the Natural Environment and Rural Communities Act 2006 as a habitat of principal importance for the conservation of biodiversity. In addition to this copse, there are another forty individual and groups of trees spread throughout the site that are protected by Tree Preservation Order (TPO).

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning consent is sought for the construction of up to 140,000sqm (1,500,000sqft) of B8 employment logistics floorspace (with ancillary offices and facilities) together with two new site accesses to the A361 Daventry Road, internal roads and footpaths, landscaped open space including earthworks to create development platforms and bunds, plus drainage features and other associated works including demolition of the existing Huscote Farm farmhouse.
- 2.2. The application is in outline and only includes detail of proposed site access and landscaping. All other matters are reserved for future assessment and determination.
- 2.3. There are no detailed design plans that accompany this application in respect to the proposed buildings or their layout. However, an indicative site layout plan has been prepared to demonstrate one way in which the proposed development could be achieved, in accordance with suggested development parameters.
- 2.4. It is suggested that in any final detailed design there would be up to ten new logistics warehouse buildings creating circa 140,000m<sup>2</sup> of proposed floor area. The final number and locations of the buildings have yet to be determined and would depend on the needs of future users of the buildings. However, they would be spread across ten zones of the site, and it is suggested that all roof heights would be up to or less than the maximum building height specified for each zone which are outlined below.

Zones	Suggested Maximum Building Heights
A, C, D & F	23m
B, E, G, H, J & K	19m

- 2.5. The application is a resubmission of a previously submitted scheme which remains unchanged but does include an updated Transport Assessment with modelling/calculations seeking to address previous concerns raised regarding traffic generation and access.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. Land at the application site was previously promoted for logistics employment development as part of the last Local Plan review, but the Local Plan Inspector did not support the suggested allocation of the land for such development.
- 3.2. The applicant did submit a pre-application enquiry in 2021 (Ref: 21/04026/PREAPP) and a Screening Opinion request in 2022 (Ref: 22/00385/SO) in connection with the original submission, requesting guidance on the draft proposals and an opinion as to

whether or not any subsequent application would require an accompanying Environmental Statement under the terms of the EIA Regulations.

- 3.3. The Screening Opinion issued by CDC under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal represented an 'Industrial Estate Development Project' that fell within Schedule 2, section 10(a) of the Regulations and the site area exceeded the applicable threshold in column 2 of Schedule 2 to the Regulations.
- 3.4. Given the scale of the site proposed to be developed and that significant environmental effects were likely to result when considered against the EIA Regulations, Officers concluded that the proposal did constitute EIA Development and the screening opinion, issued on 3rd March 2022, confirmed this. The subsequent application and this latest resubmission were accompanied by an Environmental Statement (ES).

#### **4. PREVIOUS PLANNING APPLICATION**

- 4.1 Planning application reference 22/01488/OUT (planning appeal Ref: APP/C3105/W/22/3311992) proposed the construction of up to 140,000sqm (1,500,000sqft) of B8 employment logistics floorspace (with ancillary offices and facilities) together with two new site accesses to the A361 Daventry Road, internal roads and footpaths, landscaped open space including earthworks to create development platforms and bunds, plus drainage features and other associated works including demolition of the existing Huscote Farm farmhouse.
- 4.2 Notwithstanding a holding direction from National Highways (that lasted until 21st March 2023) stipulating that no decision be taken on the application without reference to the Secretary of State whilst National Highways considered the likely transport impacts of the development proposals on the strategic highway network, the applicant nonetheless appealed non-determination of the application to the Planning Inspectorate prior to the expiry of that period. An 8-day Public Inquiry was initially scheduled to consider that appeal and was due to start on 11th April 2023. However, the applicant chose to withdraw the appeal shortly prior to commencement of the inquiry.

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This resubmission application has been publicised by way of a Site Notice displayed near the site, expiring **14 January 2024**, by advertisement in the local newspaper expiring **19 January 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 January 2024**. There were 258 objection representations, 2 submissions of support and 6 general comments raised by third parties in respect to that publicity.
- 5.2. The comments raised by third parties are summarised as follows:

##### Support (2):

- Anything which creates more jobs in the area is a great benefit;
- More workplaces are needed in Banbury.

### Objections/Comments (264):

- This will devastate the countryside. Given that HS2 is already doing this, it is unacceptable;
- The plan to convert yet more farmland to warehousing will ruin more wildlife habitats. Many species of birds have lost habitats in wetlands and around the motorway area;
- We have many vacant buildings around the town that could be utilised and converted for warehouse solutions without building more;
- The area and motorway are already highly packed with large vehicles and lorries making the surrounding roads slow, particularly around the area of the proposed warehouses;
- The jobs generated by construction of and the ongoing employment in the facility would not benefit the local area;
- Automation and the very nature of warehousing mean staffing and jobs are low skilled and do not add to the local economy;
- It would dominate the landscape, which is attractive;
- If the land is levelled there is an increased risk of subsidence on the hill behind it that has residential homes atop – would this make the escarpment unstable?;
- Lack of existing road capacity on A361 and M40 J11;
- No public consultation has taken place, which should have been paramount and comprehensive for a development of this size;
- The proposal was previously dismissed by the Local Plan Inspector in 2015;
- Further erosion of rural land, that creates natural habitats for wildlife and an attractive screening from the M40 traffic, noise, and pollution for local homes and villages. This destruction of a rural aspect would be detrimental to all the surrounding area;
- It is dangerously close to the Northamptonshire County boundary line [which it adjoins];
- The area will become a concrete jungle;
- At a time of climate crisis, when Government is working hard on Nature Recovery Strategies, it seems abhorrent that any consideration would be given to destroy what we already have in this area;
- The site is not allocated within the adopted Local Plan;
- We note that the application contains only a narrow selection of viewpoint images;
- The Oxfordshire Historic Landscape Characterisation Project, Capacity for Change, shows the landscape in the location of the application to be Level 5: High Sensitivity to Urban Development;
- Building in open countryside destroys the value of local heritage assets to the authority and local community, and in some cases, nationally. The fields in the site are medieval ridge and furrow landform. The ridge and furrow is well-preserved and therefore it is unlikely that the ground has been disturbed significantly since medieval times, making it impossible to have any detailed knowledge of what lies beneath or what the land may have been previously used for;
- The loss of biodiversity that would occur in the event of the proposed development would lead to the loss of much natural habitat for wildlife and birds;
- 42 TPOs on trees across the site, many of which overlap the proposed location of units within the proposals;
- Such large-scale commercial development gives no consideration for residents in nearby areas and would bring unreasonable disturbance from units such as alarms, machinery and HGV movements;

- Planning Statement states that pedestrian and cycle linkages are designed into the site to improve connectivity with Banbury. Without significant infrastructure changes in the surrounding areas, there is no safe route to facilitate this;
- It is not expected that B8 units in this area would create the volume of jobs suggested by the applicant [1,900], in fact, the recently approved, Frontier Park, used the argument of low FTE job creation in mitigation of concerns surrounding traffic generation;
- Flood risk is a huge concern. Development of the area would create an increased risk of flooding by removing permeable surfaces, nearby areas have required much work against natural flooding and the lower grazing land is already prone to flooding;
- Despite the flood risk, it does not appear that ongoing future management of water levels have been considered in any depth;
- Sets a precedence to allow further building right into Nethercote and up the hill into Middleton Cheney, destroying the hamlet and village characters;
- A small market town doesn't have the services to support such a large development, with doctors already oversubscribed;
- Potential for light pollution;
- The M40 acts as a natural eastern boundary to Banbury's expansion into the green belt;
- Banbury already has sufficient levels of warehousing;
- Schemes such as these cannot work unless there is equivalent investment in infrastructure. CILs need to be collected from this and other new warehouse owners to construct an M40 junction 10a;
- Loss of good quality farmland;
- No faith that the developers, if given permission in any form would stick to their proposals;
- The proposed development both in the building process and thereafter would be a significant detriment to the air quality of the locality;
- Detrimental to town's image; • It meets none of the aspirations of the CDC Local Plan;
- We are disappointed to see that the applicant has not made public the information related to badgers;
- We are concerned that the proposed site has no connection to the existing sewerage system, and that foul water would be treated at a new plant on the site and then discharged into the surface water network;
- We believe it would be irresponsible to permit a development that is solely reliant on road vehicle movements for its operation and construction and has no realistic possibility of any connection to the rail freight network;
- There is a major safety issue to consider and that is the addition of a roundabout so close to a very sharp bend in the road as you come off the M40 J11 roundabout onto the A361;
- The scale and height of the proposed commercial development would be ruinous to this part of the countryside and rural community;
- There are several references to Frontier Park, suggesting that precedents with this development have been set which are to be used in the current application.

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.

6.2. Banbury Town Council objected to the proposal on the following grounds:

- The principle of providing employment development on this site fails to comply with SLE 1 of the Cherwell Local Plan. If additional land for employment development is required it should be assessed and allocated through the Local Plan process which is underway, and therefore this proposal is premature;
- Development at this location would not be sustainable, given the site's location without direct and convenient access for pedestrians, cyclists and no frequent public transport service;
- The proposal would cause severe harm to highway safety and convenience and would worsen traffic conditions on the M40 junction;
- The proposed development would be out of scale and character with the open rural character of the site and its surrounding context, and the development would cause unacceptable harm to the visual amenity of the area and the local landscape;
- The development would worsen air pollution issues on Hennef Way;
- The type of development is restricted to warehousing, which is unacceptable.

6.3. Middleton Cheney Parish Council objected to the proposal on the following grounds:

- The environmental impacts, particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night-time lights in the warehouses. Furthermore, they state that the local roads are already at saturation point if there is an incident on the M40 and that the development would inevitably increase traffic on all neighbouring roads as lorries move in and out of the site. In addition,
- The suggested design, appearance and layout of the site is considered to be unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets (this site has furrows from past farming techniques), conservation of tranquillity and biodiversity and environmental character and the proposals pay no regard to these statements;
- Cherwell District Council has declared a climate emergency. It is difficult to reconcile these plans with that;
- There are currently existing vacant warehouses in the vicinity, therefore no immediate\_need for new development;
- Drainage solutions (diversion of rainfall) will impact local infrastructure and Banbury town.

6.4. The Bourtons Parish Council objected to the proposal on the following grounds:

- The size of the proposed development across a significant and visually important area of countryside;
- Logistics warehousing does not provide the highest or optimum levels of employment per square metre;
- The need for warehousing is questioned;



- The traffic congestion already apparent around Junction 11 of the M40 would be increased dramatically;
- Air pollution would be increased;
- Damages the community;
- The application mentions the benefit of local bus services. It does not mention that the 200 hourly service between Banbury and Daventry, which serves Wardington, is threatened with closure. Nor does it consider that the 500 service for Chacombe and Middleton Cheney was under threat some ago and only saved for the benefit of the staff who work at Chacombe Park nursing home but would be under threat again if the extra traffic related to this development extends their journey times.

6.5. Chacombe Parish Council objected to the proposal on the following grounds:

- Planning Policy and Decision-Making Framework – Principle of the Development: - The site is specifically excluded from the currently adopted Local Plan and was assessed in detail by the Plan Inspector in 2015;
- The proposed development would have a significantly detrimental impact on the local landscape;
- The proposed development would have a significantly detrimental impact on the surrounding highway network that cannot be mitigated;
- The proposed development would have a significantly detrimental impact on ecology and will involve the loss of 40 no. TPO trees;
- Absence of Community Engagement, contrary to NPPF guidance.

6.6. Overthorpe Parish Council objected to the proposal and fully supported the comments made by Chacombe Parish Council.

6.7. Farthinghoe Parish Council – Objected on the following grounds:

- Proposal would adversely impact village with increased traffic levels;
- No further need for warehousing development;
- Bypass is needed;
- Consultees do not fully appreciate the villages problems;
- Undermines efforts to recover the centre of the town;
- Would destroy countryside;
- Existing newly built warehousing buildings lie empty – no need for more.

6.8. Kings Sutton Parish Council objected on the following points:

- Have an adverse effect on the local countryside;
- Create traffic problems in the area and lead to a need for a new Banbury relief road;
- Exacerbate traffic problems at the nearby M40 Junction.

6.9. Wardington Parish Council objected to the proposal on the following grounds:

- The size of the proposed development (too large);

- Yet more unsightly warehousing;
- The employment created would be mainly low skilled and low paid;
- Not consistent with the Cherwell District Council Local Plan and its aspirations;
- It would put yet more pressure on the already congested and air polluted M40 junction 11 area;
- It would result in the permanent loss of an environmentally and visually important area of the countryside.

6.10. Natural England – As submitted, the application could have potential significant effects on Best and Most Versatile Agricultural Land. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Agricultural Land Classification (ALC) survey information to be provided with the application.

Without this information, Natural England may need to object to the proposal.

6.11. CPRE objected to the application on the following grounds:

- The site is specifically and explicitly excluded from the Cherwell Local Plan 2011-2031;
- The Environmental Impact Assessment provided with the application is wholly inadequate and, in some places, inaccurate and/or misleading;
- The projected site plans for access to and egress from the site are wholly unrealistic and would have significant impact on flow of traffic entering and exiting Junction 11 of the M40 and the surrounding road system and quite possibly would have specific impacts on traffic on the M40 itself;
- The Transport Plan in the application is wholly inadequate;
- The claimed employment benefits for the Banbury area are, to say the least, tenuous;
- Reference to the linkage of the development to the Oxford-Cambridge Arc is disingenuous given that the Government has severely modified and reduced its proposals for that Arc particularly in relation to transport infrastructure.

6.12. Oxfordshire County Council as Local Highway Authority objected to the proposal on the following grounds:

- The site is in an unsustainable location for walking and cycling;
- The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip;
- Any further development around Junction 11 of the M40 would add to the severe congestion and air quality problems on the A422, particularly along Hennef Way;
- Safe and suitable operation of affected highway junctions has not been demonstrated as full input and output details of the VISSIM analysis have not been provided as part of this application, and errors have been identified in the details that have been submitted;

- Based on the current modelling results, the proposed signalisation of the A361 does not mitigate the impacts of development. It has not been demonstrated that a signalised crossing of the A361 for pedestrians and cyclists may be incorporated at a safe and suitable location, and an appropriate access into the site is not proposed;
- If, despite OCC's objection, permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement, including an obligation to enter into a S278 agreement, to mitigate the impact of the development plus planning conditions.

6.13. National Highways objected to the proposal and placed a holding objection against any possible positive determination based upon a need to review the most recently submitted information contained within the Transport Assessment to allow further consideration of the scheme. The holding objection is currently in place until 12<sup>th</sup> March 2024.

6.14. Banbury Civic Society object to the proposal on the following:

- Support OCC's objection reasons;
- We would nevertheless take issue with the measures that OCC consider sufficient to mitigate the transport impact of the proposed development through the issuing of a S106 agreement, including an obligation to enter into a S278 agreement.
- Whilst this Society has long advocated a South East Relief Road for Banbury, we have long objected to any A422 to Overthorpe Road link road to the east of the M40.
- If we are to ever accept this A422 to Overthorpe Road link road, it has to be: only as part of a full South East Relief Road (from Bankside to Jct 11) that meaningfully relieves congestion in the town centre, and only if Huscote Farm and the Nethercote fields are protected in perpetuity from intrusive built development;
- We would thus maintain our objection to OCC's proposed mitigation of the A422 to Overthorpe Road link road, until it can be shown:
  - 1) That traffic modelling demonstrates that the A422 to Overthorpe Road link road will have any useful effect on congestion and air-quality on Hennef Way;
  - 2) That traffic modelling can be shown to demonstrate that OCC's proposed mitigation (including the A422 to Overthorpe Road link road) will be adequate to mitigate all transport impacts of the proposed development; and
  - 3) That the capacity of Hennef Way and Jct.11 cannot be improved by other means, for example, doughnutting the Wildmere / Ermont Way and Jct.11 roundabouts and adding lanes, as has been done to very useful effect on Oxford's southern bypass.

6.15. Oxfordshire County Council as Local Lead Flood Authority objected to the proposal on grounds that the applicant had failed to demonstrate through its FRA and a Surface Water Management Plan that the proposals would not increase the risk of surface water flooding.

6.16. Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) objected to the proposal on the following grounds:

- Application does not provide adequate evidence of a net gain in biodiversity;
- The importance of a net gain in biodiversity being in perpetuity;
- Loss of or damage to hedgerow priority habitat contrary to the NPPF and Cherwell Local Plan;
- Loss of ridge and furrow grassland;
- Buffer zones and management of hedgerows required in order to achieve biodiversity net gain;
- Insufficient evidence that populations of farmland bird species (42 species noted, including two red-data species) would be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2017 (as amended).

6.17. Cherwell District Council Environmental Health Officer – following comments received.

- Air Quality – The methodology and findings of the assessment are accepted. Paragraph 10.5.3 of the report recommends that offsetting measures should be considered. A Damage Cost Calculations Assessment, to put into monetary terms the impact of the proposed development on air quality, should therefore be submitted which should include details of the appropriate off-setting measures based on the outcome of the assessment.
- Light – No assessment has been submitted but will be required. This could be submitted prior to approval or conditioned on any consent granted.
- Land Contamination – The methodology and findings of the Preliminary Geo-Environmental Risk Assessment are accepted. Further intrusive investigation is however required as recommended in section 4.0 Conclusions & Recommendations, and it is therefore recommended that the following conditions be attached to any consent granted:
  - Land Contamination Intrusive Investigation
  - Land Contamination Remediation Scheme
  - Land Contamination Remediation Works
  - Unexpected Land Contamination
- Noise – The methodology and findings of the assessment are generally accepted, although further clarification/assessment is required.
  - Operational Phase – Potential noise sources are considered in Appendix 11.6, however it is not clear if all potential noise sources associated with B8 use have been considered, for example reversing beepers as the site will operate 24/7. The last paragraph on page 3 of Appendix 11.6 references Tables 7.6-2 through Table 7.6-4, I'm assuming this is a typo and should read 11-6.4?
  - Construction Phase – The control of noise and dust to be in accordance with an approved Construction Environmental Management Plan (CEMP) via condition.

6.18. Cherwell District Council Ecology – Following comments received:

- In general, an appropriate Ecological assessment has been carried out at the site. There are however a number of ecological issues;

- Great crested newts have not been considered to the satisfaction of the newt officer and further information on great crested newts should be submitted;
- A licence is required for bats and, should permission be granted, would need to be conditioned due to the presence of roosts in some of the buildings impacted;
- A full lighting strategy is required which should be designed with the need to protect nocturnal wildlife in mind using guidance from the Bat Conservation Trust and ILP;
- A CEMP for biodiversity would be required to be conditioned to demonstrate how retained vegetation and protected and priority species would be protected during construction. This should include a clear plan of Ecological protection zones, details of ECoW supervision and the need for updated surveys where relevant;
- Updated ecological surveys will be required should more than two years elapse since the submitted PEA and commencement of any works;
- A badger survey will be required prior to commencement of works and full details of any and all mitigation required submitted for approval;
- The site has a very large footprint with a number of farmland birds, including red list species holding territory and therefore potentially impacted by the development. I do not entirely agree with the Ecological appraisal that conditions will be better for these birds following construction. I would refer you to BBOWTs full outline of the issue within their comments. There appears to be additional land in the applicant's ownership to the South which could be used for a specific farmland bird mitigation site and this should be considered;
- The applicants have submitted a BIA metric. This has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which is more realistically achieved (but means the net gain demonstrate is significantly less). I don't think the illustrative landscape masterplan has been updated to reflect this;
- I concur with BBOWT that it would be prudent for the site to be considered on a field-by-field basis in terms of the metric and determining condition. Currently the whole 61ha of grassland is all put together and it seems unlikely that the condition would not vary at all within this large area and this would lead to an underestimate of current value which would likely result in a net loss to wildlife under current plans. Our records suggest that one of the fields in particular may be of greater value being highlighted as potentially Priority grassland;
- A full LEMP demonstrating how the net gain proposed will be achieved, monitored and secured ongoing would be required. This should commit to achieving a net gain in biodiversity of at least 10% in both linear and area based habitats. It should include an updated BIA which considers the land area on a field-by-field basis, showing how each habitat will be created, enhanced and maintained. It is not clear to me whether the grassland to the South and East is intended for amenity use. If so there should be large areas reserved where public access is discouraged otherwise the biodiversity value will be much reduced;
- There should be provision on site for biodiversity enhancements such as log piles, hibernacula, bat and bird boxes and importantly features integrated into the buildings themselves to ensure their retention for the lifetime of the development;
- The feasibility of green roofs and walls on site should be considered and included wherever possible.

6.19. Oxfordshire Newt Officer (NatureSpace) – Subject to conditions (Precautionary Working Methods).

- The proposed development is in the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is potentially suitable habitat and a high likelihood of great crested newt presence;
- There is reasonably good connectivity between the application site and the wider landscape;
- Due to the presence of potential habitat being affected by the development, there is reasonable risk that great crested newts could be affected by the development.

6.20. Oxfordshire County Council's Archaeologist commented as follows:

- The site lies in an area of archaeological interest, including well-preserved ridge and furrow earthworks across the proposal site. The background of the site was explored in a Heritage Desk Based Assessment (Pegasus 2022). An archaeological evaluation was carried out on the site by Cotswold Archaeology (2023), following on from a geophysical survey, and the approved reports for this work have been submitted with the application (ES Appendices 6.1-3). The evaluation recorded ridge and furrow features, field boundaries and a pond or extraction pit. These features were of a Medieval and post-Medieval or Modern date, with the only prehistoric and Roman evidence coming from one and two sherds of pottery respectively, which were recovered from later features and the topsoil. The site has been in agricultural use since the Medieval period. The precise date of the construction of Huscote Farmhouse is unknown.
- The Cultural Heritage chapter of the Environmental Statement proposes that a topographic recording scheme will be carried out so the ridge and furrow features will be recorded fully. This should form part of a staged programme of investigation.
- Condition – Archaeological Written Scheme of Investigation.
- Condition – Staged programme of archaeological evaluation and mitigation.

6.21. The Environment Agency commented on the proposal and stated that whilst they had no objections to the principal of the proposal, connection to mains foul drainage was not feasible. They advised that Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer;
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation);
3. Septic Tank.

6.22. The District Council's Land Drainage Officer commented as follows:

- No comments or objections at this outline stage, subject to there also being none from the LLFA. The applicant has shown there is no existing material flood risk on the site and has proposed an acceptable means of surface water drainage in principle which follows the SuDS hierarchy and appears to be consistent with the local Oxfordshire standards.

6.23. OCC Building Control – The development will require Full Plans Building Regulations applications.

6.24. Thames Valley Police stated that there was insufficient information provided to support this application in its current form, and therefore must object. The objection from Thames Valley Police may be addressed by the submission of additional documentation and information to address the following points. In addition, should this application be approved, the following, or similarly worded conditions should be imposed:

- Condition 1 - Prior to commencement of development, an application shall be made for Secured by Design Silver accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority;
- Condition 2 - Prior to commencement of development, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting, particularly around parking areas, promotes a secure environment and does not cause a nuisance to local residents.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1 Section 38(6) of the Planning & 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 2 of the National Planning policy Framework (NPPF) makes clear that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.

7.2 The Development Plan for Cherwell consists of the Cherwell Local Plan 2011-2031 Part 1, which was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. This Plan replaced several previously ‘saved’ policies in the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. On 7th September 2020, the Council adopted the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, and it too forms part of the Development Plan, although it is not relevant to these application/appeal proposals because it only relates to development around Kidlington and neighbouring villages, on the northern edge of Oxford.

7.3 The full list of relevant planning policies in Cherwell District’s statutory Development Plan is as follows, had the Council been able to have made a determination on the application.

Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1):

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment development
- SLE2 – Securing dynamic Town Centres
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating & Adapting to Climate change
- ESD3 – Sustainable construction
- ESD6 – Sustainable flood risk management

- ESD7 – SuDS
- ESD10 – Protection & Enhancement of Biodiversity & the Natural Environment
- ESD13 – Local landscape protection and enhancement
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure Cherwell

Local Plan 1996 Saved Policies (CLP 1996):

- TR1 – Transportation funding
- C1 – Protection of sites of Nature Conservation Value
- C2 – Development affecting Protected Species
- C7 – Landscape Conservation
- C8 – Sporadic development in the open countryside
- EMP4 – Employment generating development in the Rural Areas Page 211
- ENV1 – Development likely to cause detrimental levels of pollution
- EN7 – Development affecting water quality

#### 7.4 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell DC's Banbury Vision and Masterplan Supplementary Planning Document (SPD)
- Cherwell DC's Developer Contributions SPD February 2018
- EU Habitats Directive

## 8. APPRAISAL

### 8.1. The key issues for consideration in this case are:

- Principle of Development
- Landscape/impact on the Character of the Area
- Heritage Impact
- Ecology Impact
- Economic Impact
- Highway Impact
- Air Quality Impact
- Flooding and Drainage Impact
- Infrastructure Contributions

#### Principle of Development

8.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

8.3. As such, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011-2031. These policies are considered up-to-date and includes the allocation of sites for employment purposes to meet the District's needs. As such, paragraph 11 of the NPPF is not engaged in this instance. Therefore, full weight is applied to the relevant policies within the Local Plan.



- 8.4. Policy SLE1 of the Cherwell District Local Plan outlines the strategic vision for the provision of new employment development within the District. Also contained within the Local Plan are site specific policies allocating land for employment purposes. Each policy sets out the type of employment development that is required for each site, and cumulatively these allocations provide sufficient employment development opportunities to meet the identified needs of the District until 2031.
- 8.5. In this case, the application site is not allocated within the adopted Local Plan and sits outside of the built envelope of Banbury town, in open countryside to the east of the M40 motorway. It is noted that the site was promoted previously when a 'call for sites' exercise was undertaken in a previous draft iteration of the Local Plan but was not brought forward and the site remains unallocated.
- 8.6. The Inspector stated at that time that, amongst other matters, that only land west of the A361 (i.e., not the current application site) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site as this would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality. On this basis, the authority can see no reason, through the evidence submitted to depart from the Inspector's previous findings.
- 8.7. Furthermore, the latest Annual Monitoring Report (AMR) shows that there is existing employment land available at both Banbury and Bicester within allocated sites, including vacant B8 floorspace at Frontier Park, opposite the application site. Therefore, until such time where the existing capacity within allocated sites has been exhausted and there is a robust and unequivocal evidential need for further employment land, speculative site proposals are unlikely to be supported.
- 8.8. On this basis it is not considered that the principle of development can be supported in this case and is therefore recommended for refusal on the basis of it being an unallocated site in an inappropriate location where there is no evidence of need.

#### Landscape Impacts

- 8.9. Policy ESD 13: Local Landscape Protection and Enhancement Opportunities within the Cherwell Local Plan 2011-2031 Part 1 will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. 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; Cause undue harm to important natural landscape features and topography; Be inconsistent with local character; and Impact on areas judged to have a high level of tranquillity.
- 8.10. The Site has two distinct topographical characters which together influence the character of the site and the wider landscape context. The main area of the Site falls gently to the west and northwest with local undulations. This land lies at approximately 100m AOD to 110m AOD. To the east the Site ascends quickly to form a local ridge which extends up to 160m AOD beyond the eastern boundary of the site.

- 8.11. The proposed development lies within the gently rolling, limestone hills and valley landscape of the 'Northamptonshire Uplands' National Character Area 95 (NCA). At a county level the Site is across the 'Clay Vale' and 'Upstanding Village Farmlands' landscape character type, as set out in the Oxfordshire Wildlife and Landscape Study. The Clay Vale landscape is associated as a flat, low-lying landform with small pasture fields, many watercourses and hedgerow trees and well-defined nucleated villages. The Upstanding Village Farmlands landscape is associated with elevated landform, with a strong pattern of hedgerows and nucleated villages; this is consistent with the western part of the Site where the topography rises to form a prominent slope.
- 8.12. The site consists of open, agricultural land with field hedges and trees that contribute to its rural character. The land has no rare or valuable attributes and does not form part of a valued landscape with reference to NPPF paragraph 180. The change in topography from west to east is a feature of the site and marks a transition from the settled vale adjoining Banbury to the more deeply rural landscape to the east. The landscape of the site reflects published characteristics of the local landscape character types but the immediately adjoining urban edge, employment land and highway infrastructure are also key features of the local landscape, reflecting the site location on the edge of the wider urban area. The applicant suggests that the site creates a transitional area of land between the present urban edge and the more deeply rural landscape to the east.
- 8.13. The applicant has indicated that the sensitivity of the site has been assessed in the Cherwell District Council Banbury Landscape Sensitivity Assessment prior to the construction of the Frontier Park employment land to the immediate west of the Site. The assessment identified a generally medium sensitivity to the landscape and a medium high sensitivity to the visual sensitivity. They consider that this baseline has now been changed due to the influence of the adjoining Frontier Park employment development and that the overall residual landscape and visual harm arising from their development would be less than significant due to the illustrative landscape strategy for mitigation and its potential to contain detrimental effects to the site.
- 8.14. However, it is noted that the Inspector stated at the time the application site was put forward for inclusion within the updated Local Plan, that amongst other matters, that only land west of the A361 (i.e., not the current application site) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site as this would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality. On this basis, the authority can see no reason, through the evidence submitted to depart from the Inspectors previous findings with particular reference to landscape and visual harm.
- 8.15. The submission states that the site creates a transitional area of land between the present urban edge and the more deeply rural landscape to the east. The CPRE considers this not to be the case with the view put forward that it is in fact contiguous with and an integral part of the rural landscape running east from the site into West Northamptonshire. Furthermore, the sensitivity of the site has been assessed in the Cherwell District Council Banbury Landscape Sensitivity Assessment prior to the construction of the Frontier Park employment land to the immediate west of the site. The assessment identified a generally medium sensitivity to the landscape and medium high sensitivity to the visual sensitivity. They consider that this baseline has now been changed due to the influence of the adjoining employment development. However, no evidence has been put forward to make this assertion regarding the baseline change, a view shared by CPRE.

- 8.16. As a further comment on the visual aspects of the proposal, the applicant states that their development proposals are in outline and consist of a number of large scale-built forms to accommodate employment uses. These are to be set within a layout that would retain structural hedgerows and trees and avoid much of the ascending landforms found to the east of the land parcel. At this stage the proposal is in outline form and the site layout is indicative only and would be determined at any reserved matters stage. The applicant maintains that this approach incorporates inherent mitigation that could assist with limiting the potential for significant landscape and visual harm.
- 8.17. The application indicates that the heights of the proposed warehouse structures would be a combination of 19m (62.7ft) and 24m (79ft) high. These are significantly higher than the constructions on Frontiers Park which at 17m (56.1ft) and 15m (50ft) and are already highly prominent in the landscape to the west of the A361. The envisaged mitigations would, in your Officer's opinion, be dwarfed by the proposed development, which would obscure viewing of the upper reaches of the site from any conceivable angle of view for miles around, which would not be supported.
- 8.18. On this basis, it is considered that the application has failed to demonstrate through the submission of a sufficiently detailed Landscape and Visual Impact Assessment that the proposals would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

#### Heritage / Archaeology Impacts

- 8.19. Policy ESD 15: The Character of the Built and Historic Environment within the Cherwell Local Plan 2011-2031 Part 1 states that new development proposals should: Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. It should also provide Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.20. The archaeological potential of the Site has been considered in a Desk-Based Assessment. This concluded that there is some potential for Romano-British archaeology within the site relating to the low-intensity settlement and agricultural activity recorded on land immediately to the west. The assessment, taking a precautionary approach, considers that such remains would be of low value, at most and that the loss of such remains would be high as a result of groundworks associated with the development proposal.
- 8.21. Oxfordshire County Council's Archaeologist has been consulted on the proposal and commented that the site lies in an area of archaeological interest, including well-preserved ridge and furrow earthworks across the proposal site. The background of the site was explored in a Heritage Desk Based Assessment (Pegasus 2022). An archaeological evaluation was carried out on the site by Cotswold Archaeology (2023), following on from a geophysical survey, and the approved reports for this work have been submitted with the application (ES Appendices 6.1-3). The evaluation

recorded ridge and furrow features, field boundaries and a pond or extraction pit. These features were of a Medieval and post-Medieval or Modern date, with the only prehistoric and Roman evidence coming from one and two sherds of pottery respectively, which were recovered from later features and the topsoil. The site has been in agricultural use since the Medieval period. The precise date of the construction of Huscote Farmhouse is unknown.

- 8.22. The applicant goes on to state that the Cultural Heritage chapter of the Environmental Statement proposes that a topographic recording scheme will be carried out so the ridge and furrow features will be recorded fully. OCC Archaeology states that this should form part of a staged programme of investigation which can be secured by planning conditions to secure an Archaeological Written Scheme of Investigation and a staged programme of archaeological evaluation and mitigation.

#### Ecology Impact

- 8.23. Paragraph 180 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.
- 8.24. Paragraph 186 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.
- 8.25. 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.
- 8.26. This policy is 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.
- 8.27. Saved policy C2 contained within the Cherwell Local Plan 1996 states that development which would adversely affect any species protected by schedule 1, schedule 5 and schedule 8 of the 1981 Wildlife and Countryside Act and by the E.C. Habitats Directive 1992 will not normally be permitted.
- 8.28. 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.
- 8.29. 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.

- 8.30. The north-east part of the site contains a NERC Act S41 Habitat site (as per the Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's unmet Housing Need, September 2020). This part will remain undeveloped with a substantial buffer around it, which would provide opportunities for habitat and biodiversity enhancements.
- 8.31. An Ecological Impact Assessment has been undertaken with a desk-based assessment undertaken to identify records of protected and/or notable habitats and species, and designated nature conservation sites in the vicinity of the site and has been provided within the Environmental Statement. The assessment states that, based on the data gathered, during the construction phase and without mitigation there is potential for significant negative effects at the site to a local level in relation to pollution events, loss of habitats and effects on species such as amphibians, reptiles, birds, bats and small mammals and invertebrates. It then goes on to state that at the operation stage, the proposed development would establish new created habitats including enhanced grassland, species-rich hedgerows, native trees, new ponds, native woodland and an orchard, all of which would be positive, permanent and of significance at up to a local level with the inclusion of mitigation measures secured by planning condition through a LEMP and CEMP.
- 8.32. Oxfordshire's Newt Officer has requested conditions to secure safe working methods. The development falls within the amber impact risk zone for great crested newts with such impact risk zones derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence and there are 14 ponds within 500m of the development proposal (5 within the site) and there is direct connectivity between the development and surrounding features in the landscape.
- 8.33. Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable protected species/ecological survey and proposed mitigation strategy means that it has not been demonstrated that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.
- 8.34. The authorities Ecology Officer has assessed the submission and has stated that generally an appropriate ecological assessment has been carried out at the site. However, they go on to state that there are several ecological issues that have yet to be addressed. Great crested newts have not been considered to the satisfaction of the Newt Officer and further information on great crested newts should be submitted as discussed above.
- 8.35. The applicants have submitted a BIA metric. The Ecologist has noted that this has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which whilst considered to be more realistically achievable it does mean that the net gain demonstrated is significantly reduced and this has not been reflected in the current illustrative landscape masterplan. Therefore, at this stage the authority is unable to fully ascertain what level

of biodiversity net gain would be achieved and therefore the application is recommended for refusal on this basis.

- 8.36. It has also been noted in the comments and objections raised by third parties that a large number of trees that are subject to Tree Preservation Orders (TPO) are located on site with several to be lost as part of the proposal. The Authority has assessed the proposal and it is noted that up to 40 no. trees comprising a variety of species, including Oak trees, are located across the site and would highly likely be removed to facilitate the development proposal. Few details have been provided regarding the loss of these trees as the site is subject to an outline proposal with layout determined at a later stage. As a result of this, the potential loss of trees could be much greater than currently predicted, either through tree loss or degradation of trees to the retained during construction and operation phases. On this basis, it is considered that the Authority does not have sufficient information to adequately assess such impacts, or the justification provided for such potential impacts in relation to protected trees. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1 and the National Planning Policy Framework.
- 8.37. Natural England have been consulted on the proposal and have raised an objection due to a lack of an Agricultural Land Classification survey (ALC). As submitted, the application site could have potential significant effects on Best and Most Versatile (BMV) Agricultural Land as the proposal is assessed in the context of national planning policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 180 of the National Planning Policy Framework.
- 8.38. Based on information available from Natural England records, they have stated that they believe that a significant area of BMV land could be affected by the proposed development, and it appears that the proposed development comprises approximately 66.15ha, a significant proportion of which is agricultural land, which may be classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Without the submission of such an assessment, Natural England and the local planning authority are unable to assess the proposal in accordance with the remit outlined in paragraph 180 of the NPPF. As such, the proposal is recommended for refusal on this basis.

#### Economic Impact

- 8.39. Policy PSD1 contained within the Cherwell Local Plan 2011-2031 Part 1 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 Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 8.40. Policy SO1 seeks to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries whilst policy SO6 seeks to accommodate new development so that it maintains or enhances the local identity of Cherwell's settlements and the functions they perform.
- 8.41. Policy Banbury 7: Strengthening Banbury Town Centre contained within the Cherwell Local Plan 2011-2031 seeks to maintain and improve the vitality and viability of the town centre offering with an emphasis on the town centre being accessible, and by a variety of transport options.

- 8.42. Officers have significant concerns that the further development around Junction 11 of the M40 in the form and scale proposed would add to the severe congestion experienced. Junction 11 of the M40 is a key arterial route that serves the town of Banbury from the north and east. Increasing congestion at the junction would render both the town centre and the edge of town retail and employment land offerings comparatively less attractive as destinations thereby reducing the town's sustainability. Such concerns have not been addressed through the submission of the current planning application. It is acknowledged however, that the development proposal would create several economic benefits during the build phase and once it is operational. There would be a significant number of on-site jobs created (estimated by the applicant to be approximately 1,100).
- 8.43. However, whilst the creation of employment opportunities could be supported, this should not be at the expense of the town's continued operation, its attractiveness and sustainability. As such, the proposal is recommended for refusal on the basis that it fails to adequately assess the economic impacts upon the town of Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic on the strategic and local highway network. The proposal is therefore contrary to policies SEL1 and SEL2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.

#### Highway Impact

- 8.44. Policy SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 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. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 8.45. Saved policy TR1 contained within the Cherwell Local Plan 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, additional public transport facilities or other transport measures that would be required as a consequence of allowing the development to proceed will be provided.
- 8.46. The only significant difference, in transport terms, between this application and the previously withdrawn 22/01488/OUT application and appeal, is a revised Transport Assessment. This is primarily due to a new VISSIM analysis model having been commissioned and used to determine the impact of the generated traffic on the local highway network which OCC Highways and National Highways have had an opportunity to assess.
- 8.47. The proposal would require additional infrastructure and amendments of the existing highway network on the A361 Daventry Road and the Junction 11 M40 roundabout itself to facilitate the development. However, a full assessment of the proposal and the mitigation required has yet to be agreed between the highway authorities, relevant stakeholders and the applicant.
- 8.48. An objection has been made by OCC Highways on the following grounds:

- a) The site is in an unsustainable location for walking and cycling – The site is located in an area with limited footways, particularly along the A361 Daventry Road and limited opportunities to cycle across the M40 Junction 11 roundabout.
- b) The primary access would be a three-arm roundabout located just a little over 100m from the A361 exit on to the Junction 11 roundabout. This proximity is likely to cause occasional severe congestion issues.
- c) Any further development around Junction 11 of the M40 will add to the severe congestion and air quality problems on the A422, particularly along Hennef Way – this development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements – No information has been provided by the applicant to address this issue.
- d) The County Council is concerned about the lengths of proposed straight road that would encourage speeding. New residential developments in Oxfordshire must be designed for 20mph (ref. Decisions by the County Council, 8 December 2020). Although there are likely to be fewer pedestrians than on a typical residential street, there will be on-carriageway cyclists (unless a network of cycle routes is designed in) and a high proportion of HGVs. Therefore, consideration must be given to designing the street layout to restrict speeds to appropriate levels.
- e) The VISSIM models need to be updated, such as the inter-green used for signalised pedestrian crossings in the models needs to be properly measured or obtained from signal specifications, that saturation flow calibration should take place and that the method of signal control should reflect that in operation as per the next paragraph. In addition, the following issues have been identified and should be resolved:
- The drawings show at the end of the TA still contain an issue that was raised for the previous application in that the lane allocations shown at the new stop line for the A361 signalised node indicate two lanes ahead for Brackley on the A422. The M40 southbound off-slip currently allocates only the nearside lane towards the A422 Brackley. Therefore, the drawing needs to be changed so that the middle lane can be used for both ahead and right turning traffic to match the downstream lane allocations.
  - PCMOVA should be used in the updated VISSIM models to replicate the MOVA operation at M40 Junction 11 for the Base and Reference Case scenarios. Saturation flow calibration / validation is also recommended to be carried out at signalised junctions for the base model validation.
  - The demand dependency at signalised pedestrian crossings should be calibrated / validated as this would affect the journey time validation.
  - Extension of any entry links where latent demand is reported. This allows all the demand to enter the network, and then the full actual delay will be captured.
  - In terms of the updated modelling results, junction performance outputs should be produced including volumes, queues, delays and LOS by turning movement and discussed in the modelling reports.
  - Based on the current modelling results, the proposed mitigation by adding signals at the A361 in the DS scenarios does not result in lower delays than the Reference Case, particularly in the PM peak.
- f) Based on the current modelling results, the proposed signalisation of the A361 does not mitigate the impacts of development.
- g) It has not been demonstrated that a signalised crossing of the A361 for pedestrians and cyclists may be incorporated at a safe and suitable location, and an appropriate access into the site is not proposed.



- 8.49. The objections raised above outline that a variety of factors that are considered fundamental to the appropriateness of the site for development have not been satisfactorily addressed and the HA objection is maintained.
- 8.50. Furthermore, given the site's location and access arrangements from the M40 J11 roundabout the proposal would give rise to impacts upon the Strategic Highway network. As such, National Highways have been consulted on the proposal and have placed a holding objection to the proposal which is currently in place until March 2024. National Highways has reviewed the most recently submitted information contained in a Transport Assessment and also a Transport Assessment Addendum. The review identified a number of recommendations which need to be addressed in order for National Highways to fully understand the impact of the development on the Strategic Road Network, hence the imposition of the current holding objection.
- 8.51. On this basis, the development is not currently considered acceptable in terms of highway impacts with a lack of information provided to assess the overall development. OCC Highways and National England have raised objections to the current submission and consider that it would therefore fail to provide safe access to the site and would fail to comply with Policy ESD15 of the CLP 2015 and Government guidance contained within Section 9 of the NPPF.

#### Air Quality

- 8.52. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.53. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
- 8.54. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 8.55. The Site does not lie within an Air Quality Management Area (AQMA). However, the closest AQMA is Cherwell District Council AQMA No.1, located approximately c.540m to the west of the Site. The designated area incorporates Hennef Way between the junctions with Ermont Way and Concorde Avenue which leads to the roundabout at Junction 11 of the M40.
- 8.56. There is already severe traffic congestion leading into the M40 Junction 11 gyratory along the A422 at Hennef Way from Banbury town centre and across the Wildmere Road/Ermont Way roundabout junction, some 300m west of the gyratory. The congestion is so severe and regular that Hennef Way has been designated an Air Quality Management Zone such is the poor air quality in the area. The proposed development would inevitably add to traffic volumes and congestion in the locality and would therefore likely exacerbate air quality problems. The submission has thus far failed to demonstrate how such detrimental impacts could be satisfactorily mitigated. Consequently, the proposal would be contrary to the Development Plan policies ESD1, ESD10 and ENV1 and paragraph 192 of the NPPF.

## Drainage and Flooding Impacts

- 8.57. Policy ESD 6: Sustainable Flood Risk Management within the Cherwell Local Plan 2011-2031 Part 1 states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding. Site specific flood risk assessments will be required to accompany development proposals of 1 hectare or more located in flood zone 1.
- 8.58. Policy ESD 7: Sustainable Drainage Systems (SuDS) states that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.
- 8.59. Policy ESD 8: Water Resources states that the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted. Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.
- 8.60. Saved policy ENV7 contained within the Cherwell Local Plan 1996 states that development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.
- 8.61. The site is in Flood Zone 1 with a low risk of flooding but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required for assessment. The provision of such has not been submitted with an outline assessment provided.
- 8.62. OCC as Local Lead Flood Authority (LLFA) have assessed the submission and have objected. LLFA advise that as part of this application, a full drainage strategy including drawings and calculations are required to fully assess the proposal, which have not been provided to date.
- 8.63. The Environment Agency have also commented upon the proposal and have stated that whilst they have no objections to the proposal, connection to mains foul drainage is not feasible and therefore other options would need to be considered in conjunction with the hierarchy of drainage options outlined within Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water

quality – considerations for planning applications, paragraph 020). This has not been done to date.

- 8.64. Having regard to the above, it is considered that the application fails to comply with Policies ESD6 and ESD10 of the CLP 2015 and Government guidance within the National Planning Policy Framework and therefore would warrant a reason for refusal.

#### Planning Obligations

- 8.65. The Council's approach to infrastructure planning in the District seeks to identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by: Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure; Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery; and Completing a Developer Contributions SPD to set out the Council's approach to the provision of essential infrastructure including affordable housing, education, transport, health, flood defences and open space. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 8.66. The proposal would seek to provide up to 140,000sqm of commercial floorspace. Given the scale of the development, the Planning Obligations SPD specifies a minimum requirement to provide employment and training opportunities. In this case it equates to 3 no. Apprenticeships per 1,000sqm of floor space provided. As such, the proposal would need to provide a minimum of 420 apprenticeships through the provision of an Employment, Skills and Training Plan which would be secured through a S.106 agreement.
- 8.67. In this case the proposed development would require significant highway improvement works along the A361 and M40 J11, which OCC Highways have outlined the below figures for mitigation works on the basis that such works would not give rise to adverse highway impacts elsewhere in the locality as further assessment and modelling is yet to be undertaken. Furthermore, OCC outline the following works which would also be required:

- Other obligations:
  - Off-site highway works
    - A signalised crossing of the A361;
    - Widening of the A361 to incorporate a right-turn filter lane at the priority junction access;
    - Modifications to the alignment of the A361 at the roundabout access;
    - Other mitigation works as may be necessary, including sections of cycletrack alongside the A361.
  - On site highway works
    - Two new vehicular access points to the A361.

Plus:

- £970,709 – Highway Improvement Scheme to relieve congestion on Hannef Way;
- An as yet unspecified amount – Delivery of an A422 to Overthorpe Road link road (or similar mitigation);
- £600,000 – To establish bus service connection to the site;
- £34,210 – Travel Plan Monitoring; and
- Amount TBC – Admin fee.

8.68. These mitigation measures which have yet to be agreed, would all need to be secured through a S.106 agreement (Appendix A). However, in the absence of a satisfactory S.106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to policy INF 1 of the Cherwell Local Plan 2015, its Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1. 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 normally refused unless outweighed by other material considerations.

9.2. In terms of this application, it is not considered that the principle of development can be supported in this case and is therefore recommended for refusal on the basis of it being an unallocated site in an inappropriate location and is contrary to Policy SLE1 of the CLP and Government guidance within the NPPF.

9.3. The development is also not currently considered acceptable in terms of highway impacts with a lack of information provided to properly assess the development. OCC Highways and Highways England have both raised objections to the current submission on the grounds that it would likely increase traffic congestion and fail to provide safe access to the site. The proposal would therefore fail to comply with Policy ESD15 of the CLP 2015 and Government guidance within the NPPF.

9.4. The application site is located just west of an existing Air Quality Management Zone and the proposal as submitted fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.

9.5. The proposal fails to adequately assess the economic impacts upon the town of Banbury, specifically the attractiveness, vitality and viability of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic on the strategic and local highway network. The proposal is therefore contrary to policies SEL1 and SEL2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.

9.6. In terms of flood risk and drainage, the site lies in Flood Zone 1 and is therefore at low risk of flooding. However, OCC as Local Lead Flood Authority have objected to the proposal on the grounds of lack of detail and information. To date this objection has not been resolved and therefore the proposal is contrary to policy ESD6 and ESD10 of the CLP 2015 and Government guidance within the National Planning Policy Framework.

9.7. The application has failed to demonstrate through the of submission of a robust Landscape and Visual Impact Assessment that the proposals would not cause

substantial landscape harm to the undeveloped rural character and appearance of the site and its surroundings when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is deemed contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

- 9.8. The submission includes the provision of a BIA metric. CDC's Ecologist has noted that this has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which whilst considered to be more realistically achievable would mean that the net gain demonstrated is significantly reduced and this has not been reflected in the current illustrative landscape masterplan. Therefore, at this stage the authority is unable to fully ascertain what level of biodiversity net gain could be achieved.
- 9.9. In the absence of an appropriate protected species survey the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species would not be harmed by the development and as such the proposal does not accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
- 9.10. The proposal would likely result in the loss of a substantial number of trees that are subject to Tree Preservation Orders (TPO) for which no justification or replacement has been provided. As such, the proposal fails to accord with Policy EDS10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
- 9.11. It is considered likely that a significant area of BMV land could be affected by the proposed development. The proposed development comprises approximately 66.15ha, a significant proportion of which is agricultural land, which may be classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Without the submission of an Agricultural Land Classification survey (ALC) the LPA is unable to assess the proposal in accordance with the remit outlined in paragraph 180 of the NPPF. As such, the proposal is recommended for refusal on this basis.
- 9.12. In terms of Planning Obligations, a section 106 has not yet been agreed and drafted, and the issue of the viability of the development in terms of infrastructure contributions has not been resolved either. A reason for refusal relating to the lack of a completed Section 106 is therefore also recommended.

## **10. RECOMMENDATION**

### **THAT THE COMMITTEE REFUSE THE APPLICATION FOR THE REASONS SET OUT BELOW:**

1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local

Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework.

2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. The application site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
4. The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
5. Any further development around Junction 11 of the M40 would add to the severe congestion and air quality problems on the A422, particularly along Hennef Way. This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
6. Safe and suitable operation of affected highway junctions has not been demonstrated by use of a suitable analysis tool. It has been agreed with the Appellant's transport consultant and National Highways that microsimulation modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without agreed results of such analysis and resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The

proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

8. The site is located close to and west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
10. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire", policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
11. The application has failed to demonstrate through the submission of a robust Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site and its surroundings when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.
12. The application has failed to demonstrate, through the submission of an Agricultural Land Classification (ALC) Assessment, the impacts of the proposal upon potentially best and most versatile agricultural land. Without the submission of such an assessment, the Local Planning Authority is unable to assess the proposal in accordance with the remit outlined in paragraph 180 of the NPPF.
13. The application has failed to adequately demonstrate that development would not harm existing flora and fauna and that ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the local green infrastructure network. As such the proposal fails to accord with policies ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

14. In the absence of an appropriate protected species survey, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. In the absence of a satisfactory Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

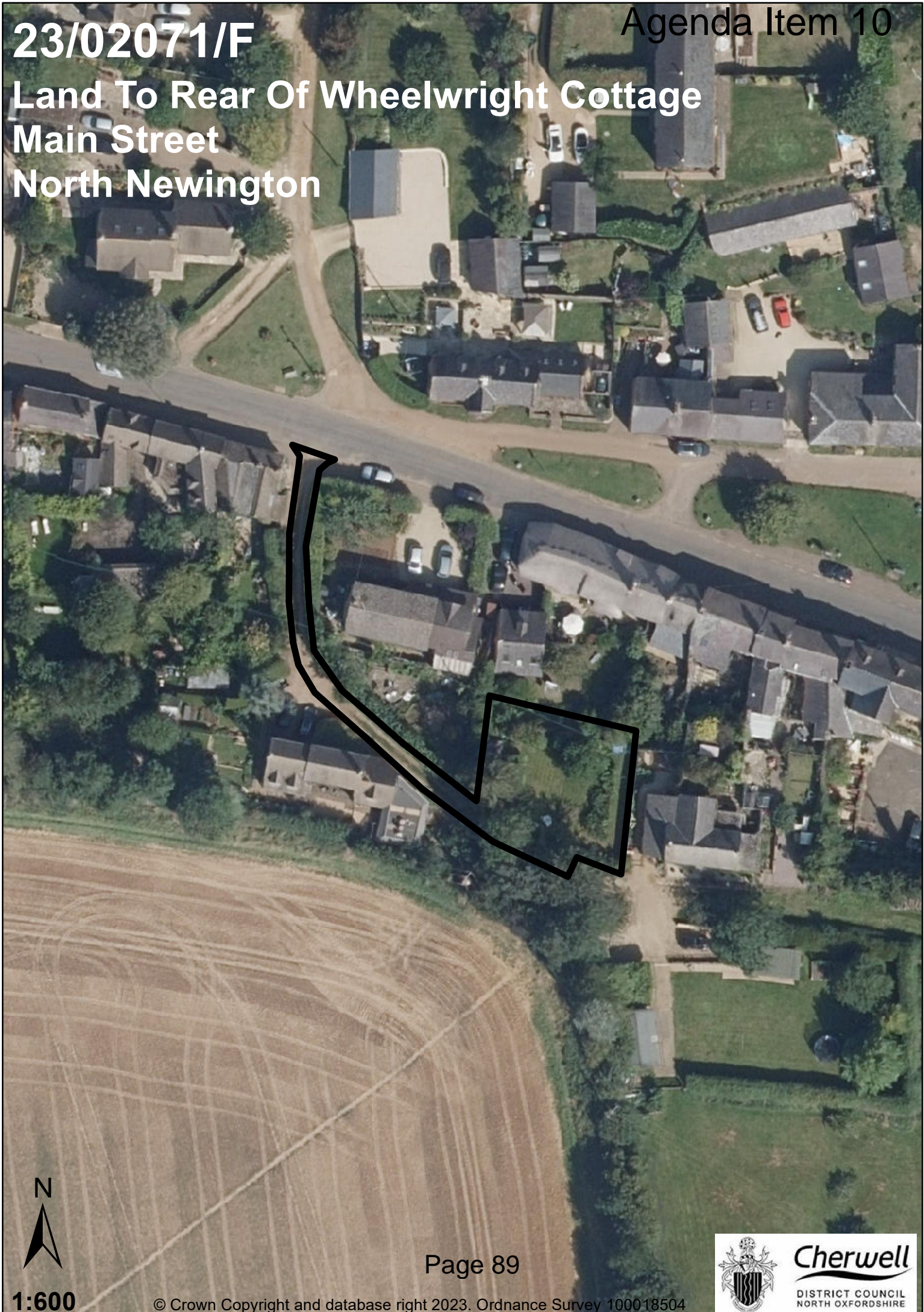
Case Officer: Chris Wentworth

---



23/02071/F

Land To Rear Of Wheelwright Cottage  
Main Street  
North Newington

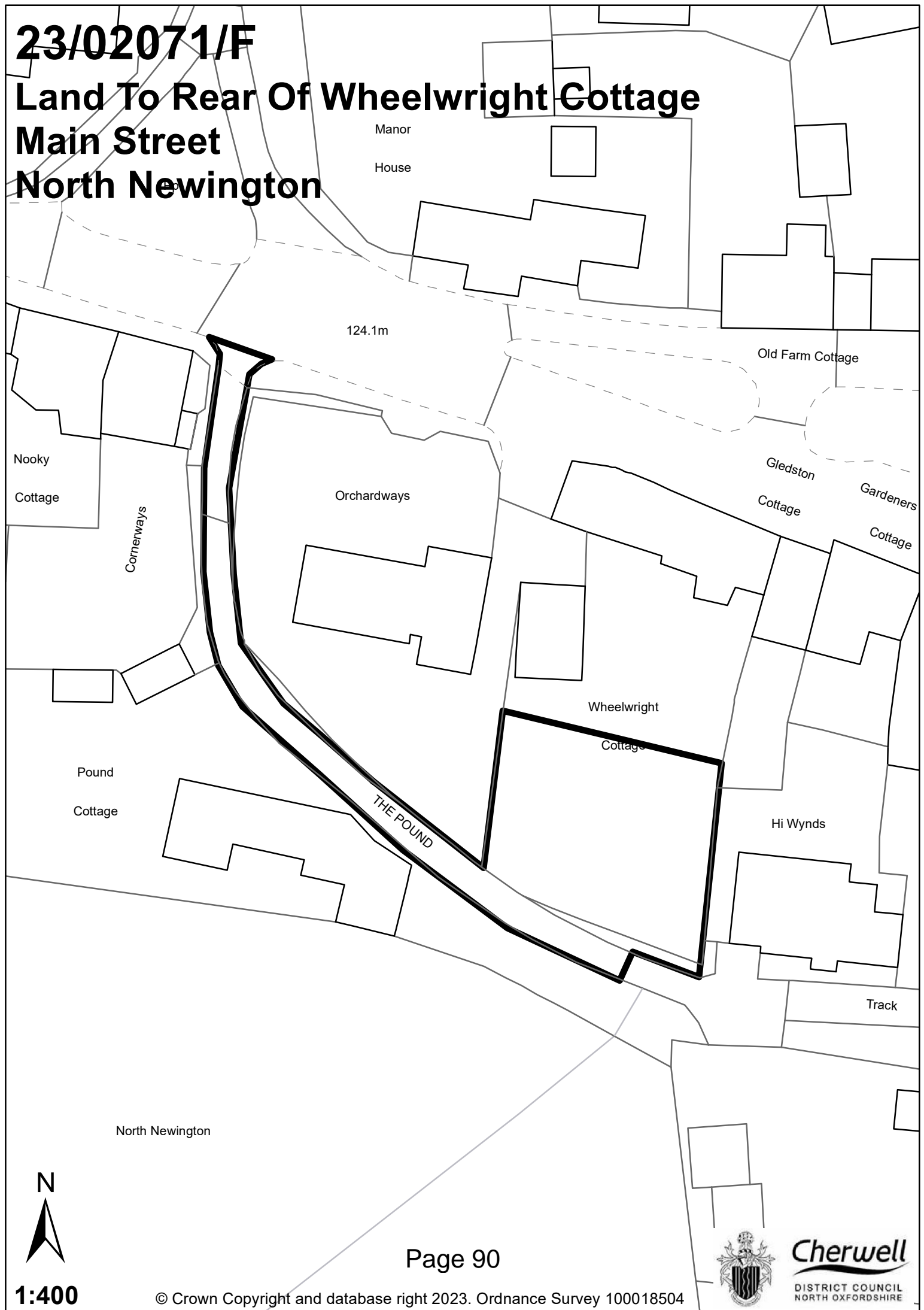


1:600



**23/02071/F**

**Land To Rear Of Wheelwright Cottage  
Main Street  
North Newington**



124.1m

Manor  
House

Old Farm Cottage

Nooky  
Cottage

Cornerways

Orchardways

Gledston  
Cottage

Gardeners  
Cottage

Wheelwright  
Cottage

Pound  
Cottage

THE POUND

Hi Wynds

Track

North Newington

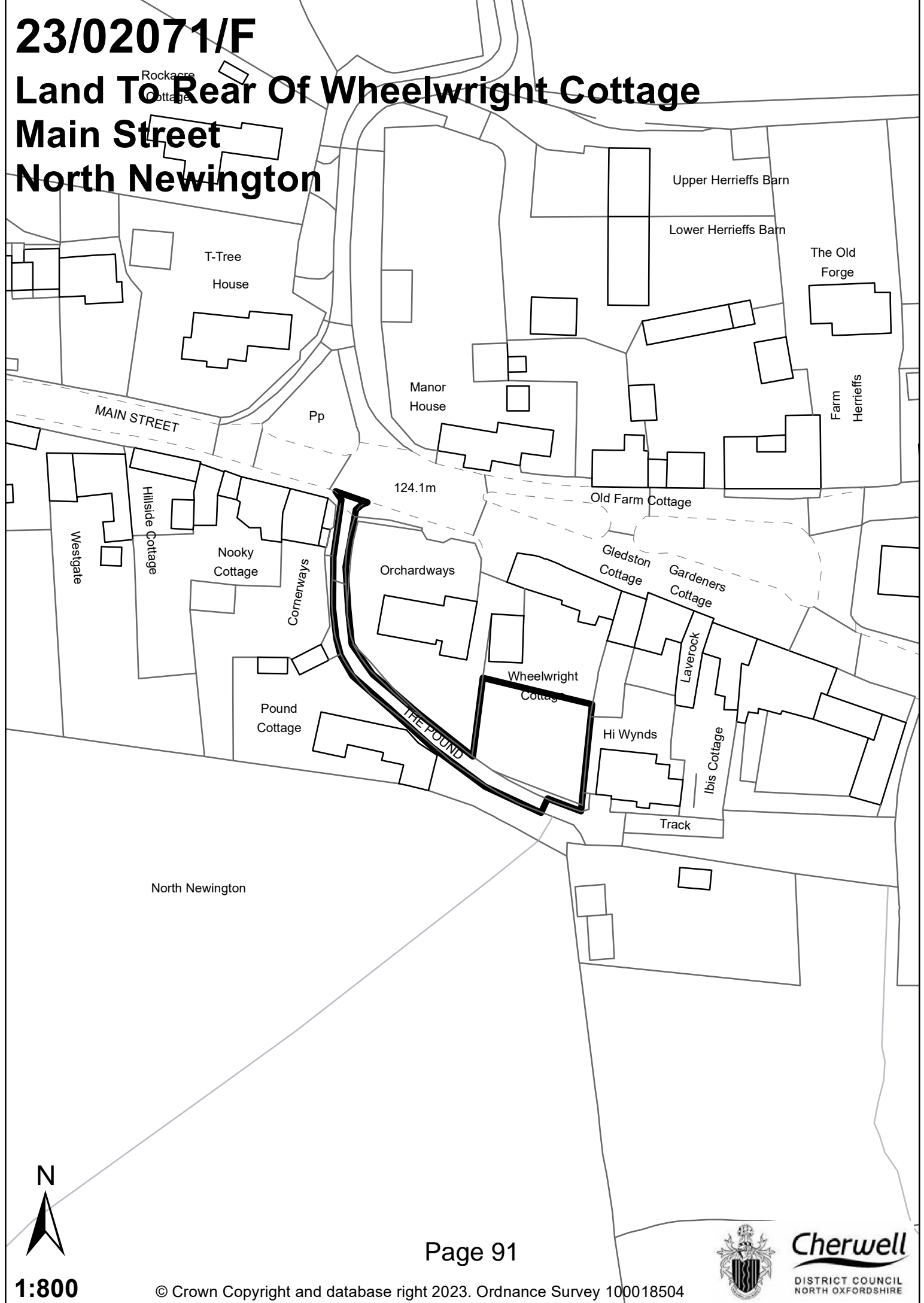


**1:400**



23/02071/F

# Land To Rear Of Wheelwright Cottage Main Street North Newington



1:800



**Case Officer:** Imogen Hopkin

**Applicant:** Mr Kambiz Khabiri

**Proposal:** New build dwelling

**Ward:** Cropredy, Sibfords And Wroxton

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

**Reason for Referral:** Referred by Assistant Director For Planning and Developemnt for the following reasons:

- Level of public interest
- Recent appeal decision further down The Pound

**Expiry Date:** 23 February 2024

**Committee Date:** 15 February 2024

---

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site refers to a rear garden of a Grade II listed building, named Wheelwright Cottage. There is an existing garage with an annex above which is set back from the rear wall by 4.5m. The dwelling as existing benefits from a garden with a length of 33m. The rear of the site is bound by The Pound, a defined Public Right of Way (PRoW) (Footpath 315/18/20), which is informally used by cars for access to properties, some of which that front onto it. There is a rise in levels to the south, as The Pound is at a higher level to Main Street, which Wheelwright Cottage faces.
- 1.2. There are many neighbouring properties that front onto Main Street in the area, and there is Pound Cottage and Hi Wynds that are accessed from The Pound.

**2. CONSTRAINTS**

- 2.1. The application site is within the setting of the Grade II listed Wheelwright Cottage, North Newington Conservation Area, a protected species buffer and an archaeological alert area. There are numerous listed buildings in the wider setting of the site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks approval for two-bedroom bungalow within the rear garden of Wheelwright Cottage.
- 3.2. The dwelling is proposed to be 11.5m in length and 6.5m in width. The eaves height is 2.55m, and the ridge height is 5.1m. The building is perpendicular to The Pound, is

sited 1.4m from the boundary created with Wheelwright Cottage, and between 1.1m and 1.6m from the boundary shared with Hi Wynds.

#### 4. RELEVANT PLANNING HISTORY

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

<b>Application: 15/01688/F</b>	Application Withdrawn	6 <sup>th</sup> November 2015
Erection of 1 No three-bedroom detached dwelling and associated hardstanding for parking and turning		

#### 5. PRE-APPLICATION DISCUSSIONS

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

5.2. 22/03373/PREAPP: Response issued on 8<sup>th</sup> March 2023. The principle of a dwelling would be generally acceptable, subject to details about neighbouring amenity and a response from the Local Highway Authority.

5.3. 19/02672/PREAPP: Response issued on 10<sup>th</sup> January 2020. The principle of a dwelling was generally acceptable, but the level of detail provided with the pre-application enquiry was insufficient enough to provide reassurance it would be supported.

5.4. 15/00067/PREAPP: Response issued on 28<sup>th</sup> July 2015. The principle of a dwelling would be acceptable, subject to other considerations. This advise was given at a time when the Council had a 5 year housing land supply.

#### 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 30<sup>th</sup> January 2024, although comments received after this date and before finalising this report have also been taken into account.

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

- The dwelling would appear cramped
- Detrimental impact to the listed buildings and conservation area
- Loss of a substantial part of garden would adversely affect the setting and outlook for future occupants of Wheelwright Cottage and current and future occupants of Gledston Cottage and Gardener's Cottage
- Overshadow and obscure the current views of the listed buildings
- Overshadow neighbouring property at Hi Wynds, including side facing kitchen window
- Overbearing impact to properties along Main Street due to the change in levels

- Trees would have to be felled to make way for the proposal
- Vehicular access to the proposal would be difficult, due to The Pound being narrow, steep, and considered an old historic track and footpath
- Increased traffic on The Pound would result in further deterioration of the surface
- Construction may be difficult due to the narrow access, and the damage it could cause to property, the track, banks and hedges on both sides
- The historic and current ownership of The Pound has not been established through recent planning applications
- Driving over The Pound may not be lawful
- Dust and construction debris
- Reference to appeal statement and decision at another application along The Pound (21/01561/F)
- The change in levels shown on the streetscene are not accurate
- Object to the inclusion of The Pound within the red line boundary [*Officer note – all planning applications need to connect to the legal highway, which is Main Street for this application.*]

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

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. NORTH NEWINGTON PARISH COUNCIL: 22/08/2023 – **object** based on the access along The Pound, the committee decision (refusal) of the nearby application 21/01561/F, heritage and conservation.

11/01/2024 – **object** and re-iterate the original points provided.

### CONSULTEES

7.3. CDC LAND DRAINAGE: **no comments or objections.**

7.4. CDC BUILDING CONTROL: A Building Regulations application will be required.

7.5. CDC ENVIRONMENTAL HEALTH: **no objections**, recommends conditions to mitigate noise and contaminated land.

7.6. CDC CONSERVATION: 06/10/2023 – **object**, to current design and insufficient heritage statement. 29/01/2024 – **no objections** to the principle of development, and suggested conditions.

- 7.7. OCC HIGHWAYS: 29/08/2023 – **object**, based on the use of The Pound. Additional information was supplied, and a subsequent response was received on 28/09/2023 with **no objections**, subject to a CTMP condition.
- 7.8. OCC PUBLIC RIGHTS OF WAY: **holding objection**, as they have queried the legality of use of the right of way. They have suggested conditions in the event of approval.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV12 – Development on contaminated land

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- North Newington Conservation Area Character Appraisal (2014)

## **9. APPRAISAL**

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

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

- Other matters

## Principle of Development

### *Policy Context*

- 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.
- 9.3. The District's current housing land supply position of 5.5 years supply of housing for the period 2022-27 as reported in the Council's 2023 Annual Monitoring Report ('AMR'). Paragraph 226 of the NPPF requires a minimum of 4 years' worth of housing, instead of a minimum of 5 years outlined in paragraph 77 of the Framework. It states it is applicable to authorities which have an emerging local plan that has reached Regulation 18 or Regulation 19 stage. The Council carried out a Regulation 18 consultation from 22<sup>nd</sup> September 2023 to 3<sup>rd</sup> November 2023. As such, 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.
- 9.4. 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. 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.
- 9.6. The principle of residential development is outlined through Policy Villages 1 of the CLP 2015, which categorises villages in the district. North Newington is recognised as a Category C village, which are the least sustainable of rural settlements. In the case of Category C villages, only limited infilling and conversion within the built up limits is permissible.

### *Assessment*

- 9.7. The position of the site is considered to be within the built up limits of North Newington, as it is within the Conservation Area, and the area to the south of The Pound is open countryside.
- 9.8. The supporting text to Policy Villages 1, paragraph C.264, defines infilling as: '*Infilling refers to the development of a small gap in an otherwise continuous built-up frontage*'. Whilst the proposed site does represent a gap within the village, The Pound does not have a clear frontage, and the proposals could not be said to conform to the strict definition of infilling. However, given the surrounding context, with Hi Wynds adjacent and Pound Cottage opposite the site, both accessed from The Pound, the Council consider the siting of a dwelling in this location compliant with policy.
- 9.9. Overall, given the above, the general principle of accommodating a single dwelling on the site is therefore considered to be acceptable, subject to other considerations outlined below.



## Design, and impact on the character and heritage of the area

### *Policy Context*

- 9.10. 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. Paragraph 135 of the NPPF states that planning 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.
- 9.11. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.12. 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.
- 9.13. The Council's Residential Design Guide SPD (2018) seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of traditional building materials and detailing responding to the local vernacular.
- 9.14. 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.*
- 9.15. 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.
- 9.16. The application site is located within North Newington Conservation Area and within the setting of numerous listed buildings. These are defined as heritage assets by the NPPF. The NPPF states assets should be conserved in a manner proportionate to their significance and that great weight should be given to their conservation.

### *Assessment*

- 9.17. The proposed dwelling is sited perpendicular to The Pound, which is not the preferred layout, as a frontage would normally face the highway. However, if the proposal had a 90 degree turn to front The Pound, there would be limited space for parking. While the layout is not traditional, there is not a standardised layout throughout the village, so this alternative form is considered acceptable, on balance.
- 9.18. The scale of the proposal is modest, as it is a 2-bedroom bungalow, with an eaves height of 2.55m and a ridge height of 5.1m. The design of the bungalow has been amended through the course of the application to simplify the fenestrations.

- 9.19. The Conservation Officer raises no objections to the proposal, requesting conditions relating to the details of the development to be submitted prior to the commencement of each element. Following the submission of a heritage statement that assessed the impact on the setting of the listed buildings and Conservation Area, there have been no concerns raised to the impact on surrounding heritage assets.
- 9.20. While the siting would be better in a south facing position, the proposal is considered acceptable, on balance, and subject to conditions to ensure a high specification can be achieved. 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

#### *Policy Context*

- 9.21. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.22. The Cherwell Residential Design Guide (2018) 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.

#### *Assessment*

- 9.23. The proposal is a two-bedroom bungalow, which could have a maximum occupancy of four persons. The proposed floor area is 62m<sup>2</sup> and the requirement within the Nationally Described Space Standards is 70m<sup>2</sup> plus 2m<sup>2</sup> built-in storage. While this is below the requirement, the Nationally Described Space Standards are not adopted by the Council, but provide a good benchmark. While the Council aim to support development that achieves the Nationally Described Space Standards, they do not consider this in isolation to be a reason to refuse the application.
- 9.24. The position of the proposed dwelling is 1.5m from the boundary with Wheelwright Cottage. The rear wall of Wheelwright Cottage is sited 19.2m from the side wall of the proposed dwelling. The Residential Design Guide usually requires a minimum of 14m distance between rear elevations and a two-storey side gable. This is applicable, due to the level change, and the proposal is in excess of this. There would be some overshadowing to the southern part of Wheelwright Cottage's garden, although this would be limited due to the orientation of the dwelling.
- 9.25. The position of the dwelling is approximately 13.6m from the rear extension of Gledston Cottage. Gledston Cottage is sited to the east of the proposed dwelling, so at a slightly different angle whereby it would not be detrimentally impacted from the wall to wall distance. Similarly to Wheelwright Cottage, there would be a slight overshadowing to the southern part of the garden, but this is not considered to be harmful enough to refuse the application.
- 9.26. The proposal is sited a minimum of 1.1m from the common boundary with Hi Wynds, to the east. There would be some overshadowing to the western garden of this

dwelling, although the lower eaves of 2.55m help to minimise any overshadowing, and the width of the garden at Hi Wynds is 19.7m, and extends further north beyond the western part of the garden that the site is adjacent to. As such, it is considered that any impact to the private outdoor amenity of Hi Wynds would not be significantly harmful. Further, they have a side facing kitchen window, although the kitchen is also served by large windows to the rear (north), and therefore the side window is not the sole window to the habitable room.

9.27. The proposed dwellings has no north facing windows, and would therefore not have overlooking from the dwelling to Wheelwright Cottage or Gledston Cottage. There is a bathroom window on the eastern elevation, which would face towards Hi Wynds. This window is shown to be top hung, and a condition will be imposed to ensure the window will be obscure glazed, and for no additional windows on the north and east elevations.

9.28. The proposed dwelling is considered to cause harm to the amenities of neighbouring dwellings, although that harm is not considered to be significant to warrant refusal of the application. 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

##### *Policy context*

9.29. Paragraph 114 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.*

9.30. 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”.

9.31. Driving a vehicle across a public Right of Way is an offence under the Road Traffic Act 1988 if the person does not have a private vehicular right to use the route or doesn't have lawful authority to do so. If this is the case, the police could choose to prosecute an individual therefore preventing them from using the access and in turn, preventing the required parking and manoeuvring areas to be provided for a dwelling. This is a material planning consideration in that planning permission could be granted for a dwelling without the benefit of adequate vehicular access and associated off street parking may result in highway safety issues due to displaced parking.

9.32. Rights of vehicular access are commonly shown on deeds or can be gained through what is referred to as a prescriptive use. A prescriptive use is where lawful access is gained via long term use of the access. In the case of an access across a public Right of Way a period of 20 years or more would constitute a long-term use.

### *Assessment*

- 9.33. The red line of the application site includes the land where the dwelling is proposed to be situated, along with the access to The Pound which adjoins the highway at Main Street. The ownership of The Pound is unknown and therefore the applicant has served the relevant ownership certificate within the application form, including placing an advert in the press.
- 9.34. Objectors have highlighted the use of The Pound to provide vehicular access to the application site would not be lawful, and therefore The Pound would not be able to be used for a dwelling or construction. It is not the role of the planning system to determine whether the applicant has vehicular rights of access over The Pound, and this falls outside of the planning system in other legislation. Should planning permission be granted, this would not override other legal issues that may arise from the development, such as unlawful use of the access or any restrictive covenants, and these are enforceable by other parties outside of the planning permission and could prevent the development from proceeding.
- 9.35. The Local Highway Authority (LHA) initially objected to the application, although additional information was provided from the applicant to show the construction company would have the right size vehicles to carry out the works. They have advised this resolved the main objection, but a Construction Traffic Management Plan condition would be required to be submitted before commencement.
- 9.36. The LHA considered the appeal decision at the nearby site (appeal reference: APP/C3105/W/23/3314296), and noted the Inspector did not raise the access to be an issue, and this carries weight for this proposal. As such, the LHA suggested conditions for the development.
- 9.37. Whether or not the applicant has vehicular rights over The Pound is uncertain, and the LHA or Council do not confirm any rights of access. Both the LHA and Council acknowledge the situation is not ideal, but do not consider there is enough evidence to refuse the application for highway safety.

### *Other matters*

- 9.38. Objectors have raised concerns about the accuracy of the levels shown on the streetscene. A drawing of the land levels as existing and for the proposal will be conditioned to ensure the level change is not as steep as the objectors suggest.
- 9.39. The Council's Environmental Protection Officer has requested an appropriate condition for contaminated land, and for a condition for Construction Environment Management Plan (CEMP) to control noise of the development. Officers consider these conditions to be reasonable. The CEMP condition can be combined with the Construction Traffic Management Plan condition requested by the LHA, to ensure there is no undue repetition of conditions.

## **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. Given its design and siting,

the proposal is considered acceptable in relation to the visual impact and neighbour amenity. The proposal is acceptable in highway safety terms, subject to conditions.

- 10.3. The proposal would include modest benefits, including a new dwelling, which would make a contribution to the housing supply and create short-term construction roles. Any harm identified within the report is not considered to be significant enough to refuse the application, or outweigh these benefits identified.

## **11. RECOMMENDATION**

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

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

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

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

- 001 Rev A
- 003 Rev B
- 004 Rev B
- 005 Rev C

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, Environment and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details;

- The CETMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.

- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Storage of plant and materials used in constructing the development.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

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

4. Notwithstanding the details on the approved plans and prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels and ridge height for the dwelling and finished levels of the site in relation to existing ground levels at the site and surrounding land and the eaves and ridge height of the surrounding properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved levels plan.

Reason – To ensure that the development is constructed in harmony with the surrounding buildings and heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

*Planning note: The levels shall be expressed as above ordnance datum.*

5. Prior to any construction of the dwelling above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason – To ensure that the development is constructed and finished in

materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any construction of the dwelling above slab level, samples of the proposed roof slate for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

7. Prior to the installation of windows, doors and rooflights hereby approved, full details of all windows, doors and rooflights at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows, doors and rooflights shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

*Planning Note – The rooflights shall be conservation grade rooflights that fit flush with the plane of the roof.*

8. Prior to the commencement of the development above slab work, 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

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.

9. 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 be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

10. 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.

11. Notwithstanding the details on the approved plan, prior to the occupation of the dwelling hereby approved, 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. This shall demonstrate there will be no pedestrian access to Banbury Road from the frontage of the site. Thereafter, the approved means of enclosure shall be erected in accordance with the approved details, prior to the first occupation of the dwelling and thereafter retained and not altered from the approved specification.

Reason – To ensure the satisfactory appearance of the completed development and to discourage parking on the frontage of the site on Banbury Road and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

13. 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 and its subsequent amendments, the approved dwelling(s) shall not be extended or altered without the prior express planning consent of 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 neighbouring properties and heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of Classes A to B (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gates, wall or fences shall be altered or erected and no new means of access shall be created without the prior express planning consent of 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 highway safety and heritage assets in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the north and east elevations of the proposed dwelling without the prior express planning consent of 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 occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the dwelling hereby approved, the ground floor window in the east elevation of the dwelling shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason – To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 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.

17. No materials, plant, temporary structures or excavations of any kind should 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 development takes place.

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

18. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

Reason – To ensure the public right of way remains available and convenient

for public use.

19. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.

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

20. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team.

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

21. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Reason – To ensure that gates are opened or closed in the interests of public right of way user safety.

22. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate.. No improvements may be implemented without prior approval of the Countryside Access Team.

Reason – To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development.

CASE OFFICER: Imogen Hopkin

TEL: 01295221753

**23/00130/F**  
**Laurels Farm**  
**Dark Lane**  
**Wroxton**  
**OX15 6QQ**



**1:2,000**

23/00130/F

Laurels Farm

Dark Lane

The Cottage

Wroxton

OX15 6QQ

Wroxton C of E Primary School

147.8m

Clear View

Allotment Gardens

Westgate Cottage

WB

154.9m

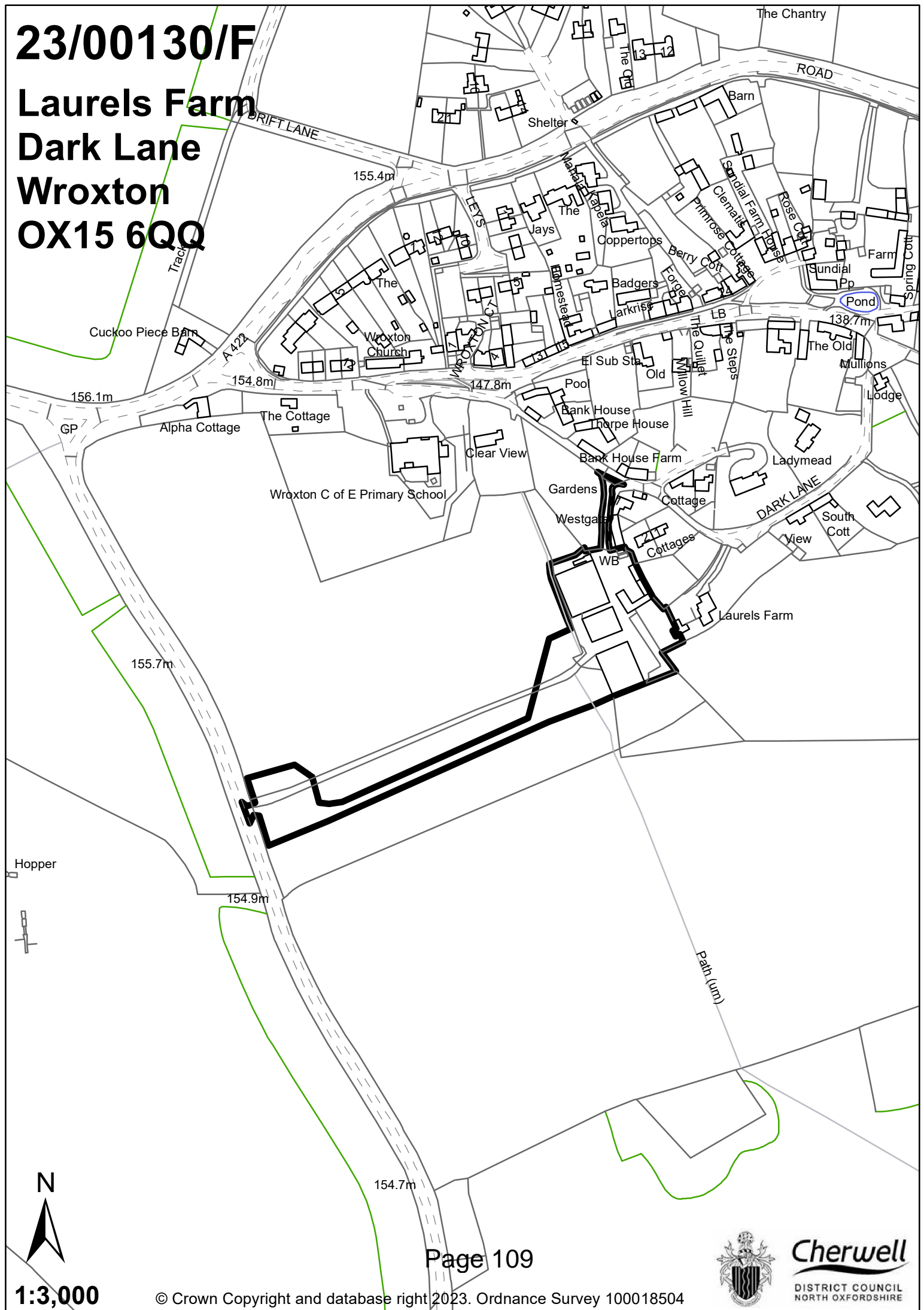
N



1:1,500



# 23/00130/F Laurels Farm Dark Lane Wroxton OX15 6QQ



**Case Officer:** Imogen Hopkin

**Applicant:** Trinity College

**Proposal:** Demolition of 3no existing barns followed by the erection of 9no new dwellings; conversion and alterations to existing barn to form 1no dwelling; formation of new primary access from Newington Road, parking, landscaping and other associated works

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Cllr P. Chapman, Cllr G. Reynolds and Cllr D. Webb

**Reason for Referral:** Development of 10+ dwellings

**Expiry Date:** 5 April 2024

**Committee Date:** 21 March 2024

**RECOMMENDATION: REFUSAL**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is approximately 0.56 hectares, although comprises a larger agricultural site covering 485 hectares. The application site is currently occupied by a number of agricultural buildings in Dark Lane, Wroxton, including 3 modern agricultural buildings and an iron stone barn with a smaller stone built barn, sited around a concrete yard. The site is bound to the north by two pairs of semi-detached dwellings, along with the farmhouse associated with the site to the west. To the north-west of the site is Wroxton C of E Primary School and associated field. The south of the site is bound by Wroxton Abbey, a Grade II\* Listed Registered Park and Garden. There is an existing access track westwards from the site towards Newington Road, and the western side of Newington Road is bound by open agricultural fields.

**2. CONSTRAINTS**

2.1. The application site is within Wroxton Conservation Area, and the western boundary of the site is bound by a defined Public Right of Way. The Castle Bank Enclosure, a Scheduled Ancient Monument, is sited around 638m from the south-west of the site.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application seeks approval for the demolition of the 3 modern agriculture units, followed by the erection of 9 dwellings, and the conversion of the existing barn to form 1 dwelling. The application seeks to form a new primary access from Newington Road, and includes details of parking and landscaping.

3.2. The proposal would include 6 detached dwellings (including the conversion) and 4 semi-detached dwellings. This proposes a density of approximately 17 dwellings per hectare. The mix of dwellings would be 4 x 2 bedrooms, 2 x 3 bedrooms, 2 x 4 bedrooms, 2 x 5 bedrooms. Each dwelling would have a private amenity space, predominantly to the rear, although plot 4 has a partial side garden and plot 1 has a front garden. Each property is proposed to have 2 parking spaces, and there are 4 visitor parking spaces shown in front of plots 6 and 7. The proposal includes a 1.2m

high post and rail fence from the access off Dark Lane to provide a pedestrian only access from Dark Lane. Access to the dwellings is through the formation of the new access from Newington Road.

- 3.3. Additional information was provided by the agent on 7<sup>th</sup> February 2024, which includes a highways statement on details on the refuse strategy and cycle storage, and a flood risk assessment and drainage strategy. A 21 day consultation was issued on 13<sup>th</sup> February, expiring on 5<sup>th</sup> March.

#### 4. RELEVANT PLANNING HISTORY

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

- **Application: 19/01293/F** - The demolition of existing modern farm buildings, the erection of 9 new dwellings and the refurbishment and conversion of one traditional farm building to form 1 new dwelling together with construction of an improved access - APPLICATION WITHDRAWN - 26 September 2019
- **Application: 19/02546/F** - The demolition of existing modern farm buildings, the erection of 9 new dwellings and the refurbishment and conversion of one traditional farm building to form 1 new dwelling and the formation of a new access, hardstanding and associated works - APPLICATION WITHDRAWN - 4 February 2020

#### 5. PRE-APPLICATION DISCUSSIONS

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

- **Application: 19/00059/PREAPP** - Demolition of existing modern farm buildings and the erection of 3 detached dwellings, 2 semi-detached dwellings, 3 terraced dwellings and the conversion of traditional farm building to form 1 dwelling - Detailed Pre-App response sent - 2 April 2019
- **Application: 21/01799/PREAPP** - (1) Laurels Farm - Demolition of the existing Dutch barn buildings on the site, the erection of 9 new dwellings and the conversion of an existing traditional stone building to a dwelling and (2) Land at Stratford Road - relocated farmyard - Response Sent 17 August 2021

- 5.2. The earlier pre-application enquiry, 19/00059/PREAPP, sought a view on 9 dwellings (including conversion) and the response was negative in principle, due to the siting outside of the built up limits of the village, with no essential need demonstrated.

- 5.3. The latter pre-application enquiry, 21/01799/PREAPP, sought a view on 10 dwellings (including conversion) and proposed a similar site plan as submitted under this application. A pragmatic approach was taken to the principle within this pre-application enquiry, although the author noted that evidence would be required to demonstrate the proposal complies with Policy Villages 2. Further, there was recommendations that the scheme should be reduced in size.

#### 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 **5<sup>th</sup> March 2024**, although

comments received after this date and before finalising this report have also been taken into account.

6.2. 6 letters of objection were received from 5 properties. The comments raised by third parties are summarised as follows:

- Principle - This scale of development is unacceptable in principle. Not in accordance with Cherwell Local Plan 2011 – 2031 policies
- Visual impact - Volume and density is not proportionate to surrounding area. Detrimental impact to the views from the adjacent historic parkland. New road from Newington Road would exceed the existing built area of the village
- Access/highway safety - Concerns for width of Dark Lane and Lampitts Green during construction. Gate proposed may result in inappropriate parking in front of by residents of site. Risk of increased traffic and vehicle accidents. Potential access road to school proposed as part of the upgraded road to Newington Road not considered appropriate by residents
- Current use for the site is a working farm, so removing this would disregard the farm use which has been in place for centuries
- Barn conversion proposed could be acceptable with access from Lampitts Green
- The local community would suffer as a result of the development, due to traffic and the change of the character of the village
- Provision of refuse disposal would have a detrimental impact to the area
  - Comments to the updated refuse proposal consider the use of a private contractor to move the bins to not be a practical solution, and the position would be an eyesore
- The cycle parking to the dwellings would be varying sizes and would look cluttered

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. WROXTON AND BALSCOTE PARISH COUNCIL:

8/2/2023 – **No objection.**

16/2/2023 – **Concerns** raised and would like clarification on keyholders for the gate separating The Laurels from Dark Lane to ensure gate is not opened for anything other than emergency vehicles.

### OTHER CONSULTEES



7.3. OCC HIGHWAYS: **Objection** due to more details for the proposed refuse strategy and no cycle parking provided. If approved, standard conditions required with respect to access details, public right of way impact, cycle parking, construction traffic management plan, and a Section 278 agreement would be required.

8/3/2024: **No objections**, subject to conditions, Section 106 contributions and an obligation to enter into a Section 278 agreement. The Highways Officers are satisfied with the clarification of the refuse strategy and cycle parking provided.

7.4. OCC ARCHAEOLOGY: **No objections** as there are no archaeological constraints.

7.5. CDC BUILDING CONTROL: **Building Regulations approval will be required.**

7.6. CDC ENVIRONMENTAL PROTECTION: **No objections**, subject to standard conditions with respect to noise and contaminated land.

11/3/2024: **No objections**, and all recommendations referenced in Geoenvironmental Report should be followed.

7.7. CDC CONSERVATION: **No objection to principle**, however, **objects** to the application as submitted, as the scheme should be reduced in number of dwellings. There would be a detrimental impact to the character of the area through the loss of the working farmyard. Current scheme appears like a “*suburban housing development*”.

7.8. CDC ECOLOGY: **No objection**, subject to conditions for a Construction Environmental Management Plan (CEMP), a Landscape Ecological Management Plan (LEMP), and provision of bird bricks.

7.9. CDC RECREATION AND LEISURE: **Contributions required** of community hall facilities £11,442.02, outdoor sports provision £20,170.03 and indoor sports provision £8,349.47.

7.10. CDC WASTE & RECYCLING: **Comments** outlining acceptable bin provision. Developments over 10 dwellings require a Section 106 Agreement.

7.11. OCC WASTE MANAGEMENT: **No objection** subject to a Section 106 contribution of £940 towards the expansion and efficiency of the Household Waste Recycling Centre.

7.12. THAMES WATER: **No comments** to make at this time.

7.13. LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objection** as no details of Sustainable Urban Drainage Systems or drainage drawing provided.

8/3/2024: **No objections**, subject to conditions. The approved drainage system submitted is considered acceptable.

7.14. CDC PLANNING POLICY: No comments received to date.

7.15. CDC LANDSCAPE SERVICES: No comments received to date.

7.16. CDC STRATEGIC HOUSING: No comments received to date.

7.17. CAMPAIGN TO PROTECT RURAL ENGLAND OXFORDSHIRE: No comments received to date.

7.18. THAMES VALLEY POLICE: No comments received to date.

7.19. CLINICAL COMMISSIONING GROUP: No comments received to date.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('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)

- PDS1 – 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
- BSC9 – Securing Health and Wellbeing
- 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
- Villages 1 – Village Categorisation
- Villages 2 – Distributing Growth in the Rural Areas
- INF1 – Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Residential Design Guide SPD (July 2018)

- Cherwell Developer Contributions SPD (February 2018)
- Annual Monitoring Report 2022 (AMR) (February 2023)
- 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 District Council Housing & Economic Land Availability Assessment (February 2018)

## 9. APPRAISAL

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

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

### Principle of Development

#### *Policy Context*

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

#### *Development Plan*

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

9.4. Policy PSD1 of the CLP 2015 echoes the requirements of the NPPF relating to 'sustainable development'. It states: *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.

9.5. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The 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.

9.6. The Council's latest assessment of housing land availability is its Housing and Economic Land Available Assessment (HELAA) published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not reviewed in the HELAA.

9.7. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Wroxton is recognised as a Category A village.

9.8. 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.

9.9. 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.

*National Planning Policy Framework (NPPF)*

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

9.11. Paragraph 10 of the NPPF states that ‘so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’. Paragraph 11 defines the presumption in favour of sustainable development as ‘approving development proposals that accord with an up-to-date development plan without delay’

**Housing Land Supply Position Statement (Update) January 2024**

9.12. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.13. This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<i>Table 1 Step</i>	<b>Description</b>	<b>Five Year Period 2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710

c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.14. Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.15. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

*Recent appeal decision at Heyford*

9.16. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.17. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.18. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

9.19. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures

## Assessment

- 9.20. Wroxton is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2013 (Policy Villages 2). Wroxton has a small number of services and facilities, with a primary school, a public house (currently closed), a hotel, a village hall and recreation facilities, and there are limited employment opportunities. Wroxton does benefit from bus links on the main road to Banbury and Stratford.
- 9.21. As of 31<sup>st</sup> March 2023 (cf. the 2023 AMR), 792 dwellings had been completed at Category A villages, with a further 100 under construction (running total 892). In addition, there are approvals for a further 270 not yet commenced (running total 1162).
- 9.22. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction, and an annual delivery rate of 54 dwellings per year from PV2, which would have resulted in the delivery of 750 homes by 2028. The Tappers Farm Inspector stated,

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

- 9.23. As noted above, 792 dwellings have now been delivered at Category A villages under PV2 and a further 100 dwellings are under construction. Therefore, the total number of dwellings delivered under PV2 is exceeded. In addition, the delivery rate in 2021-2 was 184 dwellings, the average annual delivery rate having risen to 78 dwellings per year and 134 dwellings per year over the last 4 years.
- 9.24. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that the point has now been reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.25. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target has been reached.

## Policy Villages 2 Criteria

- 9.26. The applicable criteria of Policy Villages 2 are provided at paragraph 9.9 above. The land has been used for agricultural purposes as a farmyard, and is graded 5 for best and most versatile land.
- 9.27. The application site is situated outside of the built up limits of Wroxton, the Category A village. Wroxton has a limited level of service provision, meaning future occupiers would have to travel for most services. Future occupiers of the proposed dwellings would have to travel to other settlements to meet their day-to-day needs, and would be reliant on a private car to access most services.

- 9.28. It is noted that appeals have been dismissed in relation to sites at the smaller Category A villages: Weston on the Green (APP/C3105/W/16/3158925 and APP/C3105/W/19/3233293), Chesterton (APP/C3105/W/15/3130576), Finmere (APP/C3105/W/17/3169168) and Fringford (APP/C3105/W/18/3204920). In each of the aforesaid cases the Planning Inspectors gave significant weight to the sustainability of the settlement and the appropriateness of growth in these locations under Policy Villages 2 in coming to their decisions.

#### *Conclusion*

- 9.29. The provision of housing can represent a significant positive material consideration to weigh in the planning balance; however, this application proposes 10 dwellings at Category A village with limited facilities, where the housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. As such, compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

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

##### *Policy*

- 9.30. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context, through sensitive siting, layout and ensuring a high-quality design.
- 9.31. Saved Policies C28 and C30 of the CLP 1996 exercises control over all new development 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.
- 9.32. Government guidance contained within the NPPF requires good design, and 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 opportunity to improve the character and quality of an area and the way it functions.
- 9.33. Cherwell's Residential Design Guide SPD (2018) provides a framework for applicants to inform the detailed design of their proposals. Chapters 5 – 7 of the document outlines how site analysis should inform the detailed design of streets, plots and buildings.
- 9.34. Chapter 6 of Cherwell's Residential Design Guide highlights the issue of over building and plot arrangements for new residential development. Under this section, *'to avoid the appearance of 'cramming', detached properties should only be sited on larger plots which have sufficient generosity to balance internal and external space requirements effectively and accommodate car parking without garages and driveways dominating the street frontage'*.

##### *Assessment*

- 9.35. The existing farm buildings have a transient, temporary character typical of such development. They do not provide justification for more permanent development in the same location and an approval on this basis would set an unwelcome precedent for development elsewhere in the district.

- 9.36. Given their siting, scale and the overall scale of the development, the proposed dwellings would have an urbanising effect on the character and appearance of the area. The site is highly visible in the public realm from the views from Newington Road and Stratford Road. The change from the agricultural buildings to dwellings would detrimentally impact the rural landscape and would appear as part of the village, therefore contributing to the fact the site is not positioned within the built up limits of the village. The change from agricultural to residential would appear incongruous within the rural landscape, and therefore should not be supported.
- 9.37. The proposed access road joining the application site to Newington Road would also adversely affect the character and appearance of the area through an urbanising form of development and would serve to emphasise both visually and physically the site's detachment from the village. The development should be accessed from within the village. If the road was removed from the proposal it would reduce the harm that the proposed housing would cause to the wider area.
- 9.38. There is a 1.2m high post and rail fence with pedestrian access separating the application site to Lampitts Green. This results in a physical barrier between the site and Wroxton, due to providing no vehicular access. Additionally, this supports that the position of the site outside the limits of the village, and further perpetuates that notion, due to the physical separation caused by the access road leading onto Newington Road.
- 9.39. Turning to the detailed design of the development, the proposal is for 9 new build dwellings and 1 as a barn conversion, following the demolition of 3 modern barn buildings. The proposed site layout plan shows the dwellings surrounding a proposed gravelled courtyard, which would provide parking for the proposed dwellings. There are no details provided as to how the parking areas would be established on the courtyard. This design approach does not respect good urban design principles, as it provides a large expanse of hardstanding to the frontage, and does not provide an appropriate level of landscaping to soften the frontage of the proposed dwellings. Further, the positioning of the dwellings is cramped and this is exacerbated by the lack of landscaping. As such, the site layout is not reflective of the wider area of Wroxton, and does not achieve a high level of design through the lack of landscaping and overprovision of hardstanding, and the current proposal demonstrates an appropriate layout cannot be achieved without compromising good urban design.
- 9.40. The design of the proposed dwellings is convoluted. The windows do not line through horizontally or vertically. Plots 7 – 10 have a rear projecting catslide roof, which is not a characteristic form of design for the area. This element results in an alien feature which would appear incongruous within the visual amenity of the area, as the rear of the properties are visible in the public realm. Plots 4 and 5 are 'L' shaped properties, that appear unduly bulky in relation to the wider area and the site. These dwellings incorporate large modern glazing, which is not characteristic within the site, nor the wider street scene.
- 9.41. The development on Lampitts Green and Dark Lane is generally linear and fronts the road, with the exception of Laurels Farm which is set back significantly from this character. The site is bound by agricultural fields to the south and west, and the site is agricultural in character. Due to the agricultural use and the position set significantly back from Lampitts Green and Dark Lane, and therefore the site is not considered to be within the built up limits of the village. The site appears to be within the countryside when viewed from Newington Road and Stratford Road.

### *Conclusion*



9.42. Overall, the proposals result in a poor form of urban design, owing to the cramped layout and excessive level of hardstanding, the poor design of the dwellings which have contrived elevations that do not compliment or enhance the surrounding area. In addition, due to its location outside of the built up limits of the village, it would have a detrimental impact on the landscape and visual amenity, as it would appear that the village is sprawling into the countryside. This effect is compounded by the proposed access from Newington Road, which would itself have a significant adverse effect on the character and appearance of the area. The separation of the site from Wroxton, due to the blocked vehicular access, results in a disconnection between the site and the village, which further alters the character of the village and wider landscape. Overall, therefore, by any objective assessment, the proposal would adversely affect the character and appearance of the area, and conflicts with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and advice contained within the Cherwell Residential Design Guide, all of which is supported by the NPPF.

### Heritage Impact

#### *Legislative and policy context*

9.43. The site is within Wroxton Conservation Area and Laurels Farm Barns are identified as non-designated heritage assets within the Wroxton Conservation Area Character Appraisal. The site is in close proximity to Wroxton Abbey Registered Parkland.

9.44. 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.*

9.45. 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.* Significant weight must be given to these matters in the assessment of this planning application.

9.46. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

9.47. The Conservation Officer does not raise concerns about the proposed use of residential development in this location, in principle. The Officer noted the number of units should be reduced to appear as an informal settlement, rather than a '*suburban housing development*'. The Officer noted the loss of the working farmyard would result in a detrimental impact to the character of the area, as the Wroxton Conservation Area Appraisal notes '*The village was traditionally focused around agriculture and the estate, today Laurels Farm on Lampitts Green is the only working farm that remains*'. It is noted there is an intention to relocate the farmyard, although it would be located further from Wroxton and has not received any approval from the Council.

9.48. Overall it is considered that the proposed development, for the reasons given above and at para 9.42, would fail to preserve or enhance the character and appearance of the conservation area.

## 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, *'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. The proposed dwellings are not sited in close proximity to neighbouring dwellings. Plot 2 has a rear wall to wall distance of 36.5m, which is in excess of the 22m required by the SPD. Plot 1 is sited in close proximity to the dwellings to the west, although it is noted this building is a conversion, and would be constrained by the existing building. There are not any amenity concerns with surrounding properties.
- 9.51. The proposed dwellings are cramped, and results in poor relationships between the dwellings. Plot 1 has first floor bedrooms served exclusively by rooflights. This would provide limited outlook, which is exacerbated by the proximity of the flank gable wall of Plot 2, which is approximately 12m away. Generally speaking, the separation distances within the development are compliant with the SPD.
- 9.52. Overall, while the residential amenity impacts highlights why the development is cramped and contrived, they do not in themselves result in a reason to refuse the application.

## Highway Safety

### *Policy*

- 9.53. *Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users;*
  - c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.54. In addition, paragraph 115 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. The local highway authority (LHA) originally objected to the planning application, due to the insufficient information on the refuse strategy and cycle parking. The LHA have considered the amended information submitted in February 2024, and have not raised any objections to the refuse strategy, and the subsequent inclusion of cycle parking. As such, the proposal does not raise any technical issues relating to the impact on highway safety.

## Ecology Impact

### *Legislative context*

- 9.56. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.57. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.58. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.59. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.60. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

### *Policy Context*

- 9.61. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.62. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.63. Paragraph 186 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.64. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.65. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.66. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.67. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

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

It also states that LPAs can also ask for:

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

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.69. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains three modern barn buildings, along with the traditional barn building.
- 9.70. The application is supported by a detailed protected species survey which concluded that there are no protected species or habitat issues on site which could not be dealt with through mitigation and reasonable avoidance measures. There was evidence of swallows nesting within buildings on the site and a mitigation scheme for swallows should be conditioned to ensure there is no loss of nesting opportunity for this species.
- 9.71. The Council's Ecologist has noted there has been no demonstration of a measurable net gain for biodiversity. The supporting information notes the need for the 10% biodiversity net gain, although has not provided a metric or assessment in this regard. A suggestion is that appropriate landscaping could be carried out within the site to achieve the net gain, due to the size of the site.
- 9.72. Officers are satisfied, on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Drainage

- 9.73. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 169 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.'*
- 9.74. Paragraph 175 of the NPPF continues by stating that *'major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*
- 9.75. Policy ESD6 of the CLP 2015 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.

- 9.76. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with aim to manage and reduce flood risk in the district.
- 9.77. The application site is located within a very low risk area for flooding, with a chance of flooding of less than 0.1% each year.
- 9.78. OCC's Lead Local Flood Authority (LLFA) originally objected to the application, due to the lack of SuDS information. A Flood Risk Assessment and Drainage Strategy, along with Surface Water Drainage Construction Details and a Constraints and Drainage Strategy Plan have been submitted in February 2024. The LLFA have reviewed the updated information and have withdrawn their objection, supporting the proposal subject to conditions.

### S106

- 9.79. Paragraph 55 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 57 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.*
- 9.80. 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.*
- 9.81. 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.*
- 9.82. 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.

- 9.83. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups*. This application is for 35 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.84. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015, which would equate to 4 units. The tenure mix for affordable homes should be 25% First Homes, 70% social/affordable rent and 5% intermediate housing such as shared ownership. In addition, this it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements and health care contributions necessary for the development as outlined by the comments of the consultees.
- 9.85. The application is not supported by a draft heads of terms of the agreement, and are likely to include the following:
- Affordable housing – 35% provision
  - Offsite sport (indoor (£8,349.47) and outdoor (£20,170.03)) and recreation contributions
  - Community hall contributions (£11,442.02)
  - Household waste recycling centre contribution (£940)
- 9.86. Should the application be approved in the future, a Section 106 agreement would be negotiated based on the above figures.

## **10. PLANNING BALANCE AND CONCLUSION**

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

### *Positive benefits – Economic*

- 10.2. The proposal would contribute to the Council's housing supply due to the size and duration of the project. The proposals would create construction jobs and support facilities through developer contributions. Given the small nature of the proposal, this should be afforded limited positive weight.

### *Social*

- 10.3. Significant weight can be given to the provision of the proposed housing, including affordable housing, but given the small scale nature of the proposal, this has limited weight.

*Environmental*

- 10.4. The proposals may be able to commit to an appropriate level of biodiversity net gain, which would be secured by condition if approved.

*Negative Impacts*

- 10.5. It is important to summarise the negative impacts in terms of the development and consider whether the positive benefits outweigh the negative impacts.
- 10.6. The application site is positioned beyond the existing built-up limits of the village, and is therefore considered an area of countryside. The proposals would adversely affect the character and appearance of the area, with this impact emphasised by the proposed access from Newington Road, which would itself adversely affect the character and appearance of the area.

*Conclusion*

- 10.7. On the basis that the Council is able to demonstrate a five-year housing land supply, the housing policies of the Development Plan are the starting point for decision making and afforded full weight.
- 10.8. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 9 new dwellings and 1 barn conversion outside the built up limits of a Category A village. The proposal consists of a poor form and layout and inappropriately designed dwellings and would cause harm to the conservation area. No Section 106 agreement has been entered, and therefore the application also fails on this basis. On this basis, the application constitutes unacceptable development, and the limited planning benefits of the proposal are significantly outweighed by the harm identified. As such, planning permission should be refused.

**11. RECOMMENDATION**

**REFUSAL FOR THE REASONS SET OUT BELOW**

REASONS FOR REFUSAL

1. The site is located outside the built form of the village and within an area of open countryside. The layout of the proposal results in a cramped and constrained overdevelopment of the site, which is exacerbated by a lack of appropriate front landscaping. The proposal fails to reflect or reinforce the existing pattern or form of development within the immediate area and the character of the village. By reason of its scale, siting, design and nature, the proposed development would adversely impact the character and appearance of the area, which is exacerbated by the separate access proposed to Newington Road, which would itself adversely affect the character and appearance of the area. In addition, the Council is able to demonstrate a 5.8-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. The principle of this development is therefore unacceptable, as it is contrary to Policies PSD1, ESD1, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031, Saved Policy C28, C30 and H18 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide 2018 and the guidance contained within the National Planning Policy Framework.



2. The detailed design of the dwellings is convoluted, as it includes poor fenestrations, lack of landscaping, and modern glazing, which is out of character with the wider area. The proposed dwellings would result in a contrived design, which would have a detrimental impact to Wroxton Conservation Area and the visual amenity of the area. The proposal is therefore contrary to Policy ESD15 of the CLP 2015 and saved Policy C28 of the CLP 1996 and Government guidance contained in the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms to the detriment of both existing and proposed residents and workers. This is contrary to INF1 of the Cherwell Local Plan 2011-2031, CDC's Developer Contributions SPD 2018 and guidance contained within the National Planning Policy Framework.

CASE OFFICER: Imogen Hopkin

TEL:

Agenda Item 12  
23/00129/F  
Grange Farm  
Chapel Lane  
Balscote  
Banbury  
OX15 6JN



1:900

**23/00129/F**  
**Grange Farm**  
**Chapel Lane**  
**Balscote**  
**Banbury**  
**OX15 6JN**

Telephone

Exchange

Grange Farm



**1:600**

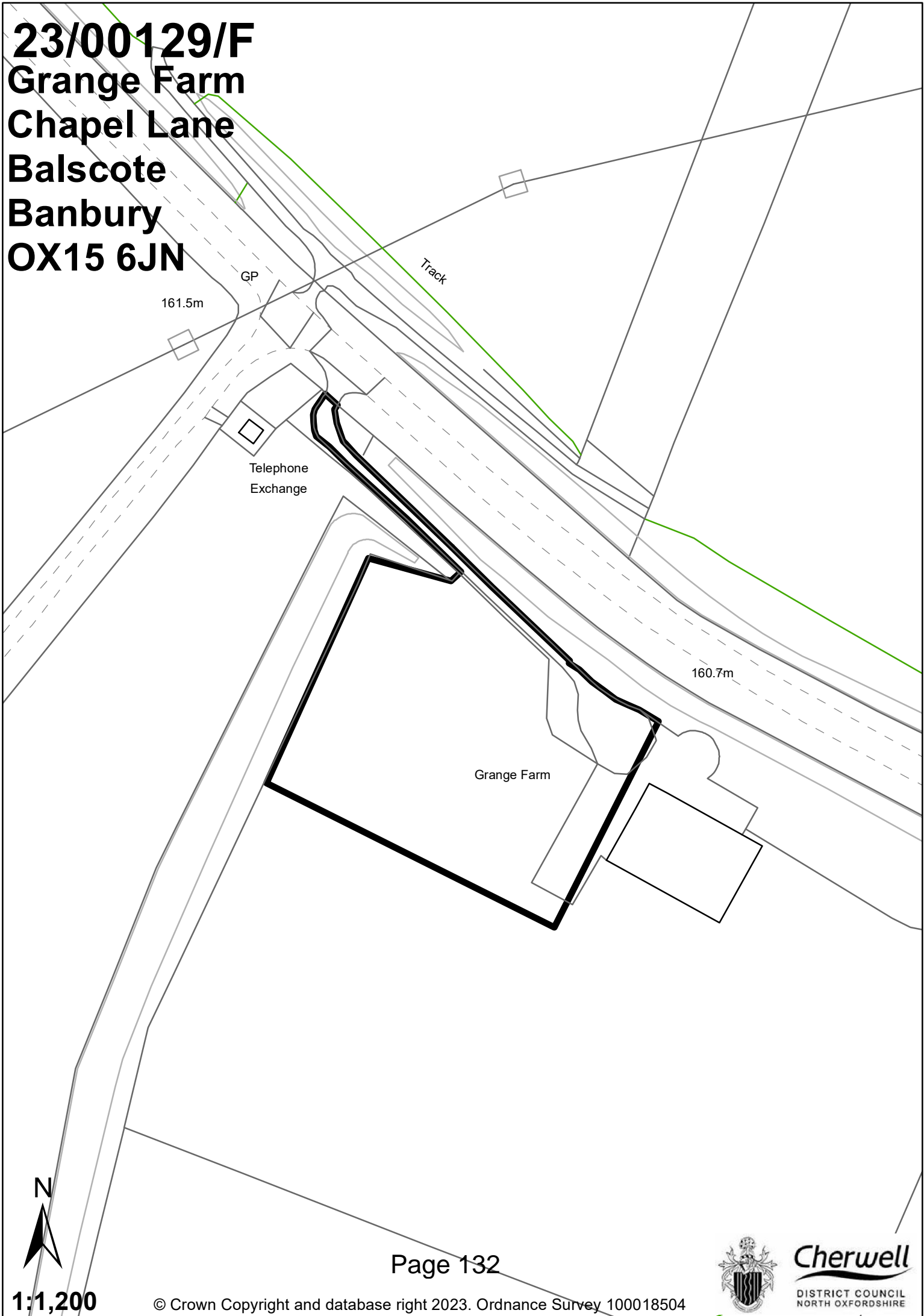
Page 131

© Crown Copyright and database right 2023. Ordnance Survey 100018504



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**23/00129/F**  
**Grange Farm**  
**Chapel Lane**  
**Balscote**  
**Banbury**  
**OX15 6JN**



**Case Officer:** Katherine Daniels

**Applicant:** Trinity College

**Proposal:** Erection of agricultural buildings, hardstanding and other associated works

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Cllrs Chapman, Reynolds and Webb

**Reason for Referral:** 1,000 sq m or more of floor space created

**Expiry Date:** 15 February 2024

**Committee Date:** 21 March 2024

---

**This application was subject to a Committee Members Site Visit, which took place on 21<sup>st</sup> March 2024.**

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located off Stratford Road, and the site is located on a lower level than that of the main road. There is a mature tree line along the boundary of the site with the Stratford Road. The site also has a tree belt to the northwest of the south. This provides screening along Manor Farm Lane to the northwest. There is an existing agricultural building on the site.

**2. CONSTRAINTS**

2.1. The application site is within open countryside; however, it does not have any landscape or ecological designations. The site is located within a Flood Zone 1.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposal is for the erection of two agricultural buildings, hardstanding and other associated works. One building is proposed to be used for a Grain and Straw store, with temporary housing for a mobile drier. This building measures 25.2m by 36m with an overall height of 12.45m. The second building is for a general-purpose store. This building measures c.19.8m by c.24.4m with a height of 8.82m.

3.2. These buildings are proposed to be sited to the northwest of the existing building.

**4. RELEVANT PLANNING HISTORY**

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

**5. PRE-APPLICATION DISCUSSIONS**

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

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **21 August 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. One comment received, noting the opportunity to expand the farming business away from the village.
- 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. WROXTON PARISH COUNCIL: No comments received to date.

### OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to the imposition of planning conditions relating to the drainage scheme.
- 7.5. OCC ARCHAEOLOGY: There are no archaeological constraints to this scheme
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No comments** on noise, contaminated land, air quality, or light.
- 7.7. CDC BUILDING CONTROL: Building regulations application will be required
- 7.8. CDC ECOLOGY: **Comments** requests conditions re tree protection and a biodiversity enhancement plan
- 7.9. CRIME PREVENTION DESIGN ADVISOR: **Do not object**, but recommends conditions are imposed relating to crime prevention measures.
- 7.10. OXFORDSHIRE FIRE AND RESCUE: Have comments relating to building control
- 7.11. SANHAM AGRICULTURAL ADVISORS: There is support for new farm buildings at Grange Farm.

## 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 Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity
- ESD13 – Local Landscape Protection
- ESD15 - The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2 – Construction of farm buildings
- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution control

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

## 9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Ecology
- Highway Safety

#### Principle of Development

*Policy Context* Policy SLE1 of the CLP 2015 is relevant to the proposal, as it relates to employment development. Employment development will be focused on existing employment sites, and will be permitted subject to compliance with other policies in the plan and other material considerations.

### 9.2. Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited that they do not intrude into the landscape into residential areas.

### 9.3. Paragraph 88 of the NPPF also supports the sustainable growth of all types of business in rural areas, including the development of agricultural businesses.

### *Assessment*

- 9.4. The proposal is for new agricultural buildings in the open countryside. There is an existing agricultural building on the site and, following a site visit, it is clear that the site is being used for the purposes of agriculture. The proposed agricultural buildings are situated close to the existing building on the site; therefore, it would be part of the existing farming enterprise. The impact on the character of the locality is assessed below.
- 9.5. The Council's agricultural consultant is content that there is a need for the new buildings, albeit that this is unrelated to Laurels Farm and stands or falls on the needs of the business proposed at Grange Farm. It is acknowledged that the enterprise is being moved away from Laurels Farm in Wroxton; however, regardless of the intended relocation, it is considered that agricultural development in the rural area is acceptable in principle.

### *Conclusion*

- 9.6. The principle of agricultural buildings on an existing farming unit is considered to be acceptable, provided the development would comply with other policies.

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

#### *Policy Context*

- 9.7. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape.
- 9.8. Policy ESD15 of the CLP 2015 states successful design is founded upon an understanding and respect of an area's unique built and natural context and should contribute to an area's character respecting the traditional form, scale and massing of buildings.
- 9.9. Saved Policy AG2 of the CLP 1996, encourages new farm buildings should be sited so they do not intrude into the open countryside.

### *Assessment*

- 9.10. The proposed development would result in new development within a rural setting, which could significantly impact on the character and appearance of the locality. The site is located on a lower level than the Stratford Road, which reduces the impact in this view.
- 9.11. There are views of the site, from the road to Shutford to the south-east, and Manor Farm Lane to the north-west. The buildings would not result in isolated buildings in the open countryside or sporadic development. There is an existing building on site; therefore, the buildings would be seen as part of the existing enterprise.
- 9.12. In addition, the site has significant screening along the boundary with Stratford Road and a tree belt between the buildings and Manor Farm Lane. This further reduces the dominance in the landscape.



- 9.13. The overall design is also in keeping with its rural setting. The buildings are proposed to look like agricultural buildings, akin to its immediate setting and the character of the rural area.

#### *Conclusion*

- 9.14. The proposed agricultural buildings would not result in harm to the overall character and appearance of the locality. The buildings would be seen in the context of its rural setting, in which agricultural buildings are part of that context.

#### Ecology Impact

##### *Legislative context*

- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. 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:
- 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?
  - That there is no satisfactory alternative.
  - 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.
- 9.19. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be

adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

- 9.20. Paragraph 185 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.
- 9.21. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.22. Paragraph 191 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.
- 9.23. 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.
- 9.24. 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.
- 9.25. 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.
- 9.26. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

9.27. The Council's Ecologist has responded to the proposal and raises comments, however these can all be addressed by way of planning condition. Therefore, provided these conditions are imposed it is unlikely the proposal would have a detrimental impact on biodiversity.

#### *Conclusion*

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

#### Highways

9.29. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.30. In addition, paragraph 115 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”.

9.31. The proposed development would be accessed from an existing access serving the agricultural. The Local Highway Authority has no objection to the proposals and based on the LHA's views there is no objection to the scheme on highway safety grounds.

9.32. Given the LHA's comments it would be difficult to include a reason for refusal on highway safety.

#### Other matters

9.33. The proposal is located away from residential properties and as such the new buildings are unlikely to give rise to an adverse impact on neighbour amenity.

9.34. Regarding drainage and flood risk, the site is not in Flood Zones 2 or 3, and the lead local flood authority has no objection provided relevant conditions are imposed; the proposal is thus considered acceptable in this regard.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. The principle of development is considered acceptable and complies with retained Policy AG2 of the CLP 1996. The proposal would not adversely affect the character or appearance of the area and complies with Policies ESD13 and ESD15 of the CLP

2015. The proposal is acceptable in terms of residential amenity, highway safety, ecology and drainage/flood risk. On balance, therefore, the proposal is sustainable development and as such it is recommended for approval.

## **11. RECOMMENDATION**

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

### CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan (6163/5 Rev P5), General Purpose Store Plan and Elevations (6163/4 Rev P5), Elevations of Grain and Straw Store and Temporary Housing for Mobile Drier (6163/2 Rev P6).

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. 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 any foundations work. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A method statement for enhancing birds/bats and invertebrates on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. The biodiversity enhancement measures approved pursuant to the requirements of this condition shall be carried out prior to occupation and shall be retained thereafter 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.

5. No development shall commence on site until the existing tree(s) to be retained on site have been protected in accordance with the measures set out below. The protection measures shall be maintained until the approved development is completed.

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

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

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

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

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

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

Document

Flood Risk Assessment

Ref: 990-FRA-01-B

Issue: April 2023

Drawing

Proposed Exceedance Route

Drawing No: 990-FRA04, Rev A

Drawing

Proposed Drainage Strategy

Drawing No: 990-FRA03, Rev D

All relevant Hydraulic calculations

Date 13/04/2023

File: 990-Drainage Design Calc Rev C.pfd

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 guidance contained within the National Planning Policy Framework

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

(a) As built plans in both .pdf and .shp file format;

(b) Photographs to document each key stage of the drainage system when

installed on site;  
(c) Photographs to document the completed installation of the drainage structures on site;  
(d) The name and contact details of any appointed management company information

Reason: To ensure satisfactory drainage of the site 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 guidance contained within the National Planning Policy Framework

#### INFORMATIVE

The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

CASE OFFICER: Katherine Daniels

TEL: 01295 753 736

**23/02682/F**

Agenda Item 13

**Land Adjacent To  
The Old Manor House  
7 The Green  
Shutford  
OX15 6PJ**

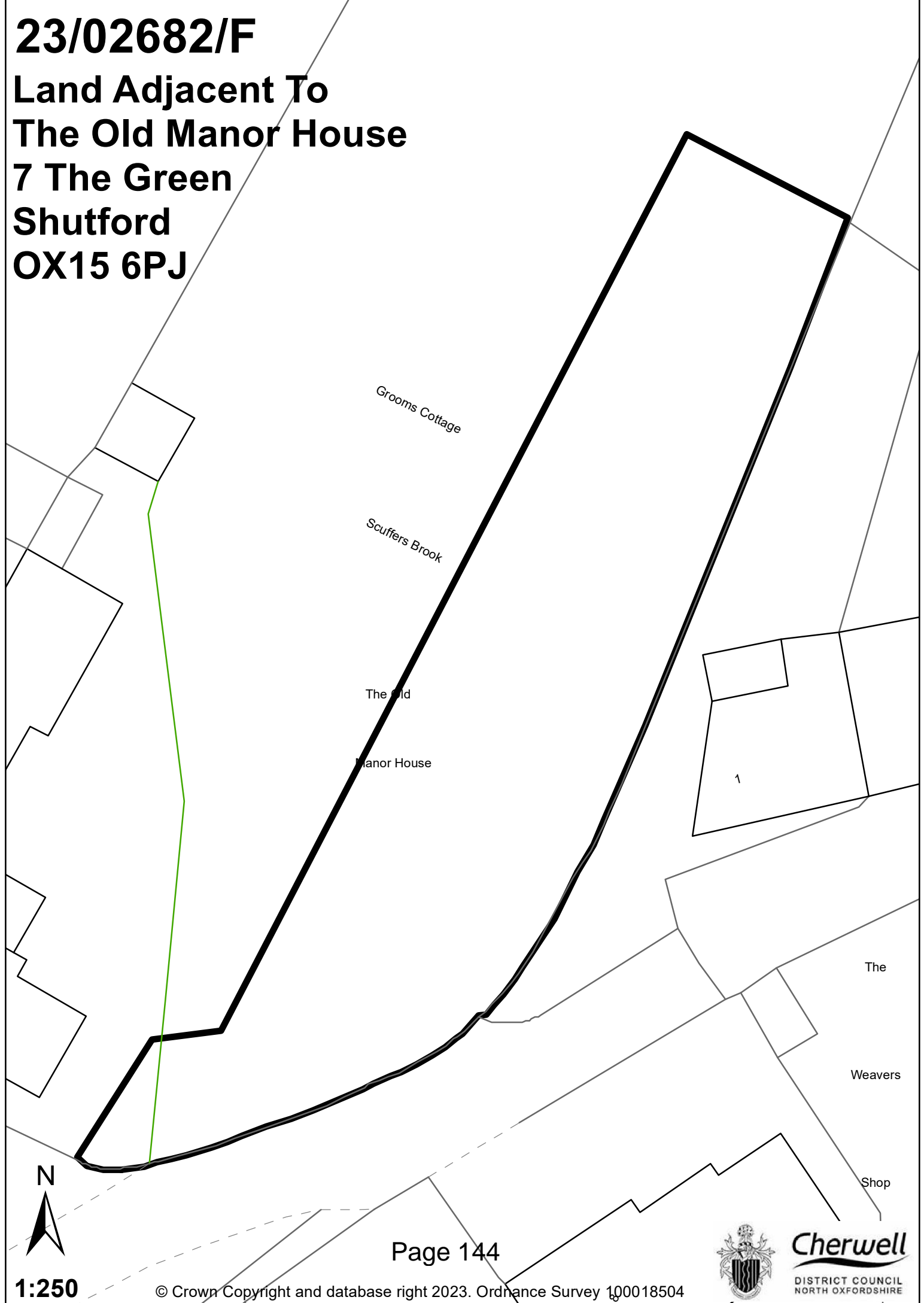


**1:350**



**23/02682/F**

**Land Adjacent To  
The Old Manor House  
7 The Green  
Shutford  
OX15 6PJ**



Grooms Cottage

Scuffers Brook

The Old

Manor House

1

The

Weavers

Shop



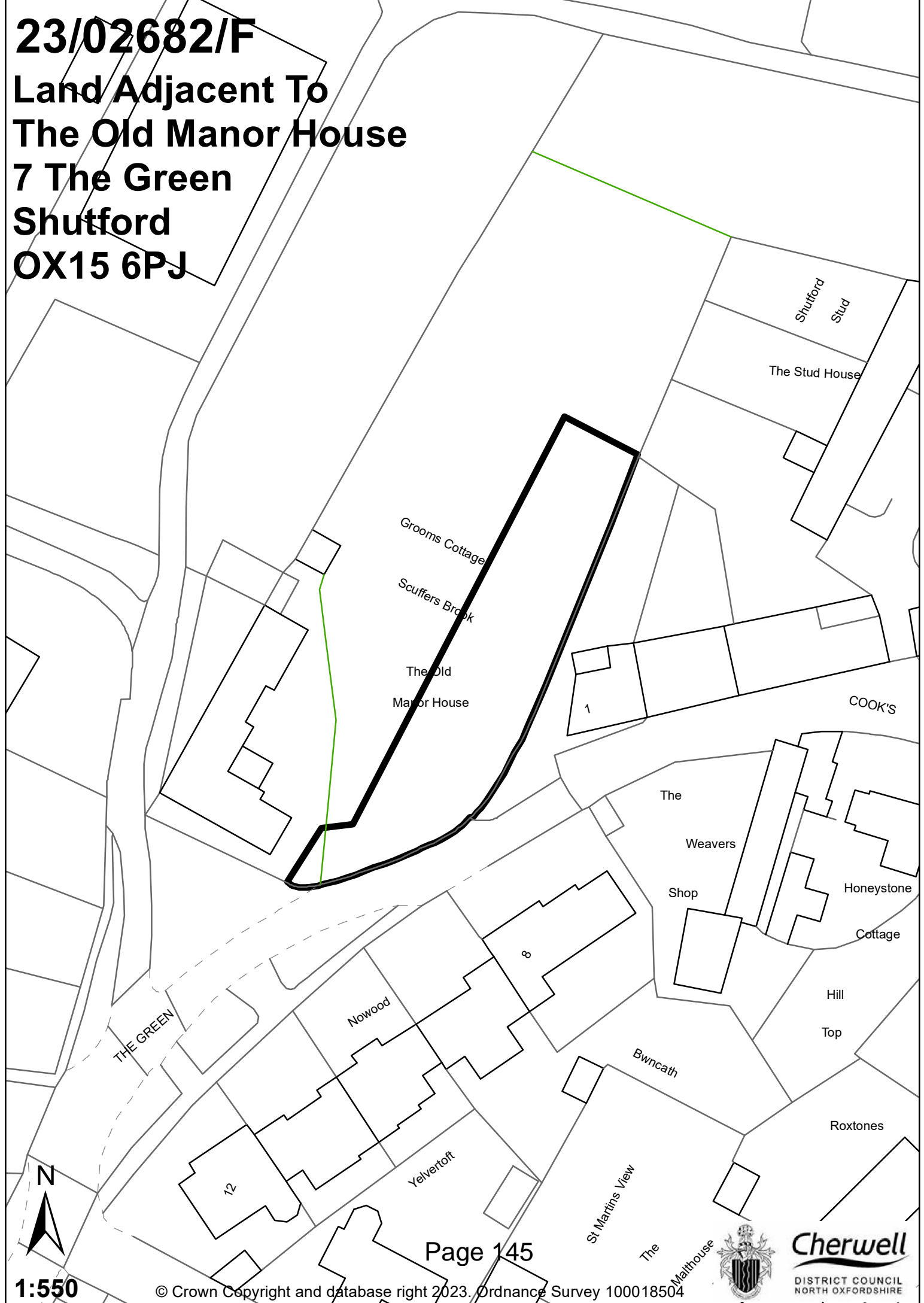
**1:250**





**23/02682/F**

**Land Adjacent To  
The Old Manor House  
7 The Green  
Shutford  
OX15 6PJ**



**1:550**



**Case Officer:** Michael Sackey

**Applicant:** Ms Clinton

**Proposal:** Erection of a single dwelling with associated landscaping and a new vehicular entrance onto existing access

**Ward:** Cropredy, Sibfords And Wroxton.

**Councillors:** Phil Chapman, George Reynolds and Douglas Webb

**Reason for Referral:** Called in by Councillor Douglas George Webb for the following reasons: Public Interest, scale of development and the context with the area.

**Expiry Date:** 21 December 2023

**Committee Date:** 21.03.2024

---

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application relates to a parcel of land to the east of The Old Manor, a detached two storey L-shaped dwelling externally of stone with a tiled roof, facing south on to the Green. The site is not within a designated Conservation Area and the host building is not listed. The site is bounded by the host dwelling to the west and by residential properties of Oak Tree Barn to the north, and The Stud House and Scufflers Brook to the east. There are changes in the levels across the site but the changes in levels are not considered to be significant to the extent that affects the application assessment.

**2. CONSTRAINTS**

2.1. The site is identified as a Habitat for traditional Orchards, there are no other site-specific constraints to affect the application's assessment.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. This application relates to the erection of a proposed four-bedroom, detached dwelling to the northeast of The Old Manor.

3.2. The new dwelling would measure approximately 7.3m depth, 12.m width with an overall roof height of 8.2m sloping down to an eaves height of 5.2m at two storey level and a single storey rear element measuring 3.2m depth, 5.2m width with an overall roof lantern height of 3.3m sloping down to a flat roof height of 2.8m. The external materials proposed would be natural stone for the external walls and natural slate for the roof.

3.3. A letter, revised plans and a tree survey were received on 24.11.2023 from the agent. The letter responds to the comments raised by Planning Officers, Parish council and neighbours. The amended plans reduce the overall scale of the

proposed dwelling, and the tree survey responds to the request of the Arboricultural Officer.

- 3.4. Further revised plans were received on 07.12.2023 which were in response to concerns raised by Officer's in terms of overlooking and loss of privacy to the host dwelling.
- 3.5. A further letter, revised plans and a tree survey were received on 25.01.2024 responding to the comments raised in terms of the highways impact, impact of the development on the street scene, Arboricultural Officer's comments, Ecology Officer's comments and comments of the neighbours.
- 3.6. The agent also confirmed (in response to the Ecology Officer's comments dated 18.01.2024) that the Ecologist's comments were made prior to the submission of the tree survey and that the site has been cleared significantly in recent times and is now just a grassed garden with very limited habitat. The assessment and determination of this application is based on the revised plans and additional documents and information.

#### **4. RELEVANT PLANNING HISTORY**

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

#### **5. PRE-APPLICATION DISCUSSIONS**

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

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **19 March 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Seven letters received, including six letters of objection raising the following issues:
  - Impact on Oak tree, impact on root protection zones of other trees, loss of privacy, loss of light, quality of life, detrimental effect to local character, unsafe access, excessive tree removal, impact on Great Crested Newts, bats and wildlife. The other reasons for objection are the impact on the street scene, overdevelopment of the site, overshadowing and overlooking of adjacent properties, lack of parking, lack of public transport, impact on The Old Manor House, not supported by policy, access for construction, not affordable housing, out of keeping with the Old Manor House, loss of trees, impact on biodiversity, impact on wildlife habitat, removal of boundary wall, increased risk of accidents, Inadequate tree survey, unsubstantiated drainage issues, imposing, overbearing and impact on existing pond,
  - One letter has also been received recommending that at least 2 nesting bricks for Swifts are incorporated into the structure of the building within the southeast elevation.
- 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. **SHUTFORD PARISH COUNCIL: Objects** on the grounds of Loss of trees, impact on the character of the village, overshadowing and overlooking neighbours, inaccurate plans, the height of the building is out keeping with surrounding properties, lack of public transport, insufficient allowance for parking provision, access for construction traffic, insufficient access, lack of turning area, size of dwelling is incompatible, lack of demand for new dwelling, lack of sustainable construction or services and impact on the ecology of the site.
- 7.3. **(11.12.2023)** - Whilst the replacement proposal addresses some of the concerns, Shutford Parish Council still feels that there is no need for this type of infill development and concerns about access, overlooking, trees and scale remain.

### OTHER CONSULTEES

- 7.4. **CDC Land Drainage** (16.10.2023), (27.11.2023), (12.12.2023) - No comments or objections.
- 7.5. **Thames Water** (17.10.2023) - Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.
- 7.6. **CDC Building Control** (27.10.2023) - A Building Regulations application will be required for the proposals. E.V charging to be provided. (12.12.2023) - No additional observations from 27/10/2023
- 7.7. **OCC Highways** (03.11.2023) - No objections subject to conditions on Cycle Parking Provision, a Construction Traffic Management Plan (CTMP), Electric Vehicle Charging, full details of access.
- 7.8. **CDC Environmental Protection** (03.11.2023) - No objections subject to conditions on Noise and contaminated land ; (14.12.2023) - I have reviewed the additional information and have no further comments to make. Please see my previous comments on application 23/02682/F made on 3rd November 2023.
- 7.9. **CDC Housing Standards** (29.11.2023) - No adverse comments.
- 7.10. **CDC Arboriculture** (31.10.2023) - From the plans it is clear that there are a number of trees on site but there is no BS5837 survey, Arboricultural Impact assessment, tree protection plan or Arboricultural method statement. My main concern is how the 1.8m high stone wall is going to be constructed where it passes through the RPAs of some of the trees. We need to see details of its construction and confirmation that it is not going to compromise the trees on site.
- 7.11. **CDC Arboriculture** (30.11.2023) -

Tree Survey Report- The submitted report is purely in reference to the Health Condition of the trees related to the site.

The submitted proposal drawing OMHS/05A details trees within the redline boundary, it references Tree Root Protection zone, however this is not sufficient, the proposal will require a full Arboricultural Impact Assessment to include Arboricultural Method Statement in line with BS5837.

Technical detail.

- A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- Arboricultural supervision and inspection by a suitably qualified tree specialist
- Location and installation of services/ utilities/ drainage.
- Details of construction within the RPA or that may impact on the retained trees.
- Full specification for the installation of boundary treatment works.
- Boundary treatments within the RPA
- Full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- a specification for scaffolding and ground protection within tree protection zones.
- Methods to improve the rooting environment for retained and proposed trees and landscaping for the landscape detail.

A) location, type and materials to be used for hard landscaping including specifications

B) use within tree Root Protection Areas (RPAs);

- 7.12. **CDC Arboriculture** (23.01.2024) - I know that the consultation period has now expired for the above application, but I see that a decision has not yet been made. Having looked at the comments Jon made regarding the application I don't see any additional documentation that addresses the concerns that he raised.
- 7.13. **CDC Arboriculture** (04.03.2024) - The submitted Arboricultural Impact Assessment has highlighted minimal, with a proposal of 3 poor quality trees to be removed, and do not appear to be significant specimens, as such I have no objection providing, they are appropriately mitigated with replanting within the site [and subject to] a condition to require: The proposed development shall be completed in full adherence to the arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.
- 7.14. **OCC Archaeology** (07.12.2023) - The site is in an area of archaeological interest; however, proposals are of a relatively small scale, and therefore, there are no

archaeological constraints to this scheme. (01.03.2024) Thank you for reconsulting us on this application. There are no archaeological constraints to this scheme.

- 7.15. **CDC Ecology** (18.01.2024) - The planning statement says that there will be no trees removed to facilitate the development. However, the tree report recommends felling/reducing some of the trees. Will any of the trees be felled or cut back?

The plans show that some of the front wall will be removed to provide a wider access gate – from mapping data/images it looks like this area is covered in dense vegetation, including a hedgerow along the wall. Will there be any vegetation clearance due to this proposal?

Although the development is proposed in a garden, the site is well connected to the surrounding area and could support a number of protected species. In addition, there are records of protected species in the area. Any vegetation clearance or ground works (I assume the foundations will require a fair amount of ground works?) has the potential to harm wildlife.

I would recommend that a Preliminary Ecological Appraisal is undertaken to assess any ecological impacts of the development. The assessment should also provide opportunities for enhancement. It's much easier if biodiversity enhancements are factored into the plans at this stage, so I would recommend a plan is produced for the proposed enhancements (bird/bat boxes, native planting, insect hotels, etc). CDC seeks a minimum of 10% biodiversity net gain, however, currently the proposals appear to result in a net loss. The biodiversity enhancement plan should show how net gain will be achieved.

If you have any photographs of the site, they would help provide a better picture of the proposed works and possible impacts.

- 7.16. **CDC Ecology** (27.02.2024) - All habitat features to be lost (including trees and hedgerows removed to facilitate the development) will need to be proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Looking at the photographs in the arboriculture impact assessment, the trees to be removed do not appear suitable for roosting bats. However, if plans change and any additional trees (other than the 3 in the arb report) are to be removed, ecology should be re-consulted. As long as the rest of the boundary habitats will be retained and protected (as per methodology in the arb report), I don't think ecology surveys will be necessary.

The plans show that a hedgerow will be installed along the site boundaries and the agent has confirmed that the plans include extensive tree planting to enhance the site. I can't find any details about these hedgerows and trees. They should be comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle. We should condition a landscape plan which includes planting and management details. The plan should also include details of species-specific enhancements, such as integrated bat and bird bricks.

All removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. This should be conditioned.

Since no ecology surveys have been done, we have to assume that bats are using the boundary features to forage and commute. As such, if any external lighting is to be installed, it should be in line with BCT guidance note 8/23. This should be conditioned.

We should also attach an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the works.

The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

## **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')

- BSC 1: District Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The Character of the built and historic environment
- Policy Villages 1: Village Categorisation
- PSD 1: Presumption in Favour of Sustainable Development

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES ('CLP 1996')

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

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

## **9. APPRAISAL**

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

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

- Heritage impact
- Arboriculture
- Residential amenity
- Ecology impact
- Highway safety

Principle of Development

*Policy*

- 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 CLP 2015 and the saved policies of the CLP 1996.
- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the National Planning Policy Framework (NPPF). 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.
- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states: ‘The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car’.
- 9.6. Policy Villages 1 provides a categorisation of the district’s villages based on their relative sustainability, and the amount and the type of development that could be appropriate in sustainability terms within the built-up limits of a village depends on its categorisation under Policy Villages 1.
- 9.7. Policy ESD1 of the CLP 2015 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel.

*Housing Land Supply Position Statement (Update) January 2024*

- 9.8. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.
- 9.9. This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<i>Table 1 Step</i>	Description	Five Year Period
---------------------	-------------	------------------



		<b>2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.10. Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.11. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

*Recent appeal decision at Heyford*

9.12. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.13. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.14. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have

significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

- 9.15. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures

#### *Assessment*

- 9.16. The site is located in Shutford a category C village, which Policy Villages 1 allows for infilling and conversions of buildings within its built-up limits. The proposal would be within the built-up limits of the village of Shutford and would be bounded by the host dwelling to the west and existing neighbours to the north and east. Infilling is defined by Policy Villages 1 as:

*“Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Not all infill gaps will be suitable for development. Many spaces in villages’ streets are important and cannot be filled without detriment to their character. Such gaps may afford views out to the landscape or help to impart a spacious rural atmosphere to the village. This is particularly important in a loose knit village pattern where the spaces may be as important as the buildings.”*

- 9.17. The proposed development constitutes an infilling within the built-up limits of the village of Shutford, the frontage is continuously built up either side of the proposal. The proposed site, although partly cleared during the Officer site visit, appears to have been overgrown in the recent past; it does not afford views out to the landscape and does not impart a spacious rural atmosphere in this part of the village.

#### *Conclusion*

- 9.18. Given the above, and that the development would be set within the confines of the existing residential curtilage and would not extend development into the open countryside, the amended proposal is considered to be acceptable in principle and complies with Policies BSC 1, BSC2 and Villages 1 of the CLP 2015.
- 9.19. The acceptability of the proposed dwelling in this case is also clearly dependent on it not causing demonstrable harm to the character and appearance of the area, highway safety and residential amenities. These issues are discussed below.

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

#### *Policy*

- 9.20. Paragraph 124 of the NPPF states the creation of high-quality building and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 9.21. 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.”*

9.22. Saved Policy C28 of the CLP 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed.

#### *Assessment*

8.5. The proposal would be orientated to front on to the Green. There is no uniform character to the built form along The Green and its immediate locality. The area is characterised by residential development of a variety of shapes, sizes and styles. The majority of which are semi-detached, but there are some detached and terraced dwellings in the vicinity of the site.

9.23. The proposed two storey detached dwelling with a single storey element to the rear would have six, glazed openings to both the front and rear elevations, four openings in the south-eastern side elevation and two openings within the north-west elevation, with a gabled roof, introducing gables to the east and west elevations. The amended proposed dwelling at an overall height of (8.2m) would be shorter in comparison to the existing host dwelling and Scuffler Brook, the other adjacent dwelling to the site.

9.24. The proposed development would be set well off the shared boundary with the neighbour to the east at Scuffler Brook but would abut the proposed shared boundary with the host dwelling of The Old Manor. The proposed development would be set back from the front elevation of the host dwelling by approximately 19m and set forward of the front elevation of Scuffler Brook by approximately 5.2m. Given the existing building lines to the north of The Green, the proposal would be well set back from The Green in comparison to The Old Manor and Scuffler Brook.

9.25. The site benefits from a relatively large plot and, although filling a significant amount of the existing plot, the proposed dwelling is considered to sit comfortably within the site – it would not appear unduly cramped in the street scene – and would have adequate amenity space.

9.26. The proposed dwelling would be constructed of natural stone and slate roof tiles. The proposal retains most of the site's existing natural stone walls with a small element of the wall proposed to be removed to provide access into the site. Two trees to the front and one centrally within the site are proposed to be removed. New hedge planting is proposed to the west of the site which would act as a separation between the proposed dwelling and the host dwelling.

9.27. Parking provision is proposed for two vehicles set to the front of the proposed dwelling and which is considered to be acceptable. There is no refuse storage proposed within the site, but it is considered this could be secured by a condition.

#### *Conclusion*

9.28. It is also considered that the visual impacts of the development would to an extent be mitigated by the significant set-back of the proposed dwelling from The Green. Although having a visual impact, the proposal would not be inappropriate development in the context of the pattern, layout and form of the adjacent neighbours. It is therefore considered that the proposed dwelling would not be out of keeping with the existing pattern of built form. Given the nature of the site, and the materials proposed, the design and appearance of the proposed dwelling, it is considered to be sufficiently in keeping with the character and appearance of the area.

- 9.29. For the reasons above, the proposed dwelling would not cause harm to the character and appearance of the area and therefore accords with to Policy ESD15 of the CLP 2015 and retained Policy C28 of the CLP 1996.

#### Heritage Impact

##### *Legislative and policy context*

- 9.30. The site is not within or does it affect the setting of a Conservation Area but it is close in proximity to a number of listed building to the east of the proposed site.
- 9.31. 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.*
- 9.32. 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.
- 9.33. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

##### *Assessment*

- 9.34. The proposed development would be approximately 20m to the east of its nearest listed building at Grooms Cottage, given the spatial relationship with the listed buildings and in the context of the existing built form, and the proposal's traditional design, it is considered that the proposal would not have any significant impacts and would preserve the significance of the nearby Grade II listed buildings.

##### *Conclusion*

- 9.35. It is thus considered that the proposed development complies with Policy ESD15 of the CLP 2015 in this regard along with Government guidance in the NPPF.

#### Arboriculture

##### *Policy*

- 9.36. *Policy ESD10 of the Cherwell Local Plan on the protection and enhancement of Biodiversity and the Natural Environment amongst other things states: In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources and by creating new resources and the protection of tress will be encouraged, with an aim to increase the number of trees in the District*

##### *Assessment*

- 9.37. The Arboricultural officer (AO) initially raised concerns with the lack of details in relation to a BS5837 survey, Arboricultural Impact Assessment, Tree Protection Plan or Arboricultural Method Statement to establish the impact of the proposed development on the trees at the existing site. One of the main concerns raised was how the 1.8m high stone wall was going to be constructed where it passes through the RPAs of some of the trees.
- 9.38. A tree survey was received on the (24.11.2023) which the AO responded advising that the submitted Tree Survey Report is purely in reference to the Health Condition of the trees related to the site. The AO further advised that the submitted drawing ref: (OMHS/05A) detailed trees within the redline boundary, referencing Tree Root Protection Zone, which was not sufficient, and that the proposal will require a full Arboricultural Impact Assessment to include Arboricultural Method Statement in line with BS5837, in addition to the recommended list of other technical details required.
- 9.39. Arboricultural documents were received on the (25.01.2024) ref: (Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01, Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, BS5837: 2012 Tree Survey and ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18<sup>th</sup> January 2024)). The AO responded to the additional Arboricultural details advising that the submitted Arboricultural Impact Assessment has highlighted minimal, with a proposal of 3 poor quality trees to be removed, and do not appear to be significant specimens, as such the officer had no objection providing they are appropriately mitigated with replanting within the site and would support a performance condition for the proposed development to be completed in full adherence to the Arboricultural details submitted to the Local Authority.

#### *Conclusion*

- 9.40. Having regards to the submitted additional Arboricultural information and the comments of the AO, and subject to the recommended condition, the proposal is considered acceptable in this regard and thus complies with Policies ESD10 and ESD15 of the CLP 2015.

#### Residential amenity

##### *Policy*

- 9.41. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2015, which 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*. These considerations are also reflected in Saved Policy C30 of the CLP 1996

##### *Assessment*

- 9.42. The proposed development would be set well off the common shared boundary with the neighbour to the east at Scuffler Brook but would abut the proposed shared boundary with the host dwelling. The proposed development would be set back from the front elevation of the host dwelling by 19m and set to the front of the front or south elevation of Scuffler Brook by approximately 5.2m.
- 9.43. Given the scale, orientation and the separation distance between the proposal and its neighbour to the east at Scuffler brook, it would not have any significant impact on the neighbour. Openings are proposed at both the first floor and ground floor

level within the proposed south-east elevation; however, given the positioning of the proposed dwelling and that of the openings within the proposed southeast elevation, it is likely to gain views of the front garden of the Scuffler brook but the existing tree and the existing dwelling would restrict any views of the private amenity area to the rear of Scuffler brook. The proposal would also comply with the 45-degree rule in respect of Scuffler brook and would not have any significant impact in terms of privacy, outlook and light on the neighbour.

- 9.44. The proposed development would be closer to the host dwelling The Old Manor House and given its scale and positioning would have an impact on the host dwelling. However, the proposal would generally comply with 45-degree rule with regards to all the habitable rooms due to the lack of windows within the rear elevation of the existing host dwelling. The proposal would also comply with the minimum (14m) distance from the rear elevation to the proposed two storey side gable and no first-floor window would be within (7m) of the host dwelling.
- 9.45. Following amended plans the proposed room uses serving the first-floor side facing window within the north-west elevation and south-west elevation closest to the host dwelling would serve non-habitable rooms of an en suite and bath, and the proposal would not result in the overlooking of the host dwelling. The proposal positioned to the north-east of the host dwelling with a separation distance of no less than 13m would have a spatial relationship with the host dwelling similar to that of the dwellings in its locality and the resulting impact of the amended proposal on the host dwelling's amenity is not considered to be harmful.
- 9.46. The proposal would result in the reduction of the amenity space of the existing dwelling. However, the proposed arrangement is not considered to be so significant or harmful so as to warrant refusal of the application.

### *Conclusion*

- 9.47. Overall, the proposed dwelling would not cause demonstrable harm to the living conditions of neighbouring residents in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing affect. The proposal is considered to result in an acceptable standard of amenity for the future occupiers of the development.
- 9.48. The proposal thus accords with retained Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2015.

### Ecology Impact

#### *Legislative context*

- 9.49. 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.
- 9.50. 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.

### *Policy Context*

- 9.51. 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.
- 9.52. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.53. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.54. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

### *Assessment*

- 9.55. The site is identified by Section 41 of the Natural Environment and Rural Communities as Traditional Orchards. However, upon the officer site visit on the (20.10.2023) it was observed that a majority of the site had been cleared prior to the submission of the application.
- 9.56. The Council's Ecology Officer (CE) initially responded to the application querying the trees and vegetation that are proposed to be removed to facilitate the development and raised concerns with regards to the protected species in the area and the impact of the development on the Ecology of the site. The CE recommended that a Preliminary Ecological Appraisal is undertaken to assess any ecological impacts of the development including opportunities for biodiversity enhancements should be factored into the plans at this stage with a plan for the proposed enhancements including bird/bat boxes, native planting, insect hotels, and CDC seeks a minimum of 10% biodiversity net gain. The CE also advised that the proposals appear to result in a net loss, the biodiversity enhancement plan should show how net gain will be achieved and the officer also requested photographs of the site to provide a better picture of the proposed works and its possible impacts.
- 9.57. The applicant's agent responded in an email dated (14.02.2024) accompanied by a photograph of the existing site advising that the CE comments were made prior to the submission of the tree survey and that the site has been cleared significantly in recent times and is now just a grassed garden with very limited habitat. The applicant's agent's response also advised that they are proposing extensive tree

planting and new bat and bird box provision to significantly enhance habitats on the site and requested that the ecologist has a look through the tree information as the site is very different to how it appears on aerial photography.

- 9.58. The CE responded to the email advising that, looking at the photographs in the arboriculture impact assessment, the trees to be removed do not appear suitable for roosting bats, but that, if plans change and any additional trees other than the three in the Arboricultural report are to be removed, the CE would need to be re-consulted. The CE confirmed that, as long as the boundary habitats are retained and protected (as per methodology in the Arboricultural report), ecology surveys would not likely be necessary, advising that all habitat features to be lost including trees and hedgerows removed to facilitate the development would need to be proportionately replaced in relation to what is lost, at a minimum ratio of two to one.
- 9.59. The CE further advised that the plans show that a hedgerow would be installed along the site boundaries; the agent has confirmed that the plans include extensive tree planting to enhance the site and they should be comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle. The CE recommends a condition for a landscape scheme which should include planting and management details, and should also include details of species-specific enhancements, such as integrated bat and bird bricks. The CE further recommends that a condition for all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. The CE concluded that since no ecology surveys have been done, we have to assume that bats are using the boundary features to forage and commute and recommends a condition that if any external lighting is to be installed, it should be in line with BCT guidance note 8/23 and also for an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the works.

#### *Conclusion*

- 9.60. Having regards to the CE's comments, it is considered that subject to the recommended conditions for a landscape scheme, Biodiversity Enhancement Scheme to include restricted exterior lighting, hedgehog highways through any boundary fencing/walls, bat and bird provisions integrated into the fabric of the new dwellings walls as well as wildlife friendly planting and an informative for badgers/terrestrial mammals to ensure any commuting species are protected during the work, the proposal would be acceptable in terms of the ecology of the site and would comply with Policies ESD10 and ESD15 of the CLP 2015 and Government guidance in the NPPF.

#### Highway Safety

##### *Policy Context*

- 9.61. 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*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 9.62. The Local Highway Authority (LHA) has raised no objections to the scheme, advising that the proposed access alterations will improve visibility from the existing access, any alterations to the public highway is subject to an informative for the requirement of legal agreement between the applicant and Oxfordshire County



Council, the plans indicate that there is available space within the red line boundary to park vehicles, a Construction Traffic Management Plan (CTMP) should be required by condition to ensure the construction phase of the development poses a minimal risk to the safety and convenience of the adjacent highway network and that it is a requirement for all new dwellings to have both cycle parking and electric vehicle charging infrastructure. The LHA advised that the applicant must show the means of enclosure of 5 cycle parking spaces and that Cycle parking spaces must be covered, secure and have direct access to the highway and along with requirement for the applicant to indicate that EV charging is available on site.

- 9.63. Officers agree with this assessment and apart from the condition relating to electric charging infrastructure, which would be covered by and is a requirement of a building regulations application, subject to the other conditions and informative the proposal is considered acceptable in relation to highway safety and parking provision, and therefore the proposal accords with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

## 10. PLANNING BALANCE AND CONCLUSION

- 10.1. It is considered that the proposed dwelling would not result in any significant detriment to the character or visual amenities of the area, the historic environment, or trees, nor on the living amenities of the neighbouring properties. In addition, it is considered that the proposed development would not result in any significant detriment to highway safety and would be acceptable in terms of flood risk. The proposal therefore complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 11. RECOMMENDATION

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

### 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 not be carried out otherwise than in complete accordance with the approved plans: OMHS/01B, OMHS/02B, OMHS/03B, OMHS/04B, OMHS/05B, OMHS/07, Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01”, “Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, “BS5837: 2012 Tree Survey and “ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18<sup>th</sup> January 2024)”.

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 Environment Management Plan (CEMP)**

3. No development shall commence unless and until a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site, together with the details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved CEMP.

Reason: To ensure the 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.

### **Stone sample**

4. No development shall commence above slab level until a stone sample panel (minimum 1 sq m in size, and using lime based mortar with brushed or rubbed joints) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, where indicated on the approved drawings the external walls of the dwelling (where applicable) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and 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.

### **Samples of external materials**

5. No development shall commence above slab level unless and until samples of the materials to be used externally in the construction of the walls and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 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.

### **Biodiversity Enhancement**

6. No development shall commence above slab level unless and until a method statement for enhancing biodiversity on site to include wildlife friendly planting, bird and bat provisions, hedgehog highways through any boundary fencing/walls and restricted exterior lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first occupation of the development in accordance with the approved details 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 the National Planning Policy Framework.

### **Sustainability and Energy Statement**

7. No development shall commence until a Sustainability and Energy Statement, outlining the measures to reduce carbon emissions and energy use during both the construction and operational phase of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Scheme for the provision and implementation of foul and surface water drainage**

8. No development shall commence above slab level unless and until a scheme for the provision and implementation of foul and 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 the dwelling 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.

### **Construction Traffic Management Plan (CTMP)**

9. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. The development shall not be carried out other than in full accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure

and local residents, particularly at morning and afternoon peak traffic times

**Access: Full Details**

10. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. 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.

**A scheme for landscaping**

11. 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 (comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle) 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 hard landscaping including hard surface areas, driveway, parking, pedestrian areas and steps.

(c) boundary treatments

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

The development shall be carried out in strict accordance with the approved landscaping scheme. The hard landscape elements of the scheme shall be carried out prior to the first occupation 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.

**Removal of vegetation (including trees)**

12. Notwithstanding the details submitted, all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal.

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.

### **All planting, seeding or turfing**

13. 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.

### **Desk study and site walk over to identify all potential contaminative**

14. 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.

### **Potential risk from contamination**

15. If a potential risk from contamination is identified as a result of the work carried out under condition (14), 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.

**If contamination is found by undertaking the work carried out under condition (14)**

16. If contamination is found by undertaking the work carried out under condition (14), 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.

**If remedial works have been identified in condition (14)**

17. If remedial works have been identified in condition (16), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (16). 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.

**Contamination not previously identified.**

18. If, during development, contamination not previously identified is found to be present at the site, no further development shall be 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Joinery details**

19. Prior to their installation, full details of the doors, windows and roof lantern to the dwelling hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing

by the Local Planning Authority. The doors and windows and their surrounds shall be installed within the buildings in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Arboricultural details**

20. The proposed development shall be completed in full adherence to the Arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990, to ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Cycle Parking Provision**

21. 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 be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the Covered Cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

#### **Full details of the arrangements for the storage and collection of refuse and recycling**

22. Prior to the first occupation of the development hereby approved full details of the arrangements for the storage and collection of refuse and recycling from the site, including the location of storage areas, shall be submitted to and approved in writing by the Local Planning Authority. The refuse bin storage area(s) shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter remain unobstructed except for the storage of refuse bins and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to ensure a satisfactory living environment for the occupiers of the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Regulation 43 of the Habitat and Species Regulations 2017 (as amended)**

23. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Bats and Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

### **PD Restrictions (extensions)**

24. 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 and its subsequent amendments, the approved dwelling shall not be extended or enlarged, 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 - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and residential amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **PD Restrictions (windows or openings)**

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted in the dwelling without the grant of further specific planning permission from the Local Planning Authority

Reason - To safeguard the living conditions of neighbouring residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you



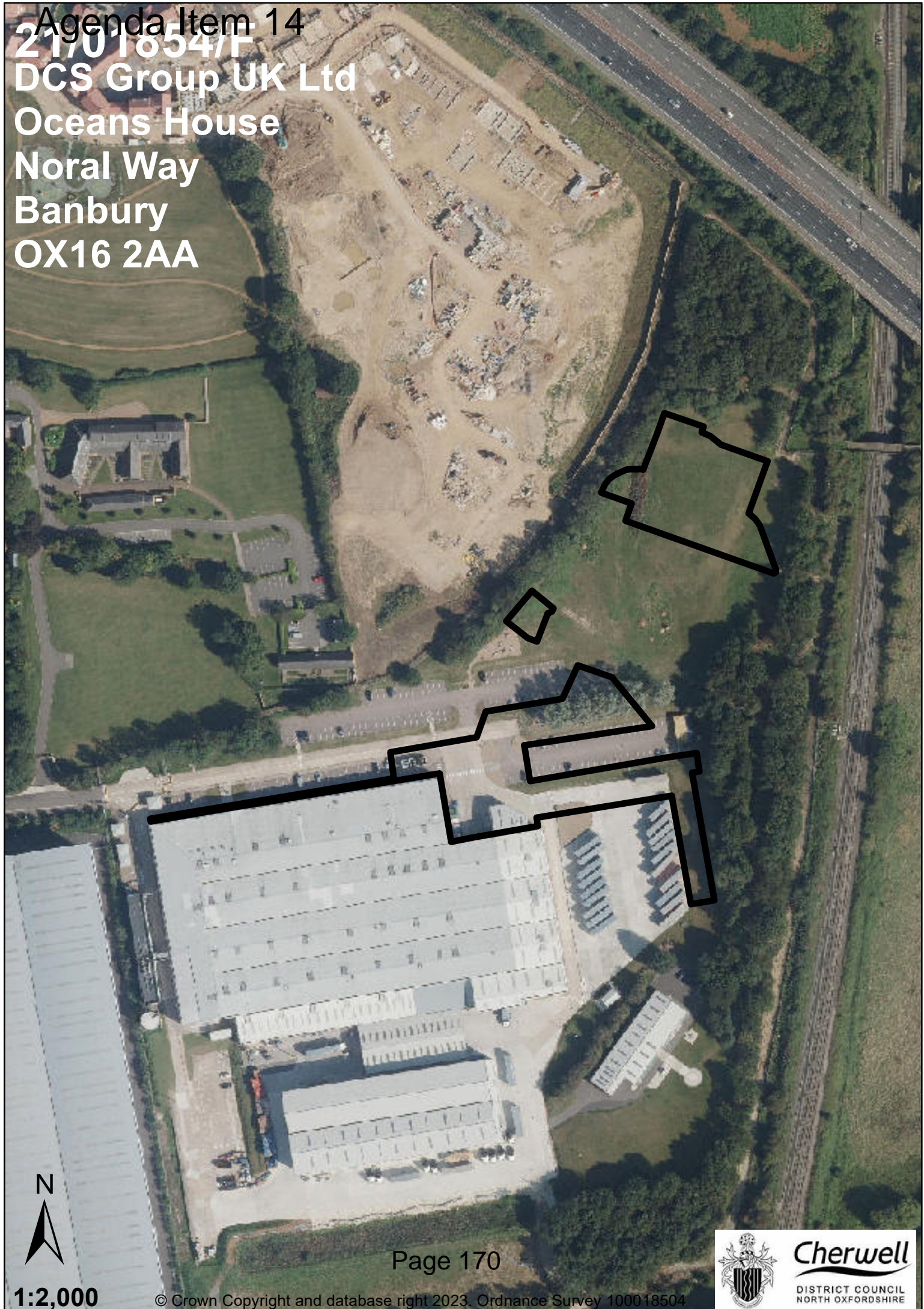
should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
4. Ecology Great Crested Newt (GCN) - The amenity grass surrounding the build zones of the site shall be kept short in the interim and measures should be incorporated to limit storage of materials on site which may become attractive for hibernation and become a disturbance risk.
5. **Ecology** - The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.
6. **Highways** - Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.
7. Thames Water recommends the following informative be attached to this planning permission. 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.

CASE OFFICER: Michael Sackey

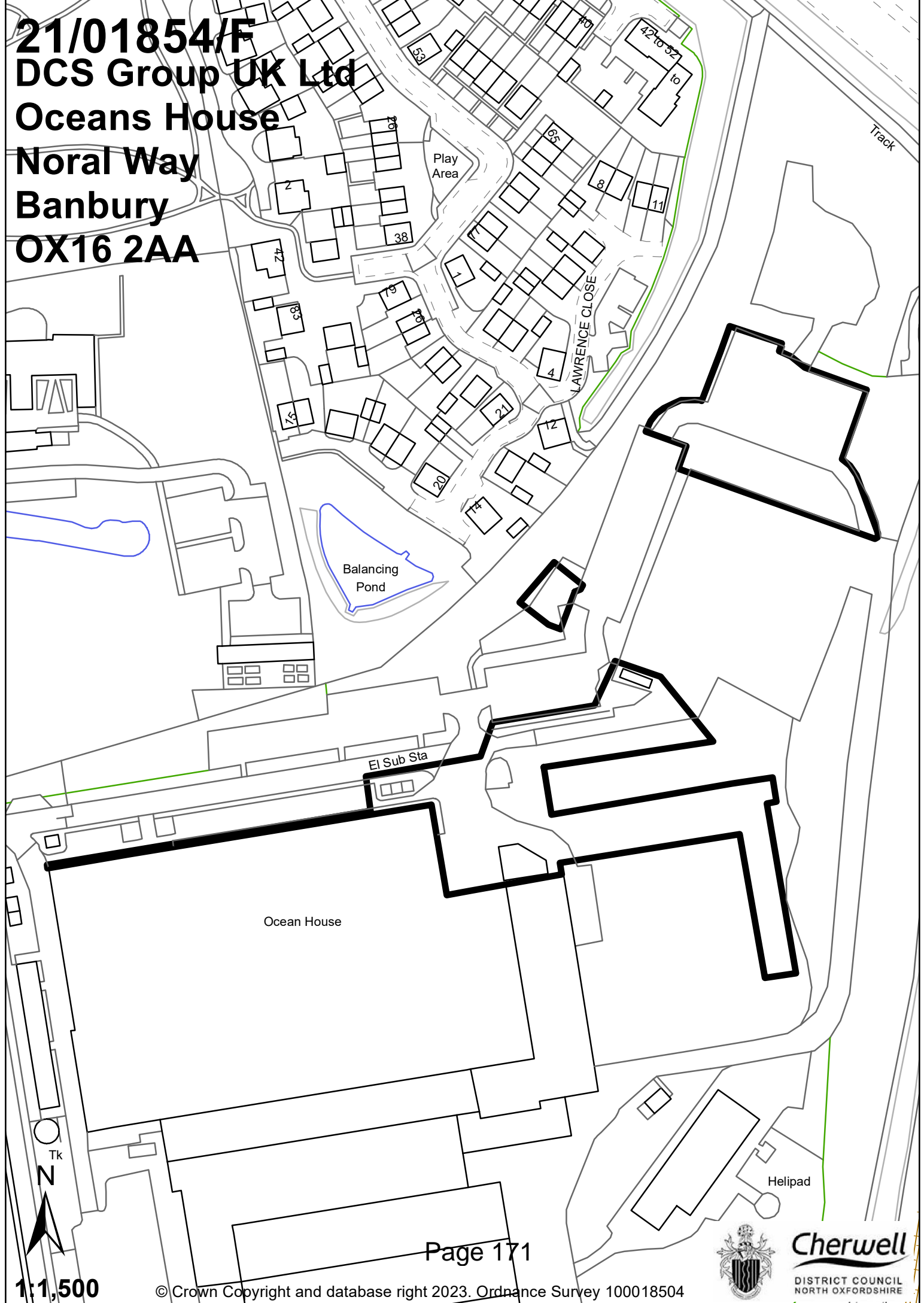
TEL: 01295 221820

Agenda Item 14  
21701854/F  
DCS Group UK Ltd  
Oceans House  
Noral Way  
Banbury  
OX16 2AA



1:2,000

**21/01854/F**  
**DCS Group UK Ltd**  
**Oceans House**  
**Noral Way**  
**Banbury**  
**OX16 2AA**



Ocean House

Balancing Pond

Play Area

LAWRENCE CLOSE

Track

El Sub Sta

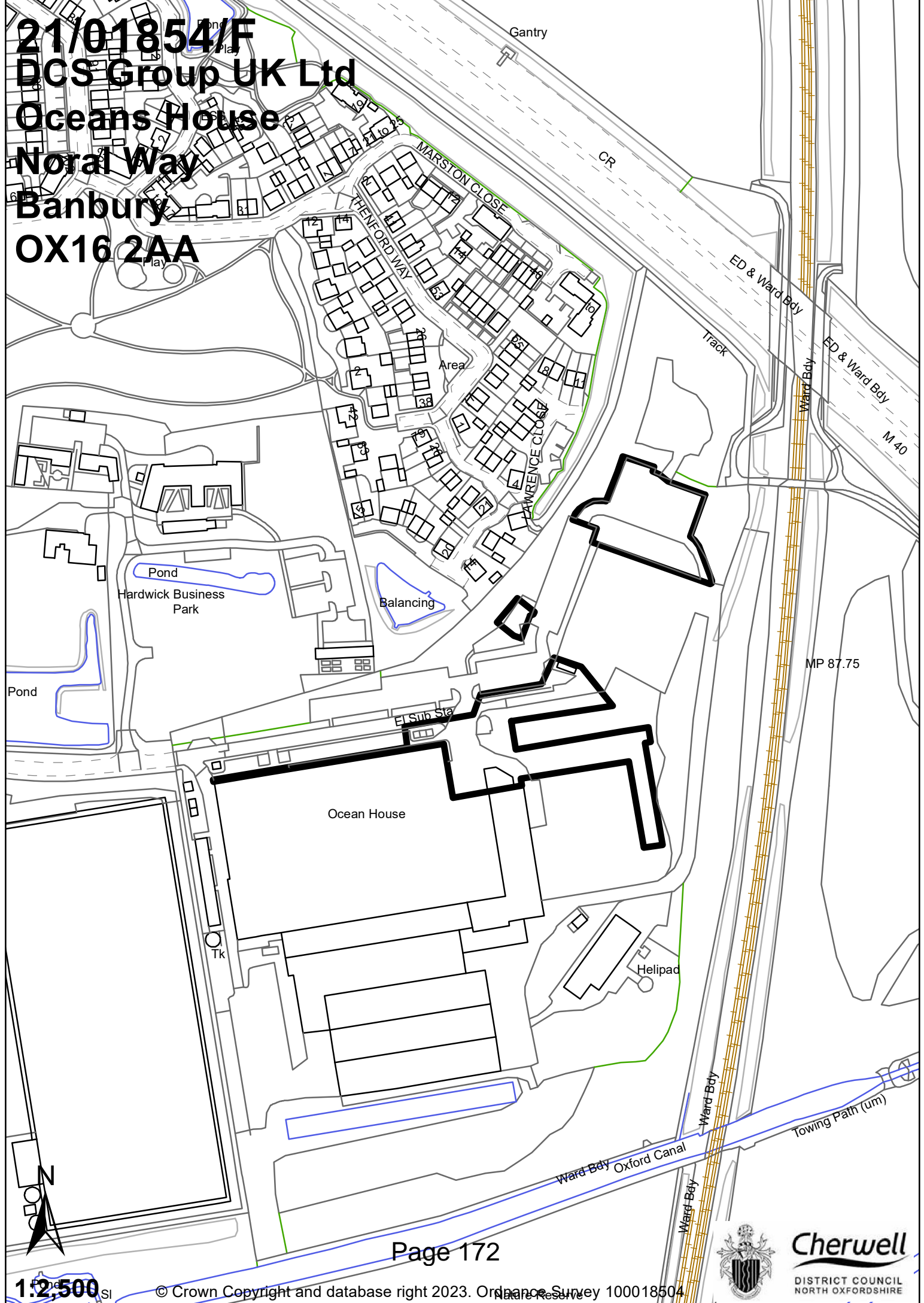
Helipad



**1:1,500**



21/01854/F  
DCS Group UK Ltd  
Oceans House  
Noral Way  
Banbury  
OX16 2AA



**Case Officer:** Chris Wentworth

**Applicant:** DCS Group Ltd

**Proposal:** The proposals comprise the following changes:-

\_The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site;

\_The "future parking extension area" of the previous application has been designed and built out;

\_There is a new extension to the east elevation of the proposed warehouse (420m<sup>2</sup>), which will house fork lift chargers;

\_Two mezzanine levels have been added within the latest warehouse extension, to provide 2,000m<sup>2</sup> of additional floorspace;

\_A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere;

\_New "over-cladding" has been introduced along the north elevation; and

\_A replacement lorry drivers cafe.

**Ward:** Banbury Hardwick

**Councillors:** Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr John Donaldson

**Reason for Referral:** Major development

**Expiry Date:** 5 February 2024

**Committee Date:** 21<sup>st</sup> March 2024

---

**SUMMARY RECOMMENDATION:**

**GRANT DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AS DEEMED APPROPRIATE AND SUBJECT TO THE PRIOR COMPLETION OF A S106 LEGAL AGREEMENT TO SECURE NECESSARY MITIGATION**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way.

- 1.2. The application site is located to the east and north of the existing building at Ocean's House and is currently occupied by the existing lorry park and an area of grassland.
- 1.3. The wider site of Ocean's House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern railway line to the east, the Oxford Canal to the south and the former SAPA works site to the west, now redeveloped as large employment units.

## **2. CONSTRAINTS**

- 2.1. The application site is within the Radon (Class 4) notification area, used to comprise best and most versatile agricultural land prior to its commercial development, now is designated an area of potential contamination, contains eutrophic standing water in parts such that Thames Water should be notified of proposals, contains non-native invasive species – orange balsam, and lies within a NATS windfarm development consultation zone. None of these constraints are particularly relevant to this application proposal.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Planning consent is sought for the following works at Ocean's House, DCS Group site, Noral Way following the grant of planning permission for the erection of a warehouse extension, relocation of lorry park and driver's amenity building, together with associated external works (approved under 19/00010/F).
  - Revised manoeuvring space for lorries to the front of the warehouse;
  - Retrospective consent is sought for the provision of a parking area extension that has been designed and built out and provides 54 no. staff car parking spaces;
  - A new extension to the east elevation of the proposed warehouse, which will house fork lift chargers. This extension would measure 49.5m x 8.3m x 9.7m (approx 420m<sup>2</sup>);
  - Two mezzanine levels are proposed within the warehouse extension area with each level (1<sup>st</sup> and 2<sup>nd</sup> floor) providing 1,000m<sup>2</sup> of internal floorspace at each level (approx 2,000m<sup>2</sup> total);
  - A new glazed entrance canopy;
  - Additional area of second floor office space is proposed. The office area would provide approx 740m<sup>2</sup> of additional internal floorspace although would not increase staff numbers;
  - New "over-cladding" to be introduced along the north elevation of the warehouse building. The cladding would be a combination of Kingspan basalt grey and metal light grey silver; and
  - A replacement lorry drivers cafe. This would be a standalone building positioned to the north of the main warehouse building and would measure 16.2m x 8.2m x 3.9m high (at its highest point) with a monopitch roof and finished in Kingspan flat insulated panels.

#### **4. RELEVANT PLANNING HISTORY**

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

21/00427/F - Variation of Condition 2 (plans) of 19/00010/F - Minor changes are proposed to the approved scheme: new roof profile direction (same overall volume), changes to the elevations of the warehouse – PERMITTED.

19/01254/F - Relocation of existing loading canopy and replacement with "infill" warehouse between existing warehouses – PERMITTED.

19/00010/F - Erection of warehouse extension, and relocation of lorry park and drivers' amenity building, together with associated external works – PERMITTED.

*Officer comment: This application relates to land to the north of this application site and permits an extension to the existing warehouse measuring up to 15.6m in height.*

17/00484/F – Installation of proprietary bunded helicopter refuelling tank to rear of existing warehouse – PERMITTED.

16/01745/F - Erection of single storey maintenance building to rear of existing warehouse – PERMITTED.

16/01610/F - Erection of dual helicopter hanger, formation of access roadway, path, helipads and fencing/gates – PERMITTED.

*Officer comment: This consent permitted the adjacent helicopter hangar and includes the car park on to which the new building will be sited. The hangar was approved with a total height of approximately 7m.*

16/01720/F – Construction of lorry park to rear of existing warehouse – PERMITTED.

16/00927/F - Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a) – PERMITTED.

11/01868/F - Refurbishment of premises to include changes to external appearance of the building, and new entrance and gatehouse totalling 175sqm. External changes involving new car parking, hard standing, landscaping, footpaths and amenity areas – PERMITTED.

09/00097/F - Change of use of existing buildings from class B2 and ancillary B1(A) to flexible uses: use class B2 and/or B8 and ancillary B1(A). – PERMITTED.

04/01491/F - Extension to provide extended Finished Goods Store, New Components Store and by-pass road to allow continuation of one-way site traffic – PERMITTED.

01/00781/F - Erection of extension to contain and sort finished goods prior to despatch – PERMITTED.

#### **5. PRE-APPLICATION DISCUSSIONS**

5.1. No formal pre-application discussions have taken place however guidance was given to the applicant in respect of the correct application process to follow to secure the changes sought to the originally approved scheme (19/00010/F).

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **11 May 2022**, by advertisement in the local newspaper expiring 1 July 2021 and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 December 2023**.
- 6.2. The comments raised by third parties are summarised as follows:
- Comments received on behalf Bellway Homes (developer of the adjacent residential development) expressing concern about the proposed work and nature of activity on site. Requests further details of the proposed relocated staff car park (54 spaces) including proposed ground levels. Notes that this part of the site is used for storage of materials at a higher level than the nearby parking. Asks that application is not determined until these details have been provided and consulted on. Concerns also expressed in respect of hours of operation and notes a fence with wire top has been erected and asks if this is part of the current application.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: No objection.
- 7.3. CDC ENVIRONMENTAL PROTECTION: Comments received.

Noise and Odour: We would like to see more details for the Drivers Café so as to be sure that any noise and odour from the extraction system does not cause a nuisance for nearby residents, therefore I would propose the following condition:

*'Prior to the installation of any commercial kitchen exhaust system to be installed to serve A5 uses within the approved development a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.*

*Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust systems installed and meet the aims of the National Planning Policy Framework.*

Air Quality: Unless I have missed it, I see no provision for EV charge points, therefore I propose the following condition:



'Prior to the occupation of the development there should be measures in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. We would like to see EV charge points to allow for the future uptake of EV's by staff and visitors to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework'.

Light: Details of the lighting scheme should be provided and approved by the LPA prior to installation.

Contaminated Land: No comments.

7.4. OCC HIGHWAYS: S106 Contributions as summarised below:

- £1,240 to provide for monitoring of a workplace travel plan.
- £3,120 to cover the cost of administering a Traffic Regulation Order to remove on-street parking on Noral Way and the introduction of double yellow line.

The revised proposals are acceptable to the local Highway Authority. A contribution will be required towards the control of parking on Noral Way. A Travel Plan and Travel Information Pack will be required. Conditions requested relating to cycle parking provision, workplace travel plan, travel information pack.

7.5. OCC - LEAD LOCAL FLOOD AUTHORITY: Objection.

- Detailed drainage strategy drawing to be provided.
- Provide flood exceedance plan with flood arrows.

7.6. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeology.

7.7. CANAL AND RIVER TRUST: No requirement for you to consult us in our capacity as a Statutory Consultee.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Developer Contributions 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
- Heritage Impacts
- Neighbour amenity
- Flooding and Drainage
- Ecology

*Principle of Development*

9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an existing strategic employment site. Policy SLE1 of the Cherwell Local Plan 2011- 2031 Part 1 states, in part, that: *on existing operational or vacant employment sites at Banbury...employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.*

9.3. The use of Ocean's House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and be in the same use. The development would not extend outside the existing site and there would be no change of use. Therefore, the principle of development of increasing operational floorspace with ancillary alterations to parking

and elevational details is acceptable subject to the other material considerations discussed below.

#### *Design, Character & Heritage Impacts*

- 9.4. 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.*
- 9.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 reflects this advice and states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 9.6. Policy ESD16 of the Cherwell Local Plan 2011 – 2031 Part 1 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.
- 9.7. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 9.8. 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.
- 9.9. The proposed warehouse extension would be of a design form and constructed from materials to match those of the existing warehouse on the site.
- 9.10. The site is well screened from the public domain by nearby buildings and vegetation and would not be clearly visible from the Oxford Canal or from the M40 motorway. The extensions may be visible from the Southam Road development to the north of the site. However, it would be seen in the context of the existing industrial site and would be visually contained within the existing site.
- 9.11. The site is located in close proximity to the Oxford Canal Conservation Area and under this proposal, the buildings would be extending closer to the heritage asset. However, the site is well screened from the Oxford Canal and is in an industrial use which would not change under this application.
- 9.12. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area and that the development is therefore acceptable in this regard.

### *Neighbour Amenity*

- 9.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 9.14. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.15. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.
- 9.16. The proposal would not extend the industrial use on the site in closer proximity to the Southam Road residential development. However, the staff car parking area in particular would be further north, moving towards the M40 motorway and closer to some neighbouring properties.
- 9.17. The Environmental Protection Officer has raised no objections to the scheme, subject to a few conditions. The first condition relates to the provision of EV charging points at the site. Whilst the northern staff parking area has been completed, the site already benefits from EV charging points at the site closer to the buildings entrance. Also, given that staff numbers are not increasing, this condition is not considered necessary or reasonable in this case. Furthermore, such matters are now addressed through the Building Regulations process.
- 9.18. The second condition requested relates to Noise and Odour whereby details for the extraction system for the Drivers Café (should hot food be cooked in the building) so as to be sure that any noise and odour from the extraction system does not cause a nuisance for nearby residents. Such a condition is considered reasonable and necessary in this case.
- 9.19. The third condition requests details of an external lighting scheme. Given the sites location near to sensitive receptors, it is considered appropriate to secure such details, including lighting for the car park areas.
- 9.20. The use of the lorry park and warehouse would be restricted by the operating hours approved under 16/00927/F, which limited the use from 6am to 8pm Monday to Friday. Whilst staff parking will be closer to some neighbouring properties, there will be no increase in staff numbers and the noise from vehicle movements and the opening and closing of doors would be perceived against the backdrop of the industrial activities across the site. It is considered that with the imposed conditions and the operating hours of the site, that the development would not cause harm to the amenities of near neighbours.

### *Highway Matters*

- 9.21. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 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. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

- 9.22. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.
- 9.23. The current proposal does not seek to revise any access arrangements and seeks retrospective consent for the construction of the surface level northern staff car park containing 54 no. spaces.
- 9.24. OCC Highways have been consulted on the proposals and have sought the following S106 contribution obligations:
- £1,240 to monitor the Travel Plan;
  - £3,120 to administer a Traffic Regulation Order and an additional £1,000 towards lining and signage if the Order is successful.
- 9.25. The Traffic Regulation Order is sought to remove the parking facility along Noral Way. OCC Highways explain that HGVs have been using the car parking bays on Noral Way which has on occasion impeded traffic movement. Officers have no reason to doubt that this has been an issue. Whilst the current application does not propose an increase in HGV parking facilities, the proposal does result in a significant increase in the internal storage space on site such that a change in HGV movements could well arise from the development. As such, officers consider the request for money towards a TRO to be justified in this case.
- 9.26. In addition, OCC Highways are also seeking a contribution towards the monitoring of a travel plan for staff on site. However, the proposal does not seek to increase staff numbers and has been put forward purely to improve existing facilities/operations for existing employees. Furthermore, the previous approval (16/00927/F and 19/00010/F) imposed a condition to secure the monitoring of a travel plan. As such Officers do not consider the request for money towards further travel plan monitoring to be justified in this case.
- 9.27. Finally, OCC Highways have requested the imposition of a condition to secure revised cycle storage provision on site. Such a request is considered appropriate in this case.

#### *Flooding and Drainage*

- 9.28. The LLFA have been consulted on the proposal and have objected to the proposal on several points that the applicant has sought to address during the assessment of the application. The remaining points outstanding relate to the provision of a detailed drainage strategy drawing along with the provision of a flood exceedance plan with flood arrows.
- 9.29. The LLFA has provided further clarity on what is needed in those regards and has stated that the proposed drainage works, and existing drainage are not shown clearly, and that existing infrastructure can be shown in different colours to aid comparison to the proposed additional infrastructure. In addition, the outfall manhole shows no information and there is no pipe shown connecting to the discharge location (Oxford Canal), the drainage strategy drawing should be detailed, proposed drainage pipes and manholes should be clearly keyed up on the drawing, pipe gradients, invert and cover levels should be provided for all infrastructure and that parts of the site are existing, therefore [measures should] clearly demonstrate the extent of the proposals with another colour boundary.

- 9.30. The local planning authority is content that ongoing discussions on this matter have addressed many/most of the LLFA's original concerns and are confident that an appropriate drainage strategy can be secured by planning condition.
- 9.31. It is noted that Bellway Homes have requested that further details of the proposed relocated staff car park (54 spaces) including proposed ground levels are sought and notes that this part of the site was used for the storage of materials at a higher level than the nearby parking. The applicant has subsequently provided existing and proposed site levels which the authority has assessed and will inform the drainage strategy condition for the site.

#### *Ecology Matters*

- 9.32. 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/are 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').

- 9.33. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a large area of grassland, is adjacent to the Oxford Canal and there are several mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for reptiles, otters, great crested newts and badgers.

- 9.34. 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 ecological protected species (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.

- 9.35. In respect of planning applications and Councils discharging their legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant a licence then the Council may grant planning permission.

- 9.36. The application is supported by a detailed protected species survey which concluded that the development would not result in significant harm to biodiversity nor harm to protected species and would instead provide some new biodiversity benefits and the Council's Ecologist has offered no comments to the scheme.

## 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. The proposed development would help support the local economy by providing improved facilities for an existing business that employs nearly 300 local people on a strategic employment site that is recognised in the Local Plan. The development would provide a development that – through conditions – would ensure that the amenities of neighbouring occupiers are protected. It is therefore considered that the development would comply with the provisions of Paragraph 8 of the NPPF and is acceptable subject to the conditions set out below.

## 11. RECOMMENDATION

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Payment of £3,120 to administer a Traffic Regulation Order along Noral Way.
- b) Payment of £1,000 towards lining and signage if the Traffic Regulation Order is successful.

**OR, IF AGREEMENT CANNOT BE REACHED, THEN REFUSED:**

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority and Highway Authority are not satisfied that the proposed development provides for appropriate highway safety mitigation measures required as a result of the development and necessary to make the impacts of the development acceptable in planning terms and would therefore be contrary to Cherwell Local Plan (Part 1) 2011-2031 policy INF1 and Government guidance contained within the National Planning Policy Framework.

### CONDITIONS

#### **Time Limit**

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

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

#### **Compliance with Plans**

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

- Location Plan – 0707/008\_-[-]
- Proposed Site Plan – 0707/009\_[B]
- Proposed Ground Floor Plan – 0707/010\_[B]
- Proposed First Floor Plan – 0707/011\_[B]
- Proposed Second Floor Plan – 0707/012\_[B]
- Truck Stop Café Plans and Elevations – 0711/001 [D]
- Proposed Elevations – 0707/016\_[A]

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.

### **Cycle Storage Provision**

3. Prior to the first use or occupation of the warehouse extension 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.

### **Extraction Ventilation Equipment**

4. Prior to the installation of any commercial kitchen exhaust system to be installed to serve the truck drivers cafe within the approved development, a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust'. systems installed and meet the aims of the National Planning Policy Framework.

### **Unexpected Land Contamination**

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



with the approved details.

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

#### **Drainage Strategy**

6. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage shall be 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 extensions hereby approved and thereafter retained as such.

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.

#### **Provision of Parking, Turning and Loading/Unloading Area**

7. The proposed HGV parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the warehouse extension hereby permitted. The parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

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

#### **External Lighting**

8. Details of the external lighting, including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

CASE OFFICER: Chris Wentworth

22/03063/F

# Land East Of Larsen Road Heyford Park



1:1,700

22/03063/F

Land East Of Larsen Road  
Heyford Park



16 14

42

Ponds

Track

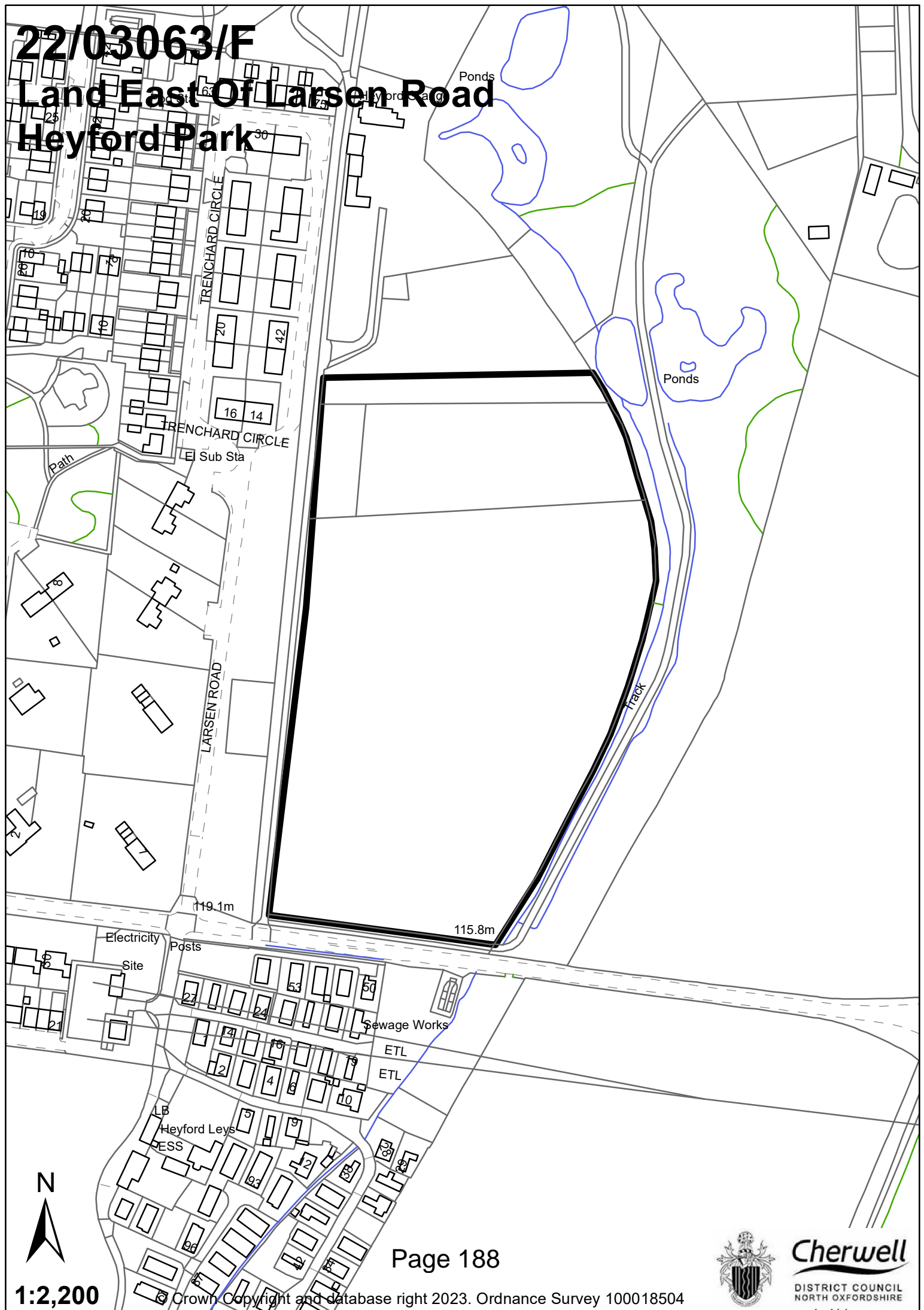
115.8m



1:1,200



# 22/03063/F Land East Of Larsen Road Heyford Park



1:2,200

**Case Officer:** Chris Wentworth

**Applicant:** David Wilson Homes (Southern)

**Proposal:** Erection of 123 dwellings (formerly 126) with access from Camp Road, provision of public open space and associated infrastructure.

**Ward:** Fringford and Heyfords

**Councillors:** Councillors Clarke, Simpson and Wood

**Reason for Referral:** Major Development

**Expiry Date:** 31 March 2024

**Committee Date:** 21 March 2024

---

**SUMMARY RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS AND COMPLETION OF S106 LEGAL AGREEMENT.**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site, which equates to approximately 4.1 hectares in area, comprises a greenfield site situated to the south-east of the former RAF Upper Heyford airbase, beyond the southern perimeter of the RAF Upper Heyford Conservation Area and within what is defined under the development plan as Policy Villages 5, which in part, provides for additional development around the main airbase site.
- 1.2. The application site is bounded by Camp Road (aligned by a mature hedgerow) to the south, wherein there lies access to a hardsurfaced track (i.e. Letchmere Drive) which extends northward alongside the western site boundary to a group of residential buildings, collectively known at present as Letchmere Farm; to the east by a strong tree lined perimeter, wherein the land levels fall eastward to Sor Brook; and, to the west by mature landscaping, consisting of trees and hedgerows – beyond which lies a mix of former officer’s housing accessed off Larsen Road.

**2. CONSTRAINTS**

- 2.1. The majority of the former airbase site, that includes the land to the west of the application site and to the north of Letchmere Farm, was designated as a Conservation Area (i.e. RAF Upper Heyford Conservation Area) in 2006. The English Heritage assessment of the former airbase site defined the ‘*special interest*’ of RAF Upper Heyford as the structures and layout that contributed to its role as a Cold War airbase. The airbase site contains three Scheduled Monuments identified as ‘*Cold War Structures*’ and several listed buildings, as set out within the ‘*RAF Upper Heyford Conservation Area Appraisal*’ and other non-designated heritage assets. No buildings within or in the immediate surroundings of the application site are designated heritage assets. However, it is noted that the former officer’s housing (referenced under para 1.2 of this report) are identified within the aforementioned Conservation Area appraisal as ‘*Non-Listed Buildings of Local Significance*’.

- 2.2. The application site lies beyond the perimeter of both the designated Ardley & Upper Heyford Conservation Target Area and the County designated wildlife site (i.e. the eastern end of the flying field to the former airbase) which is recognised as being of importance for its calcareous grassland, ground nesting birds and great crested newts. The latter are understood to have also been recorded at Letchmere Farm – to the immediate north of the application site.
- 2.3. The application site lies wholly within the Policy Villages 5 designated residential development area for Heyford Park, and has been previously granted planning permission to Pye Homes for the erection of 120 dwellings together with access from Camp Road and landscaped public open space.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This application seeks planning permission for the following for the '*Erection of 123 dwellings with access from Camp Road, provision of public open space and associated infrastructure.*'
- 3.2. It is noted that consent was originally sought for 126 dwellings, which was subsequently reduced during the assessment of the current planning application in order to provide a greater area and more usable area of landscaped public open space.
- 3.3. The proposed development comprises:
  - 30% affordable housing (37 units);
  - a mix of 1, 2, 3 and 4 bed dwellings;
  - a mix of one, two and two-and-a-half storey dwellings;
  - a new primary vehicular access running north from Camp Road;
  - secondary vehicular accesses for Plots 1-4 and Plots 120-123 from Camp Road;
  - a large central area of public open space;
  - provision of a Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) within the main open space;
  - additional landscaping and landscaped public open space; and,
  - a sustainable urban drainage system (SuDS).
- 3.3 The affordable housing mix comprises:
  - 26 no .affordable rental units (70%); and,
  - 11 no. first homes/intermediate home ownership (30%).
- 3.4 The palette of materials and means of enclosure to the 123 no. dwellings comprises the following:
  - facing materials in the form of brick and render;
  - plain profiled tiles to roof coverings to be slate grey and brown in colour;
  - double-glazed upvc casement windows, with cills and lintels to be cast stone and brick;
  - 6 pane upvc doors with use of lean-to and gabled front porches;
  - front boundaries to include a combination of hedging, shrubs and black railings;
  - rear boundaries facing the street in form of 1.8 metre red brick walls; and,
  - internal boundaries to be 1.8m close boarded fencing.

### **4. RELEVANT PLANNING HISTORY**

- 4.1 The former airbase site, following its closure to the military in 1994, has been the subject of an extensive planning history.

- 4.2 Respective grants of planning permission were issued on a temporary basis for the reuse of many of the buildings on the airbase site - superseded on appeal by permanent permissions and by subsequent applications thereafter.
- 4.3 A number of applications have since been submitted seeking permission to develop the airbase, many of which have been the subject of a formal appeal, inclusive of application reference 08/00716/OUT.
- 4.4 Following a public inquiry that commenced in September 2008 the appeal decision was received in January 2010 which allowed '*A new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).*' This permission included the flying field and the uses and development permitted have since been largely implemented.
- 4.5 A revised masterplan was submitted as part of an outline application for the "*Proposed new settlement for 1,075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure*" wherein planning permission was granted on 22 December 2011 (Ref: 10/01642/OUT) - in response to which a number of reserved matters applications have since been submitted, approved and now implemented on site.
- 4.6 In November 2020, the Planning Committee considered application reference 18/00825/HYBRID wherein permission was sought for a mixed-use development, inclusive of (outline planning permission) for a further 1,175no dwellings, commercial development and a range of community amenities and facilities. The Planning Committee resolved that authority be delegated to the Assistant Director of Planning and Development, to grant permission subject to conditions and completion of a section 106 planning obligation – subsequently issued in 2022.
- 4.7 This application site has recently been the subject of two approved planning applications (References: 15/01357/F & 21/03523/OUT) by Pye Homes Ltd, comprising two separate parcels of adjoining land wherein planning permission was approved, in part, for the erection of 89no. dwellings and 31no. dwellings respectively. In January 2022 (in respect of Reference: 15/01357/F) and March 2022 (in respect of Reference: 21/03523/OUT) the Planning Committee resolved to grant delegated authority to the Assistant Director of Planning and Development to grant planning permission subject to conditions and a S106 agreement (and any amendment to them both deemed appropriate). The S.106 agreement was agreed in September 2023 and planning permissions were issued.

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

- 6.1 The original 126no. dwelling scheme was publicised by way of a site notice displayed near to the site expiring **24 November 2022**, by advertisement in the local newspaper expiring **10 November 2022** and by letters sent to properties adjoining the application site that the Council had been able to identify from its records with no public comments received.
- 6.2 The revised 123no. dwelling scheme has been publicised by advertisement in the local newspaper expiring **21 March 2024** and by letters sent to properties adjoining

the application site that the Council has been able to identify from its records with no public comments received at the time of the writing of the report. Any updates on this will be presented to members of the planning committee.

## 7. RESPONSE TO CONSULTATION

7.1 Below is a summary of the consultation responses received at the time of writing this Report in relation to the 126no. dwelling scheme. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2 Heyford Park Parish Council:

*'Whilst the parish council understand that this planning application is similar the plans that benefited from resolutions to grant planning permission the parish council would note the following:*

- 1. Whilst the council have some reservations regarding the reduction of green space, the council acknowledge that this has resulted in an increase in the number of affordable homes planned.*
- 2. The parish council have reservations in the impact this development will have if work commences prior to the planned road infrastructure changes are implemented at Chilgrove Drive. This would increase the level of HGV traffic on Camp Road in contravention of plans to reduce the HGV traffic on the road.*
- 3. If these plans are approved, consideration should be given to extending the 20 MPH zone to overlap the entrance to the development prior to occupation. In the event of this application getting approval Heyford Park Parish Council seek S106 funding for land to be passed to the PC for a play area/public park, and possibly a small plot of land on which we could build a PC office and meeting room. It should be noted that currently all public parks and play areas are privately owned and maintained at the expense of the bulk of residents in the village through management charges.'*

Further response dated 19<sup>th</sup> October 2023

- This is a revised application that was previously considered by the Heyford Park Parish Council in November 2022. There have been some minor adjustments, and one important change which is to remove the sewage treatment plant and pump the sewage into the main public sewer. The Dorchester Masterplan has been amended in recent years following a consultant report that recommended a cordon sanitaire prohibiting any development within 177M of the edge of the sewage treatment plant due to high odour level close to the treatment plant.
- Cherwell District Council however chose to ignore this recommendation on the adjacent Heyford Leys site and allowed development within 20 metres of the edge of the sewage treatment plant. Furthermore, the consultant's report also confirmed that the odour levels are directly proportional to the number of properties serviced by the plant. This being the case then this change would significantly increase the odour levels close to the sewage plant above and beyond the levels that recommended the cordon sanitaire.
- In view of these considerations, Heyford Park Parish Council strongly objects to this or any other development that increases the number of properties that are serviced by the main sewer until improvements have been made to reduce the impact of the odour levels by those park home residents that live close to the sewage treatment plant.
- Road access to the site is also a major concern.



### 7.3 Thames Valley Police (Infrastructure Contributions)

*'Given the scale and the significance of the proposal Thames Valley Police consider it appropriate that the developer should contribute towards the provision of infrastructure to mitigate the impact of the development.'*

### 7.4 CDC Land Drainage

*'Seek comments from the Lead Local Flood Authority. The watercourse to which it is proposed to discharge surface water at an attenuated rate is sensitive to flooding.'*

### 7.5 Local Highway Authority (OCC)

Objections raised subject to the following:

- There is an excess number of private parking spaces.
- No EV charging infrastructure is proposed.
- A footpath link to Larsen Road is required.

Should consent be granted then the following should be sought:

- S106 contributions towards public transport, highway works, cycle route, traffic regulation order, village traffic calming, M40 junction 10, road safety improvements and weight restriction scheme;
- An obligation to enter into respective S278 (site access) and S38 (highway works – on site roads) agreements;
- Planning conditions securing access and parking, turning, loading and unloading facilities; parking of bicycles; vehicular electric charging points; construction traffic management plan; residential travel plan; and, travel information pack;
- Informative regarding advance payments code and the need for consent from OCC for the new vehicular access.

Further response dated 09/11/23 following reconsultation:

- The three previous reasons for objection given in the response dated 16/10/2023 have been addressed by the submission of revised documents and an email from David Wilson Homes dated 20/10/2023. However, a further objection is raised on the following point;
  - o The absence of cycle infrastructure along the Camp Road boundary means that the site is not connected to the village centre or the wider cycle route network.

### 7.6 Education (OCC)

No objections subject to S106 contributions.

### 7.7 Infrastructure Funding (OCC)

No objections subject to S106 contributions (i.e. funding of Bicester Library).

### 7.8 Archaeology (OCC)

*'An archaeological evaluation has been undertaken on this site, to ground truth the results of a geophysical survey. The results of these investigations have been submitted with this application, and show that no archaeological remains survive on*

*this site, and therefore there are no archaeological constraints to this development.'*

#### 7.9 Minerals & Waste (OCC)

No objection.

#### 7.10 Waste Management (OCC)

No objections subject to S106 contributions (i.e. expansion and efficiency of Household Waste Recycling Centres).

#### 7.11 CDC Environmental Protection

No objections raised subject to a number of conditions being imposed, namely:

- Construction environmental management plan;
- Noise report;
- Verification report (contaminated land); and,
- Air quality impact assessment.

#### 7.12 Thames Water

No objection raised as foul and surface water will not be discharged to the public network. Approval of the Lead Local Flood Authority should be obtained in respect of the latter.

Having regard to the water network no objection is raised subject to a condition securing confirmation of any necessary network upgrades or a development and infrastructure phasing plan.

#### 7.13 CDC Building Control

No comment to make.

#### 7.14 Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board

*'This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Deddington Practice, Bicester Health Centre and Montgomery House surgeries in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.'*

#### 7.15 CDC Recreation & Leisure

No objections raised subject to S106 contributions (i.e. community centre; provision and maintenance of outdoor sports facilities; onsite indoor sport; public art; and, community development worker).

#### 7.16 CDC Housing Strategy & Development

The first response dated 30 March 2023 summarised the affordable housing mix as follows:

*'In terms of numbers, the policy requirement for 30% with the 70/30 tenure split on this scheme of 126 dwellings equates to 38 affordable dwellings with 27 rented (rounded up) and 11 LCHO/intermediate. However, as the 10% LCHO equates to 13*

*dwellings, on this scheme a policy compliant mix will be slightly different, with 25 rented and 13 LCHO/intermediate.'*

The second response dated 26 April 2023 advised as follows in respect of the affordable housing mix:

*' 1. Tenure. Affordable rent is acceptable on the rented dwellings as long as the rents are capped at Local Housing Allowance rate. This will ensure that they are genuinely affordable for tenants.*

*2. Tenure split. DWH have proposed an increased provision of affordable rent (27 as opposed to 25 we advised) and subsequent reduction in LCHO (11 as opposed to 13) below the 10% of the total number.*

*This amounts to a choice between having a) a mix that is fully compliant with local and national policy and b) additional rented provision. There is a very high level of need for rented accommodation, demonstrated by figures from the register, which would support the second option. On the other hand, there are many households who would wish to have the opportunity to purchase a home at a discount.*

*On balance, Strategic Housing's view would be to accept the increase rented provision. This provides a mix which is compliant with the tenure split required by CDC policy, albeit not fully compliant with the national policy i.e. 10% Low Cost Home Ownership across the whole development.'*

#### 7.17 CDC Arboriculture

The submitted arboriculture report identifies a low arboricultural impact within the proposal, and suitable working practices for ensuring retained trees are protected during development. Advised the submission of a landscape/replanting plan in order to secure replacement tree planting, with aim to increase tree cover within the site whilst improving tree biodiversity.

Reconsulted with replanting plan – No further comments to add to previous comments.

#### 7.18 Thames Valley Police (Crime Prevention)

Holding objection raised, albeit it is acknowledged general principles of '*Crime Prevention Through Environmental Design*' have been incorporated into design and layout. Nonetheless additional points in respect of (1) bin collection points; (2) defensible space; (3) surveillance; (4) road layout and speed control; (5) boundary treatments; (6) lighting; (7) public open space; and, (8) utility meters, should be addressed before planning permission is granted.

#### 7.19 Lead Local Flood Authority (OCC)

*'As part of a full application drawings are expected to be detailed. Provide invert and cover levels of all SuDS/drainage infrastructure. Include pipe gradients and pipe numbering which should read in line with the calculations.*

*Infiltration has been conducted mainly in the northern part of the site, infiltration should be conducted to cover the extent of the site. In areas where infiltration is feasible, infiltration techniques has not been used.*

*Provide ownership details and permission to discharge surface water at the existing ditch/watercourse.*

*Provide surface water catchment plan, demonstrating the extent of the impermeable area and stating the area. Also state the area with 10% urban creep.*

*Provide surface water flood exceedance plan, demonstrating with flood arrows and proposed levels that all surface water will be kept away from structures and within the site boundary.*

*SuDS construction details drawing to be provided.'*

Further objection response received dated 09/11/23:

- The drainage strategy drawing provided, does not show the drainage infrastructure around the private plots. The permeable paving is shown however, the incoming and outgoing drainage connections are not shown. For instance the RWP downpoints from the garages and private plots are now shown and how it connects to the surface water network.
- The watercourse mentioned is not shown on the drainage drawing, its not clear how the drainage connects to the watercourse. The drainage drawing shows a manhole on the highway as the outfall and its not clear where the surface water goes downstream of this manhole. The drainage infrastructure is shown outside the red line boundary, consent needs to be provided from the relevant party to have the drainage in their land.
- Provide the maintenance regime, clearly identifying the party that will conduct the maintenance for each SuDS features. Also provide the contact details of the private maintenance company in the report.

#### 7.20 CDC Ecology

The updated Ecological Assessment is considered to be acceptable. However, there are two outstanding matters to address, namely:

1) Great Crested Newts

Where pursuing a District Licence the certificate from Nature Space is required to be submitted with the impact map prior to determination to ensure appropriate conditions are secured accordingly;  
and,

2) Biodiversity Net Gain

A measurable net gain for biodiversity is required.

Further objection response received dated 08/11/23:

- Need to submit a Nature Space certificate to us prior to any determination with an updated risk impact map and we will need to include on any decision notice the conditions on this certificate verbatim in order to authorise the licence after determination. If the conditions are not included on the decision notice the licence cannot be issued.

#### 7.21 BBOWT (Berks, Bucks and Oxon Wildlife Trust)

Objection raised on the following grounds:

- Application does not provide evidence of a net gain in biodiversity;
- The importance of a net gain in biodiversity being in perpetuity;
- Loss of or damage to hedgerow priority habitat;

- Buffer zones and management of hedgerows in order to achieve biodiversity net gain;
- Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area;
- Great Crested Newt district licence; and,
- Cumulative effect in the context of large infrastructure proposals for the area.

#### 7.22 Oxford Trust for Contemporary History

*'The development is unsustainable (ie imposing the costs of energy upgrades on all future occupiers), says nothing of the contribution being made to the heritage site (i.e. the reason that housing is being allowed in this remote location), should ensure that there is a viable bus service to both Bicester and Oxford, and the affordable housing offer is little short of fraudulent. It may be that the Council has failed to ensure adequate standards in its local plans policies and in the grant of previous permissions. However, both David Wilson Homes and Savills (inc. Savills Earth) claim to be responsible companies and it would be surprising if this development meets their own standards.'*

#### 7.23 Conservation (OCC)

It is acknowledged that the principle of development on this site has already been established through previous planning applications. The site is outside of the conservation area but does sit adjacent to it. Directly to the west there are a number of buildings identified as potential local heritage assets on Larsen Road, however, there appears to be substantial landscaping proposed to provide screening. Furthermore, Larsen Road does provide some separation. Overall due to the location of the site it is not considered that the development will result in harm to the significance of the surrounding heritage assets. Therefore, it is not considered necessary for the conservation team to comment further.

#### 7.24 Landscape Officer (CDC) - Objection

- A comprehensively written LVIA and I tend to agree with the conclusion. However, my concern is the increased house density, compared to previous proposals, at the expense of minimum area of informal public open space required under Policy BSC 11: Local Standards of Provision - Outdoor Recreation Table 7 (calculations below). Essential informal open space is required to mitigate what would otherwise be an overly developed site and provide a high value of amenity afforded by open space and trees. Roadside receptors on the Trenchard Circle route west of the application site will experience a degree of visual harm and therefore the northern site boundary must be planted with mixed native hedgerow and individual trees to provide the require visual mitigation and amenity. This structural vegetation is to be conveyed to the residents and maintained by them as a 1.8 m hedge with individual trees.
- Natural and informal Greenspace (minimum 0.857ha) - The minimum standard for POS is 2.74ha per 1,000 urban/rural dwellings and is in addition to the play area provision. Total no. 313 people (2.49 average household x 126 homes) need 0.857ha of greenspace minimum requirement  $((2.74 \times 313) / 1000)$ .
- We can see from the developer's POS Plan the total Landscape and POS is 0.852ha, but this total also includes the LAP and LEAP which reduces the amount of viable POS area because the combined LAP and LEAP (Play Activity and Landscape Buffer) is 4,000 sq m - refer to below. The area reduces to 0.452 ha  $(0.852 - 0.4)$ , but then we add on the attenuation areas 0.034 which equates to 0.486, it is still well below the 0.857ha requirement.

- I recommend a wider open space corridor along the eastern boundary: a minimum of 10m wide. Houses should front onto this area to provide surveillance. This will accommodate the swales and a path. The green link between the central play space and the green corridor is required.
- The revised POS to be measured for the total area is to be confirmed. If the number of homes are reduced to below 100, a combined LAP/ LEAP will be sufficient. If the homes are above 100, the LEAP/NEAP should be combined in a central location with a separate smaller LAP (100 sqm m activity and 300 sq m landscape buffer).
- Play Provision - 126 homes triggers a LAP, LEAP and a NEAP. It is recommended that these facilities are combined.

7.25 A reconsultation process has been undertaken in relation to the amended 123 no. dwelling scheme which is due to expire on 20<sup>th</sup> March 2024. The below responses were received at the time of the writing of the report and any further responses will be presented to members of the planning committee.

#### 7.26 Conservation (OCC)

- It is considered that the amendments to the scheme to reduce the number of units have resulted in no notable change with regards to potential impact on the significance of Heritage Assets. Therefore, there is nothing further to add to previous comments. All previous comments should be taken into account, but it is not considered necessary for the conservation team to provide further comments.

#### 7.27 CDC Land Drainage

- No further comments. The surface water drainage principles and strategy pertaining to the application remain in place.

### **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

#### *Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031 Part 1):*

- PSD1 - Presumption in Favour of Sustainable Development
- Policy Villages 5 - Former RAF Upper Heyford
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 - Affordable Housing
- BSC4 - Housing Mix

- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport and Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- BSC12 - Indoor Sport, Recreation and Community Facilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment and Historic Environment
- ESD17 - Green Infrastructure

*Cherwell Local Plan 1996 Saved Policies (CLP 1996):*

- C23 - Retention of features contributing to character or appearance of a conservation area
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C31 - Compatibility of proposals in residential areas
- C32 - Provision of facilities for disabled people
- TR1 - Transportation funding
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

*Mid Cherwell Neighbourhood Plan (MCNP):*

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-Care Housing
- Policy PH5: Parking, Garaging and Waste Storage Provision

8.3 *Other Material Planning Considerations:*

- RAF Upper Heyford Conservation Appraisal 2006
- CDC Developer Contributions Supplementary Planning Document (SPD) (February 2018)
- Cherwell Residential Design Guide Supplementary Planning Document (July 2018)
- Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

- Circular 06/2005 (Biodiversity and Geological Conservation)

## 9. APPRAISAL

9.1 The key issues for consideration in this case are:

- Principle of Development and Policy Framework
- Housing Provision
- Site Layout and Design Principles
- Landscape
- Heritage
- Ecology
- Residential Amenity
- Flood Risk and Drainage
- Highway Safety
- Planning Obligations

### Principle of Development and Policy Framework

#### *Policy Context*

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

#### *Development Plan*

9.3 Having regard to this application the Development Plan comprises the adopted CLP 2031 Part 1; the saved policies of the CLP 1996; and, the Mid Cherwell Neighbourhood Plan.

9.4 The CLP 2031 Part 1 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Banbury and Bicester; and, to identify an approach for distributing growth across the different villages within the rural areas, including the delivery of a new settlement at the former RAF Upper Heyford to enable conservation and environmental improvements and to contribute in meeting Cherwell wide and local housing needs (i.e. Policy Villages 5 – Former RAF Upper Heyford).

9.5 Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area.

9.6 Policy Villages 5 seeks to provide '*for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.*'



9.7 Accordingly, the principle of development may be permissible under Policy Villages 5, which goes on to set out site specific design and place shaping principles, inclusive of matters related to heritage assets, connectivity, accessibility, layout, ecology and landscape, which are addressed below.

*National Planning Policy Framework*

9.8 A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.9 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.

9.10 So that sustainable development is pursued in a positive way, the NPPF includes a ‘*presumption in favour of sustainable development*’ (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

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

11d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*

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

9.11 The position under para 11d above, in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the ‘tilted balance’. The position on the Council’s current housing land supply is provided below.

*Housing Land Supply Position Statement (Update) January 2024*

9.12 The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.13 This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<b>Table 1 Step</b>	<b>Description</b>	<b>Five Year Period 2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710

c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.14 Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.15 The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

*Recent appeal decision at Heyford*

9.16 At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need from the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.17 The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.18 However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

9.19 On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

### *Conclusion*

- 9.20 Notwithstanding the above, the site of the former RAF Upper Heyford is allocated for development under Policy Villages 5 and the principle of development is therefore acceptable. Policy Villages 5 goes on to set out site specific design and place shaping principles, inclusive of matters related to heritage assets, connectivity, accessibility, layout, ecology and landscape, which are addressed below.
- 9.21 Significantly, the plans and documentation submitted in support of this application demonstrate the general conformity of this scheme with the development plan, wherein the principal elements are as follows:
- Provision of further housing in order to meet the housing target and trajectory;
  - Provision of 30% affordable housing;
  - A satisfactory mix of dwellings;
  - The scale and massing of dwellings to respond positively to their built context;
  - The environmental improvement of the locality;
  - Integration and connectivity to the surrounding development; and,
  - Retention of established hedgerows and trees.

### *Housing Provision*

- 9.22 The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need.
- 9.23 Policy BSC3 of the CLP 2031 Part 1 requires 30% affordable housing, and the dwelling mix should be informed by Policy BSC4. All qualifying developments, as is the case in this instance, will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.
- 9.24 MCNP Policy PH3 favours housing development which enables residents to live there throughout different phases of their life, with support given to new houses being constructed to Building Regulations Part M4; and, where possible, dwellings that are on one level should be included, to help meet an identified need for such accommodation within the District.
- 9.19 The required tenure split is 70% rented and 30% intermediate. In turn 25% of the affordable mix should be First Homes with 10% of the total (i.e. 123no. dwellings) number required to be Low-Cost Home Ownership (i.e. 13no. dwellings).
- 9.20 On this occasion the applicant has proposed an increased provision of affordable rent (26no.), to be capped at local housing allowance rate to ensure they are genuinely affordable to tenants; and, a subsequent reduction in Low-Cost Home Ownership (11no.).
- 9.21 In addition, it has been acknowledged by the applicant that (1) the affordable rental dwellings will be NDSS (Nationally Described Space Standards) compliant; and, (2) minimum of 50% of the affordable dwellings will be constructed to Building Regulations Part M4 Category 2 standards in line with the CDC Developer Contributions SPD; and, (3) one larger unit will be constructed to Building Regulations Part M4 Category 3 standards.

### *Site Layout and Design Principles*

9.22 Policy BSC 2 of the CLP 222031 Pt 1 requires the effective and efficient use of brownfield land and requires a density of 30 dwellings per ha. Saved policies applicable from the CLP 1996 include the retention of features contributing to character or appearance of a conservation area-Policy C23; development affecting the site or setting of a schedule ancient monument Policy C25; Layout, design and external appearance of new development Policy C28; and Design Control-Policy C30: 9.57. Policy Villages 5 sets out several Key site-specific design and place shaping principles including:

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road);
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site;
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment;
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes;
- Visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site;
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area;
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings;
- Development on greenfield land within 'Policy Villages 5' should provide for a well-designed, 'soft' approach to the urban edge, with appropriate boundary treatments;
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site;
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions.

9.23 Prior to the original applications submission, extensive work and discussions were held with the developer to establish a layout and architectural vocabulary for the site to reinforce and reflect its heritage value albeit that it is outside the conservation area. In terms of design, the Council's Design Consultant has secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

9.24 There are three access points to Camp Road, two serving the groups of housing facing Camp Road and acting as mini service roads in a similar fashion to the first phase of Development by Dorchester on the south side of Camp Road. These will be set back behind a hedge and foot/cycle path.

- 9.25 The main access point will become a main spine road, 5.5m wide, lined with trees and verges reflecting the layout of Soden and Larsen Roads. A swale runs along the eastern boundary. This leads through to a main area of open space, again, like Soden Road. Small spur roads with a reduced width give it a rigid almost grid like layout although this is softened to the eastern boundary adjacent Sor Brook where the layout is more informal reflecting its edge of rural setting. The houses here are also slightly larger and have larger plots. That is also the case around the open space although the houses here have a more formal layout. This layout is considered to reflect that of the adjacent base yet create a neighbourhood with its own sense of place and character. They have a clear block structure with private and public spaces clearly defined set within a green landscaped setting.
- 9.26 The layout has been amended to provide opportunities to access adjacent sites in particular to create routes through to Larsen Road for pedestrians and cyclists. Also to provide access through to the north and to the land now proposed for housing under reference 21/03523/OUT. In terms of design, the housing is two storey and very much of a scale and design reflective of the housing on the base. The architect was encouraged to study the arts and crafts style of buildings on Larsen and Soden Road. This has resulted in housing, after some modest revisions that have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as canopies and projecting windows. There is a mix of detached, semi-detached and terraced housing. In contrast, 2 bungalows are proposed to reflect the Airmen's bungalows in Trenchard Circle. And there is one block of 6 flats, again 2 storied, with chimneys and steep roof, and constructed in brick. All dwellings are orientated to have active frontages and to turn the street where they are on corners making sure streets have surveillance.
- 9.27 In terms of density, what is proposed reflects CLP 2031 Part 1 where the Council sets out its approach to housing to reflect local circumstances (para 47, NPPF). Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce the density would be tantamount to being an under-development. It could have been higher than the revised submission proposes but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF-para 131) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.
- 9.28 In terms of sustainability the Design and Access Statement advises:
- "The proposed road network is an efficient option with drainage built into the proposal.
  - The road network allows for bins stores which are sized to accommodate the current recycling criteria for Cherwell.
  - Heyford Park has been design to include many amenities including a mix of uses reducing the need for travel. Heyford Park also contains the infrastructure required to support this residential site, a bus route just outside the site.
  - The Houses are design to current standards and have the future flexibility to be upgraded to the incoming Part L requirements. The high proportion of terraced units, gridded street pattern and east-west road orientation all help build in passive energy saving measures.
- On site sewage treatment and sustainable drainage scheme reduce the environmental impact of the proposal elsewhere.

- The ecology corridor along the eastern boundary, allows for the integration of wildlife into the proposal and aligns with the wider strategy for Heyford Park.
  - Ducting will be provided within the scheme for car charging points – each resident will have the option to add an electric car charging point within their demise or to their designated parking area”.
- 9.29 The proposal has been subject to a variety of discussions regarding the design and layout of the overall scheme, with particular reference to the provision of Public Open Space (POS) which comprises of open space and play space. For the size of the scheme proposed the planning policy requirements for POS equate to a 0.2303ha of play space and 0.7085ha for open space.
- 9.30 The applicant is seeking to provide 0.4815ha of open space against the policy requirement of 0.7085ha which equates to 67.9% provision and is also seeking to provide 0.1547ha play space against the policy requirement of 0.2303ha which equates to 67.1% provision. Whilst this falls below CDC policy requirements, the applicant has designed the scheme with POS that would be of high quality and of usable design with central, overlooked play space and a perimeter pathway that runs north/south alongside the sites eastern boundary. The level of provision is also consistent with what was previously approved in the two Pye Homes schemes on the site.
- 9.31 It is noted that the level of housing proposed would result in the requirement for the provision of a LEAP and LAP on site (which can be combined in one location if required). In this case, the applicant has chosen to locate a combined LEAP/LAP centrally within the application site and has committed to providing the requisite number of play equipment pieces (13 no.) commensurate with the requirements for a combined LEAP/LAP.
- 9.32 The Officers conclude that what is proposed, on balance, conforms sufficiently to CLP 2031 Part 1 policies Villages 5, BSC2 and ESD 15, and CLP 1996 policies C28 and C30 together with relevant national policy set out within the NPPF.

### Landscape

- 9.33 Cherwell's countryside, landscape and green spaces are important natural resources. They form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities, and provide recreation opportunities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.34 The Council has a strategic objective in the CLP Part 1: To focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.
- 9.35 Policy ESD 13: Local Landscape Protection and Enhancement states “Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows 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;
  - Cause undue harm to important natural landscape features and topography;

- Be inconsistent with local character;
- Impact on areas judged to have a high level of tranquillity;
- Harm the setting of settlements, buildings, structures or other landmark features; or
- Harm the historic value of the landscape.”

9.36 Policy ESD 15: The Character of the Built and Historic Environment requires new development to contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. It should also integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well-designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people’s health and sense of vitality

9.37 Policy ESD 17. Seeks to maintain and enhance the District's green infrastructure network. New landscaping areas, particularly in the case of strategic sites like RAF Upper Heyford, will be required to assimilate development into the landscape and assist in the transition between the urban edge and rural areas.

9.38 Policy Villages 5 of CLP 2031 Part 1 requires:

- proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5;
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes;
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site.

9.39 MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham although none are believed to be affected by this proposal.

9.40 The landscape setting is an important part of the character of Heyford. The existing roads are lined with verges and mature trees which are generally being retained within and supplemented by additional planting. This character is extended onto the streets within the new site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space is created with play area to enhance the visual environment and in addition for use as amenity area. A wildlife corridor is being created along Sor Brook on the eastern boundary. A new hedge will be created along the frontage to Camp Road to replace the existing and to reflect the planting scheme further west along the road.

9.41 The Landscape and Visual Assessment addendum provides a comprehensive assessment of the implications of the Revised Application and responds to the policy requirements set out in Local Plan Policies ESD 13, BSC 10 and the key principles outlined in Policy Villages 5 together with saved Local Plan Policies C11, MCNP

Policies PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is provided is an environmental enhancement in compliance with Policy Villages 5 and other policies listed above. Certainly, the submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established.

### Heritage

9.42 The site is adjacent to the RAF Upper Heyford Conservation Area, designated for the importance of its cold war landscape. It contains five scheduled ancient monuments, including of International Significance, together with three Listed Buildings and other non-designated buildings of national and local significance.

9.43 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.

9.44 Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets. Para 197 of the Framework states:

“In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 199 advises 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.

9.45 Policy ESD15 of the CLP 2031 Part 1 echoes this guidance. The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

9.46 Policy Villages 5 includes some specific guidance including:

- Proposals must demonstrate that the conservation of heritage resources, and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5;
- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field;
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site;
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment;
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of



national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area;

- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes;
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area;
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings;
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site;
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions.

9.47 This application seeks approval for the next phase of development under Policy Villages 5. Its location is an undeveloped green field site outside of the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.

9.48 Turning to the guidance to Planning authorities contained in the Framework and the NPPG on the historic environment, the applicants have assessed the site's heritage assets and their significance. The applicants have submitted supporting documentation to assess the heritage assets affected by this application. They list those identified above and point out they are not on the site and further separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains.

9.49 The main elements of significance are the new road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

9.50 The Framework advises a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets. In this case Officers have concluded that what is proposed provides an opportunity for an appropriate level of new development that overall makes a positive contribution to preserve and enhance the character of the Conservation Area and does not cause a significant level of harm to any individual heritage asset listed. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5

are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments.

### 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 The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.50 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.51 The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.52 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.

- 9.53 Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.54 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.55 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.
- 9.56 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.
- 9.57 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.
- 9.58 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.
- 9.59 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')

- 9.60 The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 9.61 The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals.
- 9.62 The proposed development will deliver a net loss of habitat units on site. Therefore, in order to achieve a policy required 10% gain, the applicant has stated that the development will need to provide off-site habitat creation to obtain the required units with the 10% gain. In doing so, an additional 25.14 habitat units will need to be delivered to achieve the 10% net gain. The applicant has indicated that they have provisionally agreed an offsetting scheme with Trust for Oxfordshire's Environment (TOE). The LPA raises no objection to this approach and considers that such matters can be secured through a S.106 agreement.
- 9.63 The authorities Ecologist has also assessed the proposal and has raised no objections to the works proposed subject to the provision of planning conditions to secure an appropriate great crested newt certificate prior to the completion of the S.106 process. The LPA raises no objection to this approach. It is noted that Berks, Bucks and Oxon Wildlife Trust (BBOWT) has provided a response in relation to the detail provided and raises concerns regarding the lack of evidence related to biodiversity within the submission (as outlined in para 7.21). However, the application has been accompanied by Ecological Assessments and has been assessed by the authorities Ecologist who is content with the provision of biodiversity improvements on site along with offsite provision to secure the appropriate level of biodiversity net gain in line with the current DEFRA metrics via a S.106 agreement.

#### Flood Risk and Drainage

- 9.64 Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 require provision of sustainable drainage including SuDS in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the Council's Strategic Flood Risk Assessment and development should be set back from watercourses.
- 9.65 The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface

water discharge from the site can be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road. OCC, the local flood risk authority, had initial concerns but soil infiltration investigations demonstrated there should not be a problem and their objection has been withdrawn although conditions are still requested to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer and EA suggest a condition is imposed on contamination.

- 9.66 The LLFA have previously been consulted on the proposal who objected on a variety of points which the applicant has sought to address by providing further information/clarification. The LLFA, having been reconsulted, have retained their objection to the proposal on the basis that the drainage strategy does not show the drainage infrastructure around the private plots, the watercourse mentioned is not shown on the drainage drawing and it is not clear how the drainage connects to the watercourse. In addition, the LLFA also object to the lack of a maintenance regime for each SuDS feature.
- 9.67 The LPA consider that the general premise of the drainage strategy is acceptable (and the LLFA does not object on this basis). As such, it is considered that such the objections raised within the reconsultation response can be satisfactorily addressed through the imposition of planning conditions.

#### Highway Safety

- 9.68 To ensure sustainable development, Strategic Objective 13 of the CLP 2031 Part 1 seeks to reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.
- 9.69 Under Policy SLE 4: Improved Transport and Connections of the CLP 2031 Part 1, the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Transport improvements at Upper Heyford are specifically identified and supported.
- 9.70 Policy Villages 5 of the CLP 2031 Part 1 requires measures to minimise the impact of traffic generated by the development on the surrounding road network through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures; development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application; the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required; Integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible; and Retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the

reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Policy INF 1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.71 MCNP contains objectives that seek:

- T1 To work with Oxfordshire County Council, Thames Valley Police and their bodies to develop strategies to protect against rising traffic volumes and the impact of increased development on the capacity of the rural road network serving the neighbourhood. This includes concerns about speeding, safety, and the impact of heavy goods vehicles.
- T2 To secure the future of bus services linking the neighbourhood's villages with each other and with Bicester; to influence train operators to improve currently inadequate services, especially as the local population rises and the need for travel to Oxford and elsewhere increases.

9.72 The NPPF advises in para 110, "that where sites may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

9.73 Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

9.74 Previously this was the main issue that was contentious, particularly with regard to off-site measures. However, the reasons that caused the Highway Authority to object have now been overcome. The main footpath will be widened to allow for it be shared with cyclists as happens along the south side of Camp Road. There are also designated routes shown through to the base for cyclists and pedestrians. This will need the agreement of the owner of the Letchmere Farm track that separates the two sites. And an access route through to the north is proposed to allow a second phase of development.

9.75 The internal layout is now generally acceptable as is the level and distribution of car parking following revisions. Parking is reflective of the standard previously agreed in the Design Code for the developing settlement. The scheme will provide a total of 240 allocated car parking bays (excluding on plot garages) and 23 no. visitor spaces. A mix of cycle parking facilities will be delivered on site that accord local standards and designed to the likely needs of future residents.

9.76 The applicants have submitted an updated Transport Assessment and it is now considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by

an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.

- 9.77 Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application has been approved and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, David Wilson Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.78 It is therefore considered the proposals accord with the requirements of Policies Villages 5 and SLE 4 of the CLP 2031 Part 1 as well as the relevant national policy set out within the NPPF.
- 9.79 OCC as Highway authority, in its most recent response to the 126no. dwelling scheme, objected to the proposal on the basis of a lack of cycle infrastructure along the Camp Road boundary and goes on to state that the site is not connected to the village centre or the wider cycle route network. However, the submitted site plans have indicated that a 3m wide cycle route would be provided from the sites access onto Camp Road which would head westwards and connect the site to the village centre. It is noted that the cycle route would not continue eastwards and there is no requirement for such provision to be made although OCC Highways have requested that eastwards provision is made so as to connect the site to future, unallocated and unapproved development. The LPA does not consider such provision to be necessary or reasonable to make the current proposal acceptable.

#### *Affordable Housing*

- 9.80 From 1st April 2021, all Oxfordshire authorities have needed to maintain a five-year housing land supply, in accordance with the National Planning Policy Framework (NPPF). The Council's latest Annual Monitoring Review (AMR, 2023), prepared in accordance with NPPF paragraph 73 guidance, identifies a 5.8-year land supply for 2028 across the majority of the District (excluding the areas around the north of Oxford, near Kidlington, where the Local Plan Partial Review proposes additional site allocations to meet some of Oxford's unmet housing needs.
- 9.81 The CLP 2031 Part 1 allocates the former RAF Upper Heyford as a strategic development site and away, from the District's two towns, it is the major single location for growth in Cherwell. Policy Villages 5 proposes approximately 1600 dwellings at Heyford Park of which 1175 are proposed as part of application 18/00825/HYBRID. Already approved are 296 units for Dorchester at Phase 9.
- 9.82 Policy BSC 1 of the CLP 2031 Part 1 sets out the target of 22,840 homes for the District with 5,392 in the rural area and Heyford is seen as previously developed land which gives its development higher importance. Policy BSC 2 requires housing development in Cherwell to make effective and efficient use of land and encourages the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. New residential development will be expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.

- 9.83 Policy BSC 3: Affordable Housing sets out the requirement for social housing in the district with an expected split between social rented and intermediate of 70/30%. The actual quantum of affordable units is set out in Policy Villages 5 of CLP 2031 Part 1 which requires approximately 1,600 homes (in addition to the 761 (net) already permitted) of which at least 30% are to be Affordable housing.
- 9.84 MCNP Policy PH3 Adaptable Housing favours development designed to enable residents to live there in different phases of their life. Support will be given to new houses being constructed to Building Regulations Part M (4) as amended). In addition, where possible, dwellings that are on one level should be included, to meet the need for such accommodation in particular for older people and those with disabilities.
- 9.85 The application proposes that 30% (26) of the total number of dwellings proposed will be affordable housing, provided in a series of clusters in compliance with Policy Villages 5. The revised planning application in November 2021 suggests that all 26 affordable homes will be rented however the DAS Addendum suggests that the tenure will be negotiated with the Local Authority. The previous Strategic Housing Officer comments on this application have indicated a tenure split of 70% Affordable Rent and 30% Shared Ownership tenure in line with Local Plan Policy BSC3. Whilst National Planning Policy Guidance has introduced a requirement from June 2021 for all qualifying sites to deliver 25% First Homes, this does not need to apply to planning applications that have significantly progressed prior to the national policy being introduced (as in the case of this application), therefore a policy compliant tenure split on this site would include 70% social or affordable rented homes and 30% intermediate tenure (e.g., shared ownership) homes. NPPF requires 10% of dwellings to be affordable home ownership.
- 9.86 The majority of rented affordable housing across the wider former RAF Upper Heyford site have been provided as Affordable Rent. Whilst our preference would be to provide social rent tenure, to ensure that Affordable Rent tenure is as affordable as possible to meet identified housing need, we would expect that the Affordable Rent is no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This would be secured through the S.106 Agreement.
- 9.87 The DAS Addendum of September 2021 sets out a proposed dwelling mix which is acceptable as it meets a range of housing need by providing 1, 2, 3 and 4-bedroom accommodation that meets Nationally Described Space Standards for 2, 3, 4, 5 and 7-person accommodation.
- 9.88 The varied tenure split proposed by the applicant gives rise to two distinct choices:
- 1) A fully compliant housing mix;
  - or,
  - 2) Additional rented provision.
- 9.89 As referred to within the CDC Housing Strategy and Development consultation response there are many households which would welcome the opportunity to purchase a home at a discounted rate. In contrast, there is a '*very high*' identified need for rented accommodation. On balance, it is considered that a modest adjustment in the tenure split, in favour of the increased rented provision, given the identified need within the district, is acceptable in this context.

#### *Planning Obligations*

- 9.90 Policies INF1, SLE4 and Villages 5 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the



provision of affordable housing, transport, education, health, social and community facilities.

- 9.91 Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended): necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 9.92 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission.
- 9.93 Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover in order to mitigate the impact of the proposed development.
- 9.94 The applicant accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below:
- 9.95 In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below.

#### Affordable Housing:

- 26 units to be delivered;
- Affordable mix to be agreed with CDC
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built to the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.
- The selection of the RP who will take on the affordable units should be agreed with the Council.

#### Household Waste Recycling Centres:

- Expansion and efficiency of Household Waste Recycling Centres (HWRC)- a contribution of £11,839

#### Biodiversity enhancement:

- Provision of off-site ecological mitigation measures to an agreed specification and quantum.

Thames Valley Police:

- To provide 'policing' of increased population - £24,320

Primary Health Care:

- Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure – £108,864.

Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£121,258.42
- Outdoor Sport Provision-£254,145.78
- Community Hall Facilities-£195,348
- Public Art/Public Realm-£28,224
- Community Development Worker-£17,631.94
- Informal Open Space maintenance for 15 years at £12.65 m2
- Tree/hedgerow maintenance for 15 years-£280.04 per tree/£26.20m2 per hedge (to be measured)
- Commuted maintenance/inspection sum for 15 years combined LEAP/NEAP (Total Area 10,700m2) - £540,048.31
- Commuted maintenance/inspection sum for 15 years combined LAP/LEAP/NEAP (Total Area 11,000m2) - £676,300.12
- Commuted sum for maintenance of swales (for 15 years)- £120.32/m2/
- Library-Funding of Bicester library-financial contribution-£14,669

Education:

- Primary and nursery education serving the development- £968,750
- Primary school land contribution-£90,967
- Secondary education capacity serving the development-£447,660
- SEN capacity serving the development-£71,793

Traffic and Transport:

- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Highway works to agreed policy 5 mitigation package.
- Cycle route works.
- Contributions towards off site highway works to improve highway junctions, including safety improvements contribution to A4260/B4027; Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes, including Upper and Lower Heyford, Middleton Stoney, Ardley, Somerton, North Aston, Bucknell, Chesterton, Kirtlington and Fritwell.

CDC S106 Monitoring fee – TBC.

## 10. CONCLUSION

- 10.1 Section 70(2) of the Town and Country Planning Act 1990 and 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. Government guidance within the NPPF supports

the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Villages 5 and the relevant policies of the Mid Cherwell Neighbourhood Plan. As such, the starting point is to approve the application.

- 10.2 It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with an up-to-date development plan without delay. In this case, and as explained through this appraisal, the relevant Policies of the Development Plan are considered to be up to date.
- 10.3 The application proposes residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.4 The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as good walking and cycling links both within the site and to the wider area including Bicester. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.5 Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.
- 10.6 Where the proposals depart from the development plan, there are strong material considerations which on balance outweigh the conflict. It is considered this scheme will help create a new settlement with areas of distinct character appropriate to their setting and surroundings and that reflect the policies of the Development Plan. The new community will benefit from social infrastructure being provided and a s106 agreement will ensure its provision at the appropriate time.
- 10.7 It is considered this scheme will form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that further negotiation needs to take place on the agreement before the permission can be issued.

## **11. RECOMMENDATION**

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

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS MAY BE DEEMED NECESSARY);**
- 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 HEADS OF TERMS LISTED AT PARAGRAPH 9.95 ABOVE (AND ANY AMENDMENTS AS DEEMED NECESSARY);**
- iii. NATURESPACE LICENCE AGREEMENT.**

**IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 31<sup>st</sup> MARCH 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.**

**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:

- Planning Layout – 0778-102-COL
- Location Plan – 0778-101
- Housetype Booklet – 0778-HTB-ISSUE 3
- Garages – 0778-109A
- External Detailing – 0778-106A
- Boundary Fencing – Db Sd13 006B
- Boundary Walls – Db Sd13 004D
- Arboricultural Protection Plans – 22 0728 V4 and 22 0729 V4
- Refuse Vehicle Swept Path – 22 192 002B
- Fire Tender Swept Path – 22 192 004
- Drainage Strategy – 22 192 100C and 22 192 106C

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

3. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:
  - A proposed east and west scheme of access for pedestrians and cyclists to Larsen Road.

Reason: For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure 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. Prior to the commencement of the development hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme 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.

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

Reason: To 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.

Framework.

7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP and LEAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space and play space.

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

9. 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.

10. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cycle paths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

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

11. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

12. 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.

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

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

14. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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

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

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

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, 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.

16. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage

scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- ii) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, 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.

17. 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.

18. 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.

19. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety 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.

20. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

21. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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 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.

22. If a potential risk from contamination is identified as a result of the work carried out under condition 21, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. If contamination is found by undertaking the work carried out under condition 22, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. If remedial works have been identified in condition 23, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

25. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development".

27. Notwithstanding any previously agreed play space details, full details of the provision, landscaping, specification of play equipment and treatment of play space(s) within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

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

28. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that any 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-OR94.

29. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for any negative impacts to great crested newts.

30. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 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. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

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

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

Case Officer: Chris Wentworth

---

# 23/03073/HYBRID

## Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester

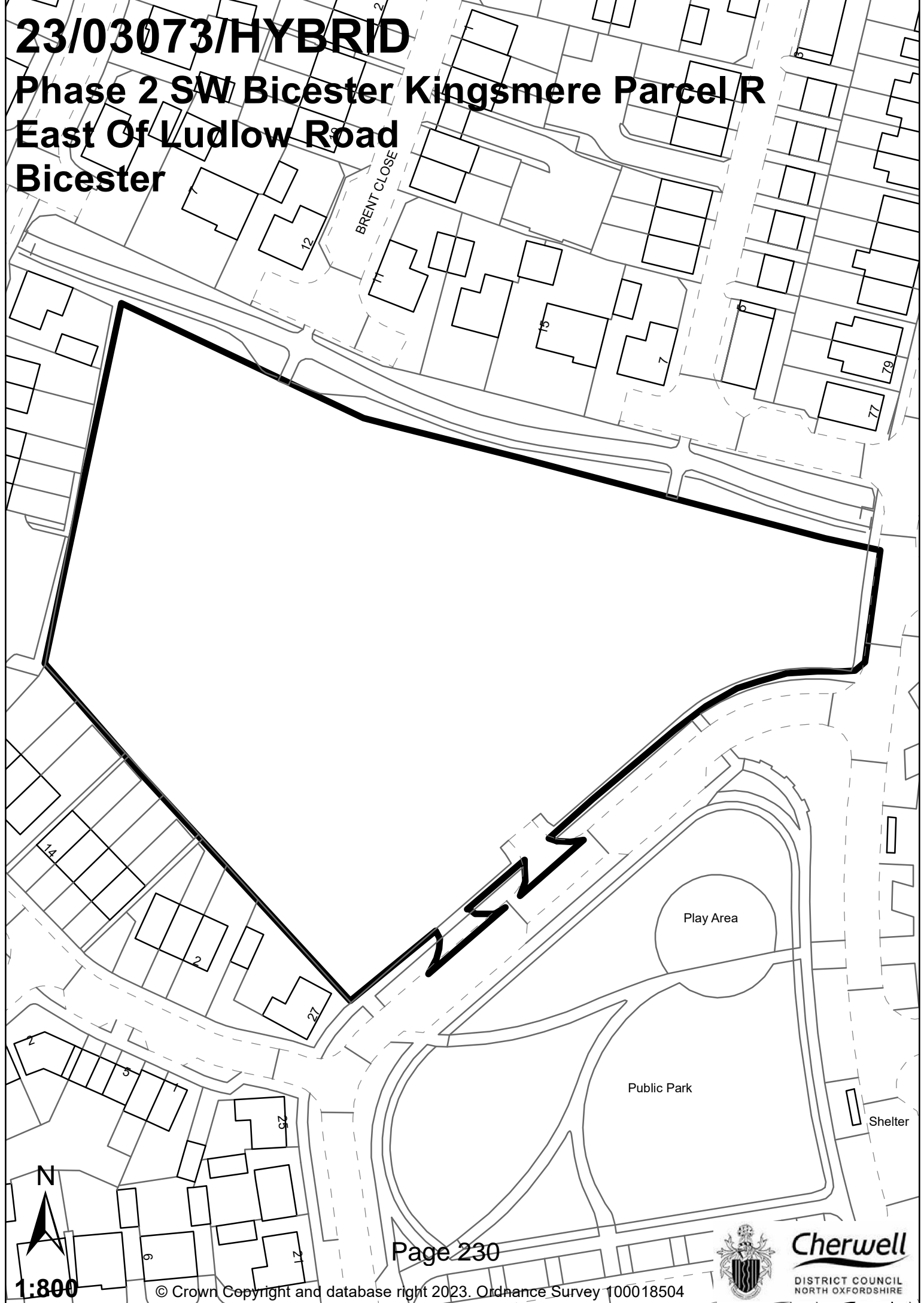


1:1,000



# 23/03073/HYBRID

Phase 2 SW Bicester Kingsmere Parcel R  
East Of Ludlow Road  
Bicester

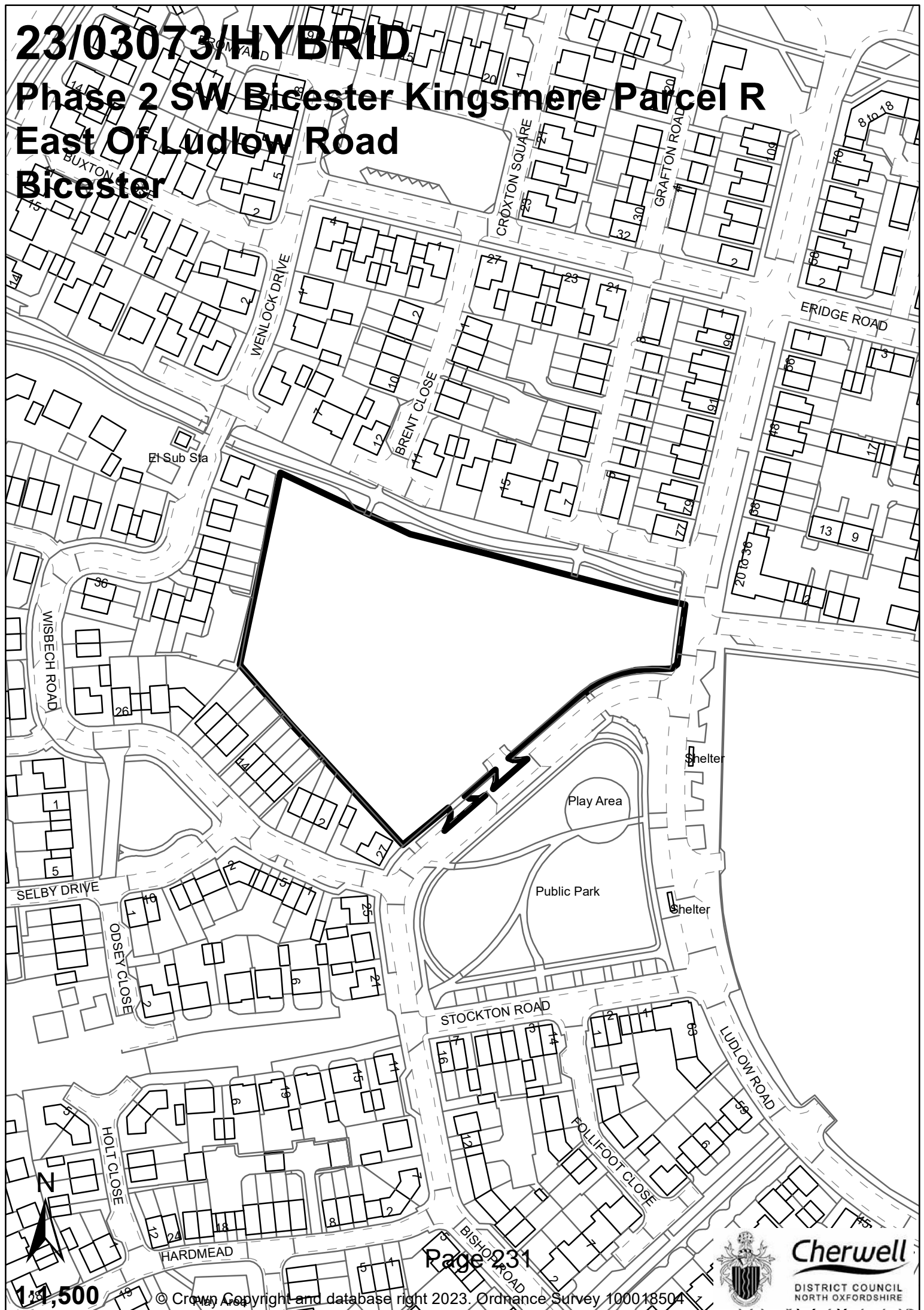


1:800



# 23/03073/HYBRID

## Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester



**Case Officer:** Linda Griffiths

**Applicant:** PHL Ltd & Countryside Properties (Bicester) Ltd

**Proposal:** In FULL, the construction of an 82-apartment affordable extra care home (C2 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in OUTLINE, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting)

**Ward:** Bicester South And Ambrosden

**Councillors:** Councillor Cotter, Councillor Pruden, Councillor Sames

**Reason for Referral:** Major development

**Expiry Date:** 6 May 2024

**Committee Date:** 21<sup>st</sup> March 2024

---

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO COMPLETION OF AN ACCEPTABLE S106**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located on Phase 2 of the Kingsmere development. The site is located at the northern end of the central square and abuts the greenway which provides a shared footway and cycle path connecting through the development from Vendee Drive and through to Kingsmere phase 1 development. The central square comprises a multi-functional park with LEAP serving the phase 2 residents, with a primary school on its eastern side. Residential development of 2-3 storeys in height lies to the north of the greenway and immediately to the west of the application site.
- 1.2. The site, which was formerly agricultural land, is currently used as a construction compound and site storage for the phase 2 development and includes a soil bund.
- 1.3. Existing vehicular access to the site is via an access road from Ludlow Road which extends between Middleton Stoney Road at the north of the Kingsmere development and Whitelands Way east of the Kingsmere development.

**2. CONSTRAINTS**

- 2.1. The application site is within the Kingsmere development site, an urban extension to Bicester. There are no statutory nature conservation designations covering any part of the site although two national statutory designations, Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI are within 3km of the site. Bure Park Local Nature



Reserve is also a local statutory designation, approximately 1.6km north-east of the site.

2.2. The site is within an archaeological alert area and is a minor aquifer.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application proposes the erection of a part 3 storey, part 4 storey flat roofed building to provide 82 extra care apartments as a full application. Outline consent is also sought for the erection of up to 14 additional market dwellings on the remainder of this parcel identified as not being required for the extra care facility.

3.2. A new side street is proposed to the side of the proposed extra care building which will serve both the extra care facility and the proposed new dwellings. A car park to serve the extra care facility will be accessed from the new side street and will have separate in and out movements. Amenity space to serve the extra care is proposed between the building and the greenway.

3.3. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing as soon as possible as the timetable for the current funding support of Homes England effectively expires in March 2026.

### **4. RELEVANT PLANNING HISTORY**

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

4.2. 13/00847/OUT – outline consent subject to section 106 granted for up to 709 dwellings, school and associated infrastructure.

### **5. PRE-APPLICATION DISCUSSIONS**

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

5.2. 21/03645/PREAPP – Erection of 80 bed extra care home with associated open space, landscaping and cycle/car parking and provision of 16 new residential units.

5.3. 22/00371/PREAPP – erection of 80 bed Extra care Home with associated open space, landscaping, and car/cycle parking and provision of 16 new residential dwellings.

5.4. The first pre-app submission in 2021 provided only an illustrative site layout plan, planning statement and indicative scheme document. Concerns were raised at that time regarding the scale and massing of the extra care building in relation to the surrounding development and the adjacent greenway. The scale of the building in comparison to surrounding development was also compounded by the fact that it was a flat roof building compared to the more traditional style dwellings with pitched roofs on the Kingsmere development. Whilst the principle of the development was considered acceptable, the applicant was requested to consider moving the building away from the boundary with the green way and reducing the overall scale and massing of the building. Concern was also expressed regarding the nature of the subsequent application, considering that a single detailed application would allow a full assessment of the proposed extra care and proposed additional dwellings to be considered holistically rather than through a hybrid application being part detailed application and part outline submission.

- 5.5. The second pre-application submission which also proposed an 80-bed extra care home and up to 16 new residential market dwellings was accompanied by a site layout plan, tracking plans, landscape strategy plan and 'massing development document'. The applicant sought to address previous concerns regarding the massing of the building alongside the greenway by lowering the rear wing and introducing a large mansard roof. The applicant was advised that mansard roofs were not a traditional element of the locality and was not considered acceptable. The 4-storey building to the frontage remained. Following the detailed written advice, discussions continued in respect of the proposed development, however, the main concern regarding the scale and massing of the extra care building and hybrid nature of a future application remained unresolved.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by advertisement in the local newspaper. The final date for comments was **21 December 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties at the time of writing the report.
- 6.3. Any comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: **No Comments received** at the time of writing the report.

### CONSULTEES

- 7.3. CDC Environmental Health: **No objection** subject to conditions relating to CEMP and contaminated land.
- 7.4. CDC Landscape Services: **Comments** regarding the garden design and generally landscaping proposals are acceptable.
- 7.5. CDC Planning Policy: No comments received.
- 7.6. CDC Bicester Delivery Team: No comments received.
- 7.7. CDC Ecology: **Objection**. No evidence submitted that shows at least 10% net gain will be achieved in line with the Cherwell Local Plan and Community Nature Plan 2020-2022. This should be demonstrated using the Biodiversity Net Gain (BNG) metric 4.0 which should be submitted along with a BNG plan/assessment.

Update 16<sup>th</sup> February 2024: The Biodiversity Net Gain Assessment outlines the habitats that will be created on site to achieve a net gain. The baseline of the site is entirely bare ground, as such even though there will be a removal of habitat units, which shows up as a net loss on the metric, the habitat being removed is not of any ecological value and the location of the site means that there is not much scope for

adding habitat units, instead the BNG strategy is to add hedgerow units which will provide greatest benefits to wildlife for this site. This strategy is accepted, and the addition of trees, hedgerows, scrub, shrubs and grassland will provide a clear net gain. However, the BNG metric has not been submitted. I would like to review the details of the created habitats in the excel metric before providing final comments.

Update 4<sup>th</sup> March 2024: **Objection withdrawn** following receipt of the full metric, which is accepted, a further condition relating to the provision of a LEMP is recommended.

- 7.8. CDC Recreation and Leisure: Section 106 infrastructure requests – Outdoor sport towards facilities at Whitelands Farm of £193,648.88; Indoor sport towards enhancements at Bicester Leisure Centre of £77,257.73 and public art contribution of £21,504.00.
- 7.9. CDC Strategic Housing: **Support** this proposal in principle as there is a recognised need for affordable Extra Care Housing. However, full support is subject to the units being C3 class and County Council support for the additional 22 units based on the emerging needs analysis.
- 7.10. CDC Waste and Recycling: No comments received.
- 7.11. CDC Drainage: **No objection**, the applicant has proposed acceptable foul and surface water drainage solutions.

Update 21.01.2024: No comments on foul drainage strategy but drainage consultant requested to contact CDC regarding the surface water drainage strategy in order to clarify the philosophy and proposed discharge rates.

Update 13.02.2024: Agent clarifies that following discussions as requested which relate to restrictions into the existing Kingsmere drainage strategy. These restrictions were requested by Countryside's drainage consultants.

- 7.12. OCC HIGHWAYS: **Objection** in respect of cycle parking, plans are not dimensioned in respect of parking bays, aisle widths and servicing facilities, appear to be obstructions to visibility splays. A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010 and include details of the vertical alignment to determine appropriate carriageway and footway gradients which will need to be DDA compliant. Contributions will be sought through a sec 106 for Middleton Stoney Cycle Network Improvements (£1000 per residential C3 dwelling) and Travel Plan Monitoring (£3,110). Admin and Monitoring fee tbc.

Update 30<sup>th</sup> Jan 2024: **Objection maintained** as above in respect of cycle parking provision, site dimensions too narrow in some areas and vision splays obstructed by planting.

Update 26<sup>th</sup> February 2024: **Objection maintained** (further information required)

Update 4<sup>th</sup> March 2024: **No objection** subject to the imposition of conditions relating to cycle parking, no obstructions within visibility splays, pedestrian/cycle link to the northwest of the site, electric vehicle charging points to OCC's standards, car park management plan, servicing and delivery management plan and travel plan.

- 7.13. OCC Drainage: **No Objection** subject to a number of conditions requiring drainage to be implemented in accordance with the approved detailed drainage design prior to the use of the building commencing and conditions relating to the submission and

approval of drainage prior to approval of first reserved matters; surface water management scheme and SuDS as built and maintenance details.

- 7.14. OCC Archaeology: **No Objection**, the site lies in an area of archaeological interest, and has been subject to an archaeological evaluation. The evaluation recorded no archaeological features in the proposal area, and so, there are no archaeological constraints to this scheme.
- 7.15. OCC Education: Section 106 contributions for C3 dwellings if in addition to original outline.
- 7.16. OCC Waste and Recycling Centre: Section 106 contribution of £1,315
- 7.17. Clinical Commissioning Group: **Section 106 request** of £56,448 to support local plans to surgery alterations or capital projects to support patient services within the vicinity of the development and the Bicester Health Centre.
- 7.18. Bicester Bike User Group: **Objection** – many cycle paths around Kingsmere have access barriers and pose an obstacle to disabled and vulnerable users; location of parking seems inaccessible; bike parking seems small given size of the development and double stacking would not be appropriate for this type of development; permeable access should be included in the design and access statement.

Update 13<sup>th</sup> Feb 2024: **Objection maintained**. The surprisingly low figures for users and visitors for the applicant's other locations may say more about the facilities at those locations and the poor historical cycling infrastructure in those locations and therefore an unlikely appropriate basis for comparison. Furthermore, it rejects an outdated 'predict and provide' approach that has now been replaced by a 'decide and provide' approach within Oxfordshire. In particular, OCC has set out ambitious plans for increasing cycling levels in and around Bicester by 300% in the Bicester LCWIP and is correspondingly investing heavily in cycling infrastructure. It is thus likely that these commitments will facilitate cycling and significantly increase the proportion of residents, employees and visitors choosing to cycle. As such, the applicant should not be exempted from the standards set by OCC as this would directly undermine active travel policies and aspirations. Furthermore, the location of the cycling facilities within the plan is not ideal in that it is located cross a car park rather than near to the residential units. Orienting these closer to the residential units would be more convenient and secure. LTN1/20 and other standards also note that not all cycle users will be using standard 2-wheeled bikes. A significant proportion of the provision should therefore be for non-standard cycles such as tricycles, cargo bikes and other atypical cycles. Provision to charge electric bikes should also be provided.

- 7.19. Kingsmere Residents Association: No comments received at the time of writing the report.
- 7.20. Thames Valley Police: **Holding Objection**. Contrary to advice in NPPF regarding safe and accessible communities. Concerns have been raised in respect of the building layout and design and residential security.
- 7.21. Thames Water: **No objection** in respect of waste and surface water, but in terms of water network, a **condition is recommended as** Thames Water have identified an inability of the existing water infrastructure network to accommodate the needs of the proposal. There are water mains crossing or close to the development. Thames Water does not permit the building over or construction within 3m of water mains.

7.22. Active Travel England: Proposal should be considered under the standing advice issued by Active Travel England.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

- PSD1 – Presumption in favour of sustainable development
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable housing
- BSC4 – Housing mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD7 – SUDS
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – Character of the Built and Historic Environment
- ESD17- Green Infrastructure
- Bicester 3 – Kingsmere Phase 2 Strategic allocation
- INF1 - Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control over New Development

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)
- CDC Residential Design Guide SPD 2018
- CDC Planning Obligations SPD 2018

- Kingsmere Phase 2 Design Code 2018
- OCC Residential Streets Design Guide

## 9. APPRAISAL

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

- Principle of development and Planning History
- Quantum of Development and Uses
- Design, and impact on the character of the area
- Highways
- Affordable Housing
- Flood Risk and Drainage
- Residential amenity
- Ecology impact
- Sustainability
- Health and Well-Being
- Planning Obligation

### Principle of Development and Planning History

9.2. Both planning legislation and the NPPF state that the starting point for decision making is the development plan. The Development Plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan 2011-2031 plus a Partial Review relating to Oxford's Unmet Housing Needs and a number of Neighbourhood Plans.

9.3. Policy PSD1 'Presumption in favour of sustainable development' of the adopted Cherwell Local Plan 2011-2031 states that the Council will take a proactive approach in seeking to deliver sustainable development across the district without delay. New development across the district is focussed primarily upon the towns of Bicester and Banbury whilst limiting development elsewhere in order to provide for the most sustainable growth over the plan period. Policy BSC1 states that Cherwell will deliver a wide choice of high-quality homes. The Cherwell Local Plan 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 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 Cherwell Local Plan 2011-2031.

9.4. 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 need and advising at paragraph 10, a presumption in favour of sustainable development.

9.5. Paragraph 12 of the NPPF also 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 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'.*

- 9.6. Section 5 of the NPPF focusses on the delivery of a sufficient supply of homes advising that 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community'*.
- 9.7. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural built and historic environment.
- 9.8. The site forms part of a larger allocated site in the adopted Cherwell Local Plan 2011-2031 under Policy Bicester 3: Southwest Bicester Phase 2. Policy Bicester 3 relates to a residential development of approximately 726 homes with associated infrastructure and facilities, including the provision of extra care housing. The application proposal is located at the centre of the site occupying a prominent position around the main square and close to the primary school.
- 9.9. Outline planning permission was granted in May 2017 under application number 13/00847/OUT for this Phase 2 development at Kingsmere for residential development of up to 709 dwellings within use class C3 and extra care facility (C2), primary school, retail, primary school and associated infrastructure. The reserved matters consents granted to date permit a total of 649 dwellings leaving 60 extra care units to be delivered on Parcel R (the application site). Parcel R is the last parcel within Phase 2 to come forward for development.
- 9.10. The Section 106 Agreement attached to the outline consent seeks to secure the reservation of a site for extra care on a 0.885ha site for up to 60 beds and the latest Market Position Statement for Extra Care Housing produced by Oxfordshire County Council already includes this site within the forecast of delivery of 60 extra care units up to 2026.
- 9.11. In terms of the proposed development, the NPPF supports the need to boost significantly the supply of housing. The site is within a highly sustainable location and forms part of an approved strategic allocation. The erection of the extra care units and additional 14 residential dwellings on the site, subject to other policies in the plan and discussed below, is acceptable in principle.
- 9.12. This application is termed a 'drop in' application to the original outline consent and therefore very careful consideration must be given to the implications of the Hillside case on the original consent of this planning permission if granted. Consequently, Countryside have also submitted a Section 73 application to run concurrently with this application to amend condition 4 of the outline consent relating to the approved plans and therefore to amend the parameter plans attached to the original consent to remove reference to the extra care facility (albeit it is also referred to within the Description of Development). A draft deed of release relating to Parcel R and the original outline planning consent has also been included (23/03086/F) refers, this application has not yet been determined. If Members resolve to grant planning permission for this development, a decision cannot be issued until the sec 73 application has been determined and granted. Legal advice has been sought on the appropriate mechanism to facilitate the proposals on this site so that the

implementation of this development, if approved, would not preclude the rest of the site from being developed.

### *Conclusion*

- 9.13. Having regard to the above, it is considered that the principle of the development proposed is in accordance with the development plan and Government guidance within the NPPF and is therefore in principle considered acceptable, subject to consideration of the matters below.

### Quantum of Development and Uses

- 9.14. Paragraph 123 of the NPPF - Making Effective use of land, advises that policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.15. Paragraph 128 further advises that decisions should support development that makes efficient use of land taking into account matters such as 'the importance of securing well-designed and beautiful, attractive and healthy places'.
- 9.16. Policy Bicester 3 envisages that approximately 726 dwellings will be delivered, of which some will be Extra Care. The outline consent which excluded Whitelands Farm permitted up to 709 new dwellings (13/00847/OUT refers). The site was divided into parcels which have been subsequently sold to individual house builders who are now on site. Bellway have now completed all the dwellings on the parcels they took. A significant number of dwellings on site are now occupied. The last remaining parcel to be brought forward is Parcel R which is the subject of this application.
- 9.17. The application proposals set out that the scheme includes 82 extra care units made up of 68 one bed units and 14 two bed units, all of which are affordable rented accommodation for persons aged 55+ with some element of care need on the main part of this retained site. The erection of an additional 14 market dwellings by another developer, yet to be finalised, on the remainder of the site is proposed to be brought forward independently of the extra care units. In terms of the extra care units proposed, Cherwell has an increasingly aging population and therefore the additional extra care units proposed will contribute towards meeting the shortfall in extra care provision.
- 9.18. Having regard to the above, it is considered that the erection of additional residential units on this sustainable site within the built-up area of Kingsmere is acceptable in principle subject to the consideration of other matters discussed below.

### Ecology Impact

#### *Legislative context*

- 9.19. 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.



- 9.20. 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.
- 9.21. 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.
- 9.22. 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.
- 9.23. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

- 9.24. Paragraph 180 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.
- 9.25. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.26. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.27. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.28. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.29. 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.
- 9.30. 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*

- 9.31. 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')
- 9.32. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site currently consists of land that has been previously cleared for development, with temporary structure located centrally and hardstanding, including a bund of soil, with colonising vegetation and other neutral grassland. Prior to be cleared for development the site comprised agricultural land. The site is bounded to the east by the greenway with planting, new hedgerow and trees.

- 9.33. The application is also accompanied by a preliminary ecological appraisal produced following an ecological desk study and field survey carried out in fine and dry weather conditions on 24<sup>th</sup> May 2023 which encompassed the site and immediately adjacent habitats that could be viewed. Confirmed ecological constraints to development at the site have been identified as the presence of nesting birds and other neutral grassland. The report therefore recommends that ecological enhancements to be implemented at the site include the provision of bat and bird boxes, low level lighting around new vegetated boundaries and native shrub and hedgerow planting.
- 9.34. The submission has been assessed by the Council's Ecology Officer who is satisfied that it demonstrates that the site is not overly suitable for protected species and suggests conditions relating to avoiding clearance of the site during the bird nesting season and that the external lighting is designed sensitively for bats and proposed habitat boxes and features. Further comments are made however regarding a 10% Biodiversity Net Gain (BNG) which should be demonstrated using the Biodiversity Net Gain metric 4.0 which should be submitted along with a BNG plan/assessment.
- 9.35. The applicant was requested to consider the comments relating to the comments above. An updated lighting plan has been submitted to reflect the lower kelvin levels, although if this lighting is not acceptable to OCC along the access road, lighting to reflect that already installed on Bishop Road is agreed. In terms of BNG, the agent advises that they are not required to provide a 10% Biodiversity Net gain as the application was submitted prior to the requirement formally coming into effect, neither is it adopted policy and the Community Nature Plan 2020-2022 referred to by the Ecology Officer is not adopted SPD and only requires a net gain (not 10%). Further the site was planned as part of the wider Kingsmere development with green space and infrastructure designed and considered as a whole.
- 9.36. Following the above, revised comments have been received from the Ecology Officer advising that having reviewed the Biodiversity Net Gain assessment submitted that the proposals to add hedgerow to achieve a net gain are acceptable as the application was submitted prior to the BNG mandate coming into effect. The excel version of the BNG metric which was requested by the ecology officer has been submitted and assessed. The ecology officer further comments that the condition targets for most of the habitats are 'poor', with 'moderate' scrub and rain gardens. These are achievable conditions which is good, however, there is a good opportunity here to provide a great benefit to biodiversity – with a good management scheme, the hedgerows may be able to achieve 'moderate' condition and therefore a management plan should be provided which provides opportunities for enhancing the site as much as possible. A further condition is therefore recommended for a LEMP which should provide a management scheme for the landscaping proposed in the BNG report and metric. The plan should include species specific enhancements, such as integrated bat/bird bricks which can be clustered, hibernacula piles and insect bricks.
- 9.37. Officers are satisfied, on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Layout Design, Open Space and Landscaping

- 9.38. Section 12 of the NPPF 'Achieving well designed and beautiful places' attaches great importance to the design of the built environment and advises at paragraph

131 that 'the creation of high quality, beautiful and sustainable buildings and places is **fundamental** to what the planning and development process should achieve, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

- 9.39. Paragraph 135 gives further advice about the need to ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create a strong sense of place.
- 9.40. 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 proposals should therefore accord with the requirements and advice of the Design Guide and the submission has therefore been assessed against it accordingly.
- 9.41. Policy Bicester 3 of the Cherwell Local Plan 2011-2031 sets out a number of site-specific design and place shaping principles relating to the development of the site. One of these is that the development should comply with Policy ESD15. Policy ESD15 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural landscape within which it sits, that is that new development should build on the character of Cherwell. The policy also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale which should be demonstrated within a design and access statement.
- 9.42. 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*'.
- 9.43. The application is accompanied by a design and access statement which sets out that an analysis of the immediate area context as well as the surrounding environment has been undertaken to inform the design proposals. The design and access statement focusses on the extra care element which is a detailed proposal rather than the additional market dwellings which are proposed in outline. The statement also advises that it has had regard to the approved Phase 2 Design Code in designing the proposed extra care building. The submission proposes a 4-storey flat roof building to the frontage to the square with a lower 3 storey wing to the rear. This wing was originally pitch roofed but has since been amended to a flat roof to match the frontage block. The amenity space for the extra care building is provided between the rear wing and the adjacent greenway and the car park is proposed to the rear of the building accessed from the new side street. A bistro, which will serve residents but will also be open to the public and Kingsmere residents is located on the corner of the building where the greenway meets the square. An external seating area is also proposed here. The proposed additional dwellings are indicated to follow a ribbon of development along the other side of the new side street.

- 9.44. The phase 2 Kingsmere development was subject to an approved design code which also included the extra care Parcel R. It is considered that whilst this is coming forward independent of the original outline consent due to the increased number of extra care units and the additional 14 market dwellings, the approved design code remains a material consideration. The design code divides the development into different character areas, this part of the development being within the Core Character Area. The urban development principles within the document indicate the primary and secondary frontages and position of marker buildings. The development is located in a prime position on the central square with a marker building suggested at the north-eastern corner of the square. Building heights are also higher fronting this main square, with dwellings up to 3 or 4 storey and a maximum height of 14.5m, but this only relates to the primary frontage, the remainder of the development is only 2-2.5 storey. It should be noted that the site also abuts the greenway along its northern boundary, and this is identified as a 'broken frontage' within the code with lower building heights and a more informal, looser knit development form. This greenway is one of the key pedestrian/recreation routes through the development.
- 9.45. The design and form of the building have been revised through pre-application discussions by moving the rear projection from directly adjacent to the greenway, to provide a set back and to enable the existing trees and hedges along this boundary to be appropriately retained and maintained and to reduce the overall impact of the building along this key route which is considered to be an improvement. This original submission proposed a 3-storey pitched roof over the rear wing, which was not considered acceptable, as the pitched roof design did not relate well to the main block and appeared at odds. Due to its scale, neither was it considered that this rear wing related well to the adjacent more traditional design dwellings. The scheme has been amended to provide a flat roof in keeping with the main block which is considered to be an improvement.
- 9.46. In terms of the extra care building, which is proposed in two flat roof blocks, the frontage block is 4 story and the rear 3 storey, the applicant has been advised through the pre-application submissions that there is concern regarding the scale and massing of this building having regard to the adjacent and surrounding development and its relationship with the adjacent greenway which is one of the key pedestrian/recreation routes through the development. Whilst the building does not exceed 14.5m in height and the applicant has sought to break up the building with the use of different materials, the fact remains that this is a large single, flat roofed building which is quite different in its scale and design compared with the surrounding dwellings which are of more traditional design under pitched roofs and therefore lower eaves than the proposed. Whilst it is not considered that the design of this building should necessarily mimic those within the Kingsmere development as a whole, it is vital that, in the interests of creating a well-designed and beautiful place as stated in the NPPF, that this building sits comfortably with its surroundings and does not dominate or appear at odds.
- 9.47. The applicant has sought to address the above concerns through the submission of cross sections to show the height and relationship of the proposed with that existing and by the introduction of a series of materials to help break up the visual bulk of the building. In terms of the cross sections submitted whilst they do show that the difference in overall heights between the residential to the main square and the extra care building are not significant, due to the scale and massing of the extra care building compared to the smaller, narrower gable span pitched roof dwellings, it is considered that these cross sections do clarify the concerns raised above.
- 9.48. The scale and massing of this building has been discussed at length both during the pre-application discussions and through the consideration of this application. In

response the applicant has advised that the building has been designed around the 'HAPPI' principles which are national guidance for extra care housing. This advises that apartments are provided either side of a central corridor so that each apartment has access to daylight and either direct outside space or balcony area which results in the overall width of the building as proposed. The applicant also provided further information regarding similar developments which are currently being brought forward by Preferred Homes elsewhere. These proposals are not dissimilar to this scheme but are not directly comparable as they are located within urban town centre brownfield areas rather than an urban residential extension such as Kingsmere.

- 9.49. In terms of materials, the approved design code requires the use of natural limestone around the main central square, although the code does recognise that the extra care building may not necessarily be constructed wholly in stone. The design code also requires landmark buildings, of which this is part, to be constructed in natural stone. During pre-application discussions the applicant was therefore asked to consider constructing the whole of the corner element adjacent to the greenway in natural stone with a light red muti brick used in conjunction with the stone to match the red brick used elsewhere on Kingsmere. The latest revised plans propose the use of a mix of both traditional and contemporary materials; a traditional brick with natural limestone cladding, render and profiled terracotta cladding panels. Samples and colours of bricks, natural stone, cladding etc will need to be conditioned for consideration and approval, but the applicant has been advised that the terracotta cladding is not an appropriate colour for Kingsmere and an alternative is being considered. Due to the prominent position of this building to one side of the square it is considered that there should be a greater use of limestone or similar material to help mitigate its visual impact and integrate the building with the existing development.
- 9.50. A carpark to serve the extra care facility is proposed to the rear of the building and fronting the proposed new side street from which it will be accessed. Concern was expressed during the pre-application submissions regarding the stark and open car park and its expanse of hard surface and their visual impact on the street scene and relationship with the proposed new market dwellings opposite. The applicant has sought to address this through planting and whilst the car park remains open and visible to the public domain, some screening is proposed between the car park and adjacent street to try to mitigate its visual impact. All deliveries and servicing are also taken from this car park.
- 9.51. The above concerns regarding the scale, massing and appearance of the extra care building and the car park within the public domain is compounded by the fact that a larger development than originally proposed (additional 22 units) and that a smaller area of land is also being utilised for this development, with the remainder proposed for additional market dwellings and therefore the consequence is that a new side street is to be provided to serve the two proposals. The splitting of the site as proposed and the introduction of the additional side street to serve the new development has resulted in the building being exposed on all sides to the public domain with little scope to mitigate its impact through landscaping or other buildings/development. The splitting of the site in this way and seeking additional development has resulted in a much more compact development with little scope for significant green space around the building and any significant landscaping to help mitigate the visual impact of the building and the open car park.
- 9.52. There was much discussion at pre-application regarding the amenity space, landscaping proposals and the relationship of the new development with the adjacent green infrastructure corridor. Section 12 of the NPPF – Achieving well-designed places advises at paragraph 136 that *'trees make an important contribution to the character and quality of urban environments and can also help*

*mitigate and adapt to climate change. Planning Policies and decisions should ensure that new streets are tree-lined.* The submission includes a detailed landscaping scheme for the extra care site which does provide a single line of trees to the boundary of the car park with the adjacent access road, some tree planting to the external seating area to the proposed bistro and within the extra care site itself which despite the concerns raised above about the nature of the site, are welcomed. The scope for tree planting within the outline area appears less having regard to the indicative layout included. The Landscape Officer has not raised any concerns with the planting proposals themselves and the species chosen.

- 9.53. Having regard to the comments above, the requirements of Policy ESD15 and Government guidance within the NPPF the applicant has been requested to provide further justification in respect of compliance with this policy and achieving a 'well-designed and beautiful' place. This has not been specifically addressed although the agent advises that the building has been designed around HAPPI principles, one of the key factors which relates to internal corridor widths which have been kept to a minimum to provide reduced and safer walking distances to lifts and the central communal facilities. This has resulted in the main frontage building being proposed as four storeys rather than three and the T-shaped building gives the most appropriate design solution to achieve the economies of scale. The applicant further considers that this provides a 'gateway' building of contemporary well-designed scheme, and which incorporates materials and colours identified within the approved Phase 2 Design Code, reflecting its requirements as far as is practicable.
- 9.54. Turning now to the outline part of the submission for the 14 additional residential units, the illustrative layout provided indicates a ribbon of semi-detached and short terraces fronting the new side street and the proposed car park ending in an open cul-de-sac and footpath link to the adjacent to the greenway. Throughout the pre-application discussions and the consideration of this application the applicant has been advised that the development should be considered as a whole and not piecemeal and that the additional dwellings should also be a full application so that a comprehensive development can be delivered, and that the submission should not therefore be a hybrid but a single detailed submission.
- 9.55. The submission of the hybrid application does not provide a fully integrated scheme and due to the shape of the land 'left over' from the extra care development it will result in a ribbon of dwellings looking out over the car park to serve the extra care facility which will not create a particularly good sense of place or public/private realm and a side street ending in a small cul-de-sac. 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 all those who live there. It is considered that the illustrative layout fails to demonstrate a well thought out scheme and in the absence of a fully integrated detailed scheme, it is difficult to envisage how else the remainder of the site can come forward any differently which is regretful. However, when considering the proposal as a whole, and the delivery of affordable extra care on the site, it is considered that an objection based on piecemeal and the lack of a fully integrated development cannot be justified in this instance.
- 9.56. Having regard to the above, whilst it is considered that the scheme proposed, and in particular the extra care scheme is unfortunate in terms of its scale, massing and design and therefore relationship with the remainder of the Kingsmere development, the delivery of housing, and in particular affordable housing is high on both the Government's and District Council's agenda. The application as submitted is therefore on balance considered acceptable and therefore considered to be in accordance with the saved policies of the adopted Cherwell Local Plan 1996, the adopted Cherwell local Plan 2011-2031 and Government guidance within the National Planning Policy Framework in respect of its design and layout.

## Access and Transport

9.57. Section 9 of the NPPF – Promoting sustainable transport 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 application is accompanied by a Transport Statement and Travel Plan accordingly which were assessed by OCC as local highway authority. The original submission lacked sufficient information regarding the differences between the traffic generation between the extant and proposed developments and the travel plan also lacked sufficient information. 2 Transport Notes dated 9<sup>th</sup> January and 9<sup>th</sup> February 2024 were subsequently submitted to respond to the comments made. OCC were subsequently able to remove the objection and recommended a number of conditions be attached to any planning permission which included the submission and approval of a travel plan.

9.58. 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 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.*

9.59. NPPF paragraph 116 also advises that applications for development should amongst other matters, address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, and allow for the efficient delivery of goods and access by service and emergency vehicles. The site in question is located within the centre of Kingsmere close to bus stops and a footpath/cycle network through Kingsmere and beyond. A public footpath is also proposed alongside the proposed new access road and there is an existing footpath to the main square frontage. It is considered therefore that the development proposed is in accordance with the NPPF in this respect.

9.60. Policy SLE4 of the adopted Cherwell Local Plan 2011-2031 also states that all development where reasonable to do so should facilitate the use of sustainable transport to make fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.61. The proposed development will be served via a new side street from the secondary street which runs along the northern boundary of the central square that would form a single priority junction. The site access configuration comprises a carriageway width of 5.5m widening at the junction incorporating corner radii of 6m on both sides of the junction. A swept path analysis for an 11.6m length refuse vehicle manoeuvring in and out of the proposed access junction has been provided.



- 9.62. The internal road network within Kingsmere connects to Middleton Stoney Road to the north, Whitelands Way to the east and Vendee Drive to the south. There are a number of footpath cycle routes through Kingsmere into the surrounding area and the closest bus stop which has a shelter and seating is located on Ludlow Road approximately 30m south of the application site. A footpath link from the development site onto the greenway is also proposed.
- 9.63. The proposed layout of the extra care development includes 28 on-site car parking spaces, 3 of which are designed for use by disabled users. An ambulance and deliveries bay is also provided within the car park. The submitted transport statement also advises that the proposed residential units are provided with a communal parking area as well as individual garages and dedicated driveways for the larger units.
- 9.64. The submission was assessed by Oxfordshire County Council Transport Development management who raised an objection on a number of grounds. Additional information was requested to show any net change in development scale a breakdown and direct comparison between the extant permission and the proposed scheme for the development as a whole; cycle parking levels were not policy compliant and should comply with LTN 1/20 standards; active charging points for electric vehicles should accord with OCC's Parking Standards for New Development; site layout plans must be fully dimensioned, annotated and compliant with OCC's current design standards in terms of parking bays, aisle widths and servicing facilities and obstructions to visibility splays. A long section was also requested to ensure compliance with the Equalities Act 2010 and must include details of vertical alignment to determine appropriate carriageway and footway gradients and must be DDA compliant with a maximum 1:21 or 5% gradient.
- 9.65. Following a number of revised submissions, OCC were able to confirm on 4<sup>th</sup> March that the objection had been removed and subject to the imposition of a number of conditions which are included at the end of the report within the recommendation, the proposals were now acceptable from a Transport perspective.
- 9.66. It should be noted that objections have been received from Bicester Bike Users Group (Bicester BUG) relating to cycle parking and appropriate cycle links, some of which relate to the provision of cycle racks for less mobile residents such a three-wheel cycles and cycle storage of an appropriate type and location. It should be noted that whilst OCC in their latest response now raise no objections, it is acknowledged by OCC that the proposed cycle parking levels do not comply with policy, the application of the OCC minimum cycle parking standards to the proposed development results in a minimum requirement of 41 cycle parking spaces for the extra care home units. A total of 18 cycle spaces are proposed and in addition to this, an internal storage area has been allocated for between 6 to 12 cycle parking space should expansion be required due to demand. It is suggested by OCC that this is suitably conditioned and monitored through the care home travel plan. The applicant has submitted further information regarding the planning precedent set out in previous planning application approvals and therefore the proposed levels including the proposed expansion based on actual demand are now accepted by OCC.
- 9.67. Having regard to the above, whilst the concerns raised by Bicester BUG are noted, in the absence of an objection from OCC regarding this matter it is not considered that a refusal based on insufficient cycle parking cannot be justified.
- 9.68. 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 Bicester BUG have been carefully considered, the

proposals have been found to be acceptable and in accordance with the Development Plan and NPPF in this respect.

### Affordable Housing

- 9.69. The proposed development provides for 82 affordable extra care units and up to 14 new market dwellings on the remainder of the site. Preferred Homes who are leading on this submission and in particular in respect of the extra care facility have worked from the outset to design an extra care scheme using best practice and will be the landlord responsible for letting, managing and commissioning care services to support residents of the development.
- 9.70. The application submission has been assessed by Strategic Housing who advise that CDC's housing register does not provide evidence of need for Extra Care Housing as we rely on data provided by Oxfordshire County Council. The Housing and Economic Needs Assessment for Cherwell District and Oxfordshire County Councils completed in December 2022, highlights Oxfordshire County Council's support for Extra Care as a model, as it is preferable to residential care. As stated above, the Market Position Statement for Extra Care Housing produced by Oxfordshire County Council for the period up to 2026 includes this site for 60 units based on the Housing LIN Assessment. Strategic Housing further advise that the County Commissioner has recently advised that they are awaiting the results of a study which was carried out in 2023 which will provide an up-to-date picture of the needs and will provide evidence to demonstrate whether an 82-bed scheme is justified. This study identifies that there is a trend in the draft analysis towards shared ownership so they have indicated that the tenure mix may need to be altered to reflect this if this is highlighted in the final report. It should be noted that this report has not yet been finalised and published and therefore the application must be determined as submitted and it would not be appropriate to change the tenure mix at this stage.
- 9.71. Strategic Housing have been supportive of the scheme through the pre-application discussions and received confirmation from the County Council that a 60-bed affordable Extra Care scheme would meet the needs identified in the Market Position Statement. In respect of this application, Strategic Housing advise that they remain supportive of an affordable Extra Care Housing Scheme, however, (i) the County Commissioner has expressed a concern that due to the increased number of units now proposed that there may be an over-provision of Extra Care units; (ii) the Extra Care units are proposed as C2 rather than C3 and do not agree with the rationale put forward by the applicant and advise that Extra Care is an entirely different provision than a C2 residential care home. Strategic Housing further consider that it is clear from planning policy and Sec 106 extracts that the Extra Care Housing will be self-contained, provide independent living and are therefore a C3 use rather than C2.
- 9.72. Having regard to the above it is considered that the additional provision of 22 Extra Care units as proposed will contribute to the overall housing requirement within the district and the affordable housing provision which is a key need and the increased number of units which is not significant is therefore acceptable in principle. In respect of the C2/C3 issue, this has been raised with the applicant at both pre-application and submission stages. The residential units proposed all have their own facilities, including kitchen area, living area, bathroom and separate bedroom, and whilst the complex will provide dining facilities and living room for all residents on site, each unit is an independent unit of accommodation and therefore it is considered that this should be C3 rather than a C2 use. The applicant however considers this to be a C2 use due to the level of care and the communal facilities

provided on site and has provided additional information to support this matter which is accepted in this case.

- 9.73. In terms of the outline site which seeks consent for up to 14 market dwellings, an affordable request is not being required here as the Extra Care facility will be 100% affordable and therefore the 30% affordable housing requirement for Kingsmere Phase 2 will be met by this site and the affordable housing provision on the other development parcels. It is considered that the provision of the affordable extra care units are retained through a section 106 agreement.
- 9.74. Having regard to the above, it is considered that the proposals are acceptable in terms of the provision of affordable housing and are in accordance with Policies BSC3 and BSC4 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

#### Flood Risk and Drainage

- 9.75. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*'.
- 9.76. Policy ESD7 of the Cherwell Local Plan 2011-2031 relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement for the future management, maintenance and replacement of the SuDS features.
- 9.77. The site is located in Flood Zone 1 (low probability) and as such, the development itself is at low (less than 1 in 1000 year) risk of flooding from rivers or the sea. The existing flood risk assessment for the Phase 2 Kingsmere development was prepared by WSP on behalf of Countryside (Bicester) Ltd. The drainage strategy for this development will continue to use the drainage principles set out in the Kingsmere Design Code, developed during Phase 1 and sets out the hierarchy of SUDS measures to be utilised on site.
- 9.78. A Section 104 adoptable drainage layout has been included in the application documentation. Adopted foul and surface water drainage is to be included within the adopted road. Connections have been provided for both the proposed extra care development site and the proposed C3 market dwellings. A private surface water drainage network has also been provided for the extra care development. The outline scheme area will be provided by others once the site comes forward for development.
- 9.79. The submission has been assessed by OCC as Lead Local Flood Authority who raise no objection to the submission subject to a condition requiring the approved drainage system is implemented in accordance with the approved detailed design prior to the use of the building commencing.

### Residential Amenity

- 9.80. The application site, being located within the central area of Kingsmere is surrounded by residential development. Whilst the proposed extra care building as discussed above is considered to be of some scale when compared to the surrounding residential properties, due to its position on the site and the presence of the green corridor, the building will be some distance from existing residential properties and is unlikely to result in significant overshadowing, over domination or overlooking to the extent that a refusal could be justified. Further no objections have been received from nearby residents to the proposals.
- 9.81. In terms of the residential amenity for residents of the extra care facility, the moving of the rear wing away from the boundary of the green way has resulted in the private garden area being north facing and somewhat overshadowed by the proposed building itself and the proposed planting along the greenway. A number of units to the square also have small areas to the square frontage. Following pre-application discussions, the building has been set back slightly from the main square and adjacent public footpath to provide a little protection to these residents which is welcomed. Whilst the outside space to serve these residents is relatively small due to the reduced site size and increased number of units, the applicant has advised that since the initial outline consent, the introduction of HAPPI principles has evolved and developed into a distinctly different model, buildings are more compact, garden areas and overall plot sizes are notably smaller. The applicant's approach is wholly aligned with the current sector thinking to enable viable and sustainable design. One of the requirements of the Homes England grant funding is the adherence to the aforementioned HAPPI principles and Housing LIN Design guidance which have a profound effect on the eventual building type for residents.
- 9.82. Having regard to the above, whilst it is a little disappointing that the usable private outdoor areas provided for residents are relatively small, it is considered that on balance the proposals are acceptable in terms of residential amenity for residents.

### Sustainability

- 9.83. Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031 require the consideration of sustainable construction through the submission of planning applications and seek to achieve a development in excess of Part L of the Building Regulations and also development which is water efficient.
- 9.84. Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change advises at paragraph 157 that *'the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'*.
- 9.85. The application is accompanied by an Energy and Sustainability Statement which advises that Photovoltaic (PV) modules which convert sunlight directly to DC electricity will be installed on the roof of the extra care block. In terms of the dwellings, it is intended that all heating and hot water will be electric. The submitted planning statement also advises that sustainable design and construction technology is being applied to achieve reductions in carbon through a combination of fabric efficiency, carbon compliance to achieve at least BREEAM 'very good' for the extra care. Similar principles of fabric efficiency, carbon compliance will also be applied to the C3 dwellings.

- 9.86. The Energy and Sustainability Statement demonstrates that the provision of district heating and combined heat and power systems are not feasible, practicable or viable for the proposed development given its small size and limited available space within the site and Kingsmere as a whole does not include such systems.
- 9.87. The Statement similarly advises that the use of renewable technologies such as biofuel boilers, wind turbines, ground source heat pumps, solar water heating, air source heat pumps and photovoltaics have also been explored. The outcome of this indicates that the most appropriate technologies for the extra care element of the proposed development are the use of air source heat pumps and photovoltaics. The air source heat pumps are to be located within an attenuation enclosure adjacent to the electricity substation to the north of the car park where it can be more appropriately into the site and screened.
- 9.88. Having regard to the above comments, it is considered that sustainability has been adequately covered through the Energy Statement and is therefore in accordance with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the NPPF in this respect.

#### Health and Well-Being

- 9.89. 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 open space as well as the benefit of private outdoor space. The applicants were therefore advised through the pre-application that a Health Impact Assessment (HIA) should be carried out and included with any subsequent planning application for the development proposed. A Health Impact Assessment is a tool used to identify the health impacts of a development and how best to prevent ill-health and reduce health inequalities.
- 9.90. No HIA has been submitted with the application as the agent considers that this is not necessary in this instance as this is part of an existing development which has been designed appropriately in terms of open space, comprehensive pedestrian and cycle networks, access to public transport, retail and community needs and a high quality of design. The agent goes on to state that the *'pre-planned urban extension within which the specific extra care home sits, together with the very specific requirements to which the facility is designed, has considered the effects and impacts on the health and well-being of its intended residents. Both have sought to maximise positive health impacts'*.
- 9.91. Whilst it is regrettable that no HIA has been submitted, this has not been raised as an issue by OCC and these are not currently a legal or policy requirement of the planning system, and although they are recognised as good practice in the Planning Practice Guidance, it is considered that having regard to the above, an objection or reason for refusal on this matter could not be sustained at appeal.

#### Planning Obligation

- 9.92. In order to ensure that the development is acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests which are 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 number

of items need to be secured through a planning obligation before development can be considered acceptable and, in turn, planning permission granted. It should be noted that the applicant is currently disputing an education contribution and BOBICB contribution so these will need to be discussed in more detail. These items are as follows:

#### 9.93. CDC Obligations:

- Extra care affordable housing provision
- Provision and maintenance of a LAP (market dwellings only)
- Outdoor sport provision - £193,634.88 for both extra care and market units
- Indoor sport provision - £77,257.73 for both extra care and market units
- Public Art contribution - £21,504.00 towards enhancement within the area/site
- Rubbish and Recycling bins for each residential property at £111 per dwelling.
- Monitoring Fee - £5,000

#### 9.94. OCC Obligations:

- Transport: £1,000 per C3 dwelling towards the Middleton Stoney Cycle Network Improvements.
- Travel Plan Monitoring Fee: £3,110 RPI index linked) for 5 years.
- Education: TBC
- Waste and Recycling: £1,315 towards the expansion and efficiency of household waste recycling centres.
- Monitoring fee: TBC

#### 9.95. Other Obligations:

- BOBICB: £56,448.00 to support local plans to surgery alteration or capital projects to support patient services within Bicester.

## **8. 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 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 the provision and delivery of housing and in particular older persons affordable housing in a highly sustainable location within an existing development site attract substantial weight.

## 9. RECOMMENDATION

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- Extra care affordable housing provision
- Provision and maintenance of a LAP (market dwellings only)
- Outdoor sport provision - £193,634.88 for both extra care and market units
- Indoor sport provision - £77,257.73 for both extra care and market units
- Public Art contribution - £21,504.00 towards enhancement within the area/site
- Rubbish and Recycling bins for each residential property at £111 per dwelling.
- Monitoring Fee - £5,000
- Transport: £1,000 per C3 dwelling towards the Middleton Stoney Cycle Network Improvements.
- Travel Plan Monitoring Fee: £3,110 RPI index linked) for 5 years.
- Education: TBC
- Waste and Recycling: £1,315 towards the expansion and efficiency of household waste recycling centres.
- Monitoring fee: TBC
- BOBICB: £56,448.00 to support local plans to surgery alteration or capital projects to support patient services within Bicester.

**FURTHER RECOMMENDATION: THE PPA DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 6<sup>th</sup> May 2024. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

### CONDITIONS

#### FULL APPLICATION

Time Limit

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

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

2. That prior to first occupation of the extra care facility hereby approved, a Car parking management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.

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

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

4. That prior to the first occupation of the extra care, a detailed plan showing the cycle parking provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such.

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

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, A schedule of materials and finishes, including the submission of samples and sample panels of bricks and limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details and samples.

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 adopted Cherwell Local Plan 2011-2031, the approved Kingsmere Phase 2 Design code 2028 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds), guttering etc shall be submitted to and approved in writing by the local planning authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local



Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the first occupation of the building 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 adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed or existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented in accordance with the approved scheme at all times.

#### HYBRID

#### **Compliance with Plans**

9. 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: [...] TBC

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.

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

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

11. 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 development (or relevant phase of development) is resumed or continued.

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 Government guidance within the National Planning Policy Framework.

12. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5-DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of the building commencing.

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.

13. Construction shall not begin until/prior to the approval of reserved matters; a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include: (i) a compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on major development in Oxfordshire'; (ii) Full drainage calculation for all events up to and including the 1 in 100 year plus 40% climate change; (iii) A Flood Exceedance Conveyance Plan; (iv) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable); (v) Detailed design and drainage layout drawings of the SUDS proposals including cross-section details; (vi) Detailed maintenance management plan in accordance with Section 32 of the CIRA C753 \including maintenance schedules for each drainage element; (vii) Details of how water quality will be managed during construction and post development in perpetuity; (xvi) Confirmation of any outfall details and (xi) Consent for any connections into third party drainage systems.

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.

14. Prior to first occupation, a record of the installed SUDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

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.

15. Prior to the commencement of development on any part or phase of the development site, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

16. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the whole site 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 adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that phase/part of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, 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 adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. Prior to the first occupation a Full Travel Plan for the care home and a Residential Travel Information Pack for the housing development should be submitted to the Local Planning Authority. The Travel Plan for the care home and the Residential Travel Information Pack for the housing development shall be independent submissions.

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

19. Construction Environmental and Traffic Management Plan - TBC

#### OUTLINE

20. Application for the 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 reserved matters to be approved whichever is the later.

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

21. Details of the layout, scale, appearance, access 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).

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

Reason: 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.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

# APPENDIX 1

## 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	100% of the extra care dwellings to be affordable homes.	TBC	<b>Necessary</b> – Yes, policies BSC3 and BSC4 and Oxfordshire market position statement <b>Directly related</b> – Yes, as proposed <b>Fairly and reasonably related in scale and kind</b> – yes, the amount is a policy requirement
OCCG	£56,448 at 68 x 1bed at £504 per dwelling, 14 x 2 bed at £720 per dwelling and 14 market at 2.4 (predicted population increase) x £360	TBC	<b>Necessary</b> – 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 provision will support plans to surgery alterations to accommodate the additional population <b>Directly related</b> – the contribution will be used to fund increased facilities within Bicester <b>Fairly and reasonably related in scale and kind</b> – yes
Outdoor Sports Provision	Based on £2,017.03 per dwelling  96 x £2,017.03=£193,634.88  Towards enhancement of outdoor sports facilities at Whitelands Sports Ground	TBC	<b>Necessary</b> – Policies BSC10 and BSC11 seek to address existing deficiencies in access to sports and recreation through new provision or enhancement of existing facilities either on site or commuted sum off-site. <b>Directly related</b> – yes <b>Fairly and reasonably related in scale and kind</b> – yes
Indoor Sports Provision	Based on £335.32 per person 96x2.4=230.49 230.40 x £355.32 = £77,257.73	TBC	<b>Necessary</b> – Policies BSC10 and BSC12 seek to address existing deficiencies in existing provision through enhancements.

# APPENDIX 1

	1,344.60 x £335.32 = £450,871.28 towards improvements at Bicester Leisure Centre		<b>Directly related</b> – Yes <b>Fairly and reasonably related in scale and kind</b> – Yes
Community Hall	The development is providing on-site communal facilities including a bistro, large communal lounge, a multi-purpose room will enable the facility to host a wide range of different activities both internally and community wide.  As the development is providing onsite facilities, if no contribution is requested, it will need to show how the facilities will be accessed community wide.	<b>TBC</b>	<b>Necessary</b> – Policy BSC12 of CLP <b>Directly related</b> – to mitigate the impact of the development. <b>Fairly and reasonably related in scale and kind</b> – Yes
Public Art, Public Realm and Cultural Well-being	£21,504.00 towards a public art scheme at £200 per unit plus 12% for management and maintenance.  Could be provided on site by developer as part of the scheme.	TBC	<b>Necessary</b> Planning Obligation SPD 2018 – support cultural well-being and public art can play an important role in enhancing the character of an area. <b>Directly related.</b> Yes <b>Fairly and reasonably related in scale and kind.</b> Yes
Public Open Space	Provision of public open space within the built development is already provided within Kinsmere	TBC	<b>Necessary</b> – Policy BSC11 <b>Directly related</b> – Yes <b>Fairly and reasonably related in scale and kind</b> – Yes
Play Space	1 x LAP for market dwellings or contribution towards improvement to existing play space within Kinsmere	TBC	<b>Necessary</b> – Policy BSC11 <b>Directly related</b> – yes <b>Fairly and reasonably related in scale and kind</b> – Yes

# APPENDIX 1

Refuse and recycling bins	3 x bins per property – market dwellings	Prior to first occupation	Necessary – yes Directly related – yes Fairly and reasonably related in scale and kind - yes
Monitoring Fee - CDC	TBC	TBC	Necessary – Yes for monitoring obligations# Directly related – yes Fairly and reasonably related in scale and kind - yse
Transport	£1,000 per C3 dwelling towards Middleton Stoney Cycle Network Improvements	TBC	<b>Necessary</b> – yes Directly related – yes Fairly and reasonably related in scale and kind - yes
Travel Plan Monitoring	£3,110	TBC	<b>Necessary</b> – yes <b>Directly related</b> - yes <b>Fairly and reasonably related in scale and kind</b> - yes
Education	TBC re additional C3 dwellings	TBC	<b>Necessary</b> yes <b>Directly related</b> - yes <b>Fairly and reasonably related in scale and kind</b> - yes
Waste and Recycling	£1.315 towards the expansion and efficiency of household waste recycling centres	TBC	<b>As above</b>
Monitoring Fee - OCC	TBC	TBC	<b>As above</b>

Agenda Item 17  
24/0025 T/CDC

Unit 14  
Expeditionary Road  
Ambrosden  
Bicester  
OX25 2EJ



1:2,100



**24/00251/CDC**

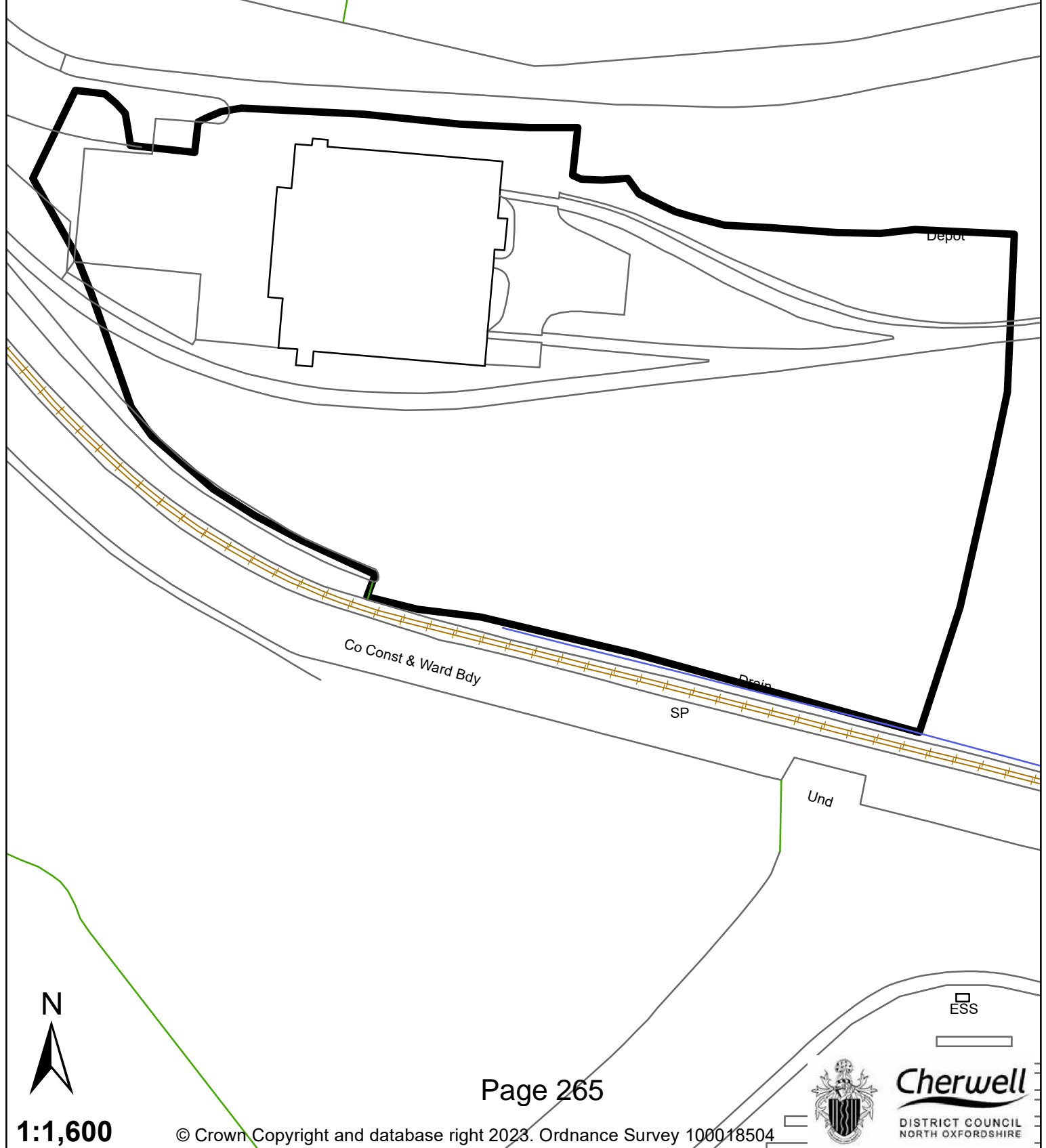
**Unit 14**

**Expeditionary Road**

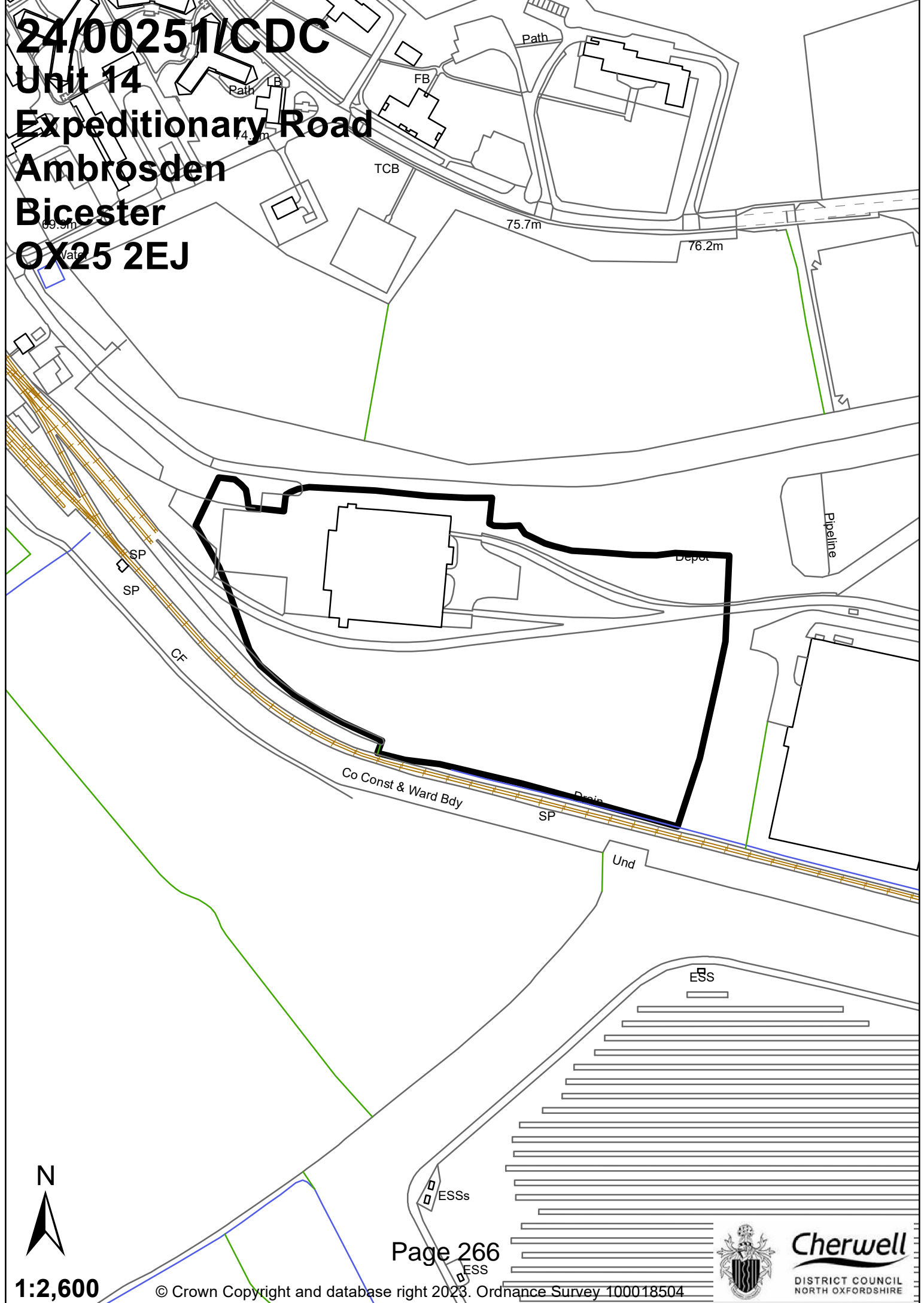
**Ambrosden**

**Bicester**

**OX25 2EJ**



**24/00251/CDC**  
**Unit 14**  
**Expeditionary Road**  
**Ambrosden**  
**Bicester**  
**OX25 2EJ**



**1:2,600**



**Case Officer:** Laura Bell

**Applicant:** Cherwell District Council

**Proposal:** New security fence to the vehicle parking areas

**Ward:** Bicester South and Ambrosden

**Councillors:** Councillor Cotter, Councillor Pruden, Councillor Sames

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

**Expiry Date:** 29 March 2024

**Committee Date:** 21 March 2024

---

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the southeast of Graven Hill and totals approx. 3.84 Ha. The building, known as 'Building D8' sits within a complex of vacant warehouses, previously used as part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA), logistics hub. The LCS operation has been rationalised and moved to 'C' Site at Upper Arncott, meaning that 'D' Site is surplus to requirements. The building is currently vacant.
- 1.2. Graven Hill is bound to the northeast by the A41 Aylesbury Road; the railway line to the south, and railway tracks and sidings to the west. In addition, the southern boundaries of the site are formed by adjoining agricultural fields and a large solar farm. The site is accessed from the Employment Access Road (EAR) which is currently under the final stages of construction.
- 1.3. The site lies immediately south of St David's Barracks, which is in operational military use. Adjoining uses include the new residential uses to the north of Graven Hill; Wretchwick Farm to the east and a sewage treatment works to the northwest on the opposite side of the Chiltern railway line. Symmetry Park, a newly constructed logistics park, is located to the east of the site off the A41.
- 1.4. Outline planning permission was granted in 2022 for the redevelopment of D site, comprising five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being the sub-station) for B8 'storage and distribution uses'. These existing buildings total approx. 41,831 sq. m. Planning permission was granted in 2022 to demolish the latter buildings (along with 9 former munitions stores) within the D site area.

**2. CONSTRAINTS**

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

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Full planning permission is sought for the erection of security fencing to the perimeter of the site, comprising 2.4 metre high green mesh fencing with 2.4 metre high green automatic access gates, with rota spikes over the front access gates.

### 4. RELEVANT PLANNING HISTORY

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

Application no.	Location	Proposal	Decision
21/03749/F	Sites B C D And E, MOD Bicester, Murcott Road, Upper Arncott	Variation of condition 2 (plans) of 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub, as explained in the submission. The masterplan is amended to include these proposals, and excludes the employment land, for clarity	Permitted 22/3/22
22/00835/F	Unit D1 Graven Hill, Circular Road, Ambrosden	Demolition of existing buildings and structures at the site and provision of a bat barn.	Permitted 21/3/22
22/01829/OUT	Unit D1 Graven Hill, Circular Road, Ambrosden	'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8	Permitted 10/10/23

		<p>'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works.'</p>	
--	--	--	--

## 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. The final date for comments was **7 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: **No objection**

### CONSULTEES

7.3. N/A

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- Bicester 2: Graven Hill
- ESD15 - The Character of the Built and Historic Environment

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

### 8.3. Other Material Planning Considerations

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

## 9. APPRAISAL

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

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

#### Design and impact on the character of the area

##### *Assessment*

9.2. 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.

9.3. 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.” Saved Policy C28 seeks control over new development to ensure standards of layout, design and external appearance are sympathetic to the character of the area.

9.4. The immediate and surrounding area is of a predominantly industrial/military nature, comprising large areas of hardstanding and former MoD buildings. There are several fences in the vicinity of the site, including concrete post and mesh fencing to the retained St David’s barrack to the north of the site and steel post and wire fencing along the southern most boundary of the site.

9.5. The proposed fencing is of an appropriate scale, siting and design that would be commensurate with other fencing in the area and accordingly, would not adversely affect the character and appearance of the area.

##### *Conclusion*

9.6. It is considered that the erection of fencing in this location would not result in significant harm to the character and appearance of the area. As such, it would accord with Policies ESD15 and Bicester 2 of the CLP 2031 Part 1, saved Policy C28 of the CLP 1996 and central Government guidance contained within the NPPF.

### Ecology Impact

- 9.7. Having considered Natural England's Standing Advice and taking account of the nature of the application and the site constraints, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

### Other matters

- 9.8. The block plan submitted with the application makes reference to various uses within Building D8, including a HGV workshop and MOT test station. This application deals only with the erection of fencing; a separate planning application will be submitted in due course for the proposed change of use of the building, for its anticipated use as the Council's depot. A planning note will be added to the Decision Notice to reiterate this.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11. RECOMMENDATION**

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

### CONDITIONS

#### **Time Limit**

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

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

#### **Compliance with Plans**

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

Drawing 01 – Proposed Security Fencing and Drawing 02 – Location Plan

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

## PLANNING NOTES

1. The applicants are reminded that this permission relates to the erection of security fencing only and does not imply or grant consent for any change of use of the building.
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.



<b>This report is Public.</b>	
<b>Development Brief for Local Plan Partial Review site PR8 – Land East of the A44</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	21 March 2024
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Dan Sames
<b>Date Portfolio Holder agreed report</b>	12 March 2024
<b>Report of</b>	Assistant Director Planning and Development, David Peckford

## Purpose of report

To seek the Planning Committee’s approval of the Development Brief for Local Plan Part 1 Review allocated site PR8 – Land East of the A44

### 1. Recommendations

The Planning Committee is recommended to:

- 1.1 To approve the Development Brief for site PR8 (Land East of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report, subject to (i) the changes recommended in paragraphs 4.40 – 4.45 of this report, and (ii) an additional three week consultation period following this Planning Committee
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief, subject to (i) any minor amendments arising from that further public consultation and (ii) any necessary presentational or other minor corrections, in consultation with the Chairman

### 2. Executive Summary

- 2.1 This report relates to a Development Brief for a site allocated for development in the Local Plan (the Cherwell Local Plan 2011-2031 Partial Review Plan), adopted in 2020 and which forms part of the statutory Development Plan for the district.
- 2.2 The Partial Review Plan provides a vision for how Oxford’s unmet housing needs will be met within Cherwell, which seeks to respond to the key issues faced by Oxford in providing new homes, in addressing the unaffordability of housing, in supporting economic growth and in dealing with its land supply constraints.
- 2.3 The development brief will then be a material consideration in the determination of any future planning applications for the site to which it relates. They will inform developers in progressing their proposals and this committee in determining future planning applications.

- 2.4 The Development Brief has been the subject of public consultation, for four weeks from 22 November to 20 December 2023. All representations received have been reviewed and taken into account, and this report summarises the representations received and sets out officers' responses.
- 2.5 Overall, officers are happy to conclude that the Development Brief for the site accords with Policy PR8 and the vision and objectives for the site, and that it provides an appropriate framework for the development of the site – adherence to the Brief will be important in achieving an acceptable form of development.
- 2.6 It is recommended that the planning committee endorses this Development Brief as a framework for the development and delivery of site PR8 - Land East of the A44, subject to the changes to be made as per above and to any further changes considered necessary arising out of either the consultation that has taken place and/or the short public consultation to follow this Planning Committee, and that the finalised Development Brief will be a material consideration in the determination of any future planning applications for the site.

## Implications & Impact Assessments

Implications	Commentary			
<b>Finance</b>	External work on the development briefs is being funded by the respective site promoters through Planning Performance Agreements but controlled directly by Council officers. Costs for internal work are included in existing budgets. Kelly Wheeler, Finance Business Partner, 12 March 2024			
<b>Legal</b>	The purpose of the development brief for site PR8 is to identify how national and local policy requirements and guidance will be applied to achieve high quality sustainable development at this location. Once approved by the Council the brief will be a material consideration in the determination of future planning applications at the site. Shahin Ismail, Interim Head of Legal Services, 12 March 2024			
<b>Risk Management</b>	The relevant Local Plan policy requires a Development Brief to be produced. Whilst not a reason for approval, not approving the brief may require re-consideration of the Planning Performance Agreement with the respective promoter. This and any other arising risks are monitored through the service operational risk and will be escalated to the Leadership Risk Register as and when required. Celia Prado-Teeling, Performance Team leader, 12 March 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the		X		Not Applicable

proposed decision, including how it is delivered or accessed, that could impact on inequality?				
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not Applicable
<b>Climate &amp; Environmental Impact</b>		X		Not Applicable
<b>ICT &amp; Digital Impact</b>		X		Not Applicable
<b>Data Impact</b>		X		Not Applicable
<b>Procurement &amp; subsidy</b>		X		Not Applicable
<b>Council Priorities</b>	Business Plan Priorities 2023-2024: Housing that meets your needs Leading on environmental sustainability An enterprising economy with strong and vibrant local centres Healthy, resilient and engaged communities			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	22nd November to 20th December 2023  Subject to the resolution of the Planning Committee, an additional 3 week consultation will be undertaken on the amended Development Brief			

## Supporting Information

### 3. Background

- 3.1 The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need was adopted on 7 September 2020, effectively as a supplement or addendum to the adopted Cherwell Local Plan 2011-2031, and forms part of the statutory Development Plan for the district.
- 3.2 The Partial Review Plan provides a vision for how Oxford’s unmet housing needs will be met within Cherwell, which seeks to respond to the key issues faced by Oxford in providing new homes, in addressing the unaffordability of housing, in supporting economic growth and in dealing with its land supply constraints.

- 3.3 The Partial Review Plan allocates land to deliver 4400 houses across six sites:
1. Land East of Oxford Road, North Oxford (policy PR6a) - Gosford and Water Eaton Parish
  2. Land West of Oxford Road, North Oxford (policy PR6b) - Gosford and Water Eaton Parish
  3. Land at South East Kidlington (policy PR7a) - Gosford and Water Eaton Parish
  4. Land at Stratfield Farm Kidlington (policy PR7b) - Kidlington Parish
  5. Land East of the A44 at Begbroke/Yarnton (policy PR8) - Yarnton and Begbroke Parishes (small area in Kidlington Parish)
  6. Land West of the A44 at Yarnton (policy PR9) - Yarnton and Begbroke Parishes
- 3.4 For each of the six sites, the Local Plan policy includes a requirement for the application to “be supported by, and prepared in accordance with, a comprehensive Development Brief for the entire site to be jointly prepared and agreed in advance between the appointed representative(s) of the landowner(s) and Cherwell District Council”. It further states, “The Development Brief shall be prepared in consultation with Oxfordshire County Council and Oxford City Council”.
- 3.5 The development brief will then be a material consideration in the determination of any future planning applications for the site to which it relates. They will inform developers in progressing their proposals and this committee in determining future planning applications.
- 3.6 Further to the Partial Review Plan’s requirement, Development Briefs have been prepared for each of the six sites. The first two, relating to sites PR7b and PR9, were approved by Planning Committee in December 2021 and three others, for sites PR6a, PR6b and PR7a, were approved by Planning Committee in September 2022. The last of the six, here presented, relates to site PR8.
- 3.7 Design consultants appointed by the Council have prepared the brief working with officers and with the benefit of input from technical consultees, stakeholders (including Oxford City Council, and the Canal and River Trust) and public consultation. This report presents the draft final brief for approval and in doing so explains how it meets the objectives and policy requirements of the Partial Review Plan.
- 3.8 The Development Brief has been the subject of public consultation, for four weeks from 22 November to 20 December 2023. This report summarises the representations received and explains what changes have been made in response.

## **4. Details**

- 4.1 Policy PR8 of the Partial Review of the Local Plan relates to land to the east of the A44. The site comprises 190 hectares of land to the east of the A44 and between the residential neighbourhoods of Begbroke to the north west and Yarnton to the south west. Begbroke Science Park and Yarnton Home and Garden are located in the northern part of the site, with the rest of the site generally in agricultural use. To the east, the site is bounded by the Oxford Canal, beyond which lies the village of Kidlington. To the north/north-east, the site is bounded by farmland and the Rushy

Meadow SSSI, beyond which is the Langford Locks Industrial Estate and London Oxford Airport. To the south, the site is bounded by Littlemarsh Playing Field and a disused Sewage Treatment Works. Rowel Brook crosses the northern part of the site, a rail line runs north-south through the eastern part of the site.

- 4.2 The site is allocated for 1,950 homes on c.66 hectares of land, of which 50% is required to be affordable housing. There are policy requirements for a secondary school on 8.2 hectares of land to incorporate a 4-court sports hall to Sports England Specification and available for community use; 1x primary school on 3.2 hectares of land with three forms of entry, 1x primary school on 2.2 hectares of land with two forms of entry; a local centre on 1 hectare of land; reservation of 14.7 hectares of land for Begbroke Science Park expansion; Local Nature Reserve on 29.2 hectares of land; nature conservation area on 12.2 hectares of land; public open space on 23.4 hectares of land; retention of 12 hectares of agricultural land; reservation of 0.5 hectares of land for a future railway halt; provision for a foot, cycle and wheel chair accessible bridge over the Oxford; Canal linking the site with land at Stratfield Farm (Policy PR7b); and facilities for formal sports, play areas and allotments.
- 4.3 The Development Brief sets out its background, purpose and status, its structure and the community involvement that has taken place (Chapter 1); the strategic vision and context, the role of the site, its economic relationships and movement corridors (Chapter 2); the planning policy context, spatial context and the site's attributes (Chapter 3); a site appraisal including opportunities and requirements (Chapter 4); the vision and objectives for the site (Chapter 5); then the development principles (Chapter 6); and closes with a section on delivery and monitoring (Chapter 7).
- 4.4 Preparation of the Development Brief included review of baseline information and the planning policy context, preparation and agreement of the scope for the Brief, identification of opportunities and constraints, workshops to establish the vision, the principles concerning movement, water management, landscape, biodiversity, heritage and archaeology, and subsequent workshops and one to one engagements with technical consultees including the preparation of parameter plans, review of early drafts of the Brief and discussion with the site promoters.
- 4.5 The vision for Land East of Oxford Road, North Oxford, set out in Chapter 5 of the Brief, is as follows:

*'The expansion of the University's Begbroke Science Park will be integrated within a distinctive, urban neighbourhood featuring innovation and high levels of sustainability, which will become recognised as a national placemaking exemplar. The new neighbourhood will have walking and cycling at its core, by creating an environment where the private car is a guest whilst catering for public transport. It will be publicly accessible, well connected by footpaths and cycleways to the surrounding neighbourhoods, existing local services and enhanced public transport links on the A44.'*

*'The development will be a distinct and unique blend of green space, water environments and natural spaces promoting good health habits. A new local centre, schools and green infrastructure corridors adjacent to the Oxford Canal will link existing communities with publicly accessible open spaces of high quality wildlife and biodiversity.'*

*'It will be successfully connected to Begbroke, Yarnton and Kidlington which will have retained their own identities.'*

4.6 Each Partial Review policy sets out a detailed list of required elements for the Development Brief. There are common elements to each site, for example:

- a scheme and outline layout for the delivery of the required land uses and associated infrastructure,
- protection and connection of existing public rights of way and an outline scheme for pedestrian and cycle access to the countryside surrounding Begbroke, Kidlington and Yarnton
- outline measures for securing net biodiversity gains informed by a Biodiversity Impact Assessment, and
- an outline scheme for vehicular access by the emergency services.

4.7 Policy PR8 sets out the following particular requirements for inclusion in the Development Brief:

- Points of vehicular access and egress from and to existing highways with at least two separate, connecting points from and to the A44 and including the use of the existing Science Park access road
- An outline scheme for public vehicular, cycle, pedestrian and wheelchair connectivity within the site (including for public transport services), to the built environments of Begbroke, Kidlington, Yarnton and to existing or new points of connection off-site and to existing or potential public transport services
- Accommodation of the pedestrian, cycle and wheelchair accessible bridge over the Oxford Canal
- In consultation with Oxfordshire County Council and Network Rail, proposals for the closure/unadoption of Sandy Lane, the closure of the Sandy Lane level crossing to motor vehicles (other than for direct access to existing properties on Sandy Lane), and the use of Sandy Lane as a 'green' pedestrian, cycle and wheelchair route between the development and the built-up area of Kidlington including the incorporation of a bridge or subway
- Design principles which seek to deliver an urban neighbourhood that responds positively to the Science Park and canal location and which respects the historic development of nearby villages
- The sites for the required schools and the Local Centre
- Proposals for the safe remediation and use of the former landfill site as shown including as a wildlife 'stepping stone' within the development
- The retention or replacement (to an equivalent quantity and quality) of the existing allotments and proposals for extending the allotment space in accordance with adopted standards
- The reserved land within the site for the future railway halt/station

- 4.8 The Development Brief for PR8 sets the development framework for the site. The parameters for the brief are established by the Local Plan. The brief is intended to provide additional detail to help implement the Local Plan policy and guide the preparation and consideration of applications for planning permission. The brief comprises guidance and not new policy.
- 4.9 The Brief provides a scheme and outline layout for delivery of the required land uses and associated infrastructure. There is no material change in the extent of the residential area between the policy map for the site (page 128 of the Partial Review Plan) and the development framework plan (page 3/30 of the draft Development Brief). There is no change to the site area.
- 4.10 Following discussion with Oxfordshire County Council, the secondary school has been relocated from the north-west corner one field parcel to the east, the three form primary school has also been relocated eastward to be due south of the existing Begbroke Science Park, the local centre has been relocated northward so that it is adjacent to the three form entry school to its west and the existing Begbroke Science Park to its north, and flexibility has been built into the location of the employment land. However, in common with all Partial Review site policies, Policy PR8 allows for the consideration of minor variations in the location of specific land uses where evidence is available. Officers consider these changes to be acceptable as minor variations from the policy requirement. The extent of the developable area has not changed and there is no encroachment into the Green Belt.
- 4.11 The Development Brief for PR8 provides an outline scheme for vehicular, cycle, pedestrian and wheelchair connectivity within the site, for pedestrian and cycle access to the surrounding countryside, and for vehicular access by the emergency services, which delivers on the requirements set out in the policy for the site. The movement and access network plan is shown at Figure 15 (page 44) and expounded in detail in Sections 6.4.2 – 6.4.45 of the Brief (pages 42-47).
- 4.12 The access strategy for the site has been worked in close collaboration with Oxfordshire County Council as local highway authority. The Brief identifies two vehicular access points to/from the A44, and a third vehicular connection eastward to Kidlington via a new bridge over the railway line; plus six separate pedestrian/cycle crossing points over the A44 and one additional bus stop.
- 4.13 The Brief also sets out the requirement for four areas of play across the development – one combined local equipped area of play ('LEAP') / neighbourhood area of play / multi games area potentially located in the new central park, one LEAP potentially located in the northern part of the site, and two LAPs – one in the northern part of the site and the other in the southern part of the site close to the two form entry primary school. The Brief also provides outline measures for securing net biodiversity gains, provides for the maintenance and enhancement of existing tree lines and hedgerows.
- 4.14 The Development Brief for PR8 sets the design principles for the site, which is to create a distinctive, higher density urban village which is contemporary in character, while being sensitive to the setting of the surrounding villages of Begbroke, Yarnton and Kidlington. The objective is to create an attractive frontage to the A44 on the approach to Oxford supporting a change in character away from a highways dominated environment and creating crossing opportunities. The contrast between the dense urban development and canal-side parkland setting will be used as a positive and integral design feature.

- 4.15 The existing and expanded Begbroke Science Park, allotments on the A44, and the former landfill site and existing residential dwellings all need to be well integrated into the overall layout. The site layout needs to be co-ordinated with proposals for site PR9 to the west of the A44 and PR7b to the east of the Oxford Canal in relation to the provision of access junctions, the A44 frontage, green infrastructure corridors and pedestrian and cycling connectivity. Mixed uses, the local centre and the Science Park are to overlook the open green spaces wherever possible to allow for visual connectivity and encourage passive surveillance of those spaces.
- 4.16 The Brief sets out that the built form to the eastern side of the site, chiefly between the ex-landfill site and the railway, will be 3-5 storeys, while development in the vicinity of the northern end of Yarnton will be 2-3 storeys, and the majority of development being 2-4 storeys. Where development abuts the green corridor, it should both front the corridor and create a softened urban/landscape edge which enables views from within the development into the landscape. The potential for green fingers connecting the landscape into the development should also be explored. The outline layout for the site sets out the positions of key frontages for buildings.
- 4.17 The Development Brief also sets out development principles in relation to green spaces and community uses, including the centrally located new park, allotments either as existing or re-provided elsewhere in the site, the local nature reserve in the north of the site, informal public parkland to the east and a nature conservation area with limited public access in land east of the railway line, all of that land being retained within the Green Belt.

### *Consultation*

- 4.18 The brief was published for public consultation from 22 November to 20 December 2023 by way of advertisement on the Council's website and emails directly to parish councils and technical consultees. A total of 15 representations were received. The representations have been made publicly available alongside this report and a schedule containing a summary of each and officer responses is provided at Appendix 2. A precis is provided below. Oxford City Council was consulted, as required, but have not responded to date. Some comments were received during the consultation advising of difficulty in accessing the Development Brief on the Council's website. In the circumstances, and given that several changes are proposed in light of the consultation responses that have been received, it is considered appropriate for there to be a further short round of consultation before the final Development Brief is published on the Council's website.

### SUMMARY OF REPRESENTATIONS

#### Kidlington Parish Council

- 4.19 The comments raised from Kidlington Parish Council are summarised as follows:
- Seeks greater clarity in the Development Brief on the land to the north of Sandy Lane in terms of the division of employment vs residential, e.g. will it be taken forward solely for business use and what are the implications of this for residential development in Kidlington?
  - Seeks to ensure the site is not utilised to address Oxford University's housing needs at the expense of Oxford's affordable housing need



- Seeks direct reference within the Development Brief as to community benefits that can be achieved through this development, particularly for Kidlington
- Maintains objection to the proposed closure of the Sandy Lane crossing
- Seeks greater clarity in the Development Brief as to the sports facilities to be provided, especially playing fields to help address any overall shortfall within the wider area of the four relevant parishes
- Information in the Development Brief re education provision needs to be more specific as to how this is taken forward

#### Yarnton Parish Council

4.20 The comments raised by Yarnton Parish Council are summarised as follows:

- The PR8 site did not include the landfill site or the garden centre; they are both included in the Development Brief without explanation and it assumes they are part of PR8 and whatever happens on those areas can be part of the DB
- Will the development be a new community, a new parish or is it going to integrate with existing communities? The Development Brief speaks of a new urban village with its own identity and centre, yet the development lies entirely within the parishes of Begbroke and Yarnton, and contiguous with the latter. For which parish is the parish office intended?
- Will the connection to Kidlington be severed? The Development Brief sees Kidlington as the local hub and centre to which existing villages and the new PR8 developments relate & refer; yet there is no public transport link between Kidlington and Begbroke and Yarnton and PR8 and 9, and it is proposed to close the only road that directly links them. The District Council recently (July 2023) endorsed the maintenance of the vehicular connectivity between the villages and the new development.
- Pick up points required as well as drop off points, and need space for more cars if not to be a nuisance to other traffic.
- The LPPR allocation is 1950 dwellings, 50% of those affordable. The Development Brief also lists university related housing (3.1.1) – would does this refer to? Is it part of the 50% affordable housing or in addition to?
- Little Marsh Playing Field – mention of ball-strike risk assessment (4.1) but is this required now as cricket no longer played there; no mention in the Development Brief of the mature oak tree on its north-east boundary with the PR8 area; this tree has implications for the suitability of the allotments to its north-east
- Comments re bus connectivity, re the location of a skateboarding area, and re the existing canal bridge
- Notes various typographical errors in the document

4.21 Historic England - No objections or comments.

4.22 Network Rail

- For development that increases Level Crossing risk, Network Rail looks to the developer to mitigate the potential impacts
- Notes that the design of the bridge has not yet been finalised
- Assumes that the existing canal bridge and level crossing to the north-east that is referred to in the Development Brief is the Roundham Locks LC
- In the case of Roundham Locks LC, if improvement and promotion of this route was to occur then a new vehicular bridge would be required if private road rights

cannot be released. Alternatively, a public right of way only bridge would be required, to include access for non-mechanical vehicles. Network Rail has asked OUD for their projected traffic figures over the crossing in order to calculate the level of additional risk

#### 4.23 Canal and River Trust

- The canal is integral part of the site and brings unique opportunities to the development – the canal’s benefits should be fully exploited
- It is likely the towpath will require improvement and a proportionate contribution to its improvement should be sought from any allocation in proximity
- During lockdown towpath use rose in similar areas by 600%. Future residents of PR8 are likely to use the towpath for commuting or recreation
- The walking and cycling route identified in the Development Brief should extend northwards towards Langford Lane.
- Questions the need to provide an adjacent new route when an existing towpath may be acceptable. The towpath may require widening and bank stabilisation to allow a suitable width.
- The CRT is not obliged to accept the proposed new bridge over the canal, and would not pay for it or maintain it or take ownership of it – this is a matter for CDC, OCC and the developers.
- The precise location of any bridge has not yet been agreed by the CRT. Requests that a reference is made to the CRT’s Code of Practice for works affecting the CRT and that its guidance document is included in the list of required supporting documents in Section 7.
- Also makes comments re wildlife/ecology, trees, sport/recreation, as well as the nature conservation area, informal public parkland, the retained agricultural land and the Biodiversity Improvement and Management Plan (all welcomed). In relation to wildlife/ecology and SSSI, as well as light pollution, makes comments as to what is expected as part of planning applications at the PR8 site.
- Comments re accessible areas vs undisturbed areas
- Comments re the provision of green roofs.

#### 4.24 Thames Water

- Notes that sewers and rising mains across the site and that these are mentioned at section 6.8 of the Development Brief
- The Development Brief should make specific reference to waste water / sewerage and water supply infrastructure, recommending the inclusion of policy/supporting text.
- Comments re the need for development to make specific water efficiency standards; requests policy text is added in this regard
- Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance – requests text be added in this regard

#### Members of the Public

4.25 The comments raised from members of the public are summarised as follows:

- Concerns regarding a cycle route running through Gravel Pits Lane

- The loss of the Green Belt to this development, which would completely change what is currently a rural location; the development would be come “another faceless suburb of Oxford”
- Concerns regarding the closure of Sandy Lane to vehicular traffic
- Impact on wildlife habitats
- Impact on infrastructure including A44 congestion

#### 4.26 Newcore / Yarnton Garden Centre - No objections or comment

#### 4.27 Hallam Land

- Concerns regarding a cycle route running through Gravel Pits Lane
- Unclear as to the rationale for the Development Brief as presented, i.e. its content; queries the justification for and status of the Development Brief
- If the Development Brief is an interpretation of the LP policies and what they represent, then it risks predetermining what could be acceptable through the planning application process and removes the planning judgement of the local planning authority and its officers.
- Comments on some elements of detail, including noise attenuation, the cycle/footpath link in the Hallam Land site, the adjacent watercourse, what is required re the play area (i.e. equipped or not), and flood risk data
- Comments re a veteran oak on the boundary of the HLM site and whether or not it should be retained
- Queries an apparent dichotomy between creating a frontage to the A44 and the need for noise abatement
- Questions the requirement (p31) to “where possible exceed” local and national standards for sustainable development including biodiversity net gain.
- Suggests the requirement for a single comprehensive outline scheme is not in line with Policy PR8.
- No reference at p42 to the OCC Street Design Guide or to OCC’s Decide and Provide approach; queries the introduction of the southbound A44 bus lane
- Queries the required primary street width (p45)
- Queries the need for landscape design of noise attenuation between the development and the railway line; suggests an acoustic fence is sufficient; similar comments re noise abatement to the A44.
- Queries the scale of the stated requirement for allotments
- Suggests there is inconsistency in the Development Brief with regard to the land south of the local centre i.e. whether it is intended for a park or residential.

#### OUD

#### 4.28 The comments raised from OUD are summarised as follows:

- Considers the Development Brief does not represent a sound policy position for the land
- The Development Brief does not reflect the work OUD has undertaken; queries the justification for and status of the Development Brief
- Considers the Development Brief to be overly prescriptive; it needs to be more flexible to allow the development to respond to circumstances and evolve
- Says it sought to coordinate the preparation of the Development Brief and the planning application by engaging members of the Development Brief team in the pre-application process

- Comments re the use of the land to the east of the railway
- Typographical error at Section 5.1, page 28
- Comments re veteran and transitional trees
- The location of the schools has been discussed with OCC; says that agreement has been reached with OCC on their location, which deviates from that set out in the Development Brief
- Questions the requirement (p31) to “where possible exceed” local and national standards for sustainable development including biodiversity net gain
- Section 6.3, page 33 – would like the words “parameter plans” replaced with “indicative figures” and the words “street-based layout” with “movement-based layout”
- Comments re the location of the allotments
- Suggests it should be acceptable to remove the trees which line the existing public right of way leading north from Sandy Lane and re-align that PROW
- Section 6.3.3, page 41 – would like the words “It is to be kept free from built development” to be removed
- Section 6.4.1, page 41 – add the words “and bus” after ‘wheelchair’
- Section 6.4.2, page 43 – suggests the weight limit is 3 tonnes not 1 tonne
- Queries the required primary street width (p45)
- Queries the need for and design of any rail station/halt at the PR8 site
- Section 6.5.1, page 52 – change “November 2023” to “January 2024”; suggests that the legislation will not mean a policy requirement to deliver 10% BNG
- Queries the mentions of the SSSI at Section 6.5.1, page 52
- Section 6.5.2, page 56 – takes issue with the paragraph which begins, “There should be no incongruity...” – considers it overly restrictive.
- Section 6.5.3, remove the words “of an urban character”

#### Oxfordshire County Council

#### 4.29 The County Council’s comments are:

- The Development Brief is being consulted on after all the others for the Partial Review allocated sites
- Ideally this Development Brief should have been consulted on earlier as an outline planning application covering much of the allocated site was submitted July 2023 without the benefit of a confirmed brief
- Queries the role of Policy BSC4 and the lack of specialist care housing
- The Affordable Housing elements need to be agreed with Oxford City Council
- The Development Brief does not address the possibility of more houses than the number in Policy PR8
- Comments re the land retained in the Green Belt, inc the local nature reserve
- Seeks clarification of the text on p33 re ‘single comprehensive, outline scheme’ – supports its intention but asks the text be amended to indicate how the intent will be achieved
- Queries re Sandy Lane, the potential for an alternative bridge arrangement
- Would prefer the term ‘railway station’ to ‘railway halt’; comments that there needs to be one platform northbound and one southbound connected via bridge or tunnel
- The zone for the railway should be extended northwards
- Amendment to 6.4.8 (p51) may be needed re the services to such a station
- Suggests there are missing blue arrows on the Figure in page 3

- Amendments required to Figure 2, inc re pedestrian/cycle routes
- Reference required at 2.1.3 (p12) to the LTCP and strategy for Mobility Hubs
- Amendment to 6.4.2 (p42) to clarify the intention
- On page 45 it should be noted that the primary street should have a width of 6.5m for a bus route; this is also needed in Figure 16
- Page 47, tertiary streets should be reviewed to encourage the “living streets” concept – narrower streets, without parking and potentially incorporating a one way system
- Comments re controlled parking zones
- Seeks added reference to the desirability of higher densities in locations close to a bus route
- Seeks reference at sections 6.4 and 6.6.2 to a mobility hub by the local centre
- Comments re the relative lack of mention of sustainable drainage
- Comments re the school area requirements and re the alternative locations OCC has been discussing with OUD; the schools should be located close to local centres; seeks flexibility on the wording around the size of the primary schools
- Comments re the sports hall requirements
- Comments re need to provide for some use of Sandy Lane

#### Officer Response to Representations

4.30 Responses to the representations made are included in the summary schedule at Appendix 2. Several comments relate to matters which either relate to the principle of development – which has already been set in the adoption of the Local Plan – or to matters relevant to the planning application. Where this is the case it has been noted as such in Appendix 2. In certain cases, specific comments have been made by respondents which are not been taken forward in the final Development Brief – where this is the case explanation is provided in the summary schedule at Appendix 2 and further coverage is provided in the paragraphs following this one. Officers are pleased to recommend to planning committee that some minor changes are made to the text of the Development Brief as set out later in this report. Some other requested changes are still being considered by officers and these are indicated in Appendix 2.

4.31 In response to comments by members of the public:

- The intention is that Gravel Pits Lane would be made suitable for cycling
- Whether or not Sandy Lane closes is outside of the scope of the Development Brief

4.32 In response to comments by the Canal and River Trust:

- Land extending north towards Langford Lane lies outside the PR8 site and therefore outside the scope of the Development Brief. That said, page 48 notes: "This should also extend northwards towards Langford Lane."
- Page 48 notes that this will be "either through enhancements to the existing towpath or provision of an adjacent new route while retaining the existing canalside hedgerow."
- Re the new bridge, noted, but it is of course the course that planning decisions do not supersede other legislative requirements or land ownership. It is hoped that a suitable design will be agreed with the CRT. The CRT's comments in relation to the ownership and maintenance of the bridge are noted.

- Water based sports facilities on the canal are outside of the scope of the Development Brief

#### 4.33 In response to comments by BBOWT:

- Light pollution - This is noted and is a matter which will need to be addressed in the decision on planning applications

#### 4.34 In response to comments by Network Rail:

- Change to the character and risk of use of the level crossing - It is noted that the LPPR Policy PR8 looks to reduce level crossing risk, whereas the applicant may intend to provide for vehicular access.

#### 4.35 In response to comments by Kidlington Parish Council:

- The policy for the PR8 site requires a certain number of houses and a certain area for employment. These requirements are set. The objective of the Development Brief is to set out how these requirements are met. The development framework provides flexibility as to where the required uses are located. The intention is not to be over-prescriptive about the locations of these uses.
- We entirely agree with KPC's comment re housing needs for Oxford University. If OUD wishes to provide for housing to meet Oxford University's wants or needs, this must be in addition to the requirements of Policy PR8. It must be remembered that the site has been removed from the Green Belt specifically for the purpose of meeting Oxford's unmet need.
- The community benefits in terms of required infrastructure are set out at Appendix 4 of the Local Plan Partial Review Plan
- Re sports facilities requirements, these are set out at Sections 3.1, 5.1 and 6.6. The secondary school must incorporate a 4 court sports hall, the use of which must be shared with the community. The policy also requires "Formal sports and play areas within the developable area" although as per Section 5.0 it is the Council's preference "that in lieu of on-site formal sport pitch provision an appropriate financial contribution be made towards new and improved facilities at south-east Kidlington, based upon CDC adopted developer contribution standards."
- Re education provision, it is not the purpose of the Development Brief to replace planning policies or other development plan documents, but to guide the layout and design of the development, ensuring that the education requirements are met including the optimal location and layout. CDC has worked closely with OCC in regard to the site requirements for education provision.
- Re inclusion of the landfill site and Yarnton garden centre, the PR8 site as defined in the LPPR does include the former landfill site on Sandy Lane and the Yarnton Home and Garden Centre - Figure 8 shows the policy map for the site. At the start of the work for the Development Brief, the landfill site was in different ownership and did not form part of the development, but it has since been acquired by OUD and now forms part of their plans. This has afforded greater flexibility to the layout of the development, with this -essentially square- area forming a new public green space onto which housing will face on three sides and the local centre facing onto it from the northern side.

- Re whether a new community or parish will be created or whether the development will integrate with existing communities, planning policy documents shape only the design and layout of the development. Governance is not within their remit. In spatial planning terms, it is intended to create a new development which is integrated with the existing communities. The location of the convenience facilities is one example of this, to provide an improved offer to existing residents of Yarnton; another being the location of purely residential and educational uses on land bordering the existing village of Yarnton. The land south to the east and south of Begbroke is to be kept as a Local Nature Reserve.

4.36 In response to comments by Yarnton Parish Council:

- The reference for homes for university students and workers is in addition to the 50% Affordable Housing. It may form part of the 1,950 net dwellings or it may be in addition to that number, but it must be in addition to the 50% Affordable Housing.
- Re the statements about buses on page 20, these are factual and are not intended to imply anything further, but we note the point Yarnton PC makes.

4.37 In response to comments raised by Hallam Land:

- The very purpose of the Development Brief is "to provide a site specific vision and comprehensive development principles addressing land use, character, layout, green infrastructure, movement, utilities, healthy place making and sustainable design", to guide developers and help shape the design of the development.
- The place and role of the Development Brief is set out in the policy for the site.
- We note the points regarding the status of the dev briefs and the comparison to SPDs but the development brief is a Policy requirement intended to secure the comprehensive development of each site and (all briefs in combination) the overall vision and strategy of the LPPR. The brief is clearly concerned with land-use matters, its requirement within policy was tested at examination and it will be subject to public consultation in addition to extensive engagement with key stakeholders and landowners/promoters.
- The comment re the Development Brief predetermining what could be acceptable suggests a fundamental lack of understanding of the role of the Development Brief. Its very purpose is to guide the preparation of development proposals, to set parameters and principles which the LPA expects the development to follow and to form part of the planning judgement of the local planning authority. The Development Brief is a policy requirement and planning applications will need to accord with the Brief.
- We query whether further definition is needed re noise attenuation. If there is general alignment the points raised by Hallam can be dealt through the Planning application
- The dev brief sentence is an almost word by word replication of PR8 point 31 and not incorrect. "Single comprehensive outline scheme" does NOT mean a single planning application. However, dev brief in page 35 could cross refer to section 7 and section 7 could provide greater clarity on how to secure the delivery of a comprehensive scheme though multiple planning applications.
- Noise attenuation doesn't necessarily mean a barrier to frontages. The dev framework notes size/type to be confirmed. A 44 frontage is important, agree that perhaps it is a matter of addressing noise in the most suitable manner and based

on noise survey info but A44 frontage. This can be suitably explained in the text. Development Principles figure 14 notes the key frontages are indicative.

- Re 6.4.2, OCC's comments are a material consideration; the text has been drafted in partnership with OCC Highways and we are content that it does not need to be amended
- Re the level of detail at page 45, it is helpful that the Development Brief sets out these principles so as to give certainty and clarity to all parties as what is required
- Note issue of space raised by Hallam and their proposed acoustic fence. Preapp report for this site recommends that the development includes natural sound barriers within the acoustic barrier.
- Re allotments, 0.27ha seems right. But this is a detail for the preapp and planning application. The brief indicates overall requirement plus location.
- Re the land use south of the local centre, there is no inconsistency. Amenity space is to be provided to adopted standards within the developable area and not shown in other figures.

#### 4.38 In response to comments raised by OUD:

- The Development Brief is couched in the terms of the planning policy; it does not set new planning policy; it may be more prescriptive than developers would prefer, but in a way that is one of the roles of the Development Brief. DM planners may agree something different as part of pre-application discussions and they have the flexibility to do so. However, this does not detract from the purpose and importance of the Development Brief in guiding and shaping appropriate development.
- Some elements of the OUD proposals are unchanged from before the public engagement and the design review panels. The design review panels expressed concerns and recommended various changes. It is for the OUD proposals to provide sound rationale for deviation from the policy and the Development Brief, not the other way around. The Development Brief has been formally consulted upon and is based on sound and robust evidence, and has been amended in various ways to reflect the OUD proposals. OUD is reminded of the policy requirements in respect of the Development Brief.
- The Development Brief is not overly prescriptive, and it does provide for sufficient flexibility
- The Council had good engagement with OUD's original planning team and the overall development framework for the site was agreed between the two parties. Unfortunately, OUD then changed its planning team and departed from that agreed strategy with an alternative development framework that had not been informed by robust evidence. That work has since taken place, but the overall development framework presented in the planning application had already been set out. The Development Brief team have attended meetings with the newer OUD planning team but despite best endeavours the dialogue was principally one-way.
- Section 4.1, page 23 - this text was amended in response to OUD's comments on an earlier version, where they advised that the remaining undeveloped part of Parkers Farm would not remain in agricultural use. They commented that there was a need for access to land east of the railway, but not for agricultural use. We agree in that the land will primarily be used for public green space, wildlife areas and nature conservation areas.
- The dev brief hatched area provides flexibility to accommodate the school and address concerns from OCC and sufficient land to enable contiguous expansion



to the Science Park if that were needed (need to check the area indicated as contiguous provides for 14.7 ha). Nevertheless, secondary school within a defined science education quarter shouldn't be a competing use particularly with shared use of sports hall.

- Once the principle of moving the school is established CDC does not have an objection to different location parcels subject to not preventing other policy requirements. As a note, it seems odd that OCC objects to the location in the LP in noise and air pollution grounds but has no objection to location by railway line.
- Section 6.3, page 34 – this text has already been amended in response to OUD's comments to an earlier iteration and there is no clear reason to amend further
- Section 6.3.1, page 39 - there is no justification for this change and no need to move the public right of way
- PR8 envisages informal public parkland and retention of agricultural use south of Sandy Lane/east of the railway line.
- The LP clearly notes 'free of buildings' but it was prepared under NPPF12 which addresses facilities for outdoor recreation in GB slightly differently. Mindful of OUD proposals for this area 'formal sports and recreation area'.
- LP envisages PR8 point 37 the areas north along Rowel Brook and east of the railway to reflect and enhance local landscape character and wildlife including the Oxford Canal and Rowel Brook. Point 38 notes the contrast between dense urban development and canal-side parkland setting should be used as a positive and integral design feature.
- Formal sports pitches bring an urbanising element not intended by the policy neither needed/ requested by CDC recreation. The policy wording should be retained. LPPR Evidence doc PR50 notes: "The open agricultural land between Kidlington, Begbroke and Yarnton provides an important separation to the settlements, preventing coalescence of the villages. The agricultural land also provides a setting to the conservation area associated with the Oxford Canal, which passes along the west edge of the village."
- If current agricultural use is no longer viable (the only info from promoter I am aware of is that Rowel Brook area has better quality agricultural land) need evidence. 12 hectares seems a reasonable size for smaller scale food production and could link with the retention of the orchard at PR7b.
- Not clear as to why the road names need to be amended
- Re Section 6.4.4, page 45 - The design of the road is not the same as its minimum width. The Development Brief is setting a parameter regarding the minimum width - considered important for urban design reasons, and beyond that the design of the primary street is to be agreed with OCC. OCC has requested 6.2m be amended to 6.5m because of the requirement for the primary street to be a bus route.
- The legislation does require a 10% biodiversity net gain
- Although the SSSI is outside PR8, the site must mitigate potential impact on SSSI. Agree to a point with the deliverability issue. Preapplication and application process better suited to ensure deliverable mitigation. No change.
- The development brief clearly indicates 'housing plots' and the intention of the dev brief here is not that of stifling innovation.
- Section 6.5.7, page 57 – this is a requirement worked through with consultees

#### 4.39 In response to comments made by OCC:

- Timing – we agree. Resources meant that the Development Briefs had to be prioritised in order of sites coming forward for development. Other than PR6b,

PR8 is the last of the six sites to be subject of planning applications. Work on this Development Brief had progressed in Autumn 2022/Spring 2023 but was put on hold for wider review

- 2,100 homes would exceed the allocation of 1,950. This needs to be borne in mind by decision makers particularly in relation to the contributions / proportions of contributions made by PR8 applicants/developers towards infrastructure, but this is not a matter for the Development Brief. The Development Brief must not stray beyond the planning policy; its purpose is to provide detail as to how the policy should be implemented and the site developed. It would not be appropriate for the Development Brief to advocate, or address the potential for, a number of homes greater than that in the policy
- Re “single comprehensive, outline scheme”, this has been a common misunderstanding on the part of various interested parties. The words are taken directly from the planning policy for the PR8 site. It is necessary for each applicant to demonstrate how their development forms part of a single, integrated whole, so as to avoid a piecemeal approach, etc.
- The zone for the rail halt/station has already been expanded from earlier versions and now covers an area/distance measuring c.1km.
- We note the school areas sought by OCC. The figures in the Development Brief reflect those in LPPR Policy PR8, which have been through examination.
- Sports hall requirements - This is noted and we appreciate OCC's clarification. The Policy PR8 requirement is for a sports hall that can be used by the community outside school hours and it will therefore need to be designed to the Sports England dimensions. In view of OCC's response, additional funding would be required by the developer to meet the larger hall requirements.
- The Development Brief states that the school site locations are subject to further detailed assessment
- Schools location close to local centres - We entirely agree. The locations currently identified in the Development Brief are located close to local centres. We would expect any alternative locations proposed or agreed as part of the planning application to meet this objective as set out by OCC
- Number of form entries - The requirements set out in the Development Brief reflect the requirements of the Policy PR8. It would be inappropriate for the Development Brief to deviate from the specific requirements of Policy PR8. In addition, it would be easier to compromise on a less onerous position than to seek to negotiate up from a revised position.

### Summary of Changes

4.40 In response to a comment by Canal and River Trust,

- an assessment of the compliance of the proposed bridge location of the bridge and towpath improvement details with our guidance document will be included in the list of required supporting documents in Section 7.

4.41 In response to comments by BBOWT,

- we note the comments regard access vs undisturbed areas and suitably worded amendments will be made to the text
- it would seem to go beyond the Development Brief's scope to require green roofs, but they should be encouraged as forming part of a wider strategy

4.42 In response to comments by Yarnton Parish Council,

- we note the comment regard pick up points as well as drop off points and the implications thereof; appropriate textual changes to be made at 6.4.4, 6.4.8 and 6.6.
- reference to be added to the oak tree that stands on the north-east boundary with the PR8 area. The related point re the location of the allotments is noted and the indicative location of the allotments will be moved west/north-westwards.
- we accept the point regarding the putative local centre location and happy to amend this. The sewage farm is located outside of the PR8 area so it is not within the scope of the Development Brief to suggest the skateboard area is located there. Perhaps the ex-landfill site is a better location, to the south of the local centre;
- the various typographical errors are noted and need to be corrected, as set out in Appendix 2

4.43 In response to comments by Hallam Land,

- with regard to play area vs equipped play area, the requirement is as per Figure 18; it is acknowledged that page 3 does not distinguish between LAP, LEAP, NEAP and MUGA and we will consider whether Figure 1/page 3 needs to be clarified
- the cycle/footpath – we will add a note to say that its exact position will need to be subject to further testing
- re page 18, site drainage, we agree that the site context figure does not reflect all water courses. It is picked up within the Site constraints map. We either include all relevant watercourses within the context map or none.
- re page 29 and sports pitch provision, Hallam Land is correct but we will add a sentence to the first para noting that informal play/amenity space will still be required to be provided within the built-up area to adopted standards, and to make clear that off-site contributions to formal sports is required
- Reference to be added at page 42, section 6.4.1, to OCC Street Design Guide. Also reference text box in page 53 should include Oxfordshire County Council Street Design Guide and any other relevant doc such as parking standards. Will be a need to strike balance between highways requirements and good urban design.

4.44 In response to comments by OUD,

- section 5.1, page 28 - change "provision of a foot, cycle..." to "provision for a foot, cycle..."
- we will make the necessary amendments regarding veteran and transitional veteran trees

- section 6.3, p34, allotments – the Development Brief should afford same flexibility as the LP in relation to the relocation of existing allotments if needed in addition to provision of allotments to adopted standards.
- section 6.4.1, page 42, the words “and bus” to be added, before ‘connectivity within the site...’
- section 6.5.1, page 52, the words “November 2023” to be replaced with “February 2024”

#### 4.45 In response to comments by Oxfordshire County Council,

- in the 2nd para of 6.4.8 add after "Should a halt be developed" the words "and subject to further discussion with Network Rail"
- amend Figure 1 to include the blue arrows for the vehicular accesses from the A44.
- Figure 2 will be amended as far as applicable regarding walking and cycling routes
- section 6.4.2, page 42, the 5th bullet point will be amended to clarify that it refers to the crossing of the railway / Sandy Lane replacement bridge
- page 45 – the width of the primary street will be amended to 6.5m for a bus route. This is needed also in Figure 16.
- add sentence at Paragraph 6.4.6 preceding ‘Development principles’ to state: “To avoid indiscriminate on-street parking, possibly by commuters, a controlled parking zone is likely to be needed on the site.”
- we agree with regard to the desirability of higher densities in locations close to a bus route and will make the relevant change
- mobility hub at / by the local centre – we will amend the text accordingly

## 5. Alternative Options and Reasons for Rejection

### 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to endorse the Development Brief. Since Policy PR8 requires the planning application for the site to be supported by and prepared in accordance with a Development Brief, this option would require a new Brief to be prepared, adding significant expense for the Council and delaying delivery of the development.

Option 2: To request further significant changes to the Development Brief. Officers consider that the final brief presented to Members represents an appropriate

response to Local Plan policy and will assist in achieving high quality development. This option would also delay the determination of any planning application and may require further public consultation, thereby creating uncertainty.

## 6 Conclusion and Reasons for Recommendations

- 6.1 Overall, officers are happy to conclude that the Development Brief for the site accords with Policy PR8 and the vision and objectives for the site, and that it provides an appropriate framework for the development of the site – adherence to the Brief will be important in achieving an acceptable form of development.
- 6.2 It is recommended that the planning committee approves this Development Brief as a framework for the development and delivery of site PR8 - Land East of the A44, subject to the changes to be made as per above and to any further changes considered necessary arising out of either the consultation at the end of 2023 and/or the short public consultation to follow this Planning Committee, and that the finalised Development Brief will be a material consideration in the determination of any future planning applications for the site.

### Decision Information

<b>Key Decision</b>	Not applicable
<b>Subject to Call in</b>	Not applicable
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected</b>	Kidlington East, Kidlington West

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Development Brief – Land East of the A44
<b>Appendix 2</b>	Summary of representations and officer responses
<b>Background Papers</b>	None
<b>Reference Papers</b>	Cherwell Local Plan 2011-2031 Partial Review: <a href="https://www.cherwell.gov.uk/info/83/local-plans/215/adopted-cherwell-local-plan-2011-2031-part-1-partial-review---oxfords-unmet-housing-need">https://www.cherwell.gov.uk/info/83/local-plans/215/adopted-cherwell-local-plan-2011-2031-part-1-partial-review---oxfords-unmet-housing-need</a>
<b>Report Author</b>	Nathanael Stock, General Developments Team Leader

<b>Report Author contact details</b>	01295 221886 <a href="mailto:Nathanael.Stock@cherwell-dc.gov.uk">Nathanael.Stock@cherwell-dc.gov.uk</a>
--------------------------------------	--

# PR8 Land East of the A44 Development Brief *Draft* Cherwell District Council August 2023





Alan Baxter



# PR8 Land East of the A44 Development Briefs *Draft* Cherwell District Council August 2023

## Contents

Executive Summary .....	
1.0 Introduction .....	4
1.1 Background .....	4
1.2 Purpose and status of the Development Brief.....	6
1.3 Structure of the Development Brief.....	6
1.4 Consultation and stakeholder engagement .....	7
2.0 The Strategic Vision and Context.....	9
2.1 Local Plan Partial Review Vision.....	9
3.0 Context.....	15
3.1 The Planning Policy Context.....	15
3.2 The Site Context.....	18
4.0 Site Appraisal.....	22
4.1 Site Constraints.....	22
4.2 Site Opportunities .....	25
5.0 Vision and objectives .....	28
5.1 Vision.....	28
6.0 Development Principles .....	31
6.1 Sustainable Construction and Energy Efficiency .....	31
6.2 Healthy Place Shaping .....	32
6.3 Character and Layout.....	33
6.4 Movement and Access .....	42
6.5 Green Infrastructure .....	52
6.6 Community infrastructure .....	61
6.7 Heritage and archaeology.....	64
6.8 Utilities and Infrastructure .....	65
7.0 Delivery and Monitoring.....	66
7.1 Information to Accompany Planning Applications .....	66
7.2 Securing comprehensive development .....	67
7.3 Monitoring.....	68
Appendix A: Relevant Development Plan Policies & Supplementary Planning Documents	



Grade II listed Begbroke Hill Farmhouse

# Executive Summary

## Vision and development framework

The site specific vision for Land East of the A44 is as follows and is explored in Chapter 5 of the Development Brief:

The Cherwell Local Plan 2011-2031 (Part 1) Partial Review (LPPR), which provides for Cherwell's share of Oxford City's unmet housing needs, identifies Land East of the A44 at Begbroke as one of six strategic housing sites. A comprehensive Development Brief is required as guidance for future planning applications.

This Development Brief has been jointly prepared between Cherwell District Council, Oxfordshire County Council, landowners and key stakeholders. It is a material planning consideration in the determination of any future planning applications for the site.

The Development Brief includes a review of the site's context including the LPPR strategic vision and spatial strategy and the site specific development constraints and opportunities. Based on this analysis it goes on to provide a site specific vision and comprehensive development principles addressing land use, character, layout, green infrastructure, movement, utilities, healthy place making and sustainable design.

## Site location

The site comprises 190 hectares of land to the east of the A44 and between the residential neighbourhoods of Begbroke to the north west and Yarnton to the south west. Begbroke Science Park and Yarnton Home and Garden are located in the northern part of the site, with the rest of the site generally in agricultural use. To the east, the site is bounded by the Oxford Canal, beyond which lies the village of Kidlington. To the north/north-east, the site is bounded by farmland and the Rushy Meadow SSSI, beyond which is the Langford Locks Industrial Estate and London Oxford Airport. To the south, the site is bounded by Littlemarsh Playing Field and a disused Sewage Treatment Works. Rowel Brook crosses the northern part of the site, a rail line runs north-south through the eastern part of the site.

*The expansion of the University's Begbroke Science Park will be integrated within a distinctive, urban neighbourhood featuring innovation and high levels of sustainability, which will become recognised as a national placemaking exemplar. The new neighbourhood will have walking and cycling at its core, by creating an environment where the private car is a guest whilst catering for public transport. It will be publicly accessible, well connected by footpaths and cycleways to the surrounding neighbourhoods, existing local services and enhanced public transport links on the A44.*

*The development will be a distinct and unique blend of green space, water environments and natural spaces promoting good health habits. A new local centre, schools and green infrastructure corridors adjacent to the Oxford Canal will link existing communities with publicly accessible open spaces of high quality wildlife and biodiversity.*

*It will be successfully connected to Begbroke, Yarnton and Kidlington which will have retained their own identities.*

Policy PR8 of the LPPR sets out the policy requirements for the site which include the following key elements:

- 1,950 homes on approximately 66 hectares of land seeking 50% affordable housing provision across the site to meet Oxford's housing needs
- secondary school on 8.2 hectares of land to incorporate a 4-court sports hall to Sports England Specification and available for community use
- primary school with three forms of entry on 3.2 hectares of land
- primary school with two forms of entry on 2.2 hectares of land
- local centre on one hectare of land

- reservation of 14.7 hectares of land for Begbroke Science Park expansion
- Local Nature Reserve on 29.2 hectares of land
- nature conservation area on 12.2 hectares of land
- public open space on 23.4 hectares of land
- retention of 12 hectares of agricultural land
- reservation of 0.5 hectares of land for a future railway halt
- provision for a foot, cycle and wheel chair accessible bridge over the Oxford Canal linking the site with land at Stratfield Farm (Policy PR7b)
- facilities for formal sports, play areas and allotments.

The Development Framework plan (overleaf) reflects the vision and the requirements of Policy PR8. In preparing the brief, detailed evidence has been considered leading to variations to the location of specific uses as allowed by policy. The justification for these changes is explained further in the brief.

Detailed design requirements which underpin the delivery of this development framework are set out in the Chapter 6 of the Development Brief. Chapter 7 lists the information which will be required to accompany a planning application.



View east across the site towards the railway line

Executive Summary

- Site Boundary
- Site Boundary of adjoining sites
- Primary land use
  - Residential
  - Employment
  - Employment or residential
  - Primary school\*
  - Secondary school\*
  - Mixed use – retail, commercial, residential
    1. Retained Yarrton Home & Garden
    2. Local centre
    3. Convenience facilities
  - New public green space/parks/wildlife areas
  - Proposed green spaces within developable area\*\*
  - Local Nature Reserve
  - Nature Conservation Area (limited public access)
  - Revised Green Belt
  - Retained Agricultural Land
  - SSSI
  - NIERC Act. 541
  - Priority Habitat Inventory
  - Broad-leaved semi-natural woodland
  - Retained hedgerows
  - Reinstated hedgerow
  - Tree considered to be of veteran status
  - Tree considered to be of transitional veteran status
  - Other retained trees
  - Retained group of trees
  - Soft edge
  - Ditch retained and integrated into site drainage
  - Equipped play area (indicative location)
  - Parkland/visitor hub/play space
  - Noise attenuation (size/type to be confirmed)
  - Vehicular access (southern location is indicative)
  - Proposed A44 pedestrian/cycle crossing
  - National Cycle Route 5
  - Existing/improved PROW/cycle routes (indicative)
  - Key new walking/cycling routes
  - Zone for potential rail halt
  - New pedestrian/cycle bridge over railway/canal
  - Potential for alternative bridge further north with restricted vehicular access, subject to agreement between OUD and Network Rail

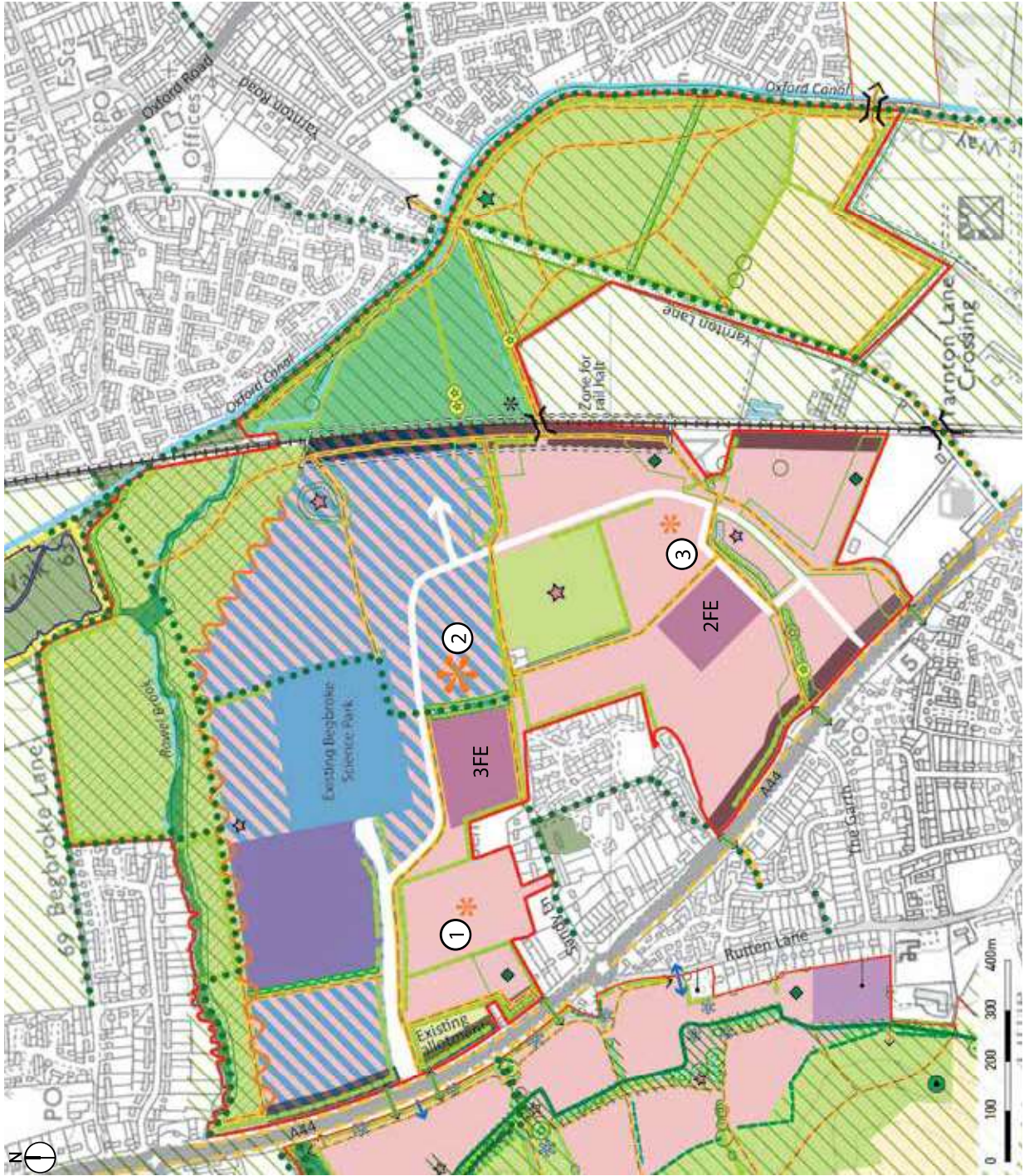


Figure 1: Development framework  
 \*School site location subject to further detailed assessment  
 \*\*Built-up area to incorporate amenity space as per adopted standards

# 1.0 Introduction

## 1.1 Background

The Cherwell Local Plan 2011-2031 (Part 1)<sup>1</sup> which was adopted in July 2015 (“The 2015 Plan”) committed the Council to work jointly with other Oxfordshire councils to assess the extent of the housing need that could not be met elsewhere in the Oxfordshire Housing Market Area. In particular, it was understood that there could be a need arising from Oxford that could not be met by Oxford City Council due to its tight administrative boundaries and its limited supply of land. Cherwell District Council’s commitment was to consider the extent of the need and, if necessary to ‘partially review’ its Local Plan.

The Council has now undertaken this ‘partial review’ with the adoption of the Cherwell Local Plan 2011-2031(Part 1) Partial Review – Oxford’s Unmet Housing Need in September 2020 (LPPR)<sup>2</sup>.

The Partial Review which is effectively a supplement or addendum to the 2015 Plan, provides a vision, objectives and specific policies for delivering additional development to help meet Oxford’s housing needs. It seeks to do this in a way that will best serve Oxford’s needs and provide benefits for existing communities in Cherwell and adjoining areas.

The LPPR provides for the development of a total of 6 strategic housing sites that will best achieve the Council’s vision and objectives and deliver sustainable development of, in total, 4,400 new homes to meet Oxford’s needs together with supporting infrastructure. The LPPR requires single comprehensive, outline schemes for the entirety of each strategic site.

Each of the site allocations has a policy which sets out its key delivery requirements and place shaping principles, and each allocation is supported by a Policies Map.

<sup>1</sup> Local Plan Part 1 <sup>2</sup> Local Plan Partial Review Sep 2020

Each of the site allocation policies requires planning application(s) for the site to be in accordance with a Development Brief for the site which has been jointly prepared by the landowner(s), Cherwell District Council, Oxfordshire County Council and other stakeholders, including Oxford City as appropriate. The site allocation policy also sets out a series of requirements that the Development Brief should address.

This is the development brief to guide the development of Land East of the A44, site PR8. The Development Brief has been prepared in accordance with policy requirements, the site allocation policy and the Policies Map. As well as including the required detail, the Development Brief also reflects the detailed key delivery requirements and place shaping principles as set out in the policy.

Site	Housing allocation
<b>North Oxford</b>	
Policy PR6a – Land East of Oxford Road	690
Policy PR6b – Land West of Oxford Road	670
<b>Kidlington</b>	
Policy PR7a – Land South East of Kidlington	430
Policy PR7b – Land at Stratfield Farm	120
<b>Begbroke</b>	
Policy PR8 – Land East of the A44	1950
<b>Yarnton</b>	
Policy PR9 – Land West of Yarnton	540
<b>Total</b>	<b>4400</b>

N.B. Site allocation PR6c shown on Figure 2 is the allocation of Land at Frieze Farm which is reserved for the potential construction of a golf course should this be required as a result of the development of Land West of Oxford Road under Policy PR6b.

Housing allocations (LPPR)

- Allocation site boundaries
- Key sustainable movement routes (public transport and/or walking/ cycling)

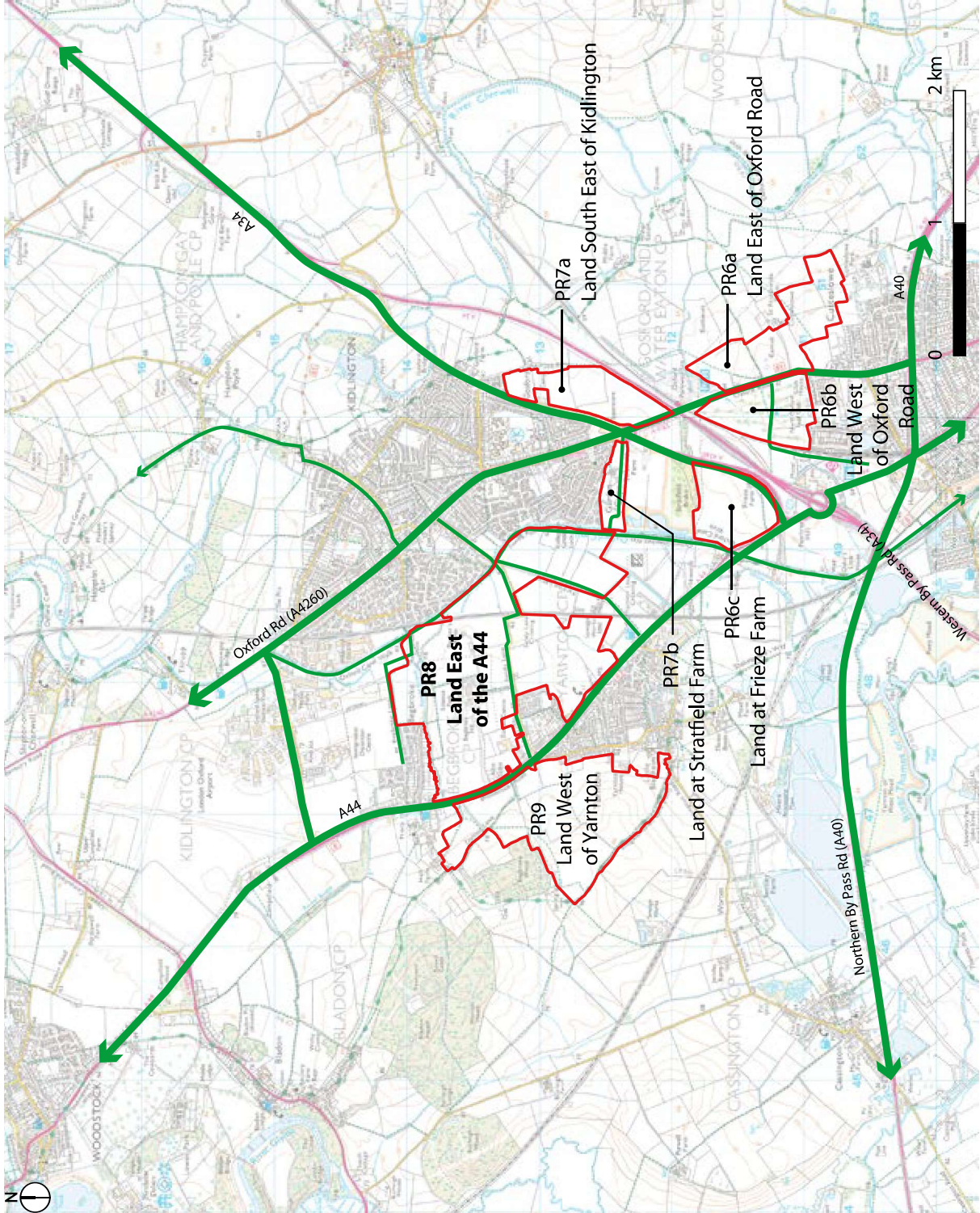


Figure 2: Local Plan Partial Review Site Allocations Location

## 1.2 Purpose and status of the Development Brief

### 1.2.1 Purpose

The Development Brief has 4 main objectives:

- To create a site specific vision to guide future site development in a manner which supports the wider aims of the LPPR spatial strategy for North Oxford, Kidlington and the A44/A4260 Corridors
- To provide a development framework and a clear set of site specific development principles to inform the submission and determination of planning applications and achieve comprehensive and holistic development in accordance with the LPPR site policy
- To improve the efficiency of the planning and development process by reducing uncertainty and setting a framework for development that provides landowners, developers and the wider community with clear guidance on what is expected from development
- To raise the standard of design and to create exemplary places which are functional, beautiful and which engender a sense of community.

The Development Brief, where necessary and appropriate, proposes or reflects solutions and proposals outside the individual site boundary to help facilitate a joined up approach to development.

The Development Brief should be read in conjunction with relevant Development Plan policies, national planning policy and guidance and the Council's adopted Supplementary Planning Documents ("SPD"). Particular attention is drawn to the Council's design policies and guidance including Policy ESD15: The Character of the Built and Historic Environment, and the Cherwell Design Guide SPD which provides design guidance relevant to the District as a whole. Further information on relevant Policy and guidance is provided in chapter 3 and throughout the Development Brief.

### 1.2.2 Status

The Development Brief has been endorsed by Cherwell District Council's Planning Committee. It will be used as a material planning consideration in the determination of any planning applications for the site.

For the avoidance of doubt, the Development Brief does not have the status of a Supplementary Planning Document nor does it introduce new planning policy. The brief is a policy requirement and planning applications will be expected to be prepared in accordance with the brief.

Landowners have been engaged in proactive and positive discussions with the Council and other stakeholders as the Brief has been prepared. This work is ongoing. Should final proposals differ from elements of the Development Brief in due course, in response to further technical and design work, some of which is not yet available to the Council, this would be examined through the planning application process in the usual way.

## 1.3 Structure of the Development Brief

The structure of the Brief is as follows:

**Chapters 1 to 3** provide contextual information relating to the site and the Development Brief process, including the strategic vision and spatial strategy for the North Oxford, Kidlington and A44 corridor.

**Chapter 4** provides a synthesis of policy context and important site constraints and opportunities which are to be reflected in the site's development. This builds on the LPPR Evidence Base.

**Chapter 5** describes the site specific vision and development objectives.

**Chapter 6** contains a comprehensive set of design and development principles for the site which respond to the site opportunities, constraints and context set out in the preceding chapters and which are to be reflected in planning applications.

**Chapter 7** lists the information which will be required to accompany a planning application.



## 1.4 Consultation and stakeholder engagement

The Development Brief has been jointly prepared by Cherwell District Council and the site owners and their representatives and in consultation with Oxfordshire County Council, Oxford City Council and the Canal and River Trust.

Throughout the process there has been engagement and consultation with the following stakeholders in addition to those mentioned above:

- Parish Councils
- Thames Valley Police
- Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)
- Thames Water
- Environment Agency
- Scottish and Southern Electric (SSE)
- Network Rail
- Natural England
- Sport England
- Integrated Care Board

This has included collaborative workshops focussing on key stages during the preparation of the Development Brief:

- Baseline review and analysis
- Vision and development principles

These collaborative workshops with specialist stakeholders, were preceded by a joint workshop in October 2018 with Parish Councils, landowners and their representatives and stakeholders. This workshop introduced the Development Brief process, provided an opportunity for site promoters and stakeholders to introduce themselves, and enabled Parish Councils to explain their aspirations/ requirements for the Development Briefs.

Technical information and emerging design work provided by the landowners and their representatives has been considered by the Council in preparing the Development Brief.

### 1.4.1 Community Engagement

Comments received during public consultation on the draft Development Brief will be used to inform the final Brief.

Details of the consultation are covered in a separate consultation notice.



Aerial view of site PR8

## 2.0 The Strategic Vision and Context

### 2.1 Local Plan Partial Review Vision

The LPPR vision across all sites is:

- To provide new development that meets Oxford's agreed, identified housing needs, supports the city's world-class economy, universities and its local employment base, and ensures that people have convenient, affordable and sustainable travel opportunities to the city's places of work, study and recreation, and to its services and facilities. This development will be provided so that it:
- i. creates balanced and sustainable communities
  - ii. is well connected to Oxford
  - iii. is of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context
  - iv. is supported by necessary infrastructure
  - v. provides for a range of household types and incomes reflecting Oxford's diverse needs
  - vi. contributes to improving health and well-being, and
  - vii. seeks to conserve and enhance the natural environment.

*LPPR Vision for Meeting Oxford's Unmet Housing Needs in Cherwell*

To deliver this vision, the LPPR identifies sites for new homes in locations which have the strongest socio-economic connections to Oxford, and which can deliver the necessary social, movement and green infrastructure to support the health and wellbeing of the population.

The sites are located at the edge of existing communities to the north of Oxford and will be integrated with them to share the benefits of new facilities and support existing local centres, in particular Kidlington village centre.

#### 2.1.1 The Role of Individual Sites

Each site plays a role in delivering the vision and objectives of the LPPR, in a joined-up and holistic manner as shown on the LPPR key diagram Figure 3 overleaf, and thematic figures 4-7 which follow. Full details of each site's role are contained within LPPR policies.

#### **The role of land to the east of the A44 site (PR8)**

Land to the east of the A44 is located to the west of Yarnton, east of Kidlington and south east of Begbroke village. At its centre is Begbroke Science Park. The site is of sufficient scale to create a contemporary, high quality new urban neighbourhood served by its own local centre and schools.

The expansion of Begbroke Science Park will be integrated into the development to create a mixed use neighbourhood, which is connected to the village of Begbroke and provides a frontage to the A44. New streets and footpaths will enhance walking and cycling connections towards the higher order facilities at Kidlington village centre to support its long term success. Sandy Lane will provide

a direct pedestrian and cycle link between the development and the built-up area of Kidlington including incorporation of a bridge or subway. A new secondary school incorporating a sports hall available for community use, will serve the site and a wider catchment.

Strategic green infrastructure including a Local Nature Reserve, nature conservation area and informal canal-side parkland will be created in the eastern part of the site to deliver significant ecological and recreational benefits and a sustainable walking and cycling route via the canal corridor towards Oxford City Centre and via a proposed canal bridge towards Oxford Parkway Station, supporting health and wellbeing objectives. Together with Yarnton (PR9) the site will benefit from enhancements to walking, cycling and public transport on the A44 through the County Council's transport strategy for the north Oxford and southern Cherwell area.

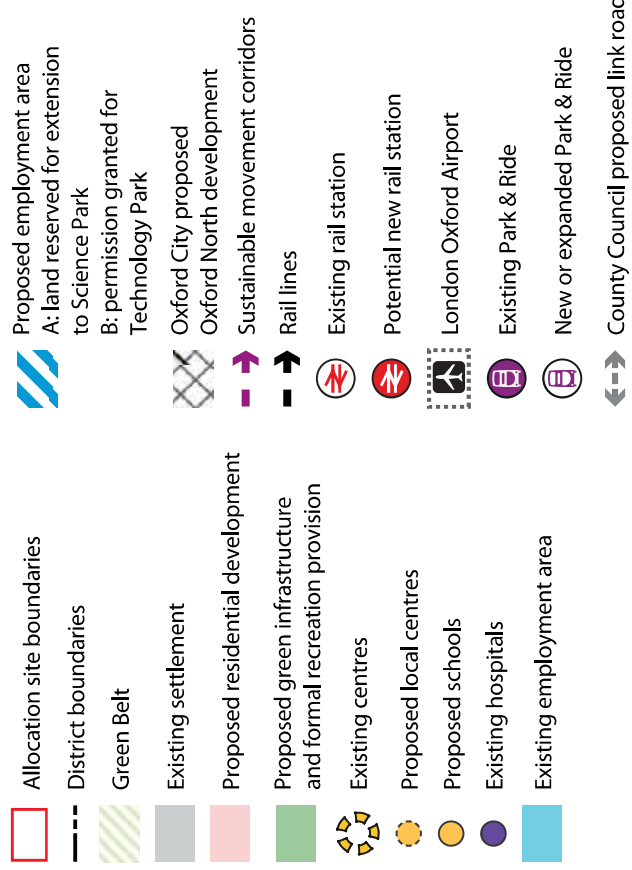
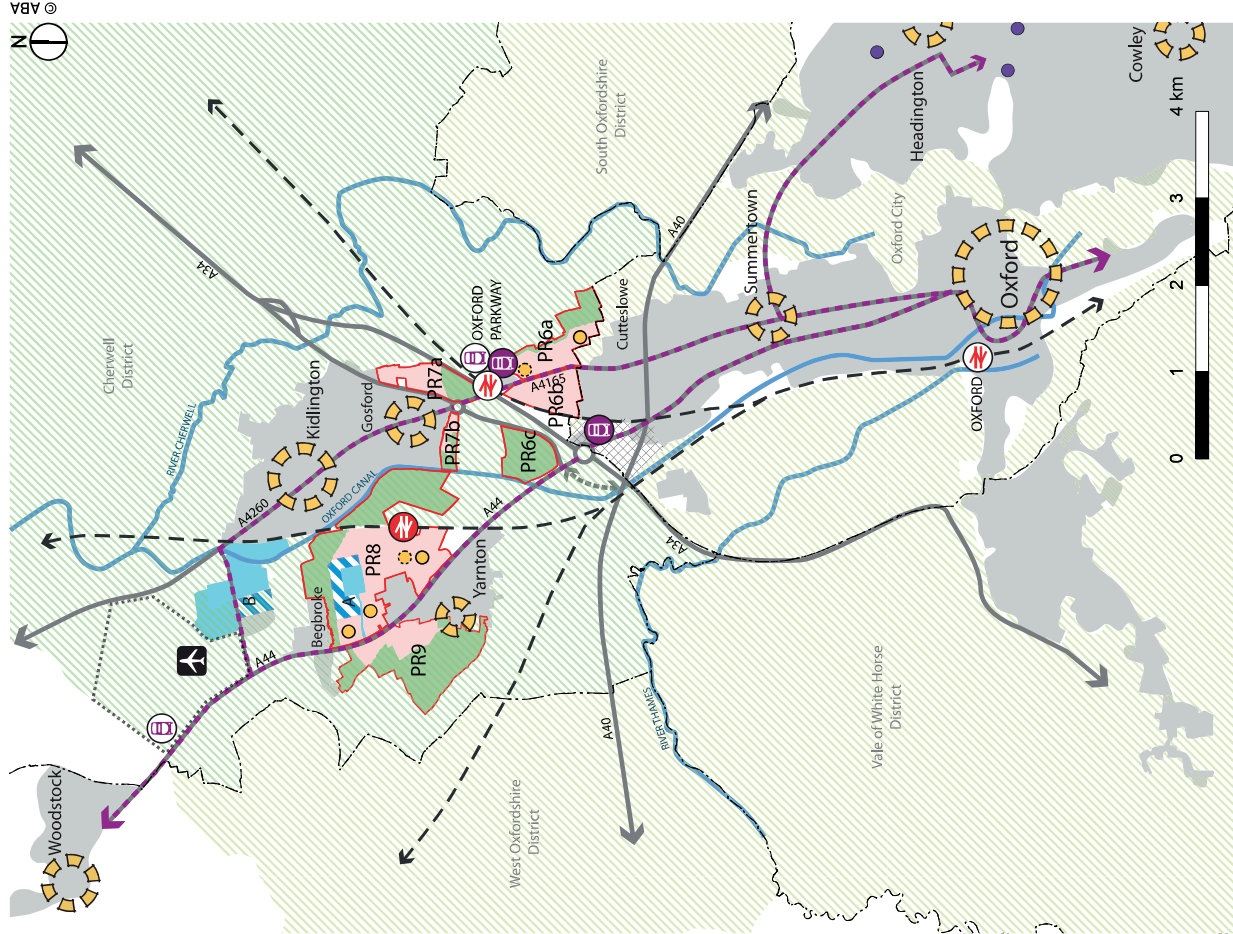


Figure 3: LPPR key diagram - for illustrative purposes only

N.B The location of schools and local centres shown here as in the LPPR, in some cases, been reviewed through the Development Brief process.

2.1.2 Economic relationships

The sites are located in close proximity to local centres, key employment sites and sites which have an important economic relationship with Oxford and form part of Oxfordshire’s ‘Knowledge Spine’. These include existing locations within Cherwell (Oxford Parkway Railway Station, London-Oxford Airport, Langford Lane commercial area in Kidlington and Begbroke Science Park) and within the city of Oxford (the Oxford North site), which will be a key driver of employment growth.

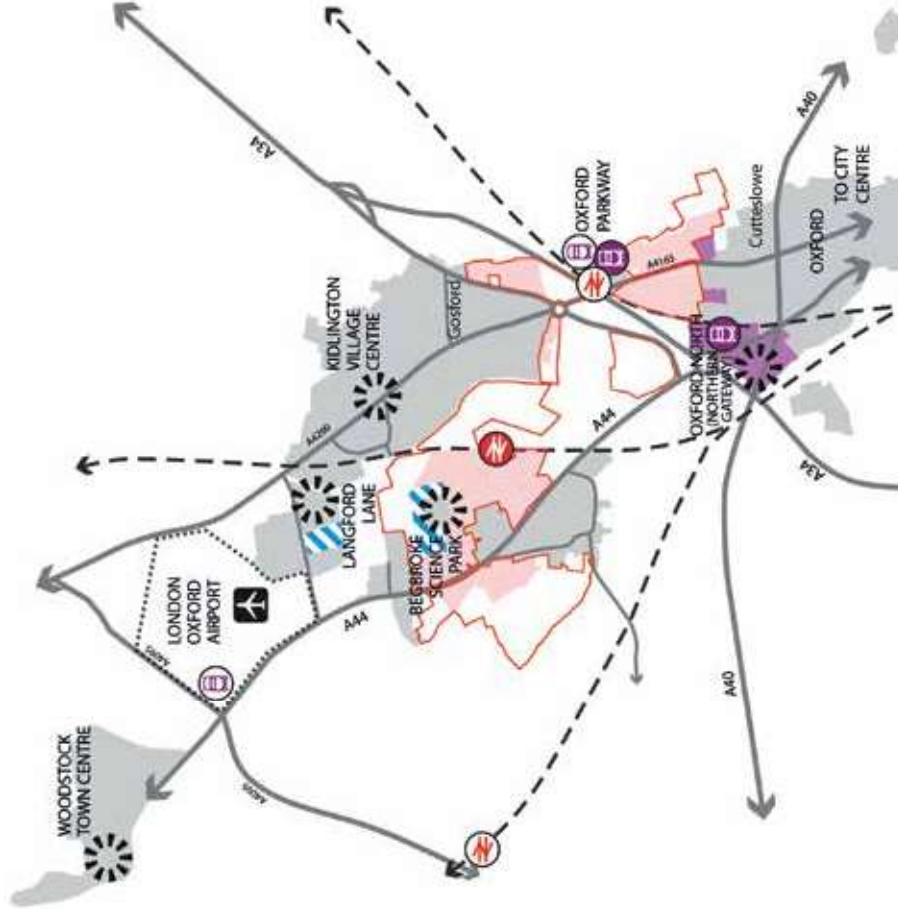
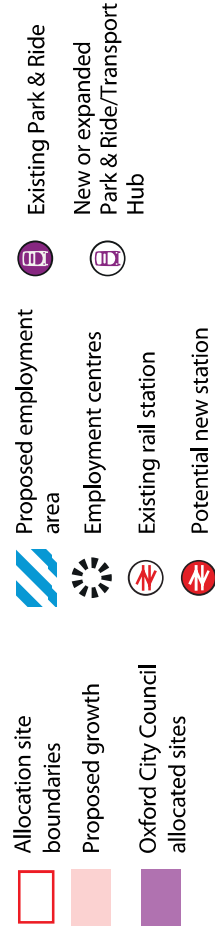


Figure 4: Economic links



2.1.3 Sustainable movement corridors

All sites are located on the major public transport routes of the A44 and A4260/A4165 connecting southern Cherwell to Oxford City and Oxford Parkway station. Significant enhancements to public transport and walking and cycling provision are to be delivered on these routes through the County Council's Local Transport Plan and its strategy for Park & Ride and Rapid Transit. Additional walking and cycling routes are to be created through corridors of green infrastructure including the Oxford Canal corridor.

The emphasis on sustainable modes of travel enables less 'car-centric' movement patterns, promotes active and healthy travel choices and supports inclusion through the provision of convenient, accessible and affordable travel to places of work, recreation and community services.

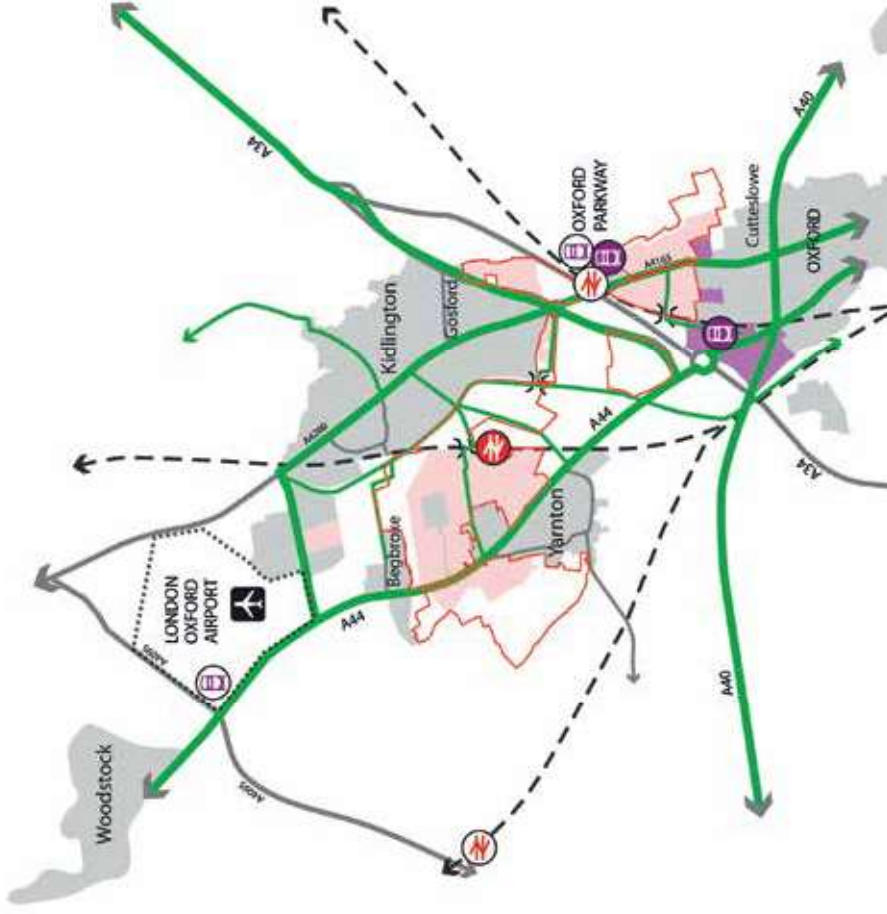


Figure 5: Sustainable movement routes

- Allocation site boundaries
- Proposed growth
- Oxford City Council allocated sites
- Key sustainable movement routes (public transport and/or walking/cycling)
- R Existing rail station
- R Potential new station
- P Existing Park & Ride
- P New or expanded Park & Ride/Transport Hub

2.1.4 Strategic green infrastructure corridors

The sites deliver significant areas of new publicly accessible green infrastructure (GI) and new areas of wildlife habitat which form part of strategic GI corridors:

- ① to the west of Yarnton, Begbroke and Oxford
- ② along the Oxford Canal
- ③ to the east of Oxford and Kidlington/Gosford
- ④ Kidlington towards Oxford

The corridors provide an attractive setting for development and have multiple benefits. They help to maintain separation and distinction between individual settlements; create an appropriate edge and access to the countryside; protect and enhance natural, historic and biodiversity assets; provide corridors for wildlife; and provide leisure and recreation opportunities and walking/cycling routes which encourage health and wellbeing in the existing and new population. Further details of the strategic GI corridors are shown in Appendix 6 of the LPPR.

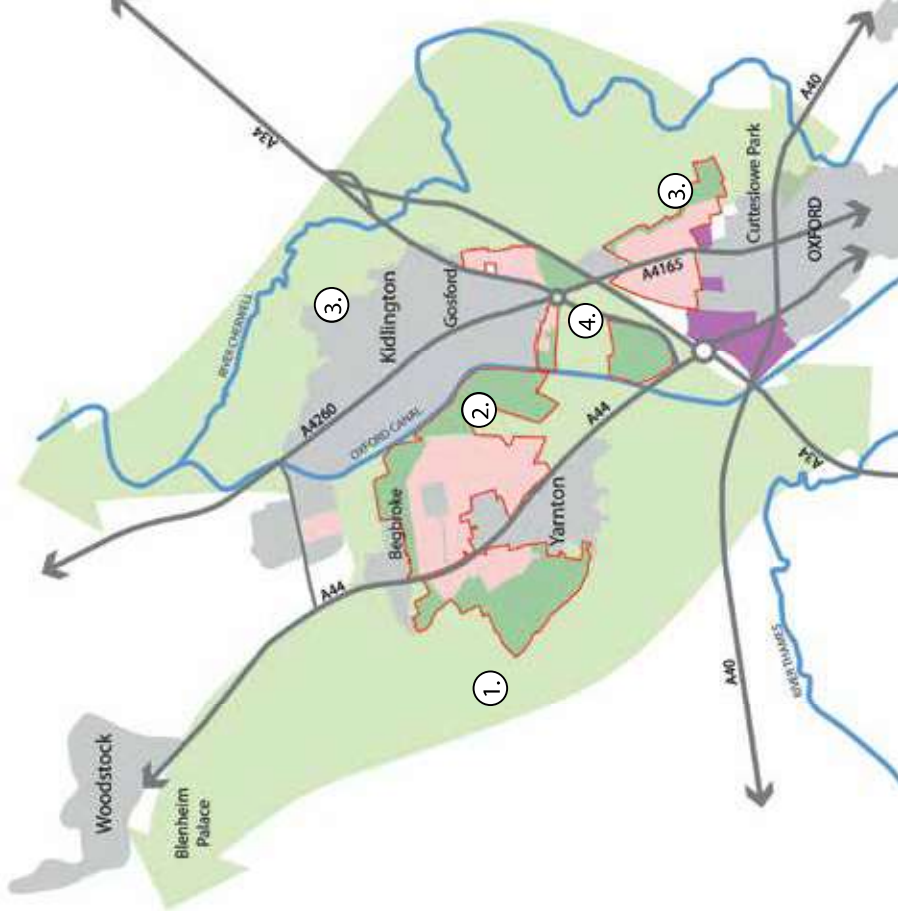


Figure 6: GI corridors

2.1.5 Community services

The planned local provision, through the new housing development, schools (indicative locations for primary school in North Oxford and two primary schools and a secondary school at Begbroke), new local centre facilities (in North Oxford and Begbroke) and formal sports/play areas, provides new facilities which benefit the existing and new population.

Locating facilities within the sites in accessible locations will strengthen Kidlington village centre and will further support and enhance the potential for widespread uptake of walking and cycling for local trips. The location of schools and local centres shown here as in the LPPR has, in some cases, been reviewed through the Development Brief process.

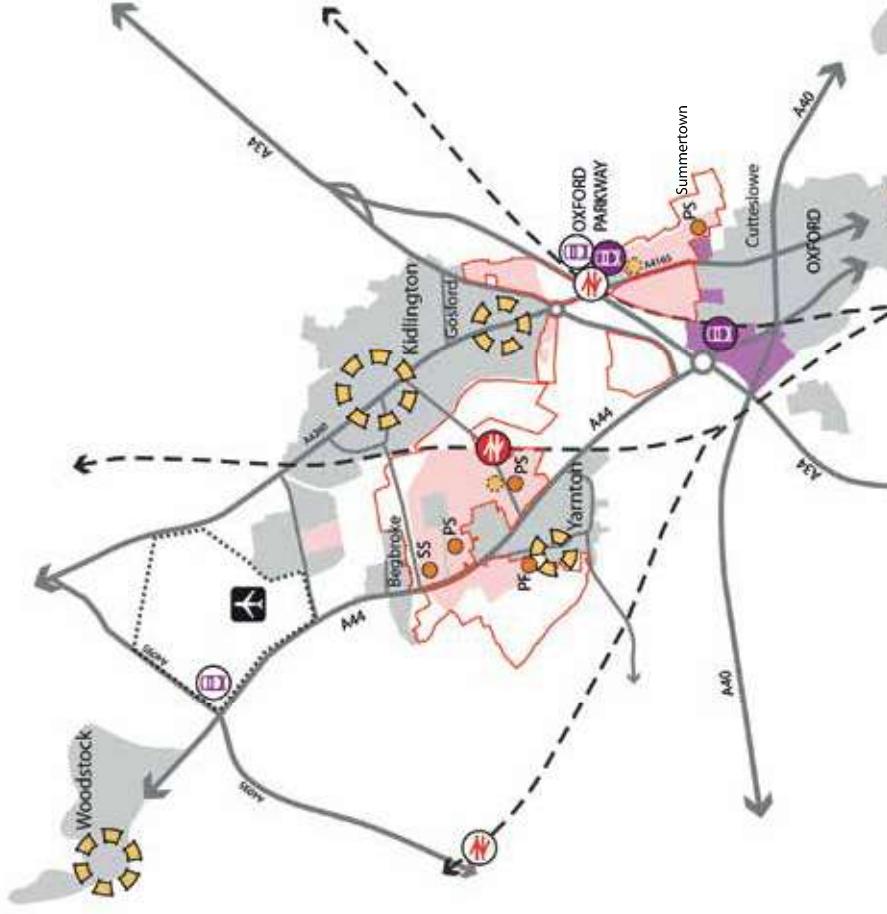
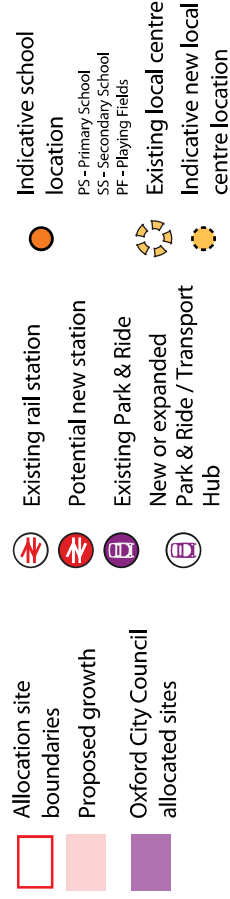


Figure 7: Local centres and schools





## 3.0 Context

### 3.1 The Planning Policy Context

The site subject to this Development Brief – land east of the A44 – is guided by Policy PR8 of the LPPR and its associated Policies Map. In addition to the individual site allocation policy (PR8) the LPPR also contains a number of policies which seek to guide the development of each of the sites and ensure they deliver the homes that are needed, supported by the necessary infrastructure.

Where appropriate, these policies have influenced the content of the Development Brief. In other cases they will need to be followed when planning application(s) are submitted to the Council and all planning applications will be assessed against these policies.

#### 3.1.1 PR8- Landuse Requirements

A new urban neighbourhood on 190 hectares of land to the east of the A44 with the following land use requirements:

- Residential development
  - 1,950 net dwellings on approximately 66 hectares of land
  - Limited number of homes for students and those working for the University at the Begbroke Science Park, to be agreed with the Council
  - 50% affordable housing
- Secondary school on 8.2 hectares of land to incorporate a four court sports hall
- Primary school with three forms of entry on 3.2 hectares of land
- Primary school with two forms of entry on 2.2 hectares of land

- Local centre on 1 hectare of land with provision for:
  - Local convenience retailing (use class A1 – 350-500 sq m net floor space)
  - Ancillary business development (use class B1a only)
  - Financial and professional uses (use class A2)
  - Café or restaurant (use class A3)
  - Community building providing the opportunity for social and childcare facilities
  - Opportunity for required health facilities to be provided
  - Provision for required emergency services infrastructure
- Formal sports and play areas within the developable area
- Local Nature Reserve on 29.2 hectares of land based on Rowel Brook
- Nature Conservation Area on 12.2 ha of land to the east of the railway line, south of the Oxford Canal and north of Sandy Lane
- Public open green space on 23.4 hectares of land as informal canal side parkland
- Retention of 12 hectares of land in agricultural use
- New public bridleways connecting with the existing public right of way network
- Canal Bridge – Land take for a foot, cycle and wheel chair accessible bridge over the Oxford Canal to connect to the allocated site at Stratfield Farm (PR7b).
- Reservation of 0.5 hectares of land for a railway station/halt within the developable area
- Reservation of 14.7 hectares of land for the potential expansion of Begbroke Science Park

The landuse requirements have been included in the brief for reference only.

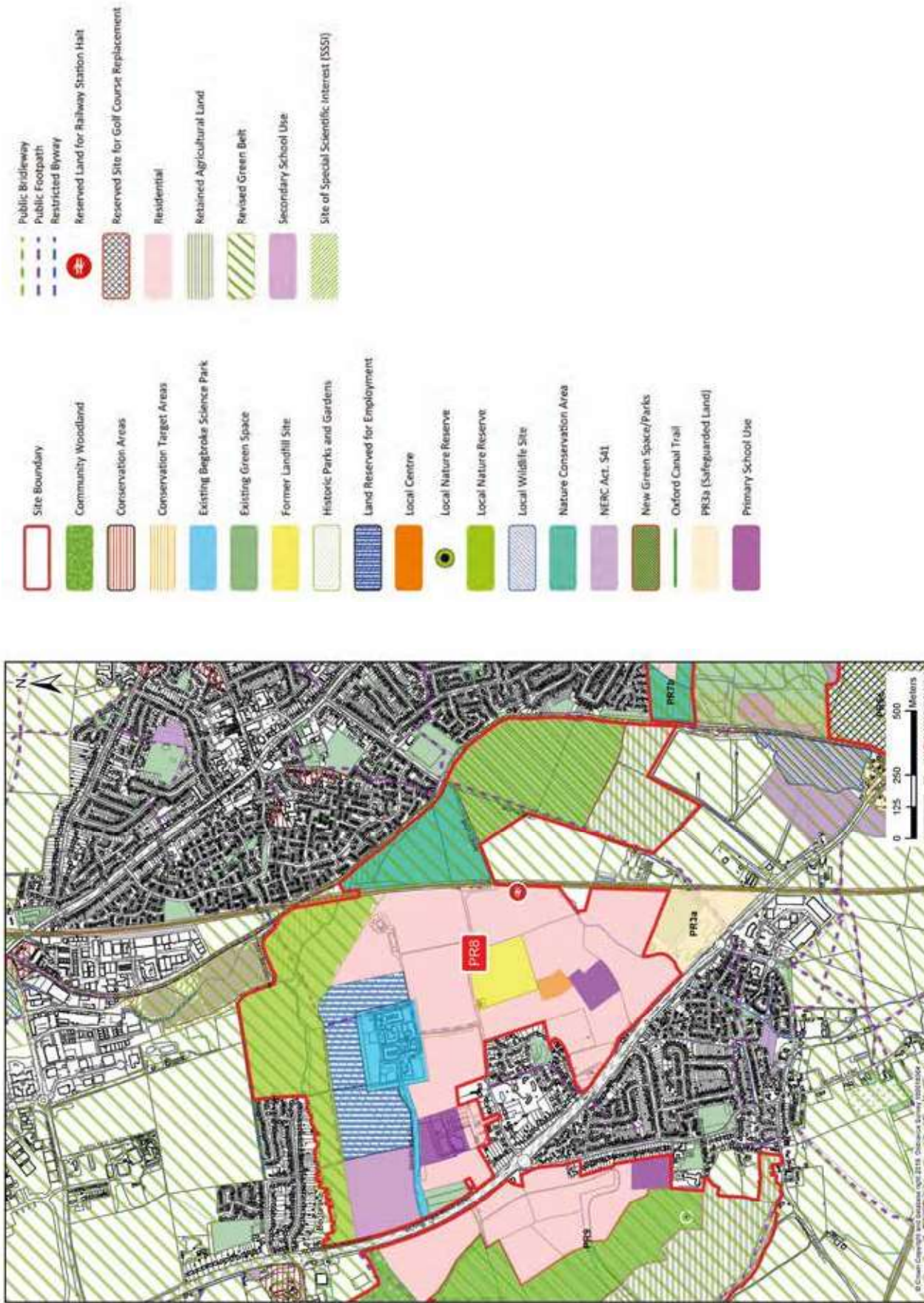


Figure 8: PR8 Policies Map LPPR

Development Brief PR8 / August 2023



View west along Yarnnton Lane

### 3.1.2 Submission of Planning Applications

Applications for planning permission for housing in Cherwell to meet Oxford's unmet housing needs will be considered having regard to the policies of the Development Plan and other material considerations such as the National Planning Policy Framework, Planning Practice Guidance and National Design Guide.

The Council will need to assess whether or not development proposals meet the vision, objectives and policies of the LPPR and any other relevant policies from other parts of the Development Plan. This Development Brief is a material planning consideration. See Section 1.2 which explains the status of the Development Brief.

Other material considerations will include relevant Supplementary Planning Documents (SPDs). A list of relevant policy and guidance that has informed this Development Brief is provided at Appendix A.

Further guidance on the submission of planning applications is given in section 7.0 of this Development Brief.

### 3.2 The Site Context

This section provides a brief overview of the site and its context.

- #### 3.2.1 Location and Size
- The site comprises 190 hectares of land.
  - To the north west, the site is bounded by modern 1-2 storey detached houses in Begbroke.
  - To the north/north-east, the site is bounded by farmland and the Rushy Meadow SSSI, beyond which is the Langford Locks Industrial Estate (which contains a mix of commercial uses) and London Oxford Airport.
  - To the east, the site is bounded by the Oxford Canal and the Lower Cherwell Valley Conservation Target Area beyond which lies the village of Kidlington.
  - A railway line crosses the eastern part of the site in a north-south direction.
  - To the west, the site is bounded by modern semi/detached houses comprising the western extent of Yarnton and the A44. A petrol station is located on the A44 frontage. Yarnton village comprises a mix of housing types and styles with the majority dating from the 20th century and 2-3 storeys high. The small historic core of Yarnton is located around the Church Lane/Rutten Lane junction to the south west of the site.
  - To the south, the site is bounded by Littlemarsh Playing Field containing a cricket pitch and football pitch, and a disused Sewage Treatment Works which lies adjacent to NERC Act S41 grassland habitat just outside the site boundary and is likely to be a valuable habitat (which should be confirmed by additional survey).
  - Rowel Brook crosses the northern part of the site.
- #### 3.2.2 Topography
- The site falls gradually from west to east towards the Oxford Canal and towards the Rowel Brook in the north.
- #### 3.2.3 Existing Land Uses and Services/Facilities
- The majority of the site is in agricultural use with some associated farm buildings.
  - The University of Oxford's Begbroke Science Park, is located towards the centre of the site, north of Sandy Lane and has a mix of 2-3 storey light industrial/research and development and academic buildings. It includes the Grade II listed Begbroke Hill Farmhouse.
  - Yarnton Home and Gardens is positioned in the north western part of the site with an existing access off Sandy Lane.
  - There are allotments adjacent to Woodstock Road (A44) in the north western part of the site.
  - The site contains a former landfill site that can be accessed off Sandy Lane.
- #### 3.2.4 Existing Access and Movement Network
- Sandy Lane, a vehicular route running from east to west, bisects the site and connects Kidlington to Yarnton.
  - Sandy Lane has a weight limit at the narrow canal bridge (which is under signal control) which means HGV access must come from the west
  - Yarnton Lane runs south east to north west through the eastern part of the site but is only partially open to traffic.
  - There are three surface level crossings of the rail line - Roundham Locks, Yarnton Lane and Sandy Lane. Only Sandy Lane level crossing falls within the site's boundary.

Draft

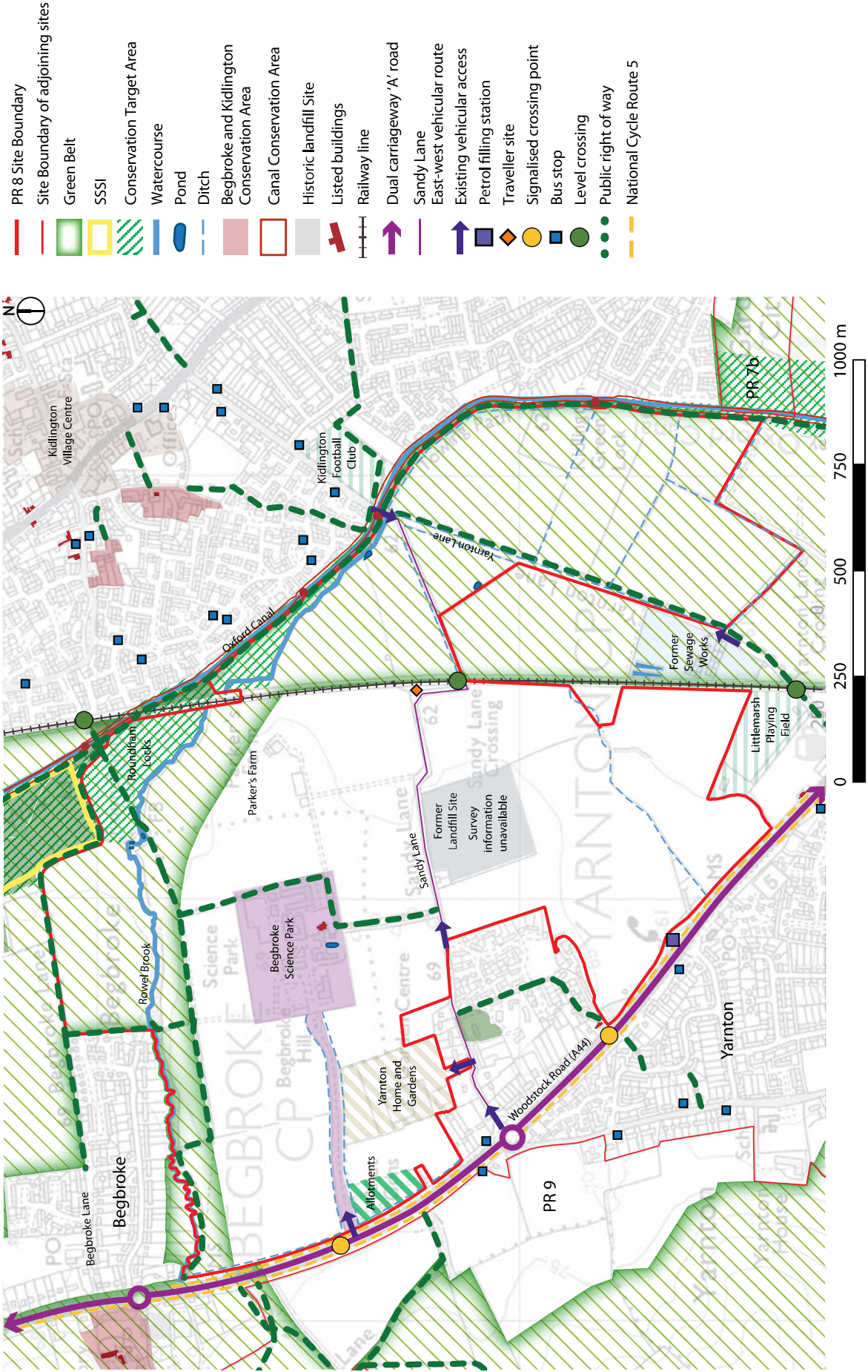


Figure 9: Site Context

- The site can currently be accessed by vehicles via:
  - the existing access road to Begbroke Science Park,
  - Sandy Lane from the A44 and east of the Oxford Canal (Yarnton Road)
  - the existing access to Yarnton Home and Gardens, which serves a small part of the site.
  - the limited access via Yarnton Lane
- Non vehicular access is via:
  - a network of footpaths that cross the northern part of the site.
  - a towpath that runs alongside the Oxford Canal at the eastern boundary of the site.
  - a footpath that runs along the Yarnton Lane.
- The National Cycle Network Route 5 runs along Woodstock Road (A44).
- There are two signalised crossing points on Woodstock Road.
- The site is located between two important public transport corridors A44 and A4260, and served by bus stops which are located along Woodstock Road (A44). There are frequent bus services on these corridors serving Kidlington, Begbroke, Yarnton and towards Oxford (including the S3, S4, 7/700 services).

### 3.2.5 Development Proposals in Surrounding Areas

- Land west of A44 (PR9) lies opposite the site on the western side of the A44.
- Land east of Oxford Canal (PR7b) lies to the eastern side of the site.
- Oxfordshire County Council's proposed Park and Ride site is located to the north at London Oxford Airport.

Draft



View of the Oxford Canal at the eastern boundary of PR8 and the houses of Kidlington beyond

## 4.0 Site Appraisal

### 4.1 Site Constraints

- There is a network of hedgerows across the site containing a wide range of native shrub species. All of the hedgerows are identified as Habitats of Principle Importance (HPI). **(1)**
- Six ponds are present on the site indicated as P1-P6. The presence of Great Crested Newt makes pond P4 at Begbroke Science Park a HPI. **(2)**
- The site contains a single veteran English oak (T1) to the east of the Woodstock Road. **(3)**
- A number of transitional veteran trees (T2,T3, T4 - Willows) are present on the site. These trees provide habitat features and have the potential to become important veteran trees in the future. **(4)**
- A corridor of broad-leaved semi-natural woodland, along the Rowel Brook in the north, conforms to HPI status.
- A tree survey has identified moderate quality trees along the Oxford Canal and Rowel Brook, and internal tree groups along the field boundaries and along Yarnton Lane. **(5)**
- The site contains Badger sets (not shown on plan).
- There is evidence of Water Vole in Rowel Brook and in pond P1.
- The site contains the following land uses:
  - Begbroke Science Park
  - Allotments
  - Yarnton Home and Garden **(6)**

- The site is located in an area of considerable archaeological interest and a number of sites recorded with cropmarks including later prehistoric settlement sites and Bronze Age barrows. An area of late prehistoric settlement has been also recorded to the site.
- Part of the site along the Oxford Canal and Rowel Brook is within modelled flood zones 2 and 3. These areas should be a focus for green infrastructure enhancements. The Strategic Flood Risk Assessment (SFRA) notes that there is the risk of shallow groundwater in places.
- The site contains an ex-landfill site (Sandy Lane – East Gravel Pit). Surveys undertaken on surrounding land show that, subject to mitigation, there are no significant land use constraints relating to ground conditions in the vicinity of the former landfill site. Further surveys are required to inform safe remediation and potential use. **(7)**
- Noise from the airport, railway line and A44 is a potential constraint. A Baseline Noise Survey Report (November 2019) highlights the need for careful consideration of separation between sensitive land uses and noise sources.
- There is a risk from ball strike from Littlemarsh Playing Fields. A ball strike risk assessment will be required. **(8)**
- The Oxford Canal Conservation Area runs along the eastern boundary of the site. This contains a number of listed structures including the Sandy Lane canal bridge and Roundham Lock.
- The site contains one designated heritage asset, this being the Grade II listed Begbroke Hill Farmhouse which is within the Begbroke Science Park complex. In addition, a Grade II listed Tudor Cottage is located on the corner of Gravel Pits Lane and the A44 Woodstock Road. **(9)**



- Other assets in the vicinity include Roundham Lock and Kidlington Green Lock on the canal and the cluster of listed buildings off Spring Hill Road associated with St Philips Priory, St Philips Church and St Michaels Church which sit on the opposite side of the A44 and the Begbroke Village roundabout to the northwest of the site. There is also a Grade II Listed Rose Cottage and The Grapes Inn on the A44 frontage which will require assessment.
- Further afield there are a number of listed buildings in Kidlington and there are buildings and the park associated with Yarnton Manor and other buildings within Yarnton Village. Whilst these buildings are further afield and therefore have limited direct impact, the character and setting form an interesting discussion as to how these can influence character.
- Overhead electric lines and an operational foulwater rising main cross the site.
- There is existing residential development within the site in various locations including the western boundary of the site abutting A44, in the vicinity of the former landfill site and the rail level crossing next to the Sandy Lane.<sup>(10)</sup>
- Oxfordshire County Council's planned transport improvements to the A44 corridor may affect the site's western boundary.
- There is a need to reserve land within the site for possible future development of a railway station/halt.
- Limitations to the use of Sandy Lane for vehicular access.
- Sandy Lane level crossing has poor sight lines on approach from the west and a weight-restricted canal bridge with signalised one-way control (which can cause traffic to queue back towards the level crossing).
- The nearby road network including A4165 (Oxford Road), A44, A34 and A4260 is heavily congested at peak times.

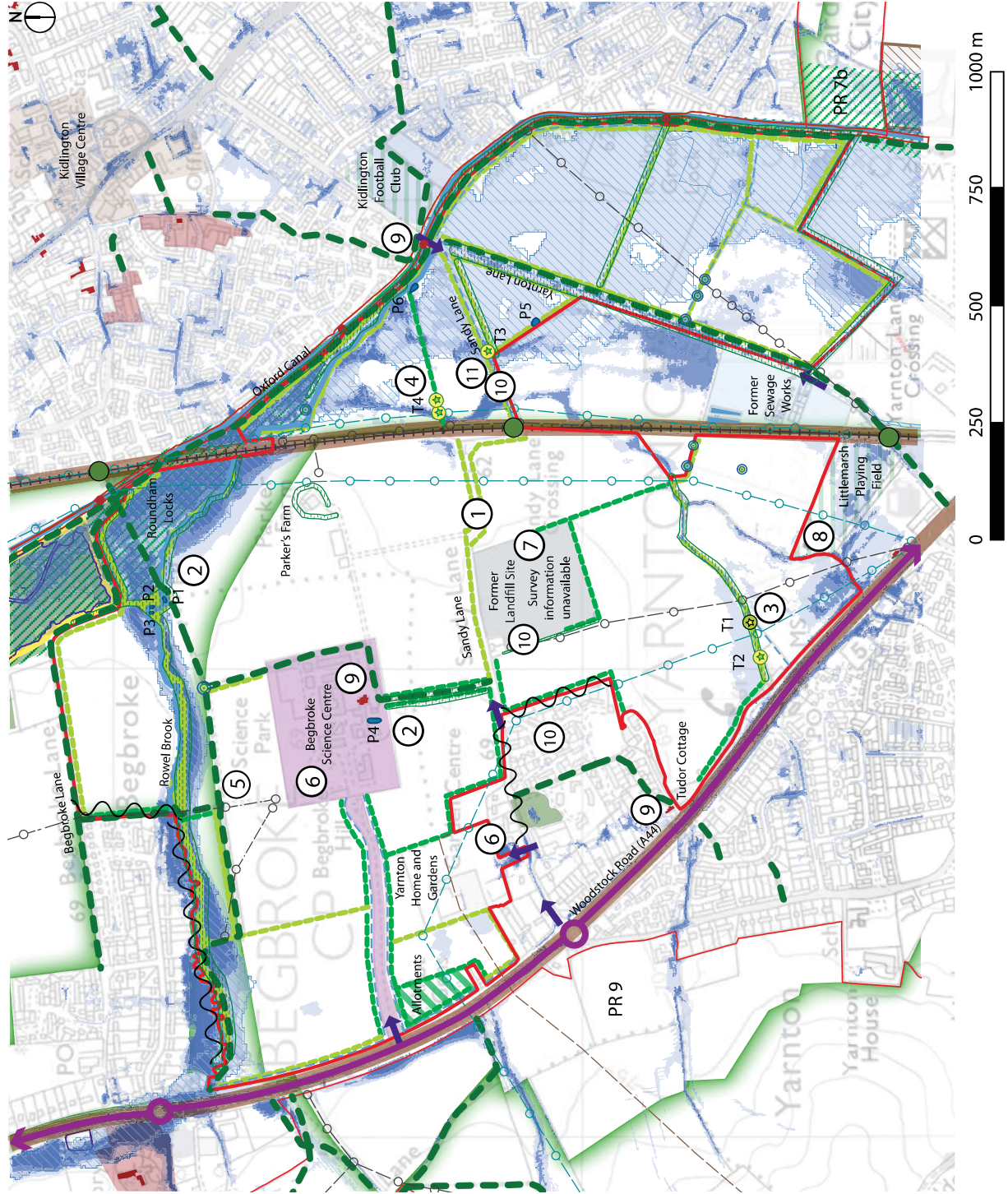
- The site is vulnerable to commuter parking by non-residents and enforcement associated with the sites location.
- The need for access between Parkers Farm and land east of the Railway to enable management of the nature reserves.<sup>(11)</sup>



View of the Grade II listed Begbroke Hill Farmhouse

4.0 Site Appraisal

- PR 8 Site Boundary
- Site Boundary of adjoining sites
- SSSI
- Green Belt
- Priority Habitat Inventory
- NERC Act S41 Habitat
- Conservation Target Area
- Woodland Trust Sites
- District Wildlife Site
- Species-rich hedgerow (HP1)
- Other hedgerow
- Tree considered to be of veteran status
- Tree considered to be of transitional veteran status
- High and moderate quality tree
- Moderate quality group of trees
- Broad-leaved semi-natural woodland
- EA Flood Zone 2\*
- EA Flood Zone 3\*
- 1 in 30 Surface Water Floodrisk\*\*
- 1 in 100 Surface Water Floodrisk\*\*
- 1 in 1000 Surface Water Floodrisk\*\*
- Watercourse
- Pond
- Ditch
- Historic landfill site
- Oxford Canal Conservation Area
- Begbroke, Kidlington Conservation Areas
- Listed buildings
- Railway line
- Dual carriageway - 'A' road
- Existing access
- Public rights of way
- Level crossing
- Housing backs
- HV 11kv overhead line
- EHV 33kv overhead line
- Operational Thames Water FW Rising Main
- Noise pollution requiring mitigation



\* Flood Map for Planning Rivers and Sea Flood Zone 3 and Zone 2 (The Environment Agency, 2020)  
 \*\* Updated Flood Map for Surface Water (The Environment Agency, 2019)  
 Drawing shows national constraints datasets where site surveys are not available

Figure 10: Site Constraints

## 4.2 Site Opportunities

### 4.2.1 Place Shaping

- Opportunity afforded by the scale of the site to establish an innovative new contemporary, urban neighbourhood with a mix of typologies and uses which integrates well with the proposed expansion of the Science Park as set out in Policy PR8, and has strong links towards Kidlington Village Centre, to Oxford, and to the adjacent communities of Yarnton and Begbroke. **(1)**
- Potential for an innovation district with a vibrant community, mix of typologies, an ability to evolve over time, to embrace nature and provide a mix of uses integrated with the neighbourhood.
- Allotments should be retained, replaced with equivalent or extended. **(2)**
- Opportunity to reconfigure Yarnton Home and Garden site to integrate with wider site. **(3)**
- Improved active travel routes and considerable increase of accessible public open and natural space, supporting communities in Begbroke, Yarnton and Kidlington.

### 4.2.2 Heritage and Townscape Character

- Opportunity to create a distinctive neighbourhood but at the same time respond appropriately to the landscape, settlement patterns, building typologies and traditional materials of the local area (See Cherwell Design Guide 2.3)
- Opportunity to retain a sense of separation between Begbroke and Yarnton, and set back built development along the A44 to the north of Yarnton. **(4)**
- Opportunity to provide an appropriate design response to enhance the setting of the listed buildings and the adjacent Conservation Areas of Begbroke and the Oxford Canal, in particular, opportunity to better reveal the significance of Begbroke Hill Farmhouse and Tudor cottage. **(5)**
- Opportunity to create an attractive development frontage to the A44 and Begbroke Science Park road. **(6)**

### 4.2.3 Views and Sightlines

- Opportunity to capture and retain views into and out of the site including:
  - To the west towards higher land at Begbroke Wood and Bladon Heath
  - To the east towards the Oxford Canal
  - To the north towards Roundham Locks and Rowel Brook

### 4.2.4 Landscape Character

- Opportunity to provide a connected corridor of green infrastructure across the site, connecting with PR9 and PR7b. This should incorporate Rowel Brook in the form of a publicly accessible Local Nature Reserve, the Oxford Canal corridor, a Nature Conservation Area where access is restricted to a fenced route and an informal canal-side parkland, in line with Policy PR8. **(7)**
- Opportunity to expand and connect with Littlemarsh Playing Fields. **(8)**
- Opportunity to incorporate retained veteran/transitional veteran, high and medium value trees, important hedgerows and ponds to create a mature landscape structure for the development
- Opportunities to retain and enhance existing habitats and achieve a net gain in biodiversity through the creation of a extensive areas of new / improved habitats including:
  - restoration of Water Vole and Otter habitat along the canal edge.
  - management of retained agricultural land in the south-east part of the site for farmland birds to contribute towards compensation for loss of farmland. **(9)**
  - creation of Lowland Meadow Grassland with hedgerows on either side of Rowel Brook. **(10)**
  - enhancement of grasslands within the proposed Nature Conservation Area. **(11)**
- There is an opportunity to provide an area for dog walking and recreation within the site that is away from SSSI, Rowel Brook, ponds and Oxford Canal to limit visitor impact on these habitats.
- Opportunities to remediate the former landfill site and use as a green space and wildlife stepping stone within the development.

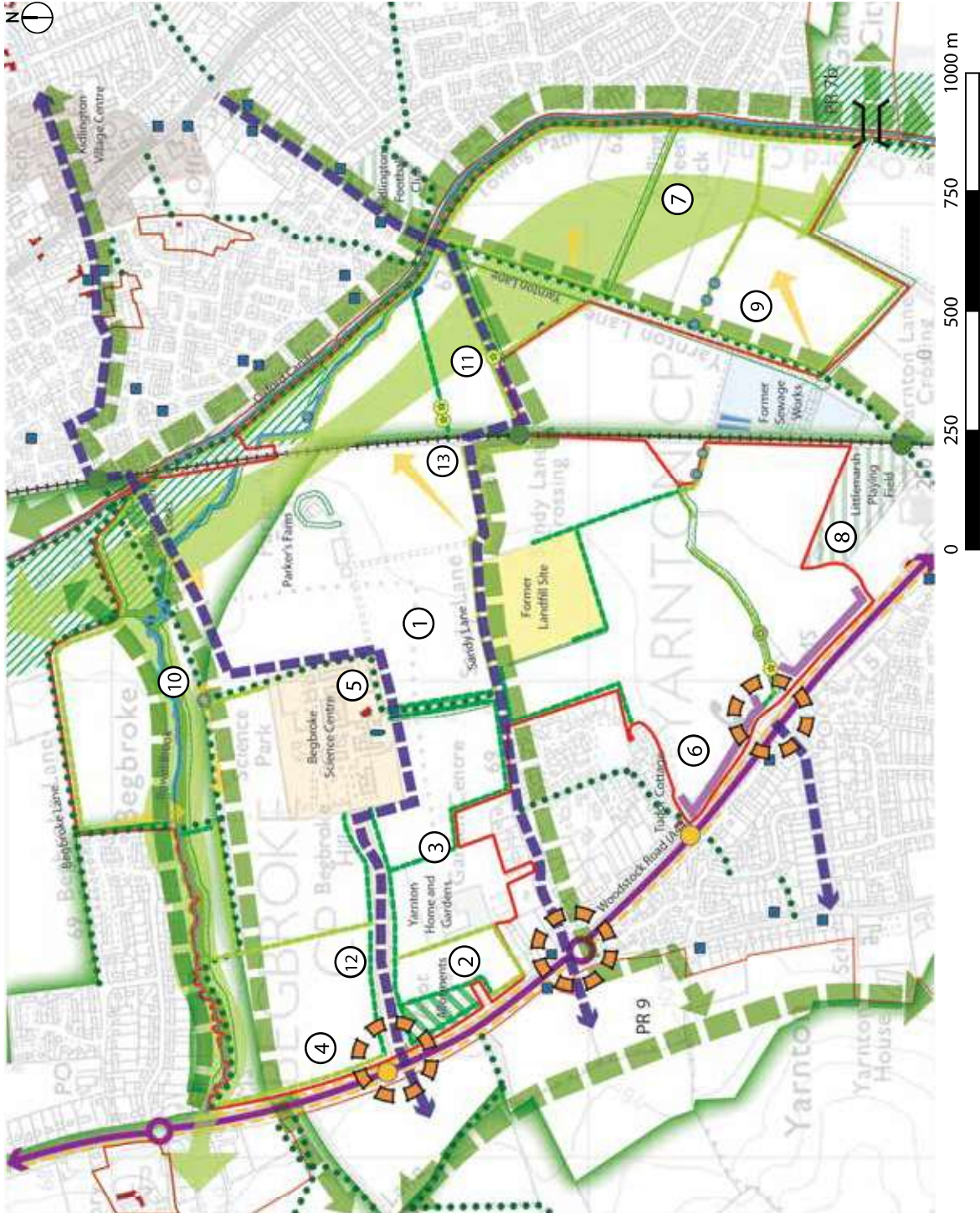
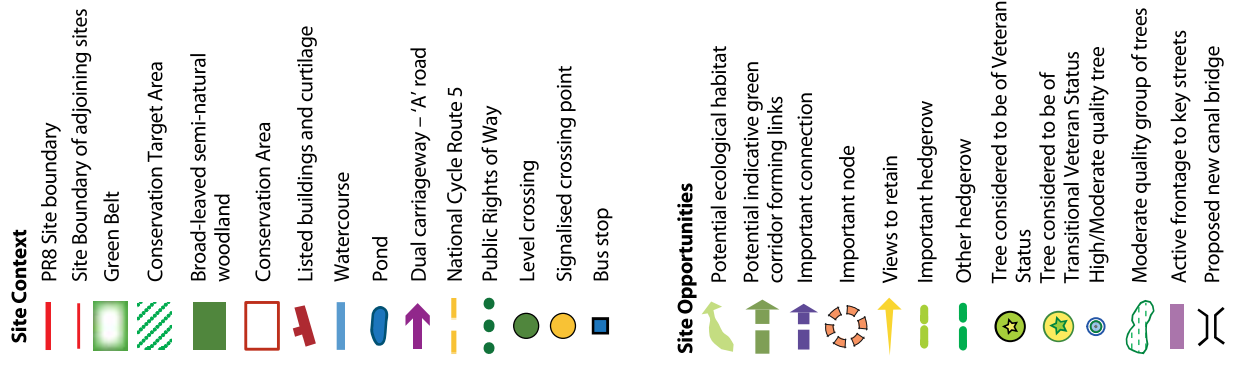


Figure 11: Site Opportunities

#### 4.2.5 Movement and Access

- Opportunity to strengthen connectivity with Begbroke to the north and south and towards Yarnton
- Opportunity for vehicular access to the site from:
  - the existing vehicle access to Begbroke Science Park <sup>(12)</sup>
  - new access points onto the A44
  - the existing Yarnton Home and Garden access
- Opportunity to provide public transport access through the site via buses linking to the bus routes on A44 and the proposed park & ride at London Oxford Airport.
- Opportunity for an enhanced network of walking and cycling connections across the site towards:
  - Kidlington village centre and facilities via existing canal bridges and Sandy Lane
  - London Oxford Airport and Langford Lane employment sites to the north including via upgrade to the canal towpath
  - Begbroke and Yarnton Lanes which abut the site
  - Littlemarsh playing field to the south
  - Across A44 to Yarnton village and to Land West of Yarnton (PR9), south to Oxford Northern Gateway and City Centre.
  - Oxford and Oxford Parkway station via Sandy Lane, and across the Oxford Canal via a new pedestrian, cyclist, wheelchair accessible canal bridge connecting to Land at Stratfield Farm (PR7b), to south Kidlington including Sainsbury's roundabout.
  - Along the Rowel Brook connecting to Roundham Locks
  - Towards National Cycle Route 5 along the A44
- Opportunity for upgrade to canal towpath for walking and cycling. The canal towpath has recently been upgraded to a pedestrian/cycle quiet active

travel route between Oxford City Centre and up to where the A44 passes over the canal. This treatment should be extended up through the site as far as possible, ideally to Langford Lane to provide a direct, traffic free route to the businesses there and the Airport.

- Opportunity for innovative and high quality design solutions to promote sustainable travel. It will be important to make best use of existing and planned infrastructure, provide new or improved infrastructure, reduce the need to travel and support walking, cycling and public transport.
- Opportunity to reserve land for a possible future rail station/halt serving the site and the wider Kidlington area.
- Opportunity for the northern alignment of the Sandy Lane crossing and restricted vehicular access route. Subject to Network Rail and OUD reaching an agreement. <sup>(13)</sup>
- Opportunity for new bus routes through the site and/ or strengthened connections to high quality bus routes along the A44.
- Opportunity to limit vehicular traffic through Sandy Lane to achieve a green link, between Begbroke/Yarnton and Kidlington, meet the interests of railway safety and help meet sustainable transport objectives of growth along the A44.
- Opportunity to help address parking and enforcement issues associated with sites location.

## 5.0 Vision and objectives

### 5.1 Vision

In response to the site's local surrounding context and constraints, the vision for Land East of the A44 has gradually evolved to affirm the design opportunities available to meet the objectives of the LPPR and is described below. The vision is further developed by the Design Principles contained in this document which set out the detailed requirements.

*The expansion of the University's Begbroke Science Park will be integrated within a distinctive, urban neighbourhood featuring innovation and high levels of sustainability, which will become recognised as a national placemaking exemplar. The new neighbourhood will have walking and cycling at its core, by creating an environment where the private car is a guest whilst catering for public transport. It will be publicly accessible, well connected by footpaths and cycleways to the surrounding neighbourhoods, existing local services and enhanced public transport links on the A44.*

*The development will be a distinct and unique blend of green space, water environments and natural spaces promoting good health habits. A new local centre, schools and green infrastructure corridors adjacent to the Oxford Canal will link existing communities with publicly accessible open spaces of high quality wildlife and biodiversity.*

*It will be successfully connected to Begbroke, Yarnton and Kidlington which will have retained their own identities.*

The land east of Yarnton is to be developed following the guidance contained within this document and in line with the policies of the Adopted Cherwell Local Plan 2011-2031 (Part 1), Cherwell Local Plan Partial Review 2011-2031 (Part 1) Partial Review – Oxford's Unmet Needs, guidance in the Cherwell Residential Design Guidance (2018), The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) by Historic England (2017) and other relevant national and local policy and guidance. Key relevant local policies and guidance are listed at the end of each section of this chapter and the Development Principles chapter (chapter 6) although all relevant policies, including those not listed, should be responded to. In particular, the development should meet the requirements set out in Partial Review Plan Policy PR8 (see chapter 3.0 for details).

In summary, key delivery requirements under Policy PR8 are:

- 1,950 homes on approximately 66 hectares of land seeking 50% affordable housing provision across the site to meet Oxford's housing needs
- secondary school and four court sports hall on 8.2 hectares of land
- primary school with three forms of entry on 3.2 hectares of land
- primary school with two forms of entry on 2.2 hectares of land
- local centre on one hectare of land
- reservation of 14.7 hectares of land for Begbroke Science Park expansion
- Local Nature Reserve on 29.2 hectares of land
- nature conservation area on 12.2 hectares of land
- public open space on 23.4 hectares of land
- retention of 12 hectares of agricultural land
- reservation of 0.5 hectares of land for a future railway halt.
- provision of a foot, cycle and wheel chair accessible bridge over the Oxford Canal linking the site with land at Stratfield Farm (Policy PR7b)
- facilities for formal sports, play areas and allotments

It is the Council's preference that in lieu of on-site formal sport pitch provision an appropriate financial contribution be made towards new and improved facilities at south east Kidlington, based upon CDC adopted developer contribution standards. Informal play and amenity space will still be required to be provided within the built-up area to adopted standards.

Figure 12 illustrates the development framework for the site. This is a flexible framework to enable innovative design to be brought forward in line with the Vision and requirements of Policy PR8. Alternative land use arrangements will be considered through future planning applications subject to evidenced justification and would be designed in consultation with CDC.

Design principles which underpin the delivery of the development framework are set out in the next chapter.



5.0 The Vision for the Site

- Site Boundary
- Site Boundary of adjoining sites
- Primary land use
  - Residential
  - Employment
  - Employment or residential
  - Primary school\*
  - Secondary school\*
  - Mixed use – retail, commercial, residential
    - 1. Retained Yarrton Home & Garden
    - 2. Local centre
    - 3. Convenience facilities
  - New public green space/parks/wildlife areas
  - Proposed green spaces within developable area\*\*
  - Local Nature Reserve
  - Nature Conservation Area (limited public access)
  - Revised Green Belt
  - Retained Agricultural Land
  - SSSI
  - NERC Act. 541
  - Priority Habitat Inventory
  - Broad-leaved semi-natural woodland
  - Retained hedgerows
  - Reinstated hedgerow
  - Tree considered to be of veteran status
  - Tree considered to be of transitional veteran status
  - Other retained trees
  - Retained group of trees
  - Soft edge
  - Ditch retained and integrated into site drainage
  - Equipped play area (indicative location)
  - Parkland/visitor hub/play space
  - Noise attenuation (size/type to be confirmed)
  - Vehicular access (southern location is indicative)
  - Proposed A44 pedestrian/cycle crossing
  - National Cycle Route 5
  - Existing/improved PROW/cycle routes
  - Key new walking/cycling routes
  - Zone for potential rail halt
  - New pedestrian/cycle bridge over railway/canal
  - Potential for alternative bridge further north with restricted vehicular access, subject to agreement between OUD and Network Rail

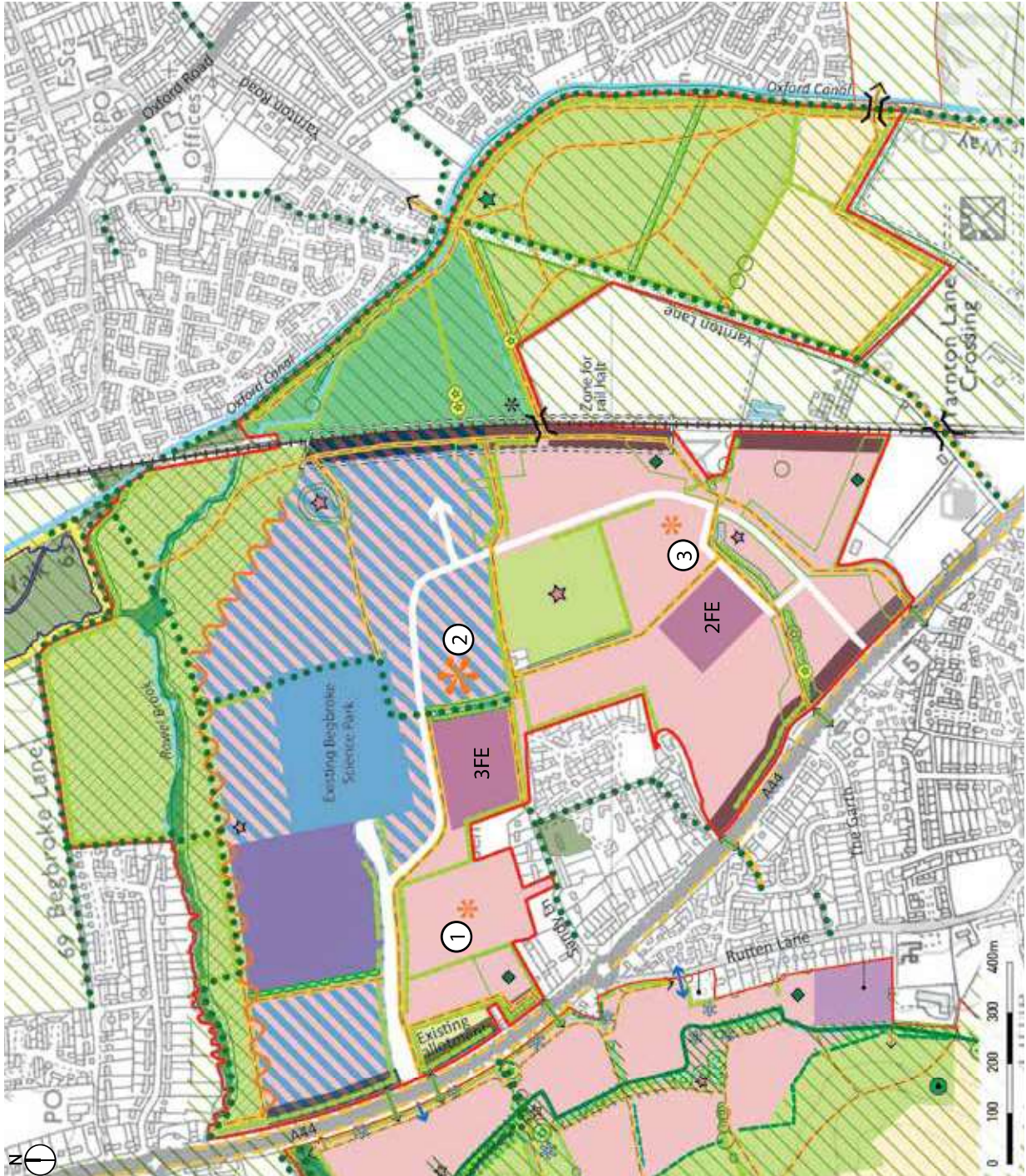


Figure 12: Development framework  
 \*School site location subject to further detailed assessment  
 \*\*Built-up area to incorporate amenity space as per adopted standards



## 6.0 Development Principles

### 6.1 Sustainable Construction and Energy Efficiency

The development is to comply with and where possible exceed the local and national standards for sustainable development including enhancement to the natural environment and biodiversity net gain. This includes mitigating and adapting to climate change, increasing local resource efficiency, minimising carbon emissions, promoting decentralised and renewable or low carbon energy and ensuring that the risk of flooding is not increased and where possible, reduced.

The detailed layout of the development will need to encourage the sustainable and safe management of waste in each individual household while minimising visual and pollution impacts. CDC would welcome innovative approaches to delivering sustainable development on the site.

The use of recycled materials in the construction of the development and consideration of the Circular Economy is supported.

Construction Exclusion Zones and haulage routes are to be incorporated into the build programme in order to protect the site's green infrastructure and topsoil resource. Topsoil is to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009 (CCoP) published by the Department of Environment, Food and Rural Affairs (Defra).

#### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems
- Policy ESD 8: Water Resources
- Policy ESD 15: The Character of the Built and Historic Environment

#### **Cherwell Residential Design Guide SPD (adopted 16 July 2018)**

- Chapter 4: Establishing the Structuring Principles
- Chapter 7: Building Elevations and Details
- Chapter 8: Innovation and Sustainability

## 6.2 Healthy Place Shaping

Healthy place shaping is a strategic priority for both Oxfordshire's Health & Wellbeing Board and the Future Oxfordshire Partnership (formerly the Oxfordshire Growth Board) which is using the Oxfordshire Housing & Growth Deal to embed healthy place shaping in the planning process, especially in light of emerging evidence from local and national experience of Healthy New Towns (including the initiatives at Barton Park and Bicester Healthy New Towns) and the significant positive impact on health and well-being. This is reflected in the guiding principles of the Oxfordshire Strategic Vision.

This early planning and provision of health promoting design and infrastructure, such as community facilities, green spaces and safe and legible walking and cycling routes for recreation and commuting, has been shown to be important in influencing and establishing positive behaviour, healthier life-style habits and distinct and cohesive communities which are also well connected to existing settlements.

The site will be developed in a way which contributes to healthy living and the well-being of its local residents and visitors. It will:

- provide new and enhanced walking, wheelchair and cycling connections which support active lifestyles at any age and which prioritise pedestrians and cyclists over the car;
- improve and enhance connectivity to the existing public rights of way, National Cycle Route 5 and existing facilities at Begbroke, Kidlington and Yarnton, and to existing and potential public transport services;
- provide connections with PR7b site and Oxford Canal, and Kidlington and Oxford;
- provide new bus stops within the site and the potential for a new rail halt;
- provide local facilities including a local centre, primary and secondary schools and employment opportunities within walking distance of residents;
- create significant areas of new accessible public open space, a local nature reserve, a nature conservation area, food growing opportunities and children's play space;

- meet the need for early provision of health promoting infrastructure;
- provide facilities for storage of bicycles and measures to promote their use (e.g. changing facilities);
- provide flexibility to allow for innovation in sustainable travel choices (e.g. e-bikes and e-scooters);
- meet high quality design standards as specified in Building for a Healthy Life.

The Health Impact Assessment commissioned for the Oxfordshire Authorities has been developed as an HIA proforma/toolkit and methodology to be applied to local plans and major developments in the county to achieve a consistent approach. The toolkit was published in 2021 (see link below).

The development of the site should comply with policies that promote the creation of healthy communities including those listed below.

### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

- Policy BSC 7: Meeting Education Needs
- Policy BSC 8: Securing Health and Well-Being
- Policy BSC 9: Public Services and Utilities
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision- Outdoor Recreation

### **Oxfordshire Health Impact Assessment Toolkit, 2021:**

<https://futureoxfordshirepartnership.org/wp-content/uploads/2021/01/210126-Oxon-HIA-Toolkit-FINAL.pdf>

### 6.3 Character and Layout

The scale of the PR8 site provides the opportunity to create a distinctive, higher density urban village which is contemporary in character, while being sensitive to the setting of the surrounding villages of Begbroke, Yarnton and Kidlington. It is to create an attractive frontage to the A44 on the approach to Oxford supporting a change in character away from a highways dominated environment and creating crossing opportunities. The contrast between the dense urban development and canal-side parkland setting will be used as a positive and integral design feature. Green walking, cycling and wheelchair user corridors will be created running north-south and east-west through the site providing connections between characterful spaces for play and recreation and linking Sandy Lane and the canal-side parkland/public open space. These green corridors will connect the development with built-up areas of Yarnton, Begbroke and Kidlington.

The development brief site-specific vision, development principles and 'parameter plans' have been prepared to ensure a comprehensive development in compliance with Plan policies. Planning applications should be in accordance with the brief.

The development is to follow the general design approach to masterplanning set out in the Cherwell Residential Design Guide.

#### **Development principles:**

- In line with Policy PR8 a single comprehensive, outline scheme is to be approved for the entire site supported by a Delivery Plan across the multiple planning applications which the Council expects to be submitted. It is recommended that a design code is prepared for the entire site as a means of providing additional design co-ordination and quality management across several phases of development.
- The development is to establish a distinctive urban character with an emphasis on innovation, sustainability and science, drawing on national and international precedents. This is to be reflected in bespoke and exemplary architecture, public realm and green infrastructure design. Generic suburban house types and highways dominated layouts will not be accepted.
- Modern architecture is to take a respectful approach and inspiration from the traditional vernacular and local materials of the surrounding village conservation areas.
- The development is to have a street-based layout, which is publicly accessible and connected with the surrounding street and public rights of way network.
- The development is to provide a legible hierarchy of streets and spaces, with urban form and massing varying in response to the proposed character areas, local setting and landscape and areas of high activity – such as the local centre, primary schools, Science Park and secondary school which form focal points within the neighbourhood.
- The horizontal and vertical mixing of uses is supported, with the aim of creating a vibrant, mixed use environment. Flexibility in the arrangement of employment and housing use allocations is indicated on the development framework to support the creation of an integrated mixed use environment.

- The existing and expanded Begbroke Science Park, allotments on the A44, and former landfill site and existing residential dwellings are to be well integrated into the overall layout.
- Existing allotments can be relocated if necessary, in addition to provision of allotments to adopted standards, subject to clear justification and consideration of the impact on existing users and residents of Begbroke and Yarnton.
- The site layout is to be co-ordinated with proposals for site PR9 to the west of the A44 and PR7b to the east of the Oxford Canal in relation to the provision of access junctions, A44 frontage, green infrastructure corridors and pedestrian and cycling connectivity. The Council has adopted development briefs for these sites which should be referred to.
- Green infrastructure within the site, including hedgerow and drainage corridors, is to be designed as a connective element which supports the movement of wildlife and encourages walking and cycling and community use.
- Mixed uses, local centre and Science Park are to overlook the open green spaces wherever possible to allow for visual connectivity and encourage passive surveillance of those spaces.
- Proposed housing must meet the 'Technical housing standards – nationally described space standard (2015)'.
- The affordable housing tenure and mix is to be agreed with Cherwell District Council. There is a preference for social rent tenure in line with Oxford City Council policy.
- Affordable housing and housing aimed at specific groups (such as University staff and students) is to be carefully distributed across the development to avoid the creation of segregated communities.

The development will create three distinct but complementary areas of character. There are two mixed use character areas described in this section located to the north and south of Sandy Lane. The third character area, is in reference with the existing Canalside green corridor along the eastern edge of the site.

- Science and learning cluster
- Innovation village
- Canalside green corridor

Each area is described in more detail below. Figure 13 provides an overview of the development site character areas. Figure 14 provides further detail on urban design considerations including key frontages and building heights.

- Site Boundary
- Site Boundary of adjoining sites
- Science and learning cluster
- Innovation village
- Canalside green corridor

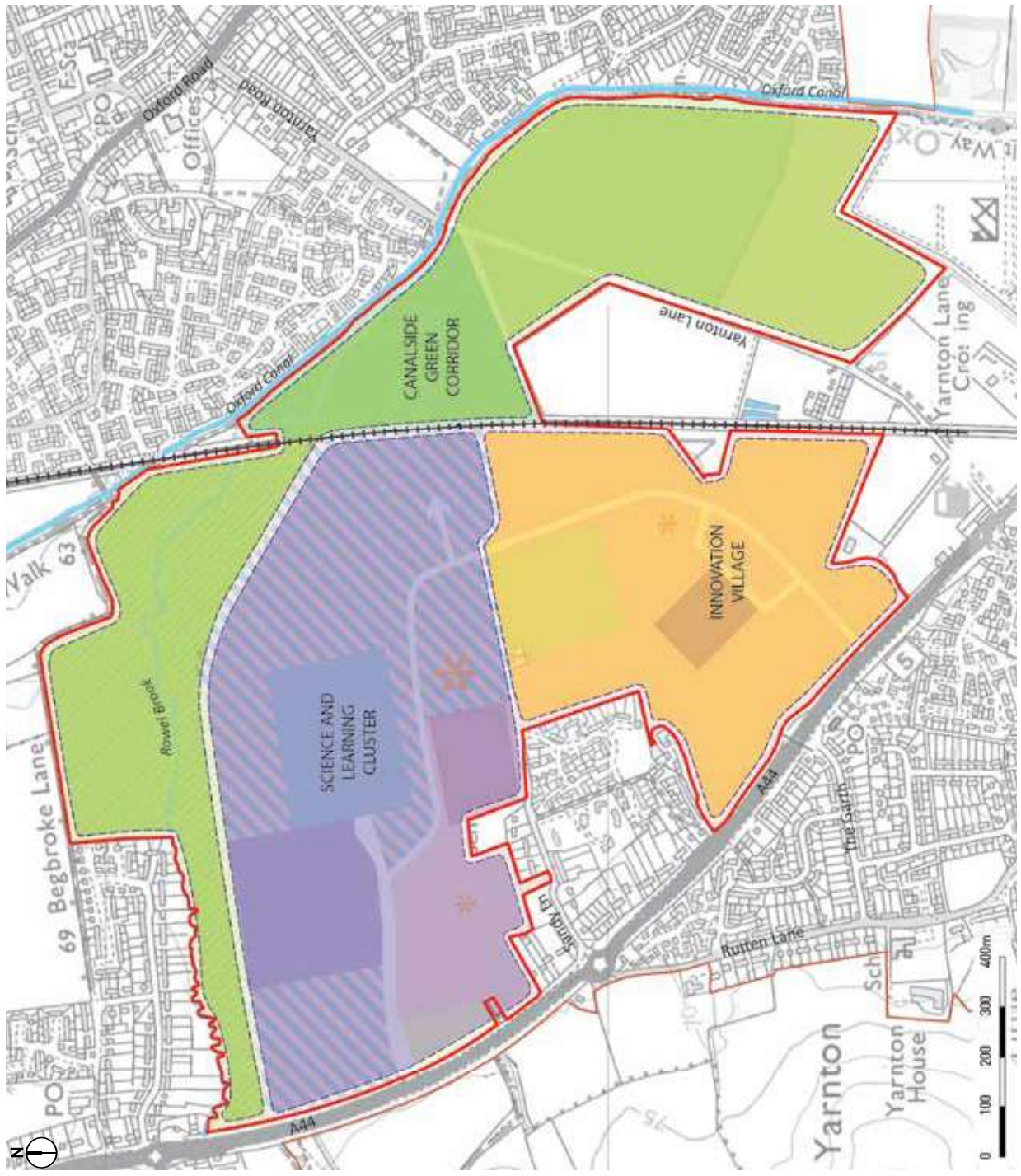


Figure 13: Character areas

6.0 Development Principles

- Site Boundary
- Site Boundary of adjoining sites
- 3-5 storey
- 2-4 storey
- 2-3 storey
- Key frontages (indicative)
- School entrance plaza
- Public square
- Open aspect towards green corridor
- Sensitive edge with existing residential
- New public green space/parks/wildlife areas
- Local Nature Reserve
- Nature Conservation Area (limited public access)
- Retained Agricultural Land
- Broad-leaved semi-natural woodland
- Oxford Canal Conservation Area
- Retained hedgerows
- Reinstated hedgerow
- Tree considered to be of Veteran Status
- Considered to be of Transitional Veteran Status
- Other retained trees
- Retained group of trees
- Ditch retained and integrated into site drainage
- Noise attenuation (size/type to be confirmed)
- Proposed A44 pedestrian/cycle crossing
- National Cycle Route 5
- Existing/improved PRow/cycle routes
- Key new walking/cycling routes
- Improved active travel routes
- Zone for potential rail halt
- New pedestrian/cycle bridge over railway/canal
- Potential for alternative bridge further north with restricted vehicular access, subject to agreement between OUD and Network Rail
- Listed building

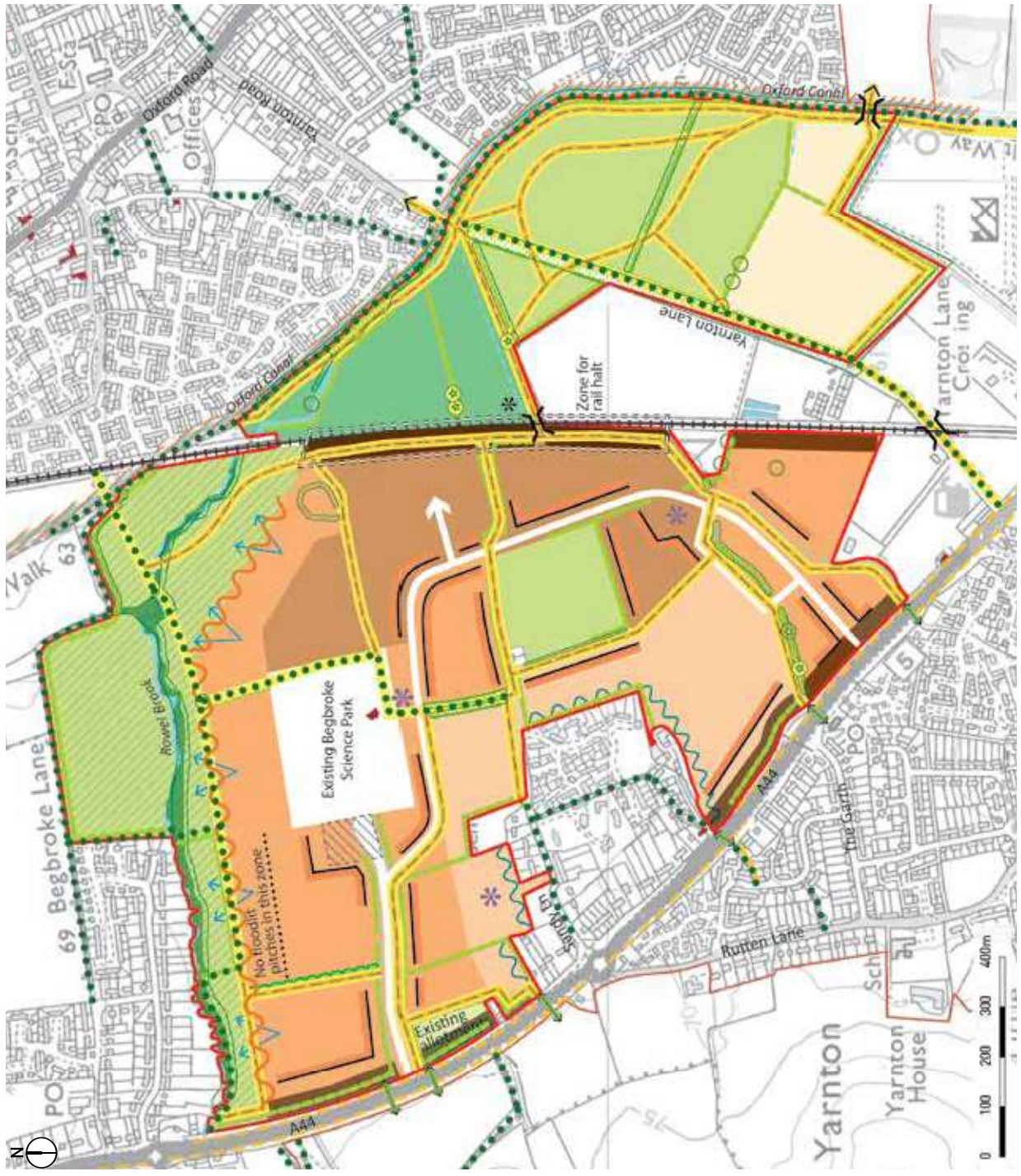


Figure 14: Urban design

### 6.3.1 Science and learning cluster

The emphasis of this character area to the north of Sandy Lane is on supporting science innovation and learning, and this is to be reflected in the innovative and sustainable design of development and the mix of uses. To the north of the primary street the character area will incorporate the secondary school, the expansion of the University's Begbroke Science Park and the provision of residential development overlooking the green corridor. To the south of the primary street a three-form entry primary school is to be provided, together with a local centre, and the potential retention of a hub of small-scale local facilities associated with Yarnton Home and Garden and the allotments.

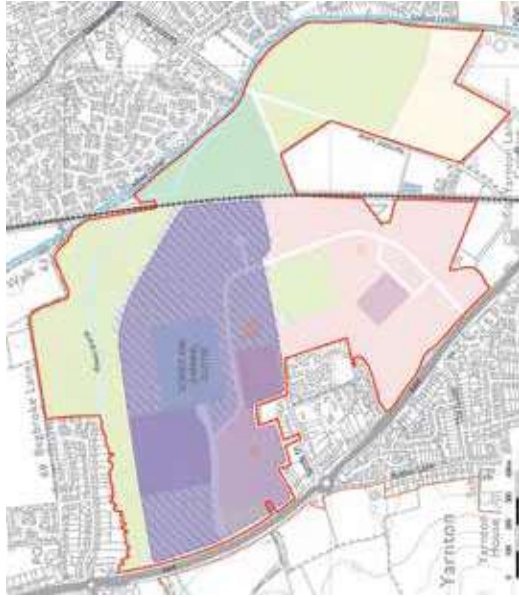
#### **Development principles:**

To the north and east of the primary street:

- Development is to provide a connected street based layout, integrating residential and employment uses within the street scene.
- Buildings are to be arranged to create a strong frontage to the primary street and the A44, and to integrate with the existing Science Park.
- There is an opportunity for new public squares to the south of Begbroke Hill Farmhouse, and at the western entrance to the Science Park and secondary school.
- High quality, innovative architecture and layouts will be supported which maintain the basic layout principles of good urban design for both residential and employment uses (see Cherwell Design Guide and Local Plan Policy ESD16 and Policy Kidlington 1 of 2015 Plan).
- Employment space development should be compatible with adjacent residential uses and include strong ground floor activity and entrances with the development of a campus style approach to the Science Park linked by pedestrian and cycling networks with landscape and public realm opportunities.
- The layout is to ensure that the location of any larger footprint employment uses, or areas requiring secure boundaries, do not hinder good pedestrian connectivity across the site and with the surrounding foot and cycle network.

- To the north of the primary street, as indicated on Figure 14, building heights of between 2 and 5 storeys are appropriate, subject to assessment of visual and noise impact on existing properties in Begbroke and Yarnton, the Oxford Canal Conservation Area, and other heritage assets, with taller buildings generally located closer to the railway line.
  - Where development abuts the green corridor, it should both front the corridor and create a softened urban/landscape edge which enables views from within the development into the landscape. The potential for green fingers connecting the landscape into the development should also be explored.
  - The layout is to ensure green space provision and connectivity for people and wildlife between and adjacent to the Science Park, local centre and schools noting that the area includes a pond with positive eDNA newt survey results.
  - Homes are to be provided for Oxford's unmet housing needs reflecting the right housing type and size mix to address that need.
  - The secondary school layout and design must be in line with OCC requirements but also designed to provide community access to the sports hall. No floodlit pitches should be located in the northern part of the site adjacent to the Rowel Brook green corridor (see figure 14).
- To the south of the primary street:
- The proposed local centre should provide a frontage to the primary street and proposed public square and relate well to the adjacent primary school.
  - The local centre should have the flexibility to accommodate a mix of uses, with active frontage on the ground floor, and residential or employment uses above.
  - Parking for the local centre should be located in communal parking areas (e.g. a multi-storey provision) and short-term visitor parking and delivery drop off facilities should not dominate but should be designed into a high quality public realm. Surface parking for commercial development will be resisted.

Science and learning cluster: character area location and precedent photos



Location plan



Image credit: Brunwood SciTech

High quality employment space



Three storey townhouses fronting public square



Image credit: Eddington, Cambridge

Mixed use development with a semi-natural landscape setting, Eddington Cambridge



Image credit: Eddington, Cambridge

New local centre market square, Eddington Cambridge



- The existing tree-lined public right of way leading north from Sandy Lane is to be retained providing access to the Science Park, local centre and schools by foot and bike, and terminating in the listed Begbroke Hill Farmhouse and a new public square.
- The school buildings to the north of Sandy Lane will be a maximum of 3 storeys in height, with scale reducing where buildings are to be adjacent to existing residential properties in Yarnton.
- Subject to clear justification, there is an opportunity to retain the existing Yarnton Home and Garden use, which together with proposed residential use could become a mixed-use hub with a new access from the primary street. Any variations on the future proposals for this part of PR8 site will need to be well integrated and complementary to its immediate local context. It is not intended that the Yarnton Home and Garden site will be the main location for local centre uses.

Across the character area:

- Where development is proposed adjacent to the A44 and railway line, appropriate levels of noise and air pollution mitigation measures are to be accommodated into the building design. In general, the principles of good acoustic design are to be followed in the site layout and the internal design and specification of properties and gardens to mitigate the impact of potential noise pollution arising from the A44 and railway, while creating an attractive, integrated and accessible development along the frontage to A44.
- The design of the primary school and secondary school is to be in line with OCC requirements (see section 6.6) with access from the primary street and at various locations around the school sites.
- The arrangement of development should respond to the location of the rail crossing (should this be relocated to the north of the existing bridge) to create direct, active travel routes linking Kidlington and the A44 through the site.

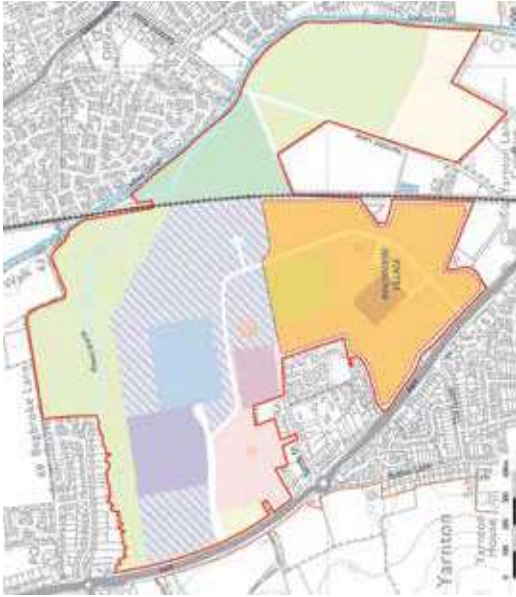
### 6.3.2 Innovation village

To the south of Sandy Lane, a new village neighbourhood is to be developed focused around a smaller cluster of convenience facilities, a central park and a two form entry primary school. The village is to be integrated with the green corridor and science and learning cluster character areas by the street network, walking and cycling links and hedgerow and drainage corridors. The neighbourhood is to be connected with Yarnton and Begbroke but have a distinctive character and sense of place.

#### **Development principles:**

- Development to the south of Sandy Lane is to create a distinct village character with a connected street-based layout, focused on the convenience facilities, central park and primary school.
- High quality, bespoke and sustainable residential architecture will be supported, including references to vernacular styles and the use of local materials where appropriate (refer to Cherwell Residential Design Guide for materials and vernacular typologies).
- Buildings lining the primary street and bus route, and adjacent to the railway area and convenience facilities are to be a maximum of 4-5 storeys in height, as indicated on Figure 14. Buildings in proximity to existing properties of Yarnton and Begbroke are to be a maximum of 3 storeys, with scale reducing in response to sensitive existing property boundaries and where shading to the school site could occur.
- The primary school is to be located centrally and provide pupil drop off parking, with access from the primary street, and walking and cycling routes connecting with all parts of the development. Should the primary school not be required (with OCC's agreement), this part of the site would be developed for residential.
- A further public square could be created to the west of the proposed rail halt, providing a pedestrian interchange with bus stops on the primary street and access to the proposed pedestrian and cycle bridge over the rail line, there may be an opportunity for small-scale commercial development in this location.

Innovation village: character area location and precedent photos



Location plan



Semi-detached houses and short runs of terraces overlooking the green corridor, Elmbrook Bicester



Local convenience facilities providing active ground floor use, London



A range of property typologies and parking arrangements, Cambridge

- The former landfill site to the south of Sandy Lane is to become a Central Park. It will be connected by existing and enhanced hedgerows along Sandy Lane to the wider green infrastructure network. It is expected that the surrounding built development will front on to it.
- As with the science and learning cluster, where development is proposed adjacent to the A44 and railway line, appropriate noise and air pollution mitigation measures are to be accommodated into the design. In general, the principles of good acoustic design are to be followed in the site layout and the internal design and specification of properties and gardens to mitigate the impact of potential noise pollution arising from the A44 and railway, while creating an attractive and accessible development frontage to the A44.
- Hedgerow and drainage wildlife corridors are to be integrated into the new village neighbourhood in line with overarching green infrastructure development principles.
- The design should provide an appropriate edge to Littlemarsh Playing Fields to the south, and enable a pedestrian and cycling connection to these sports facilities.

### 6.3.3 Canalside green corridor

The third character area covers the northern and eastern part of the site which is designated Green Belt. Uses in this area include public open green space, Local Nature Reserve, Nature Conservation Area and agriculture. It is to be kept free from built development.

Key aims include wildlife protection and improvement, biodiversity net gain, improved access to countryside and nature, health benefits, improved and increased accessibility and connections between communities in the A44 and A4260.

Development principles relating to green infrastructure within this character area are provided in section 6.5.

### Cherwell Local Plan 2011-2031 (adopted 20 July 2015)

Policy ESD 15: The Character of the Built and Historic Environment  
Policy ESD 17: Green infrastructure

### Cherwell Local Plan 2011-2031 – Partial Review (adopted September 2020)

Policy PR8 – Land east of the A44  
Policy PR2 – Housing mix, tenure and size

### Cherwell Residential Design Guide SPD (adopted 16 July 2018)

Chapter 4: Establishing the Structuring Principles  
Chapter 5: Streets and Spaces  
Chapter 6: Building and Plot Arrangements  
Chapter 7: Building Elevations and Details  
Chapter 8: Innovation and Sustainability

### Reference should also be made to:

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), Historic England 2017  
Increasing Residential Density in Historic Environments, ARUP on behalf of Historic England, 2018

## 6.4 Movement and Access

### 6.4.1 General Principles

The layout of the site is to prioritise movement by active and sustainable modes by creating excellent pedestrian, cycle, wheelchair connectivity within the site, to Yarnton, to allocated sites PR9 and PR7b (via new canal and rail bridges), to Begbroke village and towards Kidlington village centre. In doing so, and by connecting directly with the surrounding street network, the layout will encourage movement by walking and cycling and limit unnecessary car trips.

The design of streets within the site should follow the guidance set out in the Cherwell Residential Design Guide, OCC Street Design Guide and the Manual for Streets, in a manner which is appropriate to the character and quality of place which is to be created as described below. A standardised highways-led layout is not acceptable: carriageway space and turning radii are to be limited (in line with adopted guidance).

### 6.4.2 Vehicle Access

Policy PR8 requires at least two site access points to be provided from the A44 including the use of the existing Science Park access road. The preferred locations are described below.

#### **Development principles:**

- Vehicular access from the A44 in the northern part of the site will be provided from an extension to the existing Science Park access road. The existing junction with the A44 will require reconfiguration with the design determined by the scale of impact of sites PR8 and PR9 assessed together and is to be agreed with OCC Highways. The junction will need to have sufficient capacity to cope with demand from both developments. Bus priority measures on the A44 will likely need to be included together with bus access into the site and pedestrian and cycle crossings on all arms, in line with OCC policy requirements for bus and cycle connections into Oxford and LTN1/20.

- A second access point in the southern part of the site will be provided via a new junction onto the A44 to the north of the existing petrol filling station as indicated indicatively on Figure 15. The design and location of the junction is to be agreed with OCC Highways. It is to incorporate pedestrian and cycle routes and crossings on all arms and accommodate bus movements on the A44 and into and out of the site.
- Sandy Lane level crossing and Yarnton Lane level crossing are to be closed to vehicles. It is assumed that all vehicle access to the site will therefore be from the west. A suitable access to properties to the east of the railway line will be required.
- A potential restricted vehicle access via a bridge further north may be delivered, subject to agreement between Network Rail and OUD. This could provide emergency and refuse vehicle access to properties east of the railway line.
- Crossing opportunities will be explored for alternative modes of transport (e.g. public transport) where this does not compromise design quality or the overall viability of the scheme to deliver affordable housing or other infrastructure, and does not preclude the achievement and timely delivery of Local Plan Partial Review objectives and site allocations as a whole.
- A direct, connecting primary street will be created between the two A44 access points. The primary street will provide access to the Science Park, local centre, primary and secondary schools, potential rail halt and secondary streets providing access to all parts of the site. Cycle and walking infrastructure will be required in line with OCC's standards and LTN 1/20, unless alternative fully segregated facilities are to be provided which offer similar or more direct routes to those facilities.
- The primary street will also form the bus route through the site and so will need to accommodate bus stops, shelters etc.

- The existing vehicular route from A44, Sandy Lane needs to be carefully integrated and managed to prevent new vehicular traffic adversely impacting existing users along Sandy Lane and to avoid rat-running on this route from future development. It is thereby recommended by Oxfordshire County Council that the central part of Sandy Lane be closed to through vehicle movements and only used for access to the primary school, emergency access and other Sandy Lane uses (if required). Sandy Lane, where it merges into the new development will become a high-quality walking and cycling route towards Kidlington.
- Due to a 1 tonne weight restriction on the Sandy Lane canal bridge, with the closure of Yarnton Lane level crossing Network Rail are to provide an alternative access for heavier maintenance and emergency vehicles from the A44 to land and any existing property to the east of the railway line. This may require use of the eastern section of Yarnton Lane.
- Sandy Lane canal bridge to the east of the site is to remain open to provide access for vehicles below the weight limit, towards the potential rail halt.



















### 6.4.3 Pedestrian and Cycle Access

Pedestrian, wheelchair and cycle access points into the site will be provided on all boundaries, connecting north-south and east-west routes across the site with the surrounding area.

#### **Development principles:**

- The following access points for pedestrians, wheelchair users and cyclists are to be provided:
- Access onto the A44 corridor in the northern and southern parts of the site, providing direct access to the bus stops and cycling infrastructure along the A44. These should provide direct connections with A44 pedestrian and cycling crossings and onward routes to the west of the A44 through site PR9 and the existing street network of Yarnton. A new formal pedestrian and cycle crossing is to be provided on the A44 at the existing bus stops in order to provide safe crossing between these and to allow direct connections between PR9 and PR8. The location is to be agreed with OCC Highways subject to detailed assessment and Road Safety Audit.
  - Regular access points from the developable area into public open green space to the north and east, and to the existing network of public rights of way, including connection onto Begbroke Lane and towards Kidlington village centre via the existing canal bridge and level crossing to the north east.
  - Access south towards Oxford City Centre on a new walking and cycling route adjacent to the Oxford Canal or on improved sections of canal towpath.
  - Access to Kidlington from the centre of the site via a new pedestrian/cycle railway bridge and the existing Sandy Lane canal bridge.

6.0 Development Principles

-  Site Boundary
-  Site Boundary of adjoining sites
-  Ditch retained and integrated into site drainage
-  Primary street (bus route)
-  Secondary street access
-  Lanes for access only
-  School site access point\*
-  Vehicular access point (southern location is indicative)
-  Proposed A44 pedestrian/cycle crossing
-  National Cycle Route 5
-  Existing/improved PRow/cycle routes
-  Key new walking/cycling routes
-  Zone for potential rail halt
-  New pedestrian/cycle bridge over railway/canal
-  Potential for alternative bridge further north with restricted vehicular access, subject to agreement between OUD and Network Rail
-  Level crossing closure
-  Bus stop
-  Proposed bus stops (locations to be determined)

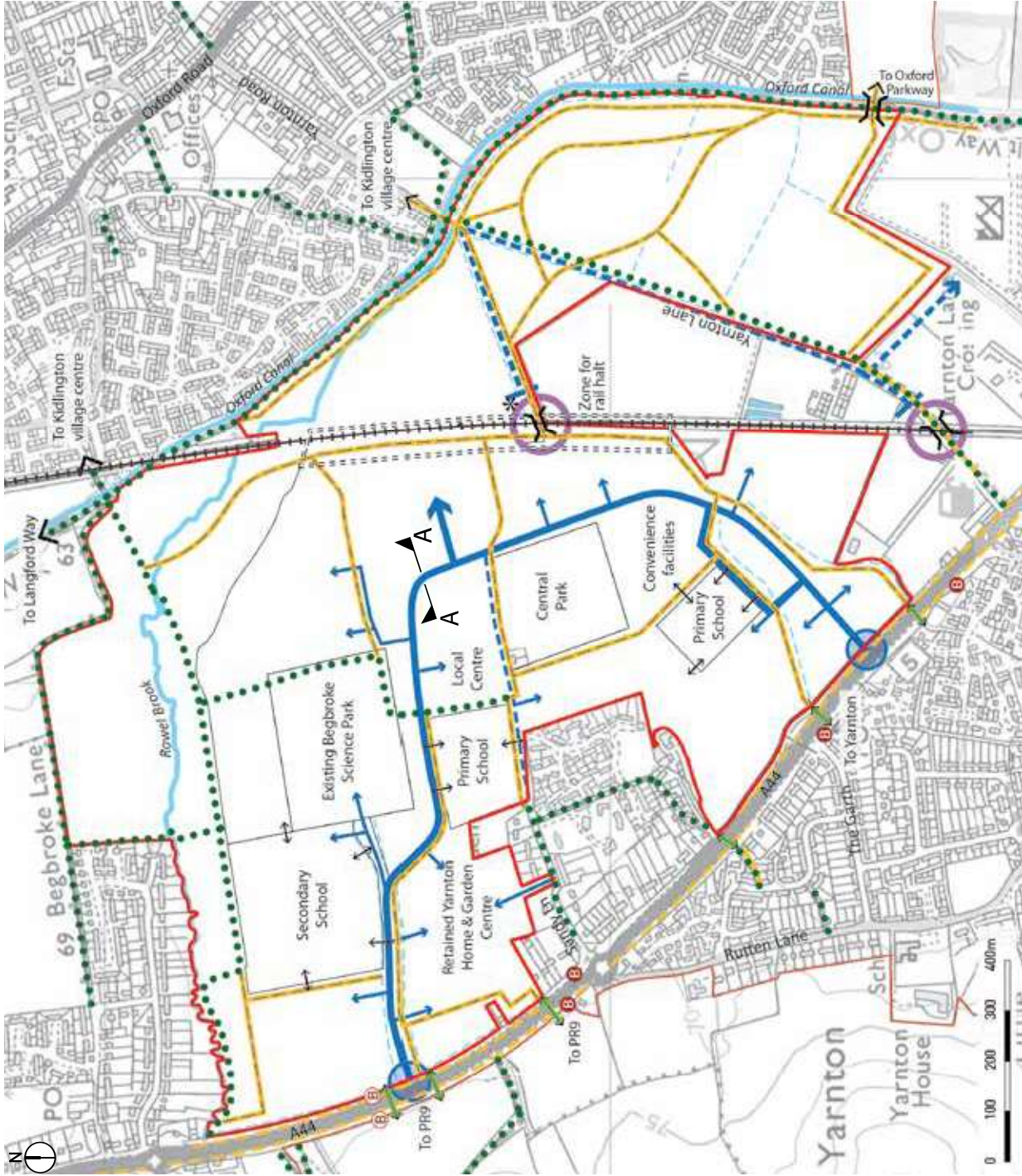


Figure 15: Movement and access

\*School site location subject to further detailed assessment

- Access to PR7b and towards Oxford Parkway via a new pedestrian, wheelchair and cycle bridge over the canal.
- Access into the canal side parkland via the new Yarmton Lane pedestrian and cycle bridge over the railway line.
- Access to Langford Lane/Airport employment via canalside route to the north.
- Potential access to Littlemarsh Playing Fields from the site.

#### 6.4.4 Street Hierarchy and Typologies

The street hierarchy for the site is identified on Figure 15. It follows the street typologies set out in the Cherwell Residential Design Guide SPD. Streets are classified into the following typologies:

- Primary – main streets and high streets
- Secondary – general residential streets
- Tertiary - minor residential streets and lanes (not shown on Figure 15)
- Key walking and cycling routes – green networks/cycleways and pedestrian only routes where commuting activity might be expected or provide a direct route to the science park, local centre or other facilities for non-vehicular users. Development principles for this network is covered under 6.4.5.

All streets across the site should have a maximum design speed of 20mph.

#### Primary Street

The primary street is to provide a through route with bus provision between the two access points onto the A44. It is to give access to the schools, Science Park, local centre and the potential rail halt and the secondary street network serving all parts of the site. The approach must be to ensure that the vehicle priority is below that of cyclists, pedestrians and public transport.

#### Development principles:

- The primary street is to follow the design guidance for main streets and high streets out in chapter 5.0 of the Cherwell Residential Design Guide and the details below.
- The design is to be agreed with OCC and is to have a minimum carriageway width of 6.2m. Swept path analysis will be required to confirm suitability of the route alignment for 12.2m buses. Good practice can also be found in the Stagecoach document Bus Services & New Residential Developments.
- Segregated and formal cycleways of a minimum of 2m in width and footways of at least 2m in width on either side should be included.
- The width of the carriageway is to be balanced by the introduction of street trees and buildings frontages of 3–5 storeys to provide a strong sense of enclosure and appropriate street proportions.
- The street width should vary to accommodate designated on street parking bays with EV charging points and pinch points for traffic calming (which should also be reflected in the building line).
- The overall street network around the school sites is to be designed to ensure that there are no dead ends and the road layout is to allow circular routes.
- Coach drop-off/pick-up laybys (minimum of 18m straight length per coach plus approved entry and exit arrangements such as tapers) are to be provided on the primary street adjacent to the main entrance to the secondary and northern primary school sites. For a 2FE primary school there is to be one coach layby, for a 3FE primary school two coach laybys and for the secondary school 4 coach laybys. N.B. it may be possible for the number of laybys to reduce where they are accessible equally from two schools.

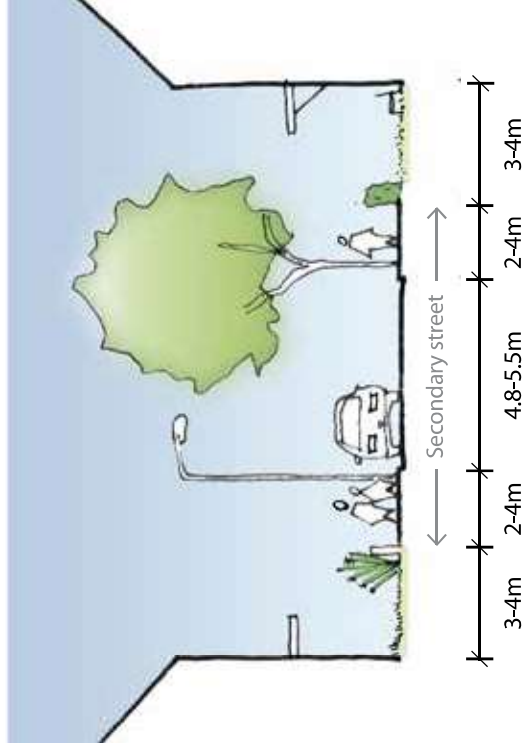
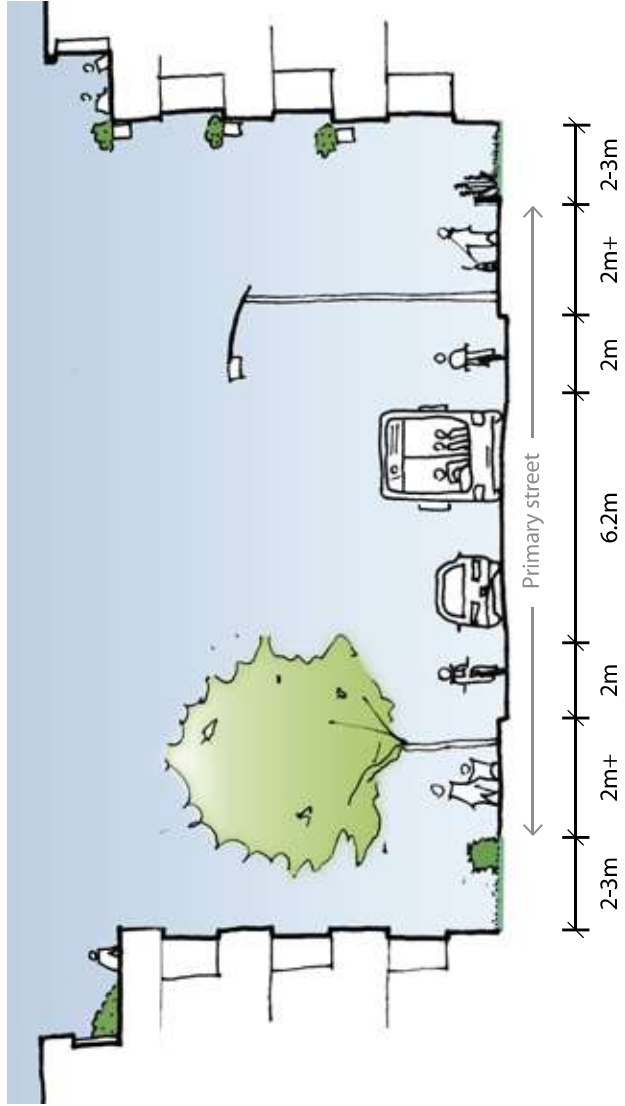


Figure 16: A-A - typical primary street cross section (refer to Figure 15 for section location)

Figure 17: typical secondary street cross section



- The opportunity for Sustainable Drainage Systems (e.g. swales and rainwater gardens) should be considered as part of a connected drainage network
- Street clutter and barriers should be avoided. The inclusion of bollards should be designed to reflect the character of the road. Infrastructure should be designed to be multi-purpose (e.g. include charging points).

#### **Secondary Street**

Secondary streets run off the primary street as a principal connection.

#### **Development principles:**

- The secondary streets are to follow the design guidance for general residential streets set out in chapter 5.0 of the Cherwell Residential Design Guide, and the guidance below.
- Streets should generally accommodate a 4.8-5.5m carriageway.
- Where there are formal cycleways, these should be a minimum 2m in width with footways of at least 2m in width.
- The opportunity for Sustainable Drainage Systems (e.g. swales and rainwater gardens) should be considered as part of a connected drainage network
- Street trees must be included.
- Secondary streets around the school sites are to be designed to ensure that parking and access to the school is well designed and well integrated within the new development.
- Coach drop-off/pick-up laybys (minimum of 18m straight length per coach plus approved entry and exit arrangements such as tapers) are to be provided on any secondary streets adjacent to main school entrances. For a 2FE primary school there is to be one coach layby, for a 3FE primary school two coach laybys.

#### **Tertiary Streets**

Streets that connect to residential areas or where minimal traffic movement from non-domestic use is expected.

#### **Development principles:**

- The tertiary streets are to follow the design guidance for minor residential streets or lanes set out in chapter 5.0 of the Cherwell Residential Design Guide, and the guidance below.
- Streets should generally accommodate a 4.8m carriageway plus footways. On no through routes, or where streets they abut green spaces, the streets may take the form of shared lane of minimum width 6m to allow for a protected pedestrian corridor adjacent to an effective 4.8m road width, subject to the necessary safety audits. On any side where there is no footway, a 800mm maintenance margin is required in addition to this.
- Unadopted, private routes serving multiple properties should be limited, except where specifically agreed with the Council, in line with section 5.2 of the Cherwell Residential Design Guide SPD.
- The opportunity for Sustainable Drainage Systems (e.g. swales and rainwater gardens) should be considered as part of a connected drainage network.
- Street trees, planting and seating must be included.

#### 6.4.5 Walking and Cycling Network

In addition to provision for walking and cycling on the connected street network, a series of new and enhanced walking and cycling links will be provided running north-south and east-west across the site.

A clear understanding of commuter and recreational routes should be developed and form part of the future planning application submission. Commuter routes should be direct and allow for walkers and cyclist to move quickly, not just on highway routes whilst recreational routes should be designed for meandering with seats, landscaping and foraging opportunities.

The movement plan indicates a network of key new walking and cycling routes which connect with existing public rights of way. Important routes include:

- A route running north-south in the centre of the site providing a direct link between Begbroke Science Park, the two primary schools and the local centre. To the north east this route then connects to Kidlington and to the south west it connects to Yarnton following the existing hedgerows and watercourse. This route incorporates sections of existing PRoW which are to be upgraded to enable cycling access where necessary.

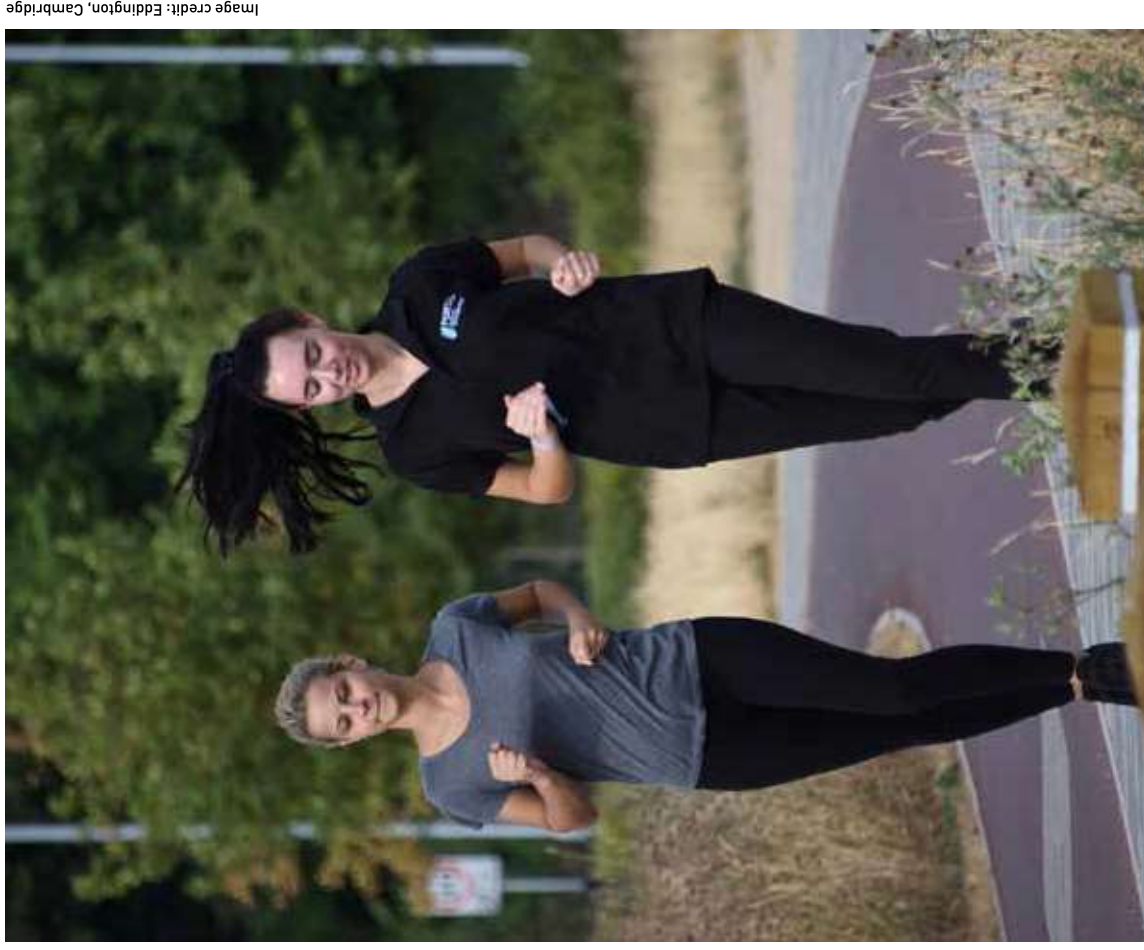
- A route running east from the A44 to the central route (noted above), providing a connection to the secondary school and Science Park.
- Sandy Lane is to become an important cycle, pedestrian and wheelchair route that will provide east-west connectivity between Yarnton, Oxford Canal and Kidlington village centre via a new railway bridge. The new railway bridge will be well-designed and appropriate to the location providing high quality access for pedestrians, cyclists and wheelchair users.
- Yarnton Lane will be enhanced as a pedestrian and cycle link connecting Yarnton and Kidlington via the canal side park and a proposed railway bridge.

- A new public walking and cycling route is to be provided along the Oxford Canal, either through enhancements to the existing towpath or provision of an adjacent new route while retaining the existing canal side hedgerow. This should also extend northwards towards Langford Lane. An elegant new foot, cycle, and wheelchair accessible bridge over the Oxford Canal is to be built, to connect the route with the canal towpath and site PR7b. Land within the PR8 site is to be provided to facilitate this access. The exact location and design of the bridge and towpath improvements is dependent on survey and consultation with the Canal and River Trust and CDC Conservation team and is to be agreed at the outline planning stage. The bridge could incorporate a sculptural quality as part of any public art on the site.
- Improvements to off-site connections south towards Oxford to connect with the Cassington Roundabout to Peartree Interchange scheme will be required and are to be agreed with OCC.

#### **Design principles:**

- The design of pedestrian and cycle routes is to provide a safe and attractive environment for all users. Routes within the developable area should be overlooked by buildings and promote natural surveillance.
- The development is to protect, integrate and extend existing public rights of way and create new routes through the publicly accessible open spaces.
- Routes should connect as directly as possible to public transport access points on the A44, the primary street and the potential rail halt.
- All new pedestrian and cycling routes are to be designed in accordance with Local Transport Note 1/20: Cycle Infrastructure Design published by the Department for Transport. Detailed designs are to be agreed through the pre-application process with OCC and CDC's Development Management Teams, but is assumed that formal cycleways will be a minimum 4m in width providing directional routes in either direction, with separate footpaths of at least 2m in width.

- Street tree planting and seating must be included..
- Lighting is to be provided to walking and cycling routes and PRoW within developable area, however this is to be balanced with the impact on wildlife and agreed through the planning application. Refer to MHCLG guidance on light pollution on <https://www.gov.uk/guidance/light-pollution>. This is a particularly important consideration along the Oxford Canal which is currently a dark corridor, is part of a Conservation Area and a Conservation Target Area i.e. no lighting or an exemplary infrared lighting scheme.
- The opportunity for Sustainable Drainage Systems (e.g. swales and rainwater gardens) should be considered as part of these routes as part of a connected drainage network
- Cycle storage solutions should promote cycle usage and be in convenient and visible locations for visitors whilst being secure and safe for longer term storage (e.g. during working day).
- Showers and changing facilities in workplaces should be made available.
- The opportunity to create a Park-run route (either a single 5km route or 2 laps of 2.5km) to promote healthy lifestyle choices and other recreation routes which would support the K5 Better Together Programme should be progressed. This is a progressive scheme with connections and themes to build upon in terms of creating interest and recreational and wellbeing opportunities as well as building character in the landscape function.



Recreational route

Image credit: Eddington, Cambridge



On-street parking



Landscaped, rear parking court which relates well to the properties it serves

#### 6.4.6 Parking

Car parking provision and design will be in line with adopted OCC parking standards and the Cherwell Residential Design Guide SPD Section 5.8 as well as the good practice recommendations in Manual for Streets.

Cycle parking provision is to be in line with OCC's adopted cycle parking standards and must be covered and conveniently located for easy level access to the street. Public cycle parking will be required at the local centres.

#### **Development principles:**

- A range of parking solutions should be used, appropriate to the street and plot typology.
- Car barns and multi-storey parking provision is the preferred solution to parking provision within commercial and higher density residential areas to reduce the need for on-plot parking and to create streets and places for people.
- The Council also advocates the use of unallocated on-street parking wherever possible, to increase flexibility and reduce the number of spaces required overall. This should be integrated into the street design and clearly defined. Special attention should be given to this on the primary street, where parallel bays should be considered to reduce the impact on bus movements.
- Rear courtyard parking is the least preferred solution, but may be necessary for apartment buildings or where a continuous building frontage is required and parking to the front would impact on the quality of the street scene or reduce street enclosure. Rear parking should be clearly related to the properties it serves and provided in small, secure and well overlooked courtyards or private rear gardens.
- Electric charging points should be provided in line with national and local standards either on plot or serving on street parking bays. If on street, the design should consider innovative solutions to limit visual impact e.g. pop-up charging points. All spaces designed for disabled parking provision should include EV charging points to avoid discrimination.

- Public cycle parking is to be provided adjacent to children's play spaces, the local centre, schools, the Science Park and close to bus stops.

#### 6.4.7 Emergency Access and Refuse Collection

Streets within the development will be designed to allow appropriate access for emergency and refuse vehicles. Developers are advised to refer to Cherwell Residential Design Guide for the requirements for service access and refuse bin storage design and collection points.

#### 6.4.8 Public Transport

As noted above, the primary street is to accommodate a bus route serving the development. Stops should be located close to schools, the Science Park, local centre, residential areas and the proposed rail halt and should enable all parts of the development to be within a short walking distance of a stop, including those located on the A44. Provision should be made for at least four pairs of bus stops on the primary street with a further additional pair on the A44 close to the northern site access. As a minimum, bus stops will require a shelter, pole, flag and timetable case, marked clearway and real time passenger information in line with OCC specifications.

CDC / OCC support the potential provision of a rail halt in the zone shown on Figure 12 and 0.5 ha of land is to be reserved to accommodate this. Further evidence of need is required to support the provision of the halt and assessment of the best location including consideration of access, land ownership, impact on the proposed nature conservation area and relationship to other uses is to be provided. Should a halt be developed, it is assumed that this will have one platform on each side of the tracks measuring approximately 150m in length and 6m in width. No buildings will be required to serve the rail halt due to the limited frequency of services; however shelter, ticket machine, lighting and tannoy will be required.

Limited vehicle access for drop-offs will be required and secure cycling facilities are to be provided in a manner to encourage cycling to and from the station.

Car parking will be limited to disabled parking bays in order to prioritise walking and cycling to the rail halt. The design of the halt is to be agreed with Network Rail and coordinated with the design of the railway bridge and east-west walking and cycling route. The rail halt shall be served by a direct pedestrian/cycle route connecting the chosen location with the local centre, nearest bus stops and an east/west route to Yarnton and Kidlington.

#### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

- Policy SLE 4: Improved Transport and connections
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 16: The Oxford Canal

#### **Cherwell Local Plan 2011-2031 – Partial Review (Adopted September 2020)**

- Policy PR4a: Sustainable Transport
- Policy PR8 – Land east of the A44

#### **Cherwell Residential Design Guide SPD (adopted 16 July 2018)**

- Chapter 4: Establishing the Structuring Principles
- Chapter 5: Streets and Spaces
- Chapter 8: Innovation and Sustainability

#### **Oxfordshire County Council:**

- Street Design Guide
- Cycling Design Standards
- Walking Design Standards
- Parking Standards for New Developments

#### **Reference should also be made to:**

- Bus services & New Residential Developments – Stagecoach, 2017
- Buses in Urban Developments – CIHT, 2018

## 6.5 Green Infrastructure

### 6.5.1 Landscape character areas

In line with Policy PR8, significant areas of open landscape are to be retained in the eastern part of the site adjacent to Rowel Brook and the Oxford Canal. These are to be connected into the development via existing hedgerows, watercourses and new greened walking and cycling routes to create a multi-functional green and blue infrastructure network across the whole development site providing a range of ecosystem services.

Policy PR8 requires a Biodiversity Impact Assessment be submitted as part of the planning application for the site and a supporting Biodiversity Improvement and Management Plan. The Environment Act 2021 makes biodiversity net gain mandatory for all but small sites and some exemptions from an as-yet unconfirmed date in November 2023 and for small sites from April 2024. In recognition of that, in October 2019, the Council's Executive endorsed seeking a minimum of 10% biodiversity net gain through engagement with the planning process. PR8 Policy delivery requirements 8, 9, 10, 11, 18, 19, 20, 21, 29 and 37 indicate measures to be incorporated into the development scheme and are reflected below.

#### **Development principles:**

##### **Canalside Green Corridor character area**

The canalside green corridor is to incorporate the following green infrastructure typologies including (from the south to the north):

- Retained agricultural land, which is to incorporate new perimeter walking and cycling routes connecting with Yarnton Lane, the Oxford Canal towpath and the proposed new bridge over the canal towards site PR7b.
- Informal public parkland adjacent to the canal and opposite Kidlington football club serving residents of Kidlington, PR8 and PR7b. This new parkland is to be publicly accessible and have an emphasis on nature conservation, informal recreation and natural play with a network of new footpaths and cycleways. There is an opportunity to provide a small visitor

































facility, play space or information point serving both the parkland and Oxford Canal. Yarnton Lane which crosses the parkland may accommodate vehicle movements, in which case safe pedestrian crossing points are to be provided.

- Nature Conservation Area to the north of Sandy Lane and east of the railway line which is intended to have no public access but fenced perimeter pedestrian and cycling routes adjacent to the canal and along Sandy Lane. The perimeter fence should allow animal ingress and be surrounded by planting to minimise the visual impact. The nature conservation area is to be designed to support ground nesting birds and mitigate impact on the SSSI to the north as a result of the development.
- A publicly accessible Local Nature Reserve adjacent to the Rowel Brook in the northern part of the site which is to be designed to enhance the existing footpath network along the Brook and extend and connect existing habitats in this area. The SSSI adjacent to public rights of way is to be fenced and appropriate design measures are to be taken to prevent access around ponds/water vole habitat.

#### **General principles**

- A long term management and maintenance strategy for habitat and green infrastructure is required to ensure all these elements are well designed, delivered (and eventually managed) to a high standard; and to ensure that residents have lasting access to nearby high quality green space and natural areas.
- Other features such as information boards, seating and infrastructure associated with walking and cycling should be informed by the landscape. Lighting should also be low level and designed with ecological enhancement as the basis and clearly understood.
- Interaction with the canal corridor should allow for movement from the canal towpath at appropriate points but should retain and enhance landscaping and the character of the Conservation Area and the listed structures in this context.

6.0 Development Principles

-  Site Boundary
-  Site Boundary of adjoining sites
-  New local public green space/corridors (indicative location)
-  New central park
-  Informal public parkland
-  Local Nature Reserve
-  Nature Conservation Area (limited public access)
-  Revised Green Belt
-  Retained Agricultural Land
-  SSSI
-  NERC Act. 541
-  Priority Habitat Inventory
-  Broad-leaved semi-natural woodland
-  Retained hedgerows
-  Reinstated hedgerow
-  Tree considered to be of Veteran status
-  Tree considered to be of Transitional Veteran status
-  Other retained trees
-  Retained group of trees
-  Continuation of tree-lined avenue
-  Ditch retained and integrated into site drainage
-  Equipped play area (indicative location)
-  Parkland/visitor hub/play space
-  Indicative locations for allotments
-  Landscape design of noise attenuation
-  Soft edge between urban and landscape
-  Proposed A44 pedestrian/cycle crossing
-  National Cycle Route 5
-  Existing/improved PRow/cycle routes
-  Key new walking/cycling routes
-  Zone for potential rail halt
-  New pedestrian/cycle bridge over railway/canal

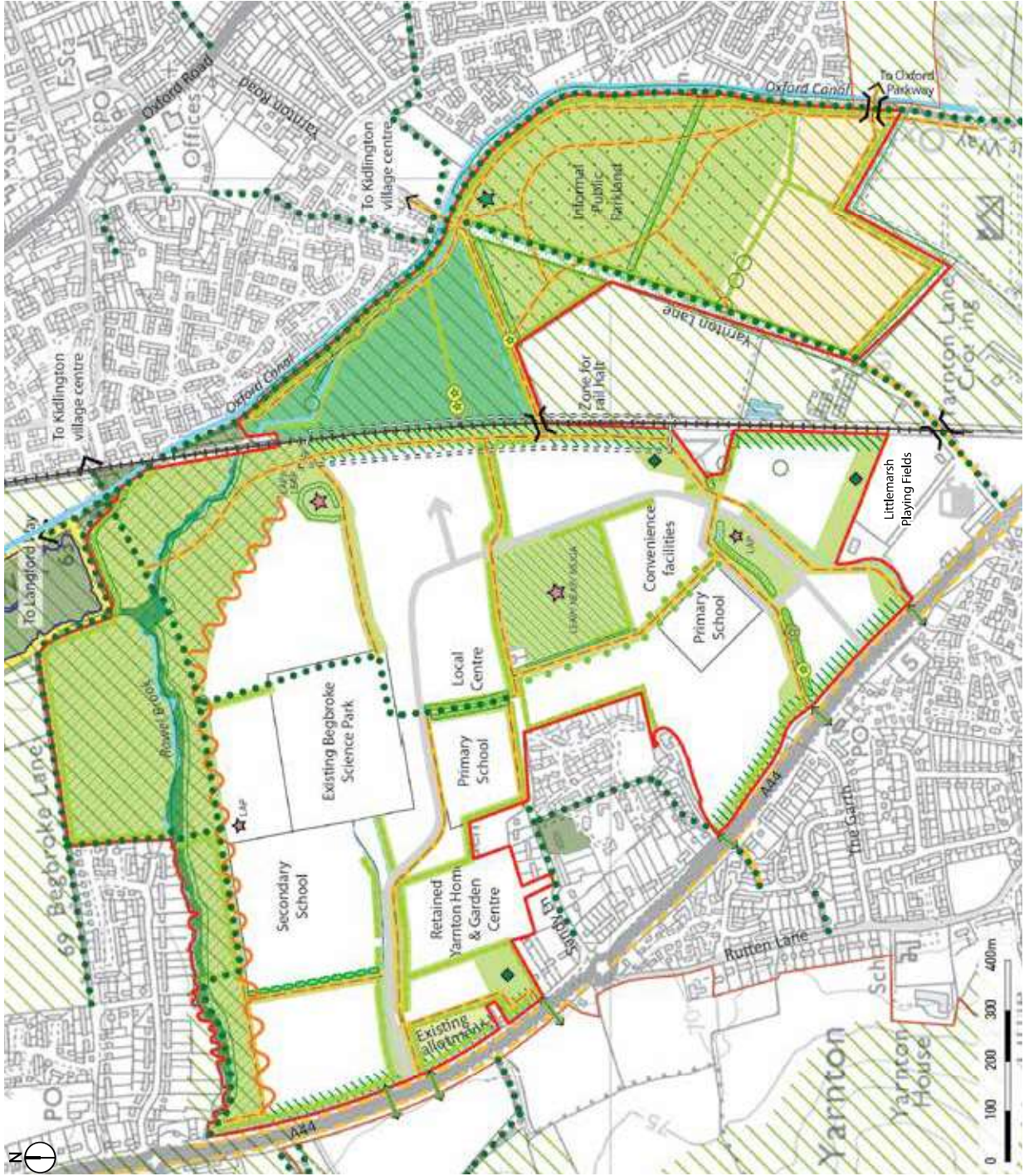


Figure 18: Green infrastructure

Canalside green corridor: character area location and precedent photos



Location plan



Green infrastructure precedents





### 6.5.2 Other green infrastructure features

#### Central Park

Through the landowner's masterplanning work, the former landfill site has been identified as an opportunity for a central park and formal space. The design and detail has not been formulated but is welcomed. Given the size and space available it would be beneficial to consider best practice and examples from around the UK and abroad to create a space which builds on its scale but also feels intimate, safe and usable.

The space presents an opportunity for features such as table tennis tables, adult gyms, a skate park, children and young people's play and meeting space, and a formal landscape for public art and exhibitions as well as information boards for events and community organisations.

There is an opportunity for commercial cafés or restaurants on or overlooking the space. The space should also include significant planting and shade as well as other areas for relaxation including aromatic and sensory gardens.

#### Community Gardens and Orchards

Areas within green infrastructure which can present a formal area for seating and reflection and also to promote edible landscapes and foraging. These spaces should be beneficial to both users and wildlife and should include the opportunity for shade as well as areas for relaxation including aromatic and sensory gardens.

#### Allotments

Community allotments totalling 1.8 hectares in size are to be incorporated within the allocated developable area. This is in addition to the retention or re-provision of the existing allotments fronting the A44. The design, location and character of the allotments are to be agreed with the Council and to be delivered in line with adopted standards. Proposals to relocate the existing allotments will require justification and should minimise the impact on existing users and residents of Begbroke and Yarnton.

Reference should be made to the principles of 21st Century Allotments in New Developments by the National Allotment Society.

*"A well-designed allotment site makes for a pleasant and sociable inclusion in a new development, without any need for screening/obscuring or seclusion on the periphery of the development site. Generally, the public do value allotment sites and their garden aesthetic as part and parcel of the character of a neighbourhood, along with the associated contribution to the natural world and interconnected networks of Green Space Infrastructure.*

*However, allotments designed into the outer spatial periphery of a new development can be vulnerable targets for intruders, vandalism and crime. This can affect social inclusion, as vulnerable users can be deterred from taking up plots and existing plot holders can be driven to quit. A site which is miles from the nearest houses and which can only be reached by car will increase carbon emissions and deter potential users without access to a vehicle."*

*By applying the spatial design principles of 'The 20 Minute Neighbourhood' and integrating allotments into the heart of the new development's built design, social inclusion and durability can be designed-in to ensure ongoing access for all and without increasing car use."*

#### Other features

- Local pocket parks and green spaces are to be created within the developed area across the site to provide space for informal recreation and relaxation, drainage features, play and to soften the urban character of the development. There is an opportunity for such a park to the south of the local centre, where green space provides a buffer to existing hedgerow and watercourse and could provide a play space close to the primary school.
- Existing individual and groups of veteran, transitional veteran, high and moderate quality trees are to be retained. Appropriate buffer zones are to be provided to avoid root damage and should be considered when planning sustainable drainage infrastructure.

- Existing intact species rich, and other hedgerows within the site will be retained as far as possible. When the need to cross them occurs, existing gaps will be used wherever possible. A grassland habitat buffer of minimum 5m is to be introduced on either side of the hedgerows, subject to hedgerow root protection area in compliance with BS5837.
- Individual native trees will be planted to form an avenue giving enclosure to the primary street, along the buffers to hedgerows, within public open spaces, site boundaries, as street trees on secondary streets and within private gardens. The overshadowing effect on gardens and windows from proposed trees should be minimised by planting small/medium native trees (i.e. Field Maple). Reference should be made to The Trees and Action Design Group's guidance 'Trees in the Townscape: A Guide for Decision Makers', 2021. Design of street trees requires collaboration of engineers, arboriculturalists and landscape architects in the earliest stages of the design process to achieve the desired effect.
- Street tree species and details of root protection and canopies in relation to adopted carriageways are to be agreed with OCC.
- Where front gardens or privacy strips are provided these are to be planted to maximise biodiversity gain. Tree and shrub planting should be incorporated into the design of the play area and any rear lanes and parking areas. For the health of the children, tree and shrub planting associated with play areas must not be spiny or thorny and be non-toxic.
- The scheme is to include provision of in-built bird and bat boxes, wildlife connectivity between gardens and the provision of designated green walls and roofs where viable. Refer to the Council's Biodiversity and the Built Environment report (2009) for recommendations on establishing wildlife habitat in buildings.



Community gardens and food growing

There should be no incongruity in the design layout of housing plots and public open space: the boundaries must not be blurred (plot boundaries should be defined by walls, fences and formal hedges or other clearly defined boundary treatment). Existing features such as retained hedgerows should have enough usable open space between the plot line and the hedgerow, with an intervening path or road to clearly define boundary ownership and minimise the possibility of illegal land encroachment in the future.

### 6.5.3 Play Space

In agreement with CDC, different types of equipped play areas are to be provided within the site in safe, accessible locations. Potential locations of public play spaces are shown on Figure 18, but alternative locations would be considered.

#### **Development principles:**

Play spaces are to be provided within the PR8 site in line with the following design requirements:

- **Two Local Area for Play (LAP)** for 2 to 6-year old children potentially located within small pocket parks within development blocks:
  - Minimum 100 sq. m (10m x 10m) equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 6. The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.
  - A minimum of 3 individual items of play equipment of an urban character suitable for a range of play experiences and/or single multi-functional play units.
  - The equipped activity zone should be located a minimum of 5m from the nearest dwelling boundary. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
  - Seating, landscaping to provide shade and appropriate lighting should be provided. Litter bins and dog bins would also be appropriate.

- **One combined LAP and Local Equipped Area for Play (LEAP) to be** provided for 2 to 8-year old children, potentially located in the northern part of the site:
  - Minimum 500 sq. m equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 8. The size of the equipped activity zone should be a minimum of 10m x 10m in respect of the LAP element and 20m x 20m in respect of the LEAP element. The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.

- A minimum of 8 individual items of play equipment for a range of different play experiences and/or a number of multi-functional play units, depending on the design layout of the play space.
- The equipped activity zone within the landscaped area should be located a minimum of 10 m from the nearest dwelling boundary and 20m from the nearest habitable room façade. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
- **One combined LEAP, Neighbourhood Equipped Area for Play (NEAP) and Multi-use Games Area (MUGA)** for 4 to 16-year-old children, potentially located in the new central park:
  - Minimum 2400 sq. m equipped activity zone comprising an area of play equipment and structures, and a hard-surfaced area of at least 465 sq. m, set within a landscaped area designed to provide a safe area for alternative play for children aged 4 to 16. The size of the equipped activity zone should be a minimum of 20m x 20m in respect of the LEAP element, 31.6m x 31.6m in respect of the NEAP element and 40m x 25m in respect of the MUGA element.

- The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.
- A minimum of 13 individual items of play equipment for a range of different play experiences and/or single multi-functional play units. The design should incorporate both urban and natural elements.
- The equipped activity zone within the landscaped area should be located a minimum of 10 m from the nearest dwelling boundary and 20m from the nearest habitable room façade in respect of the LEAP element and a minimum of 30m from the nearest dwelling boundary in respect of the NEAP and MUGA elements. The landscaped area around the equipped activity zone could be used to incorporate this buffer.
- Play areas are to be well overlooked. They should be located within the 400m walking distance of all new homes within the development and close to pedestrian and cycling routes.
- In respect of Health and Safety, public play space and play equipment are to be designed to the most current safest, standards possible, to minimise the risks for children. Refer to Play Safety Forum: Managing Risk in Play and RoSPA.
- The location and design of play areas is to consider the risks to children's safety in relation to any areas of water including features forming part of the SuDS system (see 6.5).
- All play surfaces, gate openings are to be accessible for disabled children, parents and carers with limited mobility. Each public play space should accommodate play equipment specifically designed for disabled children.
- Play areas are to be constructed from robust and durable materials to last into the future. Full construction details are required for planning approval under reserved matters. Valid suppliers' guarantees for play equipment, furniture and safer surfaces should be provided.



- There are to be no underground or above ground utilities within play areas given the potential disruption to children's physical and social development when a play area has to be closed for essential maintenance and refurbishment of such utilities.
- The public play space locations are not to be used for constructor's compounds, contractor parking, or storage of building materials. This is to prevent the contamination and compaction of topsoil and subsoil, resulting in a health risk for children.

#### 6.5.4 Blue Infrastructure

In addition to Rowel Brook, which runs in the northern part of the site, there are a number of minor existing watercourses, ditches and surface water flow routes located on the site which are to be retained and incorporated into overall drainage strategy.

#### **Development principles:**

- A minimum of 3m landscape buffer is to be provided on either side of the existing watercourses and ditches. The buffer should be publicly accessible open space to ensure continued maintenance and access.
- Existing and retained drainage features are to be designed as an integral element of public open spaces and streets, creating environments for informal recreation and habitat creation.
- Sustainable Drainage Systems (SuDS) within the development site will be carefully designed in line with the principles provided in CIRCA SuDS Manual (C753), the Chervell Residential Design Guide section 4.7 and the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (2018). Open drainage systems including ponds and swales should be used wherever possible, rather than crates, with SuDS features incorporated throughout the site, rather than relying on strategic ponds. The location for drainage features is to be assessed in a site wide drainage strategy and to be agreed in detail with Oxfordshire County Council Drainage Team.

- On-surface stormwater storage on school sites can present significant health and safety and management risks and attenuation/tank storage is no longer acceptable due to long term sustainability. Therefore, on-surface attenuation provision that account for the outfalls from school sites shall be provided external to any school sites. This on-surface water storage shall form part of the overall surface water management infrastructure and shall fall under the responsibility of the appointed Management and Maintenance Company to maintain in perpetuity. This will increase sustainability and maximise environment gain through water resources, biodiversity, landscape, education functionality and amenity, as well as reduce overall capita and maintenance liability.
- Groundworks associated with drainage must avoid damage to existing trees and hedgerows and their root protection zones.
- Any water to be discharged into the canal as part of the site drainage strategy will require agreement from the Canal and River Trust.

#### 6.5.5 Definition and Treatment of Green Belt Boundary

The site will be developed in a way that respects its edge of Green Belt location and does not harm the Green Belt's visual amenities.

The new Green Belt boundary will be clearly defined within the site by the railway line, and the edge of the built-up area adjacent to the Rowel Brook local nature reserve.

**Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision- Outdoor Recreation
- Policy ESD 3: Sustainable Construction
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 11: Conservation Target Areas
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 14: Oxford Green Belt
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure

**Cherwell Local Plan 2011-2031 – Partial Review (adopted September 2020)**

- Policy PR3: The Oxford Green Belt
- Policy PR5: Green Infrastructure
- Policy PR8 – Land east of the A44

**Cherwell Residential Design Guide SPD (adopted 16 July 2018)**

- Chapter 4: Establishing the Structuring Principles
- Chapter 5: Streets and Spaces
- Chapter 8: Innovation and Sustainability



Landscaped attenuation basin

## 6.6 Community infrastructure

In line with Policy PR8 the development is to provide a local centre on 1ha of land and three schools:

- a two form entry primary school on 2.2ha of land
- a three form entry primary school on 3.2 ha of land
- a secondary school on 8.2 ha of land incorporating a 4 court sports hall

The exact size of the required school sites is to be agreed with OCC with consideration of the site constraints and topography and the timing will need to be agreed as part of the development delivery.

Policy PR8 requires shared community use of the school sports hall. Through the development brief process, it has been agreed that a community access agreement could alternatively be provided by a financial contribution based upon CDC adopted SPD standards to support the delivery of formal indoor sport on the site or in an appropriate location if use of the school sports hall was not appropriate for management reasons. However, such access is commonplace nationally and exceptional circumstances would need to be demonstrated as to why the development cannot be co-located and community access cannot be secured.

In addition, the size of the development is large enough to justify a standalone community hall on site. Ideally this would be located within (or close to) the local centre.

### 6.6.1 Schools

The location of the schools as shown on the PR8 policy map has been reviewed by OCC during the development brief process and a revised indicative location is presented in Figure 12. The size, shape and location of the proposed school sites is indicative and will be subject to further detailed assessment as part of the planning application process, and agreement through S106, and should reflect land equalisation terms/values as agreed between the promoters for ensuring successful and timely delivery of the facilities on site.

To ensure that the school sites are in the optimal location and layout for satisfactory education provision, the design shall comply with the following OCC design requirements, processes, interrogations and checklists as described within the following OCC documents:

- Information and process required to assess the suitability of a school site
- Design criteria for Primary school sites or Design criteria for Secondary school sites
- Education checklist
- Draft drop-off standards at new primary schools

The need for two primary schools on PR8 is maintained in line with Policy PR8, until such time as there is the evidence that one new primary school on PR8 (the three form entry) plus the expansion of William Fletcher Primary School on site PR9 would suffice to meet population needs and that all the necessary approvals are in place for the expansion of William Fletcher Primary School. If it is shown that only one school is required the land released would be suitable for residential development.

#### **Design principles:**

- The layout and size of the school sites is to be guided by OCC with school classrooms facing due north and south in line with OCC guidance, and accommodating outdoor learning space. Any relocation or change in shape and/or dimensions of the school sites will require a proving layout, undertaken by OCC, to verify the change.
- The schools are to be located in a less steep part of the site. It is likely that some adjustment of levels will be required to meet maximum gradients for vehicular and pedestrian accesses of 1:21 from the adopted highway to the school boundary and appropriate internal site levels. Where level adjustment needs to take place, it shall take place outside of the school site and where that is not possible additional area shall be added to the school site. Level changes within the site will only be accepted where they do not create a

'ditch' along the boundary or generate sunken or raised access routes across the school site. All levels shall facilitate level access across the site that shall not discriminate against any pupil such that they are able to take the same route, whatever their disability, as their friends.

- All levels shall facilitate level access across the site that shall not discriminate against any pupil such that they are able to take the same route, whatever their disability, as their friends.
- The school playing fields area, based on BB103, shall have the appropriate gradients, no steeper than 1:100 along the line of play and 1:50 across. N.B. the line of play shall be approximately north/south in line with best practice. The remaining site area shall be a level plateau.
- The maximum noise level allowed for the school site is 50dB LAeq at the school boundary. When locating the school sites, it will need to be demonstrated that the noise levels, once housing and other acoustic mitigation factors are taken into account, meet the required noise level standard.
- Vehicle access including coach access, and parking is to be provided in line with OCC guidance (indicative access points are shown on Figure 15).
- The school sites are to have easy access from east-west and north south walking and cycling routes including Sandy Lane and the north-south route.
- The boundaries of the school sites are to be designed in keeping with the surrounding public realm of the character area in which they are located.
- The northern primary school is to be designed as an element of the local centre.
- Pupil drop off parking should be provided within the local centre as although walking and cycling are preferred it is recognised that, for a variety of reasons, for some parents driving to or from school may be the only option.
- Adjacent building shall be of a height and location such that they do not shade the school sites.

### 6.6.2 Local centre

The local centre is to be positioned in an accessible location, linked to other facilities such as the schools. Policy PR8 identifies a preferred location for the local centre in the centre of the southern part of the site occupying around 1ha of land, on the basis that the proposed local centre will need to provide for the neighbouring villages as well as the future occupiers of all parts of the development.

Through the development brief process, it has been proposed that local centre is located further north, to the south of the Science Park and adjacent to the 3 form entry primary school.

A smaller cluster of convenience facilities will be provided in the southern, central part of the site. The existing Yarnton Home and Garden centre may be retained providing further small scale facilities in the north of the site, particularly within the early phases of development.

#### **Development principles:**

- The local centre will form a social focus for the neighbourhood providing a mix of small scale community, business and retail uses. As set out in Policy PR8 the Local Centre shall include provision for:
  - local convenience retailing (use class E - no more than 500 square metres net floorspace and no less than 350 square metres)
  - ancillary business development (use class E) and/or financial and professional uses (use class E);
  - a café or restaurant (use class E);
  - the provision of a community building to required standards providing the opportunity for social and childcare facilities,
  - the opportunity for required health facilities
  - Pupil drop off parking



- The local centre is to be highly accessible, located close to the primary street adjacent to a bus stop, and at the junction of north south and east-west pedestrian and cycling routes. Development is to be of the highest quality with the opportunity to provide a landmark/nodal development.
- It is to be designed in conjunction with the primary school and proposed public square and well connected to the central park to the south, the Science Park and listed building to the north, to create a cohesive focal point for the development.
- Buildings are to be set within high quality public realm, fronting a public square supporting spill out activities and community events. The relationship of the square and local centre to the primary street requires careful consideration to create a pedestrian focused space.
- Discussions should occur, for example on a library drop off facility and/or medical outreach location (i.e. doctor or dentist) and location for social services functions in the community. Meeting rooms for parish councils and residents groups and flexible work hubs should be considered.
- The Local Centre should also be the information and sales centre for the wider development, lessening the need for temporary show homes and other such activity which generate a carbon footprint.

#### **Meeting places in the Local Centre**

The Local Centre should consider both indoor (e.g. a winter garden) and outdoor meeting places and space that is capable of being used and attractive throughout the year and irrespective of the weather. The centre could also include event/meeting space for seasonable markets, a community Christmas tree and remembrance memorial, for example.

Play space should be incorporated into the public spaces of the local centre itself and should be non-specific but cater for a range of ages (including, for example, adult gyms and youth activity such as a landscape designed for skateboard interest and being durable to accommodate such activity)

E-bike and E-scooter hire and charging locations together with public art and science park displays should also be included.



#### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

Policy BSC 7: Meeting Education Needs

#### **Cherwell Local Plan 2011-2031- Partial Review (adopted 7 September 2020)**

Policy PR5: Green Infrastructure

Policy PR8 – Land east of the A44

#### **Reference should also be made to:**

Oxfordshire County Council design criteria for schools:

- Information and process required to assess the suitability of a school site
- Design criteria for Primary school sites
- Education site checklist

### 6.7 Heritage and archaeology

The site is located to the south east of Begbroke Conservation Area and to the west of the Oxford Canal Conservation Area. The principal built heritage assets are the former Jacobean farmhouse, Begbroke Hill Farmhouse and its associated walled garden which is Grade II listed and form part of Begbroke Science Park, and the listed bridges to the canal (Bridges 227 Buller's Bridge and 228 Yarnton Lane Bridge). There are a number of other heritage assets in the surroundings of the site (refer to section 4.0). The site is located in an area of considerable archaeological interest with a number of sites recorded with cropmarks including later prehistoric settlement sites and Bronze Age barrows.

Planning applications for development on the site will need to include an archaeological desk-based assessment and appropriate mitigation strategy. A programme of archaeological evaluation ahead of the determination of planning application will be required.

#### **Development principles:**

- The canal-side green corridor and eastern development parcels are to be designed sensitively in response to the setting of the Oxford Canal Conservation Area and consideration of potential visual impact.
- The Jacobean farmhouse and the walled garden are significant features which are well formed and would need to be understood fully in the development of the masterplan. The opportunity to create meeting places which utilise the character of the existing farmhouse would be an opportunity. The current setting is formed to the south by low walls and limited built infrastructure alongside mature planting. This would need careful attention with limited new infrastructure introduced in this location.

- In particular, the design of the primary access road, local centre and primary school to the south of Begbroke Science Park are to be designed sensitively in response to the setting of the farmhouse including retention and extension of the existing tree-lined cycling and walking route leading to the farmhouse and the creation of a high quality public square.
- The design in the southern part of the site is to be sensitive to the setting of the Grade II listed Tudor Cottage outside the site.
- Any proposals for the Jacobean farmhouse are likely to need full planning and listed building consent but an outline planning permission should set out broad feasibility and principles of how the farmhouse will be integrated into the development and define and consider the setting of other listed buildings and structures which will be impacted upon by the development.

#### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

Policy ESD 15: The Character of the Built and Historic Environment  
Policy ESD 17: Green Infrastructure

#### **Saved policies contained in the Cherwell Local Plan 1996**

C23: Retention of features contributing to character or appearance of a conservation area

#### **Cherwell Local Plan 2011-2031 – Partial Review (Adopted September 2020)**

Policy PR8 – Land east of the A44

#### **Reference should also be made to:**

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), Historic England 2017

## 6.8 Utilities and Infrastructure

In addition to the movement and blue/green infrastructure requirements set out in earlier sections, design principles for utilities and infrastructure are as follows:

### **Development principles:**

- A coordinated approach to utilities planning should ensure that utilities are provided from the outset and integrated into utilities corridors. The street layout is to be organised to minimise utilities diversions wherever possible.
- The existing power lines are to be appropriately reflected in the site layout or rerouted in agreement with utilities providers. Particular attention will be required in relation to power lines in proximity of the proposed schools where there is a requirement for them not to cross school sites and for no high voltage overhead cables to be located within 200m of any school site.
- The site is crossed by Thames Water utility lines. Thames Water must be consulted on the width of corridor they require to be reserved for future access and on the future use of the reserved corridor.
- Potential noise pollution arising from the A44 and railway line should be mitigated by following the principles of good acoustic design. For example, it is assumed that houses at the site boundaries should face onto the source of the noise to shield gardens and provide mitigation to the rest of the development site.

General requirements for infrastructure provision are set out in the LPPR Infrastructure Schedule (Appendix 4).

### **Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**

Policy BSC 9: Public Services and Utilities  
Policy INF 1: Infrastructure

### **Cherwell Local Plan 2011-2031 – Partial Review (Adopted September 2020)**

Policy PR8 – Land east of the A44  
Policy PR11 – Infrastructure Delivery

### **Cherwell Residential Design Guide SPD (adopted 16 July 2018)**

Chapter 5: Streets and Spaces

## 7.0 Delivery and Monitoring

### 7.1 Information to Accompany Planning Applications

In accordance with Policy PR8 a single comprehensive, outline scheme shall be approved for the entire site.

The check list below provides an indication of documents required at application stage. It is recommended that pre-application discussions are undertaken with Cherwell District Council prior to the submission of planning applications to agree the scope of the documentation to be provided.

- Delivery and Phasing Plan
- Planning Statement
- Housing Mix and Affordable Housing Provision
- Design and Access Statement
- Topographical Surveys
- Masterplan and Parameter Plans
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Transport Assessment and Framework Travel Plan
- Parking Principles (where not covered in the Brief)
- Public right of way assessment and improvement statement
- Flood Risk Assessment and Drainage Assessment (foul and surface water drainage) including Water Infrastructure Capacity
- Air Quality Assessment and Low Emission Strategy
- Contamination Assessment
- Noise and Vibration Assessment
- Archaeological Surveys and Strategy
- Heritage Impact Assessment
- Heritage Assessment
- Construction Implementation
- Construction and Environmental Management Plan
- Construction Traffic Management Plan
- Ecological surveys and Biodiversity Impact Assessment (including a Habitat Suitability Index)
- Biodiversity Improvement and Management Plan
- Landscape and Ecological Management Plan
- Energy Strategy / Sustainability Principles and Sustainable Construction Strategy
- Employment, Skills and Training Plan
- Health Impact Assessment (see Oxfordshire Health Impact Assessment Toolkit, 2021: <https://futureoxfordshirepartnership.org/wp-content/uploads/2021/01/210126-Oxon-HIA-Toolkit-FINAL.pdf>)
- Community Involvement Statement
- Management Plan for the appropriate re-use and improvement of soils
- Services and Utilities
- Management and Maintenance Strategy for all Public Open Space
- S106 Draft Heads of Terms
- Youth and Play Strategy
- Movement Strategy
- Public Art Strategy

A Scoping Opinion was issued by CDC in July 2021 in relation to the requirement for Environmental Impact Assessment (CDC Ref:21/01635/SCOP). As a result, an Environmental Impact Assessment is to be prepared which takes into consideration the matters which have been 'scoped in'.

Any detailed planning applications or reserved matters applications should also include:

- Environmental Statement compliance statement
- Design Code/Development Brief compliance statement
- Materials Schedule
- Boundary Treatment Plan
- Landscape Strategy including Soft and Hard Landscape Plans
- Parking Strategy
- Services and Utilities Plan
- Waste and Recycling Plan including bin storage and bin collection points
- Heritage Statement (where appropriate)

The use of conditions to secure this additional detail will not generally be supported by the local planning authority.

## 7.2 Securing comprehensive development

It is essential that the site is developed in a comprehensive manner to deliver the site-specific requirements in Policy PR8 and support the wider aims of the LPPR spatial strategy.

Where land, services or infrastructure within the site is designed to serve wider Cherwell Local Plan Partial Review developments, planning applications will demonstrate how this can be co-ordinated and delivered effectively through site masterplanning and S106 agreements.

Any infrastructure links or open space networks that are common to more than one Cherwell Local Plan Partial Review development site will be either constructed to the site boundary or in such a way as to facilitate connection, where required, between development sites with access to residents/public provided so as to avoid a 'ransom' position being established which prejudices the effective delivery of this common infrastructure and/or its long-term community benefit.

The development brief's site-specific vision, development principles and 'parameter plans' have been prepared to ensure a comprehensive development in compliance with Plan policies.

In line with Policy PR8 a single comprehensive, outline scheme is to be approved for the entire site supported by a Delivery Plan across the multiple planning applications which the Council expects to be submitted.

The Delivery and Phasing Plan accompanying the planning application(s) is expected to demonstrate how the implementation and phasing of the development shall be secured comprehensively and how individual development parcels, including the provision of supporting infrastructure, will be delivered.

Obligations are to be secured via a planning agreement, entered into under section 106 of the Town and Country Planning Act 1990. Consistent with national planning policy and practice guidance and the Cherwell Developer Contributions SPD (February 2018), the allocation of S106 costs required to serve the development is to be agreed with the applicant to secure appropriate financial contributions and/or in-kind works under a direct delivery obligation. Subject to statutory tests, these shall provide for "on site" and/or "offsite" facilities and infrastructure as required.

In preparing a draft Head of Terms, it is recommended that applicants should have regard to matters including the LPPR Infrastructure schedule Where facilities and infrastructure are required to be provided on land outside the site, these are to be secured by way of proportionate planning obligations and/or through the pooling of contributions as appropriate, in accordance with the Community Infrastructure Levy Regulations 2010, as amended.

It is recommended that pre-application discussions are undertaken with Cherwell District Council ahead of submitting the draft Head of Terms for developer contributions. In preparing a draft Head of Terms, it is recommended that proposals have regard to matters including the LPPR Infrastructure schedule and should consider in discussions with infrastructure providers whether infrastructure issues will require the phasing of development to ensure that necessary services, facilities or apparatus are provided in advance if needed

Further guidance is contained in the Cherwell Developer Contributions SPD (February 2018).

### 7.3 Monitoring

Monitoring will be undertaken in accordance with Policy PR13 –Monitoring and Securing Delivery. The delivery of LPPR proposals will be monitored through the Council's Annual Monitoring Report process.

**Cherwell Local Plan 2011-2031 (adopted 20 July 2015)**  
Policy INF 1: Infrastructure

**Cherwell Local Plan 2011-2031 – Partial Review (adopted September 2020)**  
Policy PR8 – Land east of the A44  
Policy PR11 – Infrastructure Delivery  
PR12a-Delivering Sites and Maintaining Housing Supply  
Policy PR13 – Monitoring and Securing Delivery  
Appendix 3 – Housing Trajectory

**Cherwell Developer Contributions SPD (adopted February 2018)**

# Appendix A: Relevant Development Plan Policies & Supplementary Planning Documents

## **Cherwell Local Plan 2011-2031 (Part 1) Partial Review, the “LPPR”:**

- PR1 – Achieving Sustainable Development for Oxford’s Needs
- PR2 – Housing Mix, Tenure and Size
- PR3 – The Oxford Green Belt
- PR4a – Sustainable Transport
- PR4b – Kidlington Centre
- PR5 – Green Infrastructure
- Policy PR8 – Land east of the A44
- PR11 – Infrastructure Delivery
- PR12a – Delivering Sites and Maintaining Housing Supply
- PR12b – Sites Not Allocated in the Partial Review
- PR13 – Monitoring and Securing Delivery

## **Cherwell Local Plan 2011-2031 “The 2015 Plan”:**

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 - Improved Transport and Connections
- BSC2 – The Effective and Efficient Use of Land, Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix Policy
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD9 – Protection of Oxford Meadows SAC
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 – Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- INF1 - Infrastructure

**Adopted Cherwell Local Plan 1996**

- GB2 - Change of use of land within the Green Belt
- TR1 - Transportation Funding
- TR11 – Oxford Canal
- TR22 - Roads
- C5 – Ecological Value of Features
- C14 – Trees and Landscaping
- C18 – Development proposals affecting a listed building
- C21 – Re-Use of Listed Buildings
- C23 – Conservation Areas
- C25 – Scheduled Ancient Monument
- C28 – Design Quality
- C29 – Design and The Oxford Canal
- C30 – Design Control
- C31 - Amenity
- C32 – Disabled Access
- ENV1 – Environmental Pollution
- ENV10 – Hazardous Installations
- ENV12 – Contaminated Land

**Adopted SPD**

- Cherwell Residential Design Guide (July 2018)
- Developer Contributions (February 2018)
- Kidlington Masterplan (December 2016)



This page intentionally left blank

# Alan Baxter

Prepared by Gina Simonavice and Clare Coats

Reviewed by Clare Coats

Draft issued August 2023

T:\1187-201\12 DTP Data\2019-04 Development briefs\PR 8\1187-201\_Development Brief PR 8 Rev G.indd

This document is for the sole use of the person or organisation for whom it has been prepared under the terms of an invitation or appointment by such person or organisation. Unless and to the extent allowed for under the terms of such invitation or appointment this document should not be copied or used or relied upon in whole or in part by third parties for any purpose whatsoever. If this document has been issued as a report under the terms of an appointment by such person or organisation, it is valid only at the time of its production. Alan Baxter Ltd does not accept liability for any loss or damage arising from unauthorised use of this document.

If this document has been issued as a 'draft', it is issued solely for the purpose of client and/or team comment and must not be used for any other purpose without the written permission of Alan Baxter Ltd.

**Alan Baxter Ltd** is a limited company registered in England and Wales, number 06600598.

Registered office: 75 Cowcross Street, London, EC1M 6EL.

© **Copyright** subsists in this document.



75 Cowcross Street  
London EC1M 6EL  
tel 020 7250 1555  
email [aba@alanbaxter.co.uk](mailto:aba@alanbaxter.co.uk)  
web [alanbaxter.co.uk](http://alanbaxter.co.uk)

Appendix 2 - Comments raised in consultation on PR8

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>Maya Ellis</p>	<p>I have noted that the above development shows a cycle route running through Gravel Pits Lane.                      This lane is private in part and not suitable for cyclists. There is a pedestrian right of way only but lane is not suitable for cyclists or the density of pedestrians as a “primary” route as part of this development.                      Gravel Pits Lane, is a mix of gravel and dirt for at least 50% of the track. The gravel track is not wide enough to have pedestrian segregation, and in parts is so narrow pedestrians can’t pass each.                      Gravel Pits Lane is PRIVATE not adopted and not suitable for heavy pedestrian access or Cyclists.</p>	<p>The intention is that it would be made suitable for cycling</p>	<p>No change</p>
<p>Penny McCarthy</p>	<p>This will completely change the character of this village which is currently a rural location surrounded by green belt land. The whole point of identifying areas as ‘green belt’ is to protect areas of countryside and the habitats that this provides for wildlife. Prolific building in this area, as outlined in the plan, will change this area forever. We moved here 22 years ago because of the rural location and this is set to change if this building work goes ahead. It will become another faceless suburb of Oxford.</p>	<p>This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief.</p>	<p>No change</p>
<p>Penny McCarthy</p>	<p>Closing Sandy Lane at the rail crossing will cut off essential facilities to residents who use this route to access facilities in Kidlington on a daily basis.</p>	<p>Whether or not Sandy Lane closes is outside of the scope of the Development Brief</p>	<p>No change</p>
<p>Penny McCarthy</p>	<p>Wildlife habitats will be seriously impacted through the building of this development including badgers, newts and bats.</p>	<p>This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief. Ecological impacts can be mitigated and this will be addressed in the decision on planning applications</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Penny McCarthy	<p>Infrastructures are not adequate to cope with the amount of traffic this amount of housing will produce. The A44 is already hugely congested each day making access to Oxford challenging each morning. More housing will inevitably result in more people wanting to travel into Oxford to work and the roads simply cannot take the increased amount of traffic this will produce.</p>	<p>This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief.</p>	<p>No change</p>
<p>Alan Curtis</p>	<p>Sandy Lane crossings must be kept open! Not everyone can walk or cycle from Yarnton to Kidlington and back. You are discriminating against the elderly and disabled. The extra distance to travel by car, onto already congested routes is not environmentally friendly. Please do not bring Oxford Low Traffic Neighbourhood schemes to us!! Please rethink these silly anti car proposals.</p>	<p>Whether or not Sandy Lane closes is outside of the scope of the Development Brief</p>	<p>No change</p>
Historic England	no objections or comment	Noted	No change
Canal and River Trust	<p>The canal should be considered not as an edge to the site but an integral part of the site which brings unique opportunities to it. The benefits of being located by water should be fully exploited and the towpath seen as a multi-functional green infrastructure asset which leads much further afield, brings sustainable transport, active travel and health and well- being opportunities as well as a multitude of other benefits to not only PR8 but to the existing communities.</p>	Noted	No change
Canal and River Trust	<p>It is likely that the towpath will require improvement to the north, particularly as a result of the other proposed development locations and a proportionate contribution should be sought from any allocation in close proximity to it.</p>	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Canal and River Trust	<p>During lockdown we have recorded increases in use of towpaths in similar areas of up to 600% and this is only likely to continue, particularly where the towpath can provide a pleasant off road commuter route right into the heart of the city. Realistically, residents are likely to use the towpath as a commuting route or for recreational purposes and this is welcomed by the Trust provided that the towpath is suitable for the additional usage, both in terms of surfacing and width. This additional use is likely to take place anywhere between Oxford City Centre (for commuting) and north, perhaps as far as Langford Lane and beyond for commuting, recreation and health and well-being.</p>	Noted	No change
<p style="text-align: center;">Page 375</p> Canal and River Trust	<p>We note that the Design Brief mentions a new public walking and cycling route is to be provided along the Oxford Canal, either through enhancements to the existing towpath or provision of an adjacent new route while retaining the existing canalside hedgerow. This should also extend northwards towards Langford Lane. P43 Access south towards Oxford City Centre on a new walking and cycling route adjacent to the Oxford Canal or on improved sections of canal towpath is also mentioned.</p>	<p>Land extending north towards Langford Lane lies outside the PR8 site and therefore outside the scope of the Development Brief. That said, page 48 notes: "This should also extend northwards towards Langford Lane."</p>	No change
Canal and River Trust	<p>We question the need to provide an adjacent new route, when an improved existing towpath may be acceptable. Further discussions are needed to understand the council thoughts on this matter.</p>	<p>Page 48 notes that this will be "either through enhancements to the existing towpath or provision of an adjacent new route while retaining the existing canalside hedgerow."</p>	No change
Canal and River Trust	<p>We have published a design guide for towpaths, here but each stretch really needs individual design based on the width available, likely volume of use and need for bank protection and the area. The surfacing will alter dependant on whether the path is urban or rural in nature. The towpath may require widening and bank stabilisation to allow a suitable width.</p>	Noted (but see above)	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Canal and River Trust	It is noted that the development must provide a new elegant pedestrian /cycle /wheelchair accessible bridge over the canal, and although it is understood that detailed discussions have not yet commenced with the Trust it is noted that the brief signposts the need for engagement on the design and location on the bridge.	Noted	No change
Canal and River Trust	It should be made clear that the Trust are not obliged to accept a new bridge over the canal regardless of any requirement in the Local Plan or a development brief. However, we will work with the council and others to facilitate it if a suitable design and location can be agreed and if it has no adverse impact on the navigational use of the canal. It is for the council to determine which development sites should make a contribution towards the cost of provision and maintenance of the bridge but as the bridge is not required for navigation purposes, the Trust will not pay for or maintain it. The Trust will not take ownership or maintenance responsibility for the new bridge, and we would expect that it be adopted by the Highway Authority to ensure it does not become a long-term liability.	Noted. It is of course the course that planning decisions do not supersede other legislative requirements or land ownership. It is hoped that a suitable design will be agreed with the CRT. The CRT's comments in relation to the ownership and maintenance of the bridge are noted.	No change
Canal and River Trust	It must be noted that the precise location of any bridge has not yet been agreed by the Trust, despite it being shown in the brief and earlier application.	Noted	No change



Commenter	Comment	CDC officer response	Edit needed to Development Brief
Canal and River Trust	<p>We are pleased to note that the development brief makes it clear that the Trust will want full involvement. We further request that a reference is made to our Code of Practice for works affecting the Trust, which can be found here although this may only be relevant to the design and location of the proposed bridge and its interaction with a new path along the eastern side of the canal. This should prevent multiple requests from different developers requiring detailed guidance on such a complex issue without some kind of cost undertaking to cover the provision of our advice. We will of course comment on anything that comes forward as a planning application but would hope that all these matters would be dealt with before a detailed application is submitted.</p>	Noted - see below	No change
Canal and River Trust	<p>It is suggested that an assessment of the compliance of the proposed bridge location of the bridge and towpath improvement details with our guidance document is included in the list of required supporting documents in Section 7.</p>	This is noted and a suitable change will be made to Section 7	Amend the text of Section 7 accordingly
Canal and River Trust	<p>Ecological enhancement  We welcome mention of enhancements for Otter, Water Vole and Great Crested habitats and links within the site and to adjacent areas of habitat including the Lower Cherwell Conservation Target Area and the Meadows West of the Oxford Canal Local Wildlife Site to create a network. We also support mention of measures to minimise light spillage and noise levels and the maintenance of a dark canal corridor.</p>	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Canal and River Trust	Sport and Recreation - Finally, there is no mention of the need to consider the creation of water-based sport facilities such as angler platforms and launch locations for paddleboarding and canoeing which could be provided in conjunction with the new path to the east of the canal. Carparking to facilitate access to such facilities would also be beneficial.	This lies outside of the scope of the Development Brief	No change
BBOW	We believe the scale of development proposed should be matched by large-scale habitat restoration and enhancement. We are greatly concerned as to the impacts of this development on wildlife. If the Council is nevertheless minded to proceed with the allocation of this site for development then there are a number of aspects which will need to be required of developers to minimise the impact on wildlife.	This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief.	No change
BBOWT	We would expect that wildlife-rich areas will be protected within developments, during construction, and afterwards, during occupation. This will require long-term monitoring, and sensitive management to a plan, with developer-funded oversight.	This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief. Ecological impacts can be mitigated and this will be addressed in the decision on planning applications	No change
BBOWT	We welcome the intention to retain “existing individual and groups of veteran, transitional veteran, high and moderate quality trees” and “existing intact species rich, and other hedgerows”, and the requirement to follow best practice measures (for example, as set out in 'BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations') during construction and the requirement for a grassland habitat buffer of minimum 5 m on either side of the hedgerows (6.5.2 p55/56).	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOWT	<p>BBOWT would expect any planning application to be judged robustly against the biodiversity and green space elements of the 'Cherwell Local Plan 2011 – 2031 (Part1) Partial Review – Oxford’s Unmet Housing Need (Sept 2020)' and the National Planning Policy Framework (NPPF) with reference in particular to the protection of:</p> <ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest (SSSIs)</li> <li>• District Wildlife Sites (DWS) and proposed DWS</li> <li>• Ancient woodland and other irreplaceable habitats</li> <li>• Priority habitat (under Section 41 of the NERC Act)</li> <li>• Legally protected and notable species Priority species (under Section 41 of the NERC Act)</li> <li>• Wild bird habitat (as covered under paragraph 9A “Duties in relation to wild bird habitat” of the Conservation of Habitats and Species (Amendment) Regulations 2012)</li> <li>• Lower Cherwell Valley CTA</li> <li>• Oxford Canal Conservation Area</li> </ul>	Noted	No change
BBOWT	<p>The impact on protected species, designated sites and any Species and Habitats of Principal Importance for Conservation in England (as listed under Section 41 of NERC Act (2006)) that may be affected will need to be assessed in relation to any planning applications on these sites. A full suite of habitat and species surveys should be carried out. The species surveys should address priority and notable species in addition to protected species. Surveys should include breeding bird surveys and, on the arable land, surveys for arable plants.</p>	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOWT	Rushy Meadows: Any proposed development must therefore demonstrate that there will be no adverse effect on the SSSI or that the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest	Noted	No change
BBOWT	Compensation for impact on farmland and other birds: The site will provide habitat for a range of breeding and wintering birds, some of which can be expected to be declining farmland bird UK priority species and other red or amber listed birds. Off-site compensation should be provided for farmland birds where these are impacted (and on-site compensation where this is possible – substantial nature reserves areas with zoning to control public access would be needed in this case since many of these species are not suited to built-up areas or disturbance by people, dogs and cats) to ensure that populations are maintained in line with the above quoted legislation. Such compensation is commonly required within Cherwell District, as evidenced for example by the NW Bicester Eco-Town development.	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOWT	<p>Access vs. undisturbed areas</p> <p>In order to provide the substantial benefits for wildlife that will be needed to achieve a net gain in biodiversity that is focused primarily on site then there should not be public access across the entire area of the green infrastructure. Zoning, and a 'hierarchy' of access levels of the combination of all green areas should be carefully planned, including consideration of main paths/cycle routes (with an appreciation of the most obvious routes that people are likely to want to follow: 'desire lines'). There should be informal recreation along a network of paths and openly accessible spaces included within a mosaic of areas that are closed off by appropriate use of hedgerows, screens, fencing and ditches. Broad zones might help keep some larger restricted access nature conservation blocks 'quiet' rather than fragmenting areas too much. This would be simpler zoning for residents and visitors to understand and will allow wildlife to thrive and be observed from paths, in areas defined as "nature reserves" with interpretation to the public to explain the value of these nature reserves to wildlife and people. The need to have some areas without direct public access is supported by a research report published by Natural England 'Is the management of Local Wildlife Sites affected by the urban fringe?' (NERR063)</p>	This is noted and suitably worded amendments will be made to the text	Amend as necessary

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 382</p> <p>BBOV</p>	<p>Proposals for wildlife management and maintenance: Our view is that the GI, including habitats for wildlife, should be managed in perpetuity (e.g. forever) and proposals should recognise this. Long-term management plans and effective, sensitive management (with regular reviews) will be needed for all sites - they all have some green infrastructure and wildlife habitat. To ensure management lasts for as long as the built environment is built up (e.g. likely to be forever) then an endowment fund will be needed to ensure that management costs can be covered.</p> <p>Ideally, there would be a funded officer-role to coordinate and oversee this. This could be alongside or sharing a role as a community engagement officer. This role could for example be delivered by an officer in an external organisation with appropriate experience (e.g. such as a member of Cherwell District Council's Biodiversity Partnership).</p>	<p>This largely relates to the principle of the development - to the extent that it does this is outside of the scope of the Development Brief. Ecological impacts can be mitigated and this will be addressed in the decision on planning applications</p>	<p>No change</p>
<p>BBOVT</p>	<p>Local Nature Reserve: We welcome the intention to create a Local Nature Reserve LNR on 29.2 ha of land at the northern end of the proposed development site. The purpose of this LNR should be to provide an area of high-quality nature conservation to be managed carefully and appropriately for wildlife. The eastern end in particular should be managed so that it forms a buffer to and extends the area of Rushy Mead SSSI. We agree that the SSSI adjacent to public rights of way should be fenced and appropriate design measures taken to prevent access around pond/water vole habitat (p52).</p>	<p>Noted</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOWT	<p>Nature Conservation Area: We welcome the proposal to provide a nature conservation area with limited public access on 12.2 ha of land to the east of the railway line, south of the Oxford Canal and north of Sandy Lane, with access restricted to a fenced route adjacent to the canal and along Sandy Lane. We agree that “The perimeter fence should allow animal ingress and be surrounded by planting to minimise the visual impact. The nature conservation area is to be designed to support ground nesting birds and mitigate impact on the SSSI to the north as a result of the development”. (6.5.1 p52)</p>	Noted	No change
BBOWT	<p>Informal public parkland: We welcome the intention to create “informal public parkland adjacent to the canal....to be publicly accessible and have an emphasis on nature conservation, informal recreation and natural play with a network of new footpaths and cycleways” and a visitor centre, or information point serving the parkland and Oxford Canal. (6.5.1 p52)</p>	Noted	No change
BBOWT	<p>Retained agricultural land: We welcome the intention to retain 12 ha agricultural land in the south-east part of the site to be managed for farmland birds to contribute towards compensation for loss of farmland (4.2.4 p25). We note that this will form part of the Canalside green corridor which is to be kept free of development (6.3.3 p41). We would request that covenants or other measures are put in place in order to keep this area free of development in the long term.</p>	Noted	No change





Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOWT	<p>Integration of wildlife features into the built environment - We note the wording: “The scheme is to include provision of in-built bird and bat boxes, wildlife connectivity between gardens and the provision of designated green walls and roofs where appropriate/viable.” (para 6.5.2 p56)</p> <p>We think that this should be amended to: “A scheme for the provision of exemplary biodiversity in the built environment, including street trees with large canopies, wildflower road verges, wildlife connectivity between gardens, provision of designated green walls and roofs, and bird and bat boxes integrated into buildings.” The order is important and the current order suggests that bird and bat boxes are more important than wildlife connectivity. The reality is that the provision of natural wildlife habitat, including within the built environment, is much more valuable for wildlife than bird and bat boxes.</p> <p>The scale of development proposed is such that each scheme should be exemplary in terms of integrating biodiversity features. The Wildlife Trusts have published 'Homes for people and Wildlife: How to build housing in a nature-friendly way' which sets out what a good, nature-rich housing development looks like.</p>	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
BBOW	<p>The Development Brief should require developments to maximise the provision of such roofs, and install solar panels on roofs which are not green roofs. The extent of biodiversity will depend on the type of green roof installed. Sedum roofs benefit a limited range of invertebrates and provide foraging for pollinators when in flower. Ecologically designed extensive green roofs can provide good habitat for wildlife, but there are limitations in terms of replicating habitat at ground level due to shallow depth of soils and the drying effect of wind and sun. According to <a href="http://www.livingroofs.org">www.livingroofs.org</a>, a good green roof designed for biodiversity should include a varied substrate depth planted with a wide range of wildflowers suitable for dry meadows.</p>	<p>It would seem to go beyond the Development Brief's scope to require green roofs, but they should be encouraged as forming part of a wider strategy</p>	<p>Text to be added as appropriate to either 6.5.1 or 6.5.2</p>
Thames Water	<p>We have sewers and rising mains crossing the site which are mentioned in section 6.8 of the brief and that we must be consulted.</p>	<p>Noted</p>	<p>No change</p>
Thames Water	<p>We consider that the brief should include a specific reference to the key issue of the provision of wastewater/sewerage and water supply infrastructure to service development proposed in a policy. This is necessary because it will not be possible to identify all of the water/sewerage infrastructure required over the plan period due to the way water companies are regulated and plan in 5 year periods (Asset Management Plans or AMPs).</p>	<p>TBC</p>	<p>TBC</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
	<p>We recommend the brief include the following policy/supporting text:            PROPOSED NEW WATER/WASTEWATER INFRASTRUCTURE TEXT            “Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.”            “The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”</p>	TBC	TBC
Thames Water	<p>It is our understanding that the water efficiency standards of 105 litres per person per day is only applied through the building regulations where there is a planning condition requiring this standard (as set out at paragraph 2.8 of Part G2 of the Building Regulations). As the Thames Water area is defined as water stressed it is considered that such a condition should be attached as standard to all planning approvals for new residential development in order to help ensure that the standard is effectively delivered through the building regulations.</p>	<p>This is noted and is a matter which will need to be addressed in the decision on planning applications</p>	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Thames Water	<p>Within Part G of Building Regulations, the 110 litres/person/day level can be achieved through either the 'Calculation Method' or the 'Fittings Approach' (Table 2.2). The Fittings Approach provides clear flow-rate and volume performance metrics for each water using device / fitting in new dwellings. Thames Water considers the Fittings Approach, as outlined in Table 2.2 of Part G, increases the confidence that water efficient devices will be installed in the new dwelling. Insight from our smart water metering programme shows that household built to the 110 litres/person/day level using the Calculation Method, did not achieve the intended water performance levels.</p>	<p>This is noted and is a matter which will need to be addressed in the decision on planning applications</p>	<p>No change</p>
Thames Water	<p>Proposed policy text:            "Development must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption) using the 'Fittings Approach' in Table 2.2 of Part G of Building Regulations. Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met."</p>	<p>TBC</p>	<p>TBC</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Thames Water	<p>Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SuDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SuDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. SuDS not only help to mitigate flooding, they can also help to: improve water quality; provide opportunities for water efficiency; provide enhanced landscape and visual features; support wildlife; and provide amenity and recreational benefits.</p> <p>With regard to surface water drainage, Thames Water request that the following paragraph should be included in the Neighbourhood Plan "It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding."</p>	TBC	TBC
Network Rail	Residential development has the greatest potential to change the character of use of a level crossing, both from individual development proposals, and through cumulative impact over time. For development that increases Level Crossing risk, Network Rail looks to the developer to mitigate the potential impacts	The comment is noted. It is noted that the LPPR Policy PR8 looks to reduce level crossing risk, whereas the applicant may intend to provide for vehicular access.	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="text-align: center;">Page 390</p> <p>Network Rail</p>	<p>Section 6.4 of the development brief looks at the development principles for movement by active and sustainable modes of travel. It is acknowledged in the document that both Sandy Lane and Yarnton Lane level crossing are to be closed to vehicles with provision of a new pedestrian/cycle bridge over the railway at the location of Sandy Lane level crossing and Yarnton Lane level crossing in which Network Rail are progressing.</p> <p>At present, Network Rail are yet to have consent to close the crossings and are working on submitting a Transport Works Act Order (TWAO) to facilitate the closure of the crossings aligned with our Minimum Viable Product (MVP) bridge. We would also note that the design of the bridge has not yet been finalised.</p> <p>Page 43 states that access points for pedestrians and cyclists will be provided with regular access points from the developmental area into public open green space via the existing canal bridge and level crossing to the North East. This is assumed to be Roundham Locks LC although not explicitly named in this paragraph.</p>	<p>TBC</p>	<p>TBC</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Network Rail	<p>Network Rail have made previous comments regarding Roundham LC which had not been studied for detailed feasibility; however, if improvement and promotion of this route is to occur then a new vehicular bridge would be required if private road rights cannot be released. Alternatively a new ramped footbridge would be required. Any public right of way only bridge would have also account for non-mechanical vehicles as the public right of way is a restricted byway, over which the public is entitled to travel on foot, horseback and with non-mechanically propelled vehicles (such as pedal cycles and horse-drawn vehicles). In light of this promotion Network Rail have asked OUD for their projected traffic figures over the crossing in order that we can calculate the level of additional risk this will import over this level crossing.</p>	Noted	No change
Kidlington PC	<p>Seeks greater clarity in the Development Brief on land to the North of Sandy Lane as it is not specific on the breakdown between the business and housing for the site. If the site is taken forward solely for business use does this mean that the housing numbers as allocated in the partial Review of the Local Plan will not be met? Kidlington Parish Council wishes to see the housing allocation met on this site to avoid the need for further housing allocations in the Kidlington area at a future date in the event of Oxford's unmet housing needs not being addressed associated with this development.</p>	<p>The policy for the PR8 site requires a certain number of houses and a certain area for employment. These requirements are set. The objective of the Development Brief is to set out how these requirements are met. The development framework provides flexibility as to where the required uses are located. The intention is not to be over-prescriptive about the locations of these uses.</p>	No change
Kidlington PC	<p>Seeking to ensure that this site is not utilised to address housing needs associated by Oxford University rather than Oxford as, again, it has the potential to create future demand to address the city's unmet housing needs on other Green Belt sites at a future date</p>	<p>We entirely agree. If OUD wishes to provide for housing to meet Oxford University's wants or needs, this must be in addition to the requirements of Policy PR8. It must be remembered that the site has been removed from the Green Belt specifically for the purpose of meeting Oxford's unmet need</p>	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Kidlington PC	Retains its objection to the proposed closure of the Sandy Lane crossing and does not consider this draft development brief addressed that issue satisfactorily	Whether or not Sandy Lane closes is outside of the scope of the Development Brief	No change
Kidlington PC	Seeks direct reference within the Development Brief as to community benefits that can be achieved through this development, particularly for Kidlington	These are set out in Appendix 4 of the LPPR Plan	No change
Kidlington PC	Seeks greater clarity in the Development Brief as to the sports facilities that are to be provided, especially playing fields to help address any overall shortfall within the wider area of the relevant four parishes	These are set out at Sections 3.1, 5.1 and 6.6. The secondary school must incorporate a 4 court sports hall, the use of which must be shared with the community. The policy also requires "Formal sports and play areas within the developable area" although as per Section 5.0 it is the Council's preference "that in lieu of on-site formal sport pitch provision an appropriate financial contribution be made towards new and improved facilities at south east Kidlington, based upon CDC adopted developer contribution standards."	No change
Kidlington PC	The information within the Development Brief about future education provision needs to be more specific and detailed as to how this is taken forward.	It is not the purpose of the Development Brief to replace planning policies or other development plan documents, but to guide the layout and design of the development, ensuring that the education requirements are met including the optimal location and layout. CDC has worked closely with OCC in regard to the site requirements for education provision.	No change
Yarnton PC	The PR8 site, as defined in the LPPR, did not include either the disused quarry/rubbish dump in Sandy Lane or the garden centre (Yarnton Home and Garden) area. These are both included within this Development Brief without explanation, and it assumes that they are now a part of PR8 and that whatever happens on those areas can be a part of this development brief. Is that correct?	The PR8 site as defined in the LPPR does include the former landfill site on Sandy Lane and the Yarnton Home and Garden Centre - Figure 8 shows the policy map for the site. At the start of the work for the Development Brief, the landfill site was in different ownership and did not form part of the development, but it has since been acquired by OUD and now forms part of their plans. This has afforded greater flexibility to the layout of the development, with this -essentially square- area forming a new public green space onto which housing will face on three sides and the local centre facing onto it from the northern side.	No change



Commenter	Comment	CDC officer response	Edit needed to Development Brief
Yarnton PC	<p>The nature of the development - is it intended to create a new community, a new parish, or is it going to integrate with the existing communities? The Brief speaks of the development as being a new 'urban village' with its own identity and its own centre 'connected to Begbroke, Yarnton and Kidlington which will have retained their own identities'; yet the development lies entirely within the parishes of Begbroke and Yarnton, predominantly Yarnton, and contiguous with the houses on the eastern side of Yarnton and even surrounding some of them. The Brief even suggests that the local centre could have space for a Parish Office. Which parish?</p>	<p>Planning policy documents shape only the design and layout of the development. Governance is not within their remit. In spatial planning terms, it is intended to create a new development which is integrated with the existing communities. The location of the convenience facilities is one example of this, to provide an improved offer to existing residents of Yarnton; another being the location of purely residential and educational uses on land bordering the existing village of Yarnton. The land south to the east and south of Begbroke is to be kept as a Local Nature Reserve.</p>	No change
<p style="text-align: center;">Page 393</p> <p>Yarnton PC</p>	<p>The nature of the connection – the connectivity - with Kidlington. Is this to be maintained, or is it to be severed? Throughout the brief, Kidlington is seen as the local hub; it is the centre to which Begbroke and Yarnton and Gosford and Water Eaton and all the new PR developments relate and defer. Yet there is no public transport link between Kidlington and Begbroke, Yarnton and PR developments along the A44, and it is proposed to close the only road that is a direct link between them.</p> <p>The Development Brief as set out in the LPPR made it clear that vehicular connectivity between the villages and the new development must be maintained; and the maintenance of the present direct link was recently endorsed unanimously by the District Council at its meeting in July 2023.</p>	<p>Whether or not Sandy Lane closes is outside of the scope of the Development Brief</p>	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Yarnton PC	Drop-off points - There is mention of car drop-off points being created at several places around the development, at the schools, at the local centre, at the railway halt. Drop-off points at all these places presume that they are pick-up points as well. Dropping off takes only a moment and cars are in and out quickly and do not require much space, but picking up involves waiting, and that needs space for a lot more cars if it is not to be a nuisance to other traffic.	This is noted. Appropriate changes to be made to 6.4.4, 6.4.8, 6.6	Amend as applicable
Yarnton PC	Residential Development - The LPPR allocation was 1950 dwellings with 50% being so-called 'affordable'. The Development Brief also lists (Para 3.1.1) 'Limited number of homes for students and those working for the University at Begbroke Science Park, to be agreed with the Council'. What does this refer to? Is it a part of the 50% affordable, or is it an excess above the number approved in the LPPR?	This is in addition to the 50% Affordable Housing. It may form part of the 1,950 net dwellings or it may be in addition to that number, but it must be in addition to the 50% Affordable Housing.	No change
Yarnton PC	Little Marsh Playing Field - There are several mentions of this playing field. There is the possibility of a connection to it directly from the PR8 area (p. 25). There is mention of a 'ball strike risk assessment' (Para 4.1) but this is perhaps not now necessary; cricket is no longer played there. There seems to be no mention of the fine oak tree that stands on the north-east boundary with the PR8 area; is this not of veteran status, or close to it? This boundary is a substantial one with other mature trees, and it must be questioned whether the area immediately north-east of it would be suitable for allotments (Figure 1) given that it would be largely shaded by the trees in the hedge.	Reference to be added to the oak tree that stands on the north-east boundary with the PR8 area. The related point re the location of the allotments is noted and the indicative location of the allotments will be moved west/north-westwards.	Changes to be made accordingly

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Yarnton PC	Buses - The statement about buses on p. 20 is misleading in implying that there is bus connectivity; there isn't. The buses on the A44 connect Begbroke, Yarnton, PR8 and PR9 to Oxford. The buses on the A4260 connect Kidlington to Oxford. There are no buses connecting the two roads.	The statements on page 20 are factual and aren't intended to imply anything further. Nevertheless the point is noted	No change
Yarnton PC	The Canal Bridge - This bridge has a weight limit of 3 tonnes, not 1 tonne as stated, and it is misleading to state that the traffic control 'can cause traffic to queue back towards the level crossing' (p.23). The canal bridge and the level crossing are at least two hundred yards apart and there are never more than three or four cars waiting. For the light traffic to which it is limited the bridge and its traffic lights work well and cause no delay.	TBC	TBC
Page 395 Yarnton PC	Opportunities - One of the opportunities listed for the local centre is for a skateboarding area. An excellent idea, but not there. Adjacent to Yarnton Lane is the large area of the disused sewage farm; it is an eyesore in proximity to the new development and enhancement of the lane as a green cycle and footway, and it could ideally be converted to a skateboarding park, and a location for building indoor sports facilities. The site is no longer owned by the water company, and it has great potential.	We accept the point regarding the putative local centre location and happy to amend this. The sewage farm is located outside of the PR8 area so it is not within the scope of the Development Brief to suggest the skateboard area is located there. Perhaps the ex-landfill site is a better location, to the south of the local centre.	The reference to the skateboard area will be amended accordingly
Yarnton PC	Errors - The Development Brief is full of errors of fact, east instead of west, north instead of south, etc. Here are those that I have noticed:  p. 9: The role of Land .... The land to the east of the A44 is located EAST of Yarnton and WEST of Kidlington, not vice versa. The Begbroke Science Park is in the NORTHERN part of the site, not the centre.	These errors are noted and need to be corrected	The first two sentences of the penultimate paragraph on page 9 to be amended to read: "Land to the east of the A44 is located to the <b>east</b> of Yarnton, <b>west</b> of Kidlington and south east of Begbroke village. <b>Just north of</b> its centre is Begbroke Science Park."

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Yarnton PC	p. 18: 3.2.1: To the west the site is bounded by modern semi-detached houses comprising the EASTERN extent of Yarnton... not western	These errors are noted and need to be corrected	The 6th bullet of 3.2.1 to be amended to read: "To the west, the site is bounded by modern semi/detached houses comprising the <b>eastern</b> extent of Yarnton and the A44."
Yarnton PC	3.2.3: The University of Oxford's Begbroke Science Park is located towards the NORTH of the site...	Noted - this will be amended	The 2nd bullet of 3.2.3 (p18) to be amended to read: "The University of Oxford's Begbroke Science Park, is <b>located to the north of Sandy Lane</b> "
Yarnton PC	3.2.4: Yarnton Lane runs SOUTH WEST to NORTH EAST ... not vice versa	These errors are noted and need to be corrected	The 3rd bullet of 3.2.4 to be amended to read: "Yarnton Lane runs south <b>west</b> to north <b>east</b> through the eastern part of the site..."
Yarnton PC	4.2.5: Opportunity to strengthen connectivity with Begbroke to the north and south and towards Yarnton. Begbroke lies to the north of PR8, not south	There is a stray "and" in the 1st bullet of 4.2.5	The 1st bullet of 4.2.5 to be amended to read: "Opportunity to strengthen connectivity with Begbroke to the north and south towards Yarnton"
Yarnton PC	6.4.2: A second access point in the southern part of the site will be provided via a new junction onto the A44 to the SOUTH of the existing petrol filling station ... not north	This error is noted and will be corrected	The 2nd bullet of Development principles on page 42 to be amended to read: "A second access point in the southern part of the site will be provided via a new junction onto the A44 to the <b>south</b> of the existing petrol filling station as indicated indicatively on Figure 15."
Yarnton PC	p. 43: The weight limit on Sandy Lane canal bridge is 3 tonnes not 1 tonne.	TBC	TBC
Newcore / Yarnton Garden Centre	No objections or comment	Noted	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	Overall, given that policy PR8 is a very detailed policy, it is unclear why further 'guidance' and suggestions are necessary in the development brief, especially where these are caveated with phrases like "subject to further assessment." This brief would be better framed as considering the policy criteria in turn, and how the solutions and outputs can be feasibly and viably achieved. That said, the principles in the draft brief are generally supported.	The very purpose of the Development Brief is "to provide a site specific vision and comprehensive development principles addressing land use, character, layout, green infrastructure, movement, utilities, healthy place making and sustainable design", to guide developers and help shape the design of the development.	No change
Hallam Land	Queries the justification for the brief as material consideration and whether it adds value above that of the Policy	The place and role of the Development Brief is set out in the policy for the site.	No change
Hallam Land	<p>as cited at 1.2.2 of the development brief, the document is not a Supplementary Planning Document (SPD). However, SPDs are – as set out in PPG and Regulations – material considerations. The PPG specifically states that SPDs are a material consideration, so to suggest that the development brief is a material consideration, but not an SPD is somewhat of an anathema to the PPG.</p> <p>The development brief follows the broad description of what an SPD is, because the development brief appears to expand on a range of Local Plan policies which are relevant to PR8 – Land East of the A44. Therefore, for the development brief to truly be a material consideration, it should go through the formal processes of becoming an SPD.</p>	Noted the points regarding the status of the dev briefs and the comparison to SPDs but the development brief is a Policy requirement intended to secure the comprehensive development of each site and (all briefs in combination) the overall vision and strategy of the LPPR. The brief is clearly concerned with land-use matters, its requirement within policy was tested at examination and it will be subject to public consultation in addition to extensive engagement with key stakeholders and landowners/promoters.	No change - the brief is a policy requirement and planning applications will be expected to be prepared in accordance with the brief.

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Moreover, if the development brief is not an SPD, then it reads as though it is an interpretation of the policies in the Local Plan and what they represent. There is a risk therefore, that the development brief is predetermining what could be acceptable through the planning application process and is removing the planning judgment of the local planning authority and its officers.</p> <p>It should be remembered, and quoted in the development brief, that the weight given to material considerations is a matter of judgement and that in addition to the development brief not being an SPD, it is not policy, and as such no part of the development brief is a requirement unless that requirement is set out in a Local Plan policy.</p>	<p>This comment suggests a lack of understanding of the role of the Development Brief. Its very purpose is to guide the preparation of development proposals, to set parameters and principles which the LPA expects the development to follow and to form part of the planning judgement of the local planning authority. The Development Brief is a policy requirement and planning applications will need to accord with the Brief.</p>	No change
Hallam Land	The noise attenuation requires further definition or explanation	Query whether further definition is needed. If there is general alignment the points raised by Hallam can be dealt through the Planning application	No change
Hallam Land	Page 3 - Indicates requirement for equipped play area (this is subsequently identified as LAP on Figure 18)	The requirement is as per Figure 18 - it is acknowledged that page 3 does not distinguish between LAP, LEAP, NEAP and MUGA	Consider whether Figure 1/page 3 needs to be clarified
Hallam Land	<p>Page 3 - Identifies retained groups of trees and hedgerows between the HLM site and the wider allocation as per HLM current parameter plans;</p> <p>Additionally identifies a "Veteran tree" and "Transition veteran tree" within the retained boundary planting between the western edge of the HLM site and the wider allocation;</p>	Noted	No change
Hallam Land	Page 3 - Shows requirement for "Key new walking/cycling route" running parallel with the existing 'ditch' within the HLM site. The other walking/cycling route in this area is to the west of the HLM site within the wider allocation.	This is correct	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Page 3 - The cycle/footpath link down the edge of the water course in the HLM part of the site is in an area which floods. Therefore, the specific location needs to be considered as widths will be above 3.5m for such a facility.</p> <p>We note that the plan also defines the water course through the HLM site for retention/enhancement.</p>	<p>Add a note to say that its exact position will need to be subject to further testing</p>	<p>Amend</p>
Hallam Land	<p>Page 18 - The HLM site drainage is not referenced (i.e. no reference to a 'watercourse' within the site) - is there a specific reason for this?</p>	<p>Agree, the site context figure does not reflect all water courses. It is picked up within the Site constraints map.</p> <p>We either include all relevant watercourses within the context map or none.</p>	<p>Amend</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 399</p> <p>Hallam Land</p>	<p>Page 22:</p> <p>Bullet 3 and Figure 10 identifies a single veteran oak (T1) on the boundary of the HLM site.</p> <p>HLM surveys (likely) identify this as 'T4' but it is not listed as a veteran and instead identified as a Category B specimen. We do not know who did the survey for the wider PR8 site and when this was done, but it was not HLM's consultant's opinion (from 2020 and June 2023) that this tree was veteran status. Regardless, the only constraint it would form if the LPA insisted on veteran status is an increase in buffer (extending from 12m currently, to 15m). Given the green corridor on this edge and relationship to the development parcel, HLM consider that this could be achievable, but specific comment on this matter would be appreciated.</p>	<p>TBC</p>	<p>TBC</p>
Hallam Land	<p>Page 23/Figure 10:</p> <p>Flood risk extent differs from the HLM consultant's assessment.</p> <p>Services not up to date and missing several services such as rising mains across the site.</p>	<p>Need to address factual corrections. If we are using national datasets instead of developers' info need to make clear but if more detailed info on flood risk exists and has a bearing on the sites, we should acknowledge.</p>	<p>TBC</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 400</p> <p>Hallam Land</p>	<p>Page 25-26 Site opportunities:</p> <ul style="list-style-type: none"> <li>• Opportunity identified to create development frontage to A44, which appears to be at odds with the need for noise abatement.</li> <li>• Opportunity to expand Littlemarsh Playing Fields, which has not be foreshadowed in policy and could potentially restrict the potential to deliver much needed new homes in a short term.</li> </ul>	<p>Agree to an extent. Noise attenuation doesn't necessarily mean a barrier to frontages. The dev framework notes size/type to be confirmed. A44 frontage is important, agree that perhaps it is a matter of addressing noise in the most suitable manner and based on noise survey info but A44 frontage. This can be suitably explained in the text.</p> <p>Development Principles figure 14 notes the key frontages are indicative.</p> <p>Agree that we need consistency. Although it is right and proper that the brief highlights this opportunity. Leisure made clear they prefer off-site contributions to formal playing pitches. PR8 still needs to provide informal/amenity space to adopted standards and the opportunity remains to link the playing fields to amenity space and site GI.</p>	<p>Re Hallam's first comment, no change required to figures but make edit to text to clarify</p>
<p>Hallam Land</p>	<p>Page 29 - We note that there is no requirement for formal sport pitch provision on site.</p>	<p>That is correct but worth adding a sentence to the first para noting that informal play/amenity space will still be required to be provided within the built-up area to adopted standards.</p>	<p>Amend text to make clear that off-site contributions to formal sports is required</p>



Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Page 31: We note (with our emphasis) that:            “The development is to comply with <b>and where possible exceed</b> the local and national standards for sustainable development including enhancement to the natural environment and biodiversity net gain.”            The weight of this comment is not clear and is unlikely to be capable of being a ‘material consideration’ as it amounts to an aspiration at best.            Furthermore, we note that: “The outline planning application should establish the principles of sustainable development to be delivered across the site and manage and utilise these as a baseline which can be stretched further through the delivery of the development.”            The site will not be delivered through a single outline application. Policy PR8 recognises that development will be delivered through more than one application, and this should be clearly and consistently reflected in the development brief. Considering other matters of sustainable development, the HLM team has reviewed the various ‘guidance’ and again we question if some of the ‘aspirations’ can truly be material considerations, and if they were, they would hold limited weight given that many of the issues are not specially foreshadowed in Local Plan policy.</p>	<p>We agree that the brief should help delivery the principles in the LP not to bring new ones. However, it could also be argued that the LP was prepared under NPPF12, and NPPF21 requirements could be applied alongside LP when assessing proposals today.</p> <p>With regards to multiple ownership, the dev brief in page 70 requires the ‘Delivery and Phasing Plan accompanying the planning application...to demonstrate how the implementation and phasing of the development shall be secured comprehensively and how individual development parcels, including the provision of supporting infrastructure, will be delivered.’</p> <p>All applications will be assessed against compliance with the brief regardless, but some land equalisation is likely to be required between all promoters.            Section 7 could be strengthened for this complex site. In this section it would appropriate to address how to deal with multiple applications.</p> <p>Given the complexity of the site should we follow Milton Keynes East of M1 development framework example or other dev brief/framework examples for sites in multiple ownership?</p>	<p>No change re 6.1 other than as per above.            Strengthen section 7            Consider editing text re multiple ownerships to reflect dev framework example from Milton Keynes</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Page 35: “In line with Policy PR8 a single comprehensive, outline scheme is to be approved for the entire site supported by a Delivery Plan across the multiple applications which the Council expects to be submitted.”</p> <p>This statement is incorrect and clearly not in line with Policy. Policy PR8 recognises that development is likely to be delivered through more than one application, and whilst the above sentence attempts to reflect the likely multiple planning applications it does not make sense.</p>	<p>The dev brief sentence is an almost word by word replication of PR8 point 31 and not incorrect.</p> <p>“Single comprehensive outline scheme” does NOT mean a single planning application.</p> <p>However, dev brief in page 35 could cross refer to section 7 and section 7 could provide greater clarity on how to secure the delivery of a comprehensive scheme though multiple planning applications.</p>	No change
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 402</p> <p>Hallam Land</p>	<p>Page 36 (Fig 14): Urban Design principles of key frontages (indicative) align with the current HLM parameter plans, aside from reference to ‘Noise attenuation’ requirement along A44. There appears to be some tension between the two elements which the Council should resolve.</p> <p>The maximum heights suggested across the HLM site fall within the 2-4 storey range, which is a parameter that HLM supports.</p>	<p>Noise attenuation doesn’t necessarily mean a barrier to frontages. The dev framework notes size/type to be confirmed. A 44 frontage is important, agree that perhaps it is a matter of addressing noise in the most suitable manner and based on noise survey info but A44 frontage. This can be suitably explained in the text.</p> <p>Development Principles figure 14 notes the key frontages are indicative.</p>	No change
Hallam Land	<p>Page 42: 6.4.1 – the design of the streets is required to follow guidance set out in the Cherwell Residential Design Guide and Manual for Streets. We note that there is no reference to the Oxfordshire County Council Street Design Guide which is some 5 years more recent in publication than the Cherwell guide</p>	<p>Add OCC Street Design Guide. Also reference text box in page 53 should include Oxfordshire County Council Street Design Guide and any other relevant doc such as parking standards. Will be a need to strike balance between highways requirements and good urban design.</p>	Amend

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="text-align: center;">Page 403</p> <p>Hallam Land</p>	<p>Page 42: 6.4.2: we note that the first bullet point reads: “...the A44 will require reconfiguration with the design determined by the scale of impact of sites PR8 and PR9 assessed together and is to be agreed with OCC Highways. The junction will need to have sufficient capacity to cope with demand from both developments.”</p> <p>There appears to be no reference here to the County Council’s ‘Decide and Provide’ approach which effectively seeks, as far as is practical and safe to do so, to set to one side junction capacity and focus entirely on ensuring that more sustainable modes take priority, even if that is at the expense of junction / network capacity more widely.</p> <p>Now that the HLM network modelling exercise is complete, we believe it is inevitable that the introduction of the southbound bus lane of A44 will adversely impact network capacity and the capacity of the two PR8 access junctions. As such, the simple point here is that assuming our interpretation thereof is correct, the wording of the development brief does not reflect the County’s current approach to network management.</p>	<p>OCC's comments are a material consideration; the text has been drafted in partnership with OCC Highways and we are content that it does not need to be amended</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Page 45: heavy on detail and certainly mainly contains points for Reserved Matters applications. There ought to be some level of prioritisation in the guiding principles – and the originating polices / guidance should be clearly cited.</p> <p>Differences between OCC and CDC guide re. street widths. geometry cited is from the Cherwell ... If OCC will indeed accept a narrower primary street, it would be helpful for the Development Brief to build-in sufficient associated flexibility.</p>	<p>It is helpful that the Development Brief sets out these principles so as to give certainty and clarity to all parties as what is required</p>	<p>No change</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 404</p> <p>Hallam Land</p>	<p>Arboriculture/ Ecology            Figures 1, 10, 11, 12, 14 and 18            We note that various figures (as listed above) identify 'Transitional Veterans' on the HLM site boundary. HLM's consultants do not usually note transitional veterans on plans and only make mention of them in the report itself, as transitional veterans do not hold any specific protection, However, HLM does not foresee any potential conflicts in this regard.            Furthermore, as previously mentioned in these submissions, HLM's consultants have not identified veteran trees on the site.</p>	<p>Noted</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Landscape - The document refers to 'Landscape design of noise attenuation' along the eastern edge of the HLM site boundary in the key for Figure 18: Green Infrastructure. This reference is not made within the main body of text, it simply refers to 'good acoustic design' (e.g., pg. 68). In the HLM emerging masterplan proposals there is limited space between the development parcels and railway line and the acoustic mitigation proposed is an acoustic fence, which is capable of delivering the same noise attenuation effect, therefore the 'landscaping' suggested should be clearly identified as guidance.</p>	<p>Note issue of space raised by Hallam and their proposed acoustic fence.</p> <p>Preap report for this site recommends that the development includes natural sound barriers within the acoustic barrier.</p> <p>Leave unchanged.</p>	No change
Hallam Land	<p>Page 55: Reference to requirement for 1.8ha of allotments in total. Proportionally (by unit numbers), this would equate to around 0.27ha (15% of total) being accommodated within the HLM site.</p> <p>Classification L2 - Business Data</p> <p>HLM suggests it can comply with this requirement through around 0.1 ha as allotments with a further 0.16ha as a community orchard.</p>	<p>0.27ha seems right. But this is a detail for the preapp and planning application. The brief indicates overall requirement plus location</p>	No change
Hallam Land	<p>We note that: "There is an opportunity for such a park to the south of the local centre, where green space provides a buffer to existing hedgerow and watercourse and could provide a play space close to the primary school."</p> <p>Similar to our previous comment on Figure 18 – this 'opportunity' is contrary to other diagrams which indicate this area is for residential development.</p>	<p>There is no inconsistency. Amenity space is to be provided to adopted standards within the developable area and not shown in other figures.</p>	No change
Hallam Land	<p>Page 61 - We note that reinforcing SUDS use throughout the site with reduced reliance on ponds for storage. Also references to all SUDS being under a Manco, and not adopted.</p>	Noted	No change at this stage

Commenter	Comment	CDC officer response	Edit needed to Development Brief
Hallam Land	<p>Page 65 - We note the following comments:</p> <p>“Potential noise pollution arising from the A44 and railway line should be mitigated by following the principles of good acoustic design. For example, it is assumed that houses at the site boundaries should face onto the source of the noise to shield gardens and provide mitigation to the rest of the development site.”</p> <p>The above presents only one solution to dealing with noise, where other options exist. Properties backing onto areas that require to be secure and have no public access (i.e.. the railway line) with acoustic fencing to the rear of properties should also be considered.</p>	<p>See previous comments.</p> <p>The brief clearly notes ‘for example’. No change needed in the brief.</p>	<p>No change</p>
OUD	<p>OUD does not consider that the Development Brief represents a sound policy position for the land, nor does it reflect the positive and meaningful pre-application discussions held between OUD, Hallam and CDC in respect of the PR8 proposals.</p>	<p>The Development Brief is couched in the terms of the planning policy; it does not set new planning policy; it may be more prescriptive than developers would prefer, but in a way that is one of the roles of the Development Brief. DM planners may agree something different as part of pre-application discussions and they have the flexibility to do so. However, this does not detract from the purpose and importance of the Development Brief in guiding and shaping appropriate development</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>Page 407</p> <p>OUT</p>	<p>OUT's proposals are the result of considerable engagement with the public, an extensive pre-application programme with CDC and Oxfordshire County Council ('OCC') facilitated by a Planning Performance Agreement, two design review panels, and extensive scheme development based on in-depth and robust evidence to inform the proposals. The Development Brief does acknowledge the work undertaken by OUT at section 6.5.2, but the proposals do not reflect this work, nor provide a sound rationale for the deviations between the OUT proposals and what is then contained within the Development Brief. OUT considers that the Development Brief is not sound, as it deviates from both the Local Plan and the proposals set out within the OPA without proper justification. OUT do not consider that it is appropriate for the Development Brief to deviate from or seek to exceed adopted planning policy. The Development Brief would be an informal planning policy document, which has not been formally consulted on, nor based on robust evidence. On this basis we consider that the Development Brief would have limited weight for decision-making purposes.</p>	<p>Some elements of the OUT proposals are unchanged from before the public engagement and the design review panels. The design review panels expressed concerns and recommended various changes. It is for the OUT proposals to provide sound rationale for deviation from the policy and the Development Brief, not the other way around. The Development Brief has been formally consulted upon and is based on sound and robust evidence, and has been amended in various ways to reflect the OUT proposals. OUT is reminded of the policy requirements in respect of the Development Brief.</p>	<p>No change</p>
<p>OUT</p>	<p>The potential for discrepancies between the Development Brief and any planning application(s) is noted in section 1.2.2. of the Development Brief. The language used throughout the document does not reflect this understanding and OUT would echo the thoughts of the design review panel in commenting that the draft Development Brief is more prescriptive than a non-statutory planning document should be, and is not based on sound planning evidence. For the delivery of PR8 to be a success, flexibility is needed to allow its development to respond to circumstances as they arise and evolve.</p>	<p>The Development Brief is not overly prescriptive, and it does provide for sufficient flexibility</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>OU D</p>	<p>Section 1.2.2, page 6, OUD queries the engagement between landowners and the Council. OUD says it sought to coordinate the preparation of the Dev Brief and the planning application by engaging members of the Dev Brief team in the pre-application process</p>	<p>The Council had good engagement with OUD's original planning team and the overall development framework for the site was agreed between the two parties. Unfortunately, OUD then changed its planning team and departed from that agreed strategy with an alternative development framework that had not been informed by robust evidence. That work has since taken place, but the overall development framework presented in the planning application had already been set out. The Development Brief team have attended meetings with the newer OUD planning team but despite best endeavours the dialogue was principally one-way.</p>	<p>No change</p>
<p>OU D</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 408</p>	<p>Section 4.1, page 23: the need for access between the development area west of the railway and the open space to the east of the railway is more than just for management of the nature reserves. OUD suggest ending this sentence after the word 'railway'.</p>	<p>This text was amended in response to OUD's comments on an earlier version, where they advised that the remaining undeveloped part of Parkers Farm would not remain in agricultural use. They commented that there was a need for access to land east of the railway, but not for agricultural use. We agree in that the land will primarily be used for public green space, wildlife areas and nature conservation areas.</p>	<p>No change</p>
<p>OU D</p>	<p>Section 5.1, page 28 - change "provision of a foot, cycle..." to "provision for a foot, cycle..."</p>	<p>Agree</p>	<p>Make change, i.e. of to for</p>



Commenter	Comment	CDC officer response	Edit needed to Development Brief
OUD	<p>Figure 12, page 30: OUD previously highlighted that it had discussed the option of relocating the retained agricultural land to north of Rowel Brook where the agricultural land value is higher and access could be more easily achieved.</p> <p>OUD also previously commented that the trees identified in the Development Framework as being either veteran or transitional veteran status does not align with OUD's own arboricultural survey of the site, provided in the Environmental Statement, Volume 3, Appendix 13.1 submitted with the application. That survey shows that whilst there are veteran trees within the site, none are located in land to the east of the railway, where the draft Development Brief indicates there are 3 trees of transitional veteran status. The term 'transition veteran' is not one commonly used in the arboricultural profession – a tree is either veteran/ancient or it is not. Those trees identified by the draft Development Brief are managed as pollards. This means that not only are they currently not of veteran status, the way they are managed means that they will be able to achieve several of the core components of veteran trees. In summary, OUD request that the tree survey information provided with the OPA is used to ensure that the site's arboricultural value is accurately recorded.</p>	Veteran and transitional veteran trees	Amend as necessary

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 410</p> <p>OUT</p>	<p>Figure 12, page 30: Figure 12 acknowledges that the location of the schools within the site are subject to further detailed assessment. This detailed assessment has been carried out by OUD and agreement has been reached with OCC on the location of the schools, which sites the secondary school to the east of central park and the 2FE primary school further northwest than is currently indicated. The draft Development Brief would benefit from reflecting these discussions.</p>	<p>The dev brief hatched area provides flexibility to accommodate the school and address concerns from OCC and sufficient land to enable contiguous expansion to the Science Park if that were needed (need to check the area indicated as contiguous provides for 14.7 ha). Nevertheless, secondary school within a defined science education quarter shouldn't be a competing use particularly with shared use of sports hall.</p> <p>However, on 26.05.23 received an assessment of school options which seems to favour location by rail station.</p> <p>Once the principle of moving the school is established Policy does not have an objection to different location parcels subject to not preventing other policy requirements.</p> <p>As a note, it seems odd that OCC objects to the location in the LP in noise and air pollution grounds but has no objection to location by railway line.</p>	<p>No change</p>
<p>OUT</p>	<p>Section 6.1, page 31: remove the words "and where possible exceed": OUD is proud to be able to put forward a best-in-class sustainability strategy that will deliver operationally net zero carbon buildings and 20% net gain in biodiversity. Nonetheless, it is not the place for the Development Brief to set out requirements to exceed policy "where possible". Such a requirement is not based on any adopted planning policy and nor has such a requirement gone through the necessary testing to understanding if it is feasible. The Development Brief should simply expect compliance with local and national standards.</p>	<p>TBC</p>	<p>TBC</p>



Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>OU D</p>	<p>Section 6.3.1, page 39: "The existing tree-lined public right of way leading north from Sandy Lane is to be retained <b>or reprovided to an equivalent quality</b> providing access to the Science Park, local centre and schools by foot and bike, and terminating in the listed Begbroke Hill Farmhouse and a new public square."</p>	<p>There is no justification for this change and no need to move the public right of way</p>	<p>No change</p>
<p>OU D</p>	<p>Section 6.3.3, page 41: Remove the words "It is to be kept free from built development." The land's designation as green belt is sufficient protection from inappropriate development, which the wording here strays beyond. It also contradicts Figure 12 which indicates that the land to the west of the Yarnton Road canal bridge could be suitable for a visitor centre or pavilion style building.</p>	<p>PR8 envisages informal public parkland and retention of agricultural use south of Sandy Lane/east of the railway line. The LP clearly notes 'free of buildings' but it was prepared under NPPF12 which addresses facilities for outdoor recreation in GB slightly differently. Mindful of OUD proposals for this area 'formal sports and recreation area'. LP envisages PR8 point 37 the areas north along Rowel Brook and east of the railway to reflect and enhance local landscape character and wildlife including the Oxford Canal and Rowel Brook. Point 38 notes the contrast between dense urban development and canal-side parkland setting should be used as a positive and integral design feature. Formal sports pitches bring an urbanising element not intended by the policy neither needed/ requested by CDC recreation. I would recommend retaining the policy wording. LPPR Evidence doc PR50 notes: "The open agricultural land between Kidlington, Begbroke and Yarnton provides an important separation to the settlements, preventing coalescence of the villages. The agricultural land also provides a setting to the conservation area associated with the Oxford Canal, which passes along the west edge of the village." If current agricultural use is no longer viable (the only info from promoter I am aware of is that Rowel Brook area has better quality agricultural land) need evidence. 12 hectares seems a reasonable size for smaller scale food production and could link with the retention of the orchard at PR7b</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OUD	Section 6.4.1, page 42: "...creating excellent pedestrian, cycle, wheelchair <b>and bus</b> connectivity within the site, to Yarnton, to allocated sites PR9 and PR7b..." Buses key component of the sustainable transport strategy.	Agreed - text to be amended accordingly	Text to be amended accordingly
OUD	Section 6.4.2, page 43: Change "1 tonne" to "3 tonne"; replace Sandy lane with Yarnton Road and change Yarnton Lane to Sandy Lane. Yarnton Road canal bridge has a 3 tonne weight limit.	Not clear as to why the road names need to be amended	TBC
OUD	Section 6.4.4, page 45: Remove the words "and is to have a minimum carriageway width of 6.2m"; it is not clear why if the design is to be agreed with OCC it is necessary to further stipulate the minimum carriageway width. Furthermore, OCC's Street Design Guide allows flexibility on carriageway width, which the wording here seeks to remove without any justification.	The design of the road is not the same as its minimum width. The Development Brief is setting a parameter regarding the minimum width - considered important for urban design reasons, and beyond that the design of the primary street is to be agreed with OCC. OCC has requested 6.2m be amended to 6.5m because of the requirement for the primary street to be a bus route.	No change
OUD	Section 6.4.8, page 51: Delete the words, "it is assumed that this will have one platform on each side of the tracks measuring approximately 150m in length and 6m in width. No buildings will be required to serve the rail halt due to the limited frequency of services, however shelter, ticket machine, lighting and tannoy will be required." and replace with "the design should be agreed with CDC, OCC, Network Rail, and any other key stakeholders. There is a high degree of uncertainty around firstly the need for and secondly the design of any rail station or rail halt within the PR8 site. The draft Development Brief should more simply acknowledge this uncertainty and point to the design of any station being agreed with Network Rail, CDC and OCC at a later date.	TBC	TBC

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>Page 414</p> <p>OU</p>	<p>Section 6.5.1, page 52, replace "November 2023" with "January 2024" and add at the end of the following sentence: "(though this does not itself equate to a policy requirement to deliver 10% biodiversity net gain)." Further information has been issued by the Government on the introduction of the biodiversity net gain requirement. Further text should be added to make clear that a direction from the Executive committee is not equivalent to planning policy.</p>	<p>Noted - the date will be amended. The other suggested change should not be made, given that the legislation does require a 10% biodiversity net gain</p>	<p>Replace "November 2023" with "February 2024"</p>
<p>Page 414</p> <p>OU</p>	<p>Section 6.5.1, page 52: Remove the words, "on the SSSI to the north". Potential effects to Rushy Meadows SSSI were considered in OUD's Environmental Statement, Chapter 13. It confirms that the delivery of the nature conservation area will help strengthen the local green infrastructure network but that it is not required as mitigation to avoid harm to the SSSI.</p>	<p>See below</p>	<p>No change</p>
<p>Page 414</p> <p>OU</p>	<p>Section 6.5.1, page 52: Remove the words "The SSSI adjacent to public rights of way is to be fenced and", and replace "are to be taken to prevent access around ponds/water vole habitat" to "should be taken to prevent access to the Rushy Meadows SSSI and around ponds/water vole habitat".. Rushy Meadows SSSI falls outside of the University's land ownership and so OUD recommend this is adjusted to reflect that fencing the SSSI is not necessary deliverable.</p>	<p>Although the SSSI is outside PR8, the site must mitigate potential impact on SSSI. Agree to a point with the deliverability issue. Preapplication and application process better suited to ensure deliverable mitigation. No change.</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>Page 415</p> <p>OU D</p>	<p>Section 6.5.2, page 56 - OUD takes issue with the paragraph, "There should be no incongruity in the design layout of housing plots and public open space: the boundaries must not be blurred (plot boundaries should be defined by walls, fences and formal hedges or other clearly defined boundary treatment). Existing features such as retained hedgerows should have enough usable open space between the plot line and the hedgerow, with an intervening path or road to clearly define boundary ownership and minimise the possibility of illegal land encroachment in the future." Comments such as these seem overly restrictive and do not allow for the consideration of innovative design. Greater flexibility should be allowed so as not to stifle good ideas in the future.</p>	<p>The development brief clearly indicates 'housing plots' and the intention of the dev brief here is not that of stifling innovation.</p>	<p>No change</p>
<p>Page 415</p> <p>OU D</p>	<p>Section 6.5.3, page 57, left hand side: Remove the words "of an urban character" - It is not clear why the Development Brief needs to dictate the character of play equipment within the Site nor what benefit this provides.</p>	<p>This is a requirement worked through with consultees</p>	<p>No change</p>
<p>OCC</p>	<p>This development brief is being consulted on after all the others for the Partial Review allocated sites.</p>	<p>Resources meant that the Development Briefs had to be prioritised in order of sites coming forward for development. Other than PR6b, PR8 is the last of the six sites to be subject of planning applications</p>	<p>No change</p>
<p>OCC</p>	<p>Ideally this development brief should have been consulted on earlier as an outline planning application covering much of the allocated site was lodged in July 2023 without the benefit of a confirmed brief.</p>	<p>Agreed. Work on the Development Brief had progressed in Autumn 2022/Spring 2023 but was put on hold for wider review</p>	<p>No change</p>

Committer	Comment	CDC officer response	Edit needed to Development Brief
OCC	Cherwell District Council has advised that Policy BSC 4 of the adopted Cherwell Local Plan Part 1 (adopted July 2015) does not apply to the Partial Review allocated sites. The County Council has an interest in affordable specialist housing related to our Social Care functions, for example for older people or those with disabilities. No provision for such specialist housing is made in the development brief nor the current application 23/02098/OUT. We understand this to be the policy position so have no comment.	Noted. This relates to planning policy and to the planning application rather than to the Development Brief	No change
OCC	As the housing on the site is allocated for Oxford's unmet need, the affordable housing elements need to be agreed with Oxford City Council.	Noted. This relates to planning policy and to the planning application rather than to the Development Brief	No change
OCC	The development brief does not address the possibility of more houses on the site than identified in the allocation which anticipates 1,950 homes. Application 23/02098/OUT anticipates some 1,800 homes, so together with the anticipated 300 on the land to the south, we think consent might be granted for some 2,100 homes which will provide more housing for Oxford's unmet need	Yes - 2,100 homes would exceed the allocation of 1,950. This needs to be borne in mind by decision makers particularly in relation to the contributions / proportions of contributions made by PR8 applicants/developers towards infrastructure, but this is not a matter for the Development Brief. The Development Brief must not stray beyond the planning policy; its purpose is to provide detail as to how the policy should be implemented and the site developed. It would not be appropriate for the Development Brief to advocate, or address the potential for, a number of homes greater than that in the policy	No change



Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC	<p>Some 65 hectares of the 190-hectare allocation remain in the Green Belt. Page 10 of the draft development brief refers to a Local Nature Reserve, nature conservation area and informal canalside parkland. It also refers to a walking and cycling route linking to Oxford and via a canal bridge with PR7b to Oxford Parkway Station, which we support. Further details of green infrastructure are provided on pages 52 to 59. We do not seek any amendments.</p> <p>The information between pages 18 and 20 provide useful site context and the map clearly identifies the land which remains in the Green Belt.</p>	Those uses would all be appropriate uses in the Green Belt. Noted.	No change
OCC	<p>We seek clarification of the text on page 33. The text advises that 'a single comprehensive, outline scheme is to be approved for the entire site'. As there is a current application which does not cover all of the site, 23/02098/OUT, we are not clear how there can be such a scheme for the whole allocation. Nevertheless, we support the intentions, which include a design code for the entire site. We seek that the text be amended to clearly indicate how the intent will be achieved given that the first application does not cover the whole site.</p>	This has been a common misunderstanding on the part of various interested parties. The words are taken directly from the planning policy for the PR8 site. It is necessary for each applicant to demonstrate how their development forms part of a single, integrated whole, so as to avoid a piecemeal approach, etc.	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC Page 418	Sandy Lane - The development framework on page 3 (and on page 30) may require amendment to provide for an alternative bridge arrangement than the one proposed by Network Rail at Sandy Lane. However, we recognise that there is text in the key on page 3, which states "...potential for alternative bridge further north with restricted vehicular access, subject to agreement between OUD and Network Rail". There is also text on page 29 indicating: "Alternative land use arrangements will be considered through future planning applications subject to evidenced justification..." and text on page 42 indicating: "...potential restricted vehicle access via a bridge further north may be delivered, subject to agreement between Network Rail and OUD".	We will give thought to providing suitable amendment/clarification to the development framework on page 3 and 30	TBC
OCC	Railway Station - The development brief envisages a future Begbroke railway station at a location able to be accessed by cars both from the west and east. Policy requirements include safeguarding 0.5ha for such a station. The term Rail Halt has been used in the Local Plan, presumably to acknowledge that a large railway station is not envisaged. However, the term 'halt' is outdated. We use the term railway station.	TBC	TBC
OCC	As the railway line in this location is double tracked, there will need to be one platform northbound (on the west) and one platform southbound (on the east) connected via a bridge or tunnel.	TBC	TBC
OCC	Amendment should be made to the brief, for example on the development framework on page 3 (and on page 30) to show the zone for the railway station extended northwards. This would recognise the option that is now within 23/02098/OUT, although we would direct you to our Transport comments on the application which at the time of writing include a transport objection.	The zone has already been expanded from earlier versions and now covers an area/distance measuring c.1km and covers the entire eastern edge of the site that is outside of the Green Belt and within OUD's land	No change

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC	<p>Amendment may need to be made to the text of the brief under 6.4.8 on page 51 following further discussion with Network Rail and other interested parties. At this point in time there has been no business case prepared about services to such a station. We expect this would be part of a stopping service between Oxford and Banbury like the next station at Tackley which currently has 13 trains stop in each direction on weekdays and a lesser number on Saturdays.</p>	<p>Noted - text to be amended to include reference to discussion with Network Rail</p>	<p>In the 2nd para of 6.4.8 add after "Should a halt be developed" the words "and subject to further discussion with Network Rail"</p>
OCC	<p>The development framework on page 3 has blue arrows shown in the key to indicate vehicular access but those aren't included on the plan for the PR8 site. There are blue arrows indicating the vehicle access for PR9 opposite on the same plan. Amendments should be made to include blue arrows.</p>	<p>Agreed - Figure 1 to be amended accordingly</p>	<p>Fig 1 to be amended to include the blue arrows for the vehicular accesses from the A44.</p>
OCC	<p>The figure 2 on page 5 is meant to indicate not only existing key sustainable movement routes but also proposed ones. However, amendments need to be made as follows: The ped / cycle route through Cutteslowe Park and over the A40 overbridge to Wren Rd should be shown.</p> <p>The Banbury Road, south of the Cutteslowe Roundabout should be indicated with an arrow. Woodstock Rd, south of the Wolvercote Roundabout has a green line and arrow indicating onward connection, Banbury Road should have the same.</p> <p>The route between Sandy Lane and the proposed new canal bridge to PR7b which is indicated on the plan on page 3 and is a requirement of policy should be shown. The proposed route through PR7b is already shown.</p>	<p>Noted - Figure 2 to be amended as far as practicable</p>	<p>Amend as per OCC's request</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC	On page 12 (2.1.3) - references the County Council's Local Transport Plan and strategy for 'Park & Ride and Rapid Transit' should be updated to refer to the LTCP and strategy for Mobility Hubs and strategic public transport network.	TBC	TBC
OCC	References throughout the document to 'Transport Hub' should be updated to 'Mobility Hub'.	TBC	TBC
OCC	On page 42 (6.4.2) the 5th point which begins 'crossing opportunities will be explored...' should be clearer that it is referring to the crossing of the railway / Sandy Lane replacement bridge. It follows a point about the bridge but read on its own it isn't clear what it is referring to and might raise concern about whether or not crossings of, the example, the A44 are going to be delivered.	Noted. Text to be amended accordingly	Text to be amended accordingly
OCC	On page 45 it should be noted that the primary street should have a width of 6.5m for a bus route. This is needed also in Figure 16.	Noted	Text to be amended accordingly
OCC	On page 47 the section on Tertiary Streets should be reviewed to encourage the "living streets" concept. Streets may be narrower than for "living streets" without parking and which potentially operate in a one-way system.	TBC	TBC

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC	Controlled Parking - OCC has adopted new parking standards which have a specific standard for 'edge of Oxford' sites. This sets out a lower level of residential and employment car parking, more akin to Oxford City standards. In order to enforce this, prevent inappropriate overspill parking, and to prevent the site from becoming an informal park and ride (given new bus services and potential rail halt) OCC will be looking to adopt the streets and implement a CPZ. Prior to adoption, a scheme of private parking enforcement will be required which directly mirrors the operation of a CPZ. This has been done recently at the Barton Park development. Text should be included on the need for the scheme of parking enforcement.	Noted; the CPZ is outside of the scope of planning, but as with PR7a we are happy to add sentence at Paragraph 6.4.6 preceding 'Development principles' to state: "To avoid indiscriminate on-street parking, possibly by commuters, a controlled parking zone is likely to be needed on the site."	Add sentence at Paragraph 6.4.6 preceding 'Development principles' to state: "To avoid indiscriminate on-street parking, possibly by commuters, a controlled parking zone is likely to be needed on the site."
OCC	Bus route - It is envisaged that there will be a bus route in future through the site. Reference should be made to the desirability of higher densities in locations close to a bus route.	Agreed - text to be amended accordingly	Amend text as per OCC's suggestion
OCC	Mobility Hub - The County Council wants to see a mobility hub created on the site by the local centre, enabling interchange between bike, e-bike, e-scooter, walking and public transport services. Reference should be made to this both within section 6.4 on movement and access and in section 6.6.2 on the local centre.	Agreed - text to be amended accordingly	Amend text as per OCC's suggestion

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p>OCC</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 422</p>	<p>The development brief does not contain a lot of advice on how the development will follow the principles of sustainable drainage. The brief should mention how the development will follow the SuDS discharge hierarchy. We would like the brief to better explore:</p> <p>The SuDS features that will be implemented to attenuate and treat surface water before being discharging at greenfield run off rates.</p> <p>The use of infiltration techniques that will be implemented on site.</p> <p>How the surface water network will benefit the local area and reduce flood risk.</p> <p>The offsite drainage features that will be implemented to mitigate flood risk.</p> <p>How the development proposals sit with the different flood zones.</p> <p>How drainage integrates with landscape elements.</p>	<p>TBC</p>	<p>TBC</p>
<p>OCC</p>	<p>On this site we expect a full Flood Risk Assessment that forms the basis for a Sustainable Surface Water Management Strategy. We acknowledge that work has progressed through the current planning applications.</p>	<p>Noted</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC	<p>The school site area requirements in Local Plan Policy PR8 are incorrect. The areas we are seeking for the schools are 8.03ha for a 1,100-place secondary school, 3.02 ha for a 3FE primary and 2.22ha for a 2FE primary. The PR8 requirements are referred to Page 1, Page 15, Page 28 and Page 61. On Page 61 there is an additional paragraph: "The exact size of the required school sites is to be agreed with OCC with consideration of the site constraints and topography". We assume the lack of correct figures in the development brief and plan policy will not be an issue. The applicant, OUD, is aware of the County requirements and we have agreement with them on providing the required areas.</p>	<p>We note the areas sought by OCC. The figures in the Development Brief reflect those in LPPR Policy PR8, which have been through examination.</p>	<p>No change</p>
OCC	<p>Sports Hall Requirements - Regarding the 4-court sports hall, a standard school sports hall is typically 18m x 28m or 33m (for three or four courts respectively) x 7.5m high, whereas a community sports hall for school use and formal club-level use outside school hours, designed to larger Sport England dimensions, typically 20m x 34.5m (with four courts) x 7.5m high. Additional funding would be required from the developer to meet the larger hall requirements as the standard contributions being sought by the County Council are insufficient to cover a larger hall.</p>	<p>This is noted and we appreciate OCC's clarification. The Policy PR8 requirement is for a sports hall that can be used by the community outside school hours and it will therefore need to be designed to the Sports England dimensions. In view of OCC's response, additional funding would be required by the developer to meet the larger hall requirements.</p>	<p>No change</p>

Commenter	Comment	CDC officer response	Edit needed to Development Brief
<p style="text-align: center;">Page 424</p> <p>OCC</p>	<p>School locations have been shown on several maps e.g. on Page 3, Page 10, Page 14.</p> <p>The 3FE primary school location is agreed and consistent with the OUD outline planning application.</p> <p>The locations for the secondary school and the 2FE primary school have been the subject of considerable discussion. The OUD outline application shows different locations to those in the draft development brief. We expect the amendment to the OUD planning application to include amended sites, which we expect we will agree to as, providing they meet the County Council requirements, we will have no reason to object. Those locations are not the same as the development brief locations. The District Council may therefore wish to consider updating the development brief to reflect what might be agreed locations for the schools by that time prior to finalising the brief. At the very least, we would expect the development brief to be clear on the possibility of alternative locations for the schools being acceptable.</p>	<p>The Development Brief states that the school site locations are subject to further detailed assessment</p>	<p>No change</p>



Commenter	Comment	CDC officer response	Edit needed to Development Brief
OCC Page 425	<p>Schools should be located close to local centres so parents who have to drive can make use of car parking facilities in those locations and not congest the area around the school. This is captured on Page 62 for Primary 1 Pupil drop off parking should be provided within the local centre as although walking and cycling are preferred it is recognised that, for a variety of reasons, for some parents driving to or from school may be the only option. Of course, if this is the case for Primary 1, the question of how to deal with parents driving to or from school will also arise with Primary 2. However, there should not be any implication in the development brief that drop off car parking will be provided on the school site (that is never done) and it may also be the case that surrounding streets will not have suitable space for car parking spaces on the street and other shared spaces may need to be provided if there is no proximate local centre.</p>	<p>We entirely agree. The locations currently identified in the Development Brief are located close to local centre and/or convenience facilities. We would expect any alternative locations proposed or agreed as part of the planning application to meet this objective as set out by OCC</p>	<p>No change</p>
OCC	<p>On Page 43 it is noted that although Sandy Lane will be closed to through vehicle movements, there will need to be provision for some uses. The primary school is mentioned. We note that the OUD proposed location of the secondary school would also result in vehicles associated with the school e.g. for staff and deliveries, needing to access the secondary school along the route of that road.</p>	<p>Noted</p>	<p>No change</p>
OCC	<p>Education - The development brief refers throughout specifically to a 3-form entry primary school and a 2-form entry primary school. Some flexibility in the wording would be more useful, as the exact sizes of the schools will depend on the local context at the time of construction. "Up to" 3- form entry and 2-form entry would be more accurate.</p>	<p>The requirements set out in the Development Brief reflect the requirements of the Policy PR8. It would be inappropriate for the Development Brief to deviate from the specific requirements of Policy PR8. In addition, it would be easier to compromise on a less onerous position than to seek to negotiate up from a revised position.</p>	<p>No change</p>

# Agenda Item 19

<b>This report is Public.</b>	
<b>Local Validation List Report</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	21 March 2024
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Dan Sames
<b>Date Portfolio Holder agreed report</b>	11 March 2024
<b>Report of</b>	Assistant Director Planning and Development, David Peckford

## **Purpose of report**

To set out the consultation responses to the proposed local validation list and to approve the use of the list when validating planning applications.

## **1. Recommendations**

The Planning Committee is recommended to:

- 1.1 Approve the Local Validation List, with the finalised wording of the list and appendices delegated to the Head of Development Management, prior to publication.

## **2. Executive Summary**

- 2.1 This report sets out the comments received following consultation of the proposed local validation list, a response to those comments and a recommendation to approve the use of the list when validating planning applications.
- 2.2 The use of a local list is supported by the government within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 2.3 The list sets out additional information required to be submitted with an application above that required by the national validation requirements.
- 2.4 The information requirements set out within the proposed local list are not intended to add any additional burden to development, but to ease the fair and timely assessment of planning applications by being consistent and reducing delays.

## **Implications & Impact Assessments**

<b>Implications</b>	<b>Commentary</b>
---------------------	-------------------

<b>Finance</b>	There are no financial implications arising from this report. Kelly Wheeler, Finance Business Partner, 12 March 2024			
<b>Legal</b>	The approval of a local list follows the guidance within the National Planning Policy Framework and the Planning Practice Guidance Shahin Ismail, Interim Head of Legal Services 12 March 2024			
<b>Risk Management</b>	Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader, 12 March 2024			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		There are considered to be no equality implications arising from use of the local validation list.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		There are considered to be no equality implications arising from use of the local validation list.
<b>Climate &amp; Environmental Impact</b>		X		There are considered to be no implications arising from use of the local validation list, as it just requires the information (on climate and environmental impacts) to be submitted at the start of the application process
<b>ICT &amp; Digital Impact</b>		X		Applications will still be submitted in the same way with use of existing equipment and software etc
<b>Data Impact</b>		X		Applications will be stored in the same way using the planning software and following GDPR
<b>Procurement &amp; subsidy</b>		X		There are considered to be no procurement and subsidy implications arising from use of the local validation list.
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	Consultation was undertaken with those who have regularly or recently submitted planning applications to Cherwell District Council			

	The consultation ran for 8 weeks from 17 <sup>th</sup> January 2024 to 11 <sup>th</sup> March 2024.
--	---

## Supporting Information

### 3. Background

- 3.1 Government legislation sets national validation requirements for planning applications. This is quite limited in information to: application fee, plans and drawings; ownership certificates, design and access statement (for some applications); and fire statements for example. However, applications also require a number of additional information to be submitted with them to be able to assess their acceptability ie ecology surveys, transport statements, landscape assessments; archaeology and so on.
- 3.2 As such, by following the national validation requirements only, applications will be validated without necessary additional information and applicants may be asked to submit this during the consideration of the application and can delay assessment and determination of the application.
- 3.3 The NPPF therefore supports the front loading of planning applications. It states that the *'right information is crucial to good decision-making'* (para 43). It goes onto state that *'Local planning authorities should publish a list of their information requirements for applications for planning permission'* (para 44).
- 3.4 The previous local validation checklist for Cherwell District Council was adopted in 2013. The National Planning Practice Guidance (NPPG) states that a local validation list should be reviewed at least every 2 years. This is to ensure the inclusion of any key legislative or policy changes.
- 3.5 A key change presently is the introduction of mandatory Biodiversity Net Gain (BNG) provision, which will impact minor and major development from 2<sup>nd</sup> April 2024.
- 3.6 The local validation list will ensure applications can be registered promptly, and the information provided should help officers have all requirements met to make a timely decision of an application.

### 4. Details

#### Government Guidance

- 4.1 The NPPF and NPPG advise that Local planning authorities should take a proportionate approach to the information requested in support of planning applications when devising their local list.
- 4.2 The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:
- reasonable having regard, in particular, to the nature and scale of the proposed development; and
  - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 4.3 If a local planning authority asks for information which is not necessary, then applicants can either provide the information, or use the appeals procedure to resolve disputes over the information to be provided with a planning application.
- 4.4 The local list is required to be reviewed at least every 2 years. Cherwell District Council's local list was adopted in 2015 and is now out of date.

#### **Process for reviewing its local list as set out by the NPPG**

- 4.5 The recommended process for reviewing and revising local lists is set out in the NPPG and involves the following 3-step process:

- *Step 1: Reviewing the existing local list*

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

- *Step 2: Consulting on proposed changes*

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

- *Step 3: Finalising and publishing the revised local list*

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website.

Information requested with a particular planning application must meet the [statutory tests introduced by the Growth and Infrastructure Act](#).

### Proposed Local List

- 4.6 The local list has been updated to take into account latest legislation, policy and guidance. A significant addition is requirements for Biodiversity Net Gain (BNG) following introduction of mandatory BNG provision by the government, which impacts on major development and minor development from 2<sup>nd</sup> April 2024.
- 4.7 The proposed local list is attached at appendices 1, 2 and 3.

### Consultation and engagement

- 4.8 Consultation on the list was undertaken with those who have regularly or recently submitted planning applications to Cherwell District Council. Parish Councils, elected members and regular consultees were also consulted. The consultation ran from Monday 17<sup>th</sup> January 2024 until midnight on Monday 11<sup>th</sup> March 2024.
- 4.9 There was a link on the landing page of the Planning section of the Council's website, which detailed the consultation process, and outlined how consultation responses can be submitted through email or post.
- 4.10 A total of 11 email responses were received. Any personal information supplied within the responses that could identify anyone has been redacted and will not be shared or published in the report. Further information on data protection is available in our general consultation's privacy statement on the Council's website. Any spelling or grammar errors have been corrected.

### Response to consultation

- 4.11 Below is a list of the representations received and an officer response and whether the checklist is/will be changed in light of the comment.

Reference:	Representation	Officer Response
RW15012024	The removal of "do not scale" should not be required, as Architect's PI insurers require that wording as people try to print out on a different sized paper and try to scale.	The sentence has been adjusted to include "unless for planning purposes" to be specific that the planning officer can scale the plans.
RW15012024	Not all documents should be the same size, as different drawings require different paper sizes.	Removed the reference to the same size, although added a sentence to ensure plans are submitted on the right paper size to be scaled correctly.
RW15012024	A design statement requirement should follow	This is not a requirement and is only part of the guidance to

	national standards and the guidance only says they are 'welcome', which does not provide clarity.	make a proposal obvious to officers.
RW15012024	A heritage impact assessment should not be required for any building within a Conservation Area. For example, a small residential rear extension should not require a heritage impact assessment, as the submitted drawings are sufficient to demonstrate any heritage impact, and a planner's judgement/ability to understand a drawing is crucial.	A heritage impact assessment should be proportional in size to the proposed development. Reference should be made to the Conservation Area, a Character Appraisal (where relevant), any nearby listed buildings.
RW15012024	Are heritage impact assessments required for works associated with non-designated heritage assets? If so, how do we clarify what is a non-designated heritage asset?	A heritage impact assessment would not be required for a non-designated heritage asset at the point of registration, but may be asked for within the life of an application if the officer believes it would help the determination.
NS16012024	Producing detailed plans at 1:20 scale when the application is made would be onerous for smaller scale projects, or larger commercial projects where the principle of consent is yet to be established.	Noted, this has been re-phrased to highlight that it would be ideal to help the process but not essential. The registration process would not be held in the absence of these plans.
APC27012024	When an amended planning application is submitted to CDC and consulted on, it be made clear to the consultees in the amended application and consultation documents, exactly how the application has changed from the original application.	This would be preferred for officers, although it is not considered to be a requirement for an additional statement to be submitted at the registration stage. While it would be valuable, the Council do not consider this to be a requirement under the validation checklist.
GP30012024	A biodiversity self-assessment form should be submitted for householders.	Officers do not consider a self-assessment form to be relevant to the local requirements at this point. All eventuality cannot be accounted for, and the assessment for householders could be difficult to do if people are not trained. Further, if something is picked up within the application that is not picked up from a form this could cause further delay.

GP30012024	A sustainability statement form should be submitted for minor applications.	This request is being considered but concerns are raised that this may be considered unduly onerous for all non-major applications to be required to submit a sustainability statement form
BPC07022024	Parking assessments should be essential for any residential developments, of any size, since Bloxham has so little parking space in the village.	Parking and Servicing Provision documents are a 'Potential' requirement for all residential developments, which is considered to be reasonable.
BCP07022024	Heritage assessments should be marked as essential for any development in the Conservation Area.	The Council agree and this has been changed to 'Essential'.
BCP07022024	Amended applications should be made clear what the content of the new application and documents are, and how they change from the original application.	This would be preferred for officers, although it is not considered to be a requirement for an additional statement to be submitted at the registration stage. While it would be valuable, the Council do not consider this to be a requirement under the validation checklist.
SMT08022024	The Council don't have their own 'file naming principles' so this could be confusing.	'File naming principles' removed from the guidance.
JN13022024	Question to the word/lettering on the table of 'potential/P', is there a definition or a fuller explanation as to when certain documents may potentially be required?	The requirement is outlined within the appendices, and if it is not specified within that bit, it will not be required to be submitted at registration stage.
NC01032024	Detailed plans at 1:20 is not defined when these would be requested.	This has been re-worded to be a suggestion, rather than a requirement.
NC01032024	The requirement for a design statement is too vague and onerous given the pre-existing statutory scope of Design and Access Statements within current legislation.	A separate statement would not be required beyond a statutory design and access statement. Not all applications require a design and access statement, so it is encouraging those that do not require one to submit one (for instance, householder applications).
NC01032024	It is important to emphasise that existing permissions are likely to be the subject of approved design and access statements and possibly design codes.	Officers do not consider there to be any unnecessary repetition, as any approved documents would not change through the checklist.



NC01032024	The format of the table could lead to lengthy debates about whether a document is essential or a potential requirement.	The registration team will be briefed on the document as to when to request the additional information and when to register the application.
NC01032024	A householder application could include a Flood Risk Assessment and ecology reports.	The explanation in appendix 1 outlines when these elements would be required, which a householder would likely know in advance of a submission.
NC01032024	There should be a clear differentiation between requirements for outline and reserved matters applications, as the requirement for reserved matters would be onerous.	The requirements would likely be met at outline stage, and would not require any repetition at the reserved matters stage if information has already been resolved at outline.
NC01032024	Validation requirements should be ' <i>confined to information required to directly address those statutory reserved matters</i> '. Some applications are hybrid planning permission for comprehensive mixed-use development. It is essential that reserved matters are processed in a timely manner to provide business certainty and hence delivery.	There would not be any repetition requested for reserved matters if there have already been elements resolved.
NC01032024	The validation checklist should not require material unrelated to a reserved matters application which is governed by existing conditions or obligations on a planning permission, unless reserved matters approval is directly dependent on for example, approval of surface water drainage for a phase of development. Equally, the checklist should not request information on matters which are not the subject of existing conditions – to do so would equate to 'retrofitting'	Officers concur with this view, and re-iterate the points above that additional information would not be required for a reserved matters application if the information has been agreed at outline stage.
NC01032024	The conditions category should differentiate between Section 73 applications (variation of conditions) and applications to expunge or discharge conditions. Applications to discharge conditions should only be accompanied by the	The use of all condition types together is considered to be acceptable, and information will only be requested in relation to the relevant condition.

	information relating to the matter to be discharged.	
NC01032024	The checklist cross references the Environment Bill. Unless exempt, developments will need to submit the Statutory Biodiversity Metric and relevant Biodiversity Net Gain (BNG) information as part of the planning application. It would be helpful if the exemptions could be set out to assist applicants e.g. the fact that planning permissions (for major development) granted before 12 <sup>th</sup> February 2024 aren't subject to the new Statutory BNG.	Officers do not consider it relevant to repeat statutory requirements or exemptions, as they are not relevant to the local requirement.
MPC06032024	When amended planning applications are submitted and consulted on, it should be made clear to consultees in the amended application and consultation documents how the application has changed from the original.	This would be preferred for officers, although it is not considered to be a requirement for an additional statement to be submitted at the registration stage. While it would be valuable, the Council do not consider this to be a requirement under the validation checklist.

## 5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below:

Option 1: Not to Approve. The Planning Committee could decide not to approve the use of the list. This would mean the Council couldn't insist on the additional information set out in the appendix being submitted with the applications which would not front load the application and likely to lead to delays/continued delays in assessing planning applications. Therefore affecting the Council's performance.

## 6 Conclusion and Reasons for Recommendations

- 6.1 In conclusion, the use of the local validation list would front load planning applications and ensure officers have the necessary information to process them and assess their impacts. This would enable timely decisions on applications.
- 6.2 Officers therefore recommend that the Planning Committee approve the use of the Local Validation List, with the finalised wording of the list and appendices delegated to the Head of Development Management, prior to publication.

## Decision Information

<b>Key Decision</b>	No
<b>Subject to Call in</b>	Yes
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected</b>	All

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Local Validation List
<b>Appendix 2</b>	Validation Checklist Requirements – Guidance Document
<b>Appendix 3</b>	Validation Checklist – Ecology and Biodiversity Requirements
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Imogen Hopkin, Senior Planning Officer Paul Seckington, Head of Development Management
<b>Report Author contact details</b>	<a href="mailto:imogen.hopkin@chwerwell-dc.go.uk">imogen.hopkin@chwerwell-dc.go.uk</a> <a href="mailto:Paul.seckington@cherwell-dc.gov.uk">Paul.seckington@cherwell-dc.gov.uk</a>

## Local Validation Requirements

### Guidance:

- Drawings must:
  - Be to a recognised metric scale
    - Location plans at 1:1250 or 1:2500
    - Block plans at 1:200 or 1:500
    - Floor plans and elevations at 1:50 or 1:100
  - Detailed plans at 1:20 are ideal but not essential
  - Have a scale bar
  - Location plans must show the direction of north
  - The wording 'Do not scale' must not be used, unless stating for planning purposes
- When submitting documents electronically, ensure that they are in PDF format
- Ensure the page size is correct to ensure the plans can be scaled accurately
- A design statement reflective of the level of work proposed would be welcome for applications which do not require the statutory submission of a design and access statement
- Consider appendices 1 and 2 that support the validation checklist, which highlight the instances where information would be required to be submitted

Appendix 1

March 2024

	Affordable Housing Statement	Air Quality Assessment	Biodiversity Net Gain Statement	Contaminated Land Assessment	Flood Risk Assessment	Ecology Surveys and Reports	Heritage Impact Assessment	Landscape Assessment	Lighting Assessment	Noise Impact Assessment	Odour Impact Assessment	Parking and Servicing Provision	Planning Obligations	Planning Statement	Retail Impact Assessment	Structural Survey	Surface Water Drainage Strategy	Transport Statement/Assessment	Tree Survey, Report & Protection	Ventilation/Extraction Report
<b>Householder</b>																				
Householder					P	P	P					P		P			P		P	
Dropped Kerb												P							P	
<b>Residential</b>																				
Less than 10 units			P*	P	P	P	P		P	P		P	P	P			P	P	P	
Between 10 – 49 units	E	P	E	P	E	E	P	P	P	P		P	E	E			E	P	P	
50+ units	E	P	E	E	E	E	P	P	P	P		P	E	E			E	E	P	
<b>Non-Residential</b>																				
Less than 1000m <sup>2</sup> / 1.0 hectare		P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
More than 1000m <sup>2</sup> / 1.0 hectare		P	E	E	E	E	P	P	P	P	P	P	P	P	P	P	E	E	P	P
<b>Other Applications</b>																				
Advertisement Consent						P			P											
Change of Use	P	P			P				P	P	P	P	P	P	P					P
Listed Building Consent / Demolition in a Conservation Area						P	E									P			P	
Lawful Development Certificate – Existing														P						
Lawful Development Certificate – Proposed														P						
Outline / Reserved Matters	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Part 3 Prior Approvals				P	P	P	P					P				P				
Removal/Variation/Discharge of Condition	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tree Works						P	P												P	

<b>Essential Requirement</b>
<b>Potential Requirement</b>

\*Biodiversity Net Gain Statements will be an essential requirement from 2<sup>nd</sup> April 2024

## **Validation Checklist – Appendix 2: Guidance Document**

### **Key Links:**

#### ***Policy:***

[National Planning Policy Framework](#)

[Cherwell Local Plan \(CLP 2015\)](#)

[Cherwell Local Plan \(CLP 1996\)](#)

[Cherwell Local Plan Partial Review 2011-2031 Oxford's Unmet Housing Need 2020](#)

#### ***Supplementary Planning Documents:***

[Residential Design Guide SPD 2018](#)

[Home Extensions and Alterations Design Guide 2007](#)

[Developer Contributions SPD 2018](#)

[Banbury Vision and Masterplan SPD 2016](#)

[Kidlington Masterplan SPD 2016](#)

[North West Bicester SPD 2016](#)

[Conservation Area Appraisals](#)

[National Planning Practice Guidance](#)

[OCC Parking Standards for New Developments](#)

[OCC Local Transport and Connectivity Plan](#)

## **Affordable Housing Statement**

*When do I need an affordable housing statement / viability statement?*

- The development consists of, or has capacity of, 11 dwellings or more; or
- You will need to provide a viability statement if you are not proposing to meet the minimum policy requirements (detailed below).

*What is it?*

Policy BSC3 of the CLP 2015 requires 30% of the total number of residential units at Banbury and Bicester to be provided and maintained as affordable housing within all new residential developments, which meet the threshold set out above.

Further, the Policy requires 35% of the total number of residential units at Kidlington and the rural areas of the district to be provided and maintained as affordable housing within all new residential developments, which meet the threshold set out above.

Affordable housing will also be delivered through Policy Villages 3 of the CLP 2015.

The affordable housing statement should set out the overall level of affordable housing proposed as well as the:

- Number size, types and tenure of the units;
- Plans showing location of the affordable housing;
- Demonstrate compliance with the Affordable Housing section of the Developer Contributions SPD

*Viability Assessment*

If required, your viability assessment should detail why you are unable to meet the requirements. An independent consultant will assess your scheme and viability statement. They will assess whether the minimum requirements of affordable housing could be achieved on the development.

*More Information*

Further information can be found within the CLP 2015, the Developer Contributions SPD 2018 and the Council's [Housing Policy and Strategy](#).



## **Air Quality Assessment**

*When do I need this document?*

If the proposal is:

- Inside or adjacent to an Air Quality Management Area (AQMA); or
- Where the development could in itself result in the designation of an AQMA; or
- Where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan.

*How do I find out if my site is within an AQMA?*

Details of the Council's Air Quality Action Plan (2017) and the position of AQMA's are available on the Council's website: [here](#)

*What is it?*

The document should assess and mitigate against harmful fumes and pollutants that could be caused by a development, or if a development would be affected by existing pollutants.

*What should I include in the Air Quality Impact Assessment?*

- An assessment of the increase of air pollutants that development could cause. These pollutants could be from the development itself or the increase in traffic as a result of the development.
- Mitigation measures to reduce the impact on air quality.

*More Information*

Further information on the Council's Air Quality Management Areas and the [Air Quality Management Status Reports](#) are available on the website.

## Biodiversity Net Gain Statement

### *When do I need this document?*

- The statutory metric requirement from January 2024, subject to any exemptions;
- The statutory small site metric will be required from April 2024, subject to updated legislation changes or Government guidance.

Biodiversity Net Gain is required through the [Environment Act 2021](#).

### *What should I include in this document?*

- The pre-development biodiversity value of the site and preliminary post development as calculated using the relevant [Defra metric](#) (provided in Excel format). Any habitats damaged or destroyed post 30 January 2020 will need to be included within the calculations based on their former condition
- The project design steps taken to avoid and minimise adverse biodiversity impacts
- The proposed approach to enhancing biodiversity on-site
- Any proposed off-site biodiversity enhancements (including the use of credits) that are planned or arranged for the development (provided in text document) or the number of units anticipated to be provided off site
- A working assessment of the expected Biodiversity Net Gain
- Habitat condition sheet assessment with justifications (provided in text document)
- Maps of baseline habitats, an annotated Ecological Mitigation Map, and illustrative post-development habitat proposals including retained and proposed new features (required as a separate document with imagery produced using GIS software)

### *Mandatory Biodiversity Net Gain*

All applications (except those which are exempt) can provide full BNG details in a Biodiversity Gain Plan with their application or they can provide this at pre-commencement stage as required under the general BNG condition. Where the full Biodiversity Gain Plan is not provided upfront, a BNG Statement is required.

Sufficient information to assess how the development has addressed the Biodiversity hierarchy and how it is intending to meet the BNG objective shall be captured through the requirements outlined above. **These requirements may be updated at a future date. Please check for any updates prior to submitting your planning application.**

### *More Information*

[Draft biodiversity net gain planning practice guidance \(2023\) or subsequent revisions](#)

Please see **Appendix 2** of the checklist for further information

## **Contaminated Land Assessment**

### *When do I need this document?*

- Applications where there are known contamination issues with the site; or
- Applications subject to an Environmental Impact Assessment

### *What is it?*

A Contaminated Land Assessment should assess the risk resulting from the presence and level of contaminants on the site. It is a two-stage process:

- Phase 1 – Desktop Survey
- Phase 2 – Intrusive Site Investigation

Where unacceptable risks to human health are identified, an additional report will be required. This should include details of a suitable remediation schemes to deal with the contamination on site.

Sufficient information is required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

### *More Information*

Information and guidance on [contaminated land](#) can be found on the Council's website.

## Flood Risk Assessment

### *When do I need this document?*

- If any part of the development is located within flood zones 2 or 3;
- If the site is larger than 1 hectare and is located within flood zone 1.

### *What are flood zones?*

Some areas have a higher risk of flooding than others. The Environment Agency categorises areas into different flood zones, depending on the probability of flooding. The flood zones are as follows:

Zone 1	Low probability	Less than 1 in 1000 chance of a flood occurring each year
Zone 2	Medium probability	Between 1 in 100 and 1 in 1000 annual probability of river flooding Between 1 in 200 and 1 in 1000 annual probability of sea flooding 1 in 1000 chance of a flood occurring each year
Zone 3a	High probability	1 in 100 or greater probability of river flooding 1 in 200 or greater probability of sea flooding
Zone 3b	Functional floodplain	Land where water has to flow or be stored in times of flood Not marked separately on the flood risk map

To find out what zone your site is in, [click here](#).

### *What is it?*

A flood risk assessment should assess the likelihood of a development being affected by flooding. It should also set out the measures to be put in place to protect the development from flooding.

### *What information do I need to include in my Flood Risk Assessment?*

The level of detail will vary depending on what flood zone the site is in and the nature of the development. The Environment Agency has produced standing advice for some minor developments so that simple householder development may be able to produce their own flood risk assessment while larger or more vulnerable developments would require a flood risk assessment to be produced by a Specialist Flood Risk Consultant.

The FRA should include a surface water drainage strategy. The strategy must set out the proposed sustainable drainage system to manage water run-off and provision of its maintenance for the lifetime of the development. It will provide details of the type of sustainable drainage system for a proposed site, details of its extent / position, design and site suitability, and future management arrangements.

### *More information*

FRAs and the Environment Agency's Standing Advice can be found: [here](#).

Policy ESD7 of the [CLP 2015](#).

## Ecology Surveys and Reports

### *When do I need this document?*

- All major planning applications;
- If the site is within a designated habitat site:
  - Site of Special Scientific Interest (SSSI)
  - Special Area of Conservation (SAC)
  - Special Protection Area (SPA)
- Where there is a likelihood that a planning proposal might affect important protected species or habitats;
- If the proposal affects mature/overgrown gardens, areas of rough grassland or derelict land, including brownfield, allotments on or adjacent to the site;
- Where a development proposal may have possible impacts on wildlife and biodiversity, in particular protected species such as bats – a survey is generally considered necessary for demolition proposals, including small-scale householder extension and refurbishment schemes where bats are known to be in the area;
- Presence or suitability for Great Crested Newts (where there is a pond within 250m of the site or a pond on the site), badgers or common reptiles;
- Any relevant information for Biodiversity Net Gain (BNG) (please see BNG section of checklist).

### *What is it?*

Surveys and / or reports are used to assess whether protected or priority species or habitats might be impacted by the application proposals.

### *What information is required?*

Please see **Appendix 2** for detailed information.

### *More Information*

Policies ESD9, ESD10, ESD11 of the [CLP 2015](#).

Information on Statutory designated sites can be found on [DEFRA's Magic Map](#).

## Heritage Impact Assessment

### *When do I need a heritage assessment?*

- A listed building, or any land/building within the curtilage of a listed building ([full list available on Historic England's website](#))
- Any building within a [Conservation Area](#)
- [Scheduled Monument](#)
- Locally listed building
- [Archaeological Alert Area](#)

### *What is it?*

A heritage statement should set out the historical, architectural or archaeological significance of the building, monument or structure (heritage assets). The heritage statement should be used as a starting point when developing a proposal. It should consider the impact of the proposal on designated heritage assets.

The level of detail required will depend on the nature of the development and the significance of the heritage asset. An applicant may be able to carry one out, although in most cases the service of an appropriately qualified and experienced historic environment professional is likely to be required.

### *What should I include in my heritage statement?*

- Assess the significance – include evidence of the importance of the heritage asset, such as maps, photos or documents. Give details about its history and its role in the local area.
- Assess the impact – explain how the proposed works will affect the heritage asset and its setting. Include drawings, photos and maps to explain the impact of the works on the building and area.
- Detail any mitigation – explain what measures will be taken to preserve the heritage asset and its setting. You need to demonstrate that the works would not harm the heritage asset or its setting. Include details of materials and construction techniques, as this would affect the heritage asset.
- Refer to the site's [Historic Environment Record \(HER\)](#).
- Consult the relevant [Conservation Area Appraisals](#)

### *More Information*

Conservation advice is available on the website: [here](#).

Archaeological advice is available on Oxfordshire County Council's website: [here](#).

## Landscape Assessment

*Landscape assessments may include:*

- Landscape and Visual Impact Assessment (LVIA)
- Landscape Visual Assessment (LVA)
- Landscape and Ecology Management Plan

*What should it include?*

- The assessment should identify the different elements that give a place its unique character – landform, woodlands, trees, hedgerows, land use, historic features, building styles, settlement pattern;
- Demonstrate to what extent the development may alter the fabric, quality and character of the landscape;
- Refer to the [Guidelines for Landscape and Visual Impact Assessment](#) published by the Landscape Institute and Institute of Environmental Management and Assessment;
- Identify where the proposed development can be seen from and the extent to which those views would be affected by the development;
- Give consideration to seasonal variation and the impact of light pollution, and the cumulative effects of any proposed development in conjunction with other possible neighbouring developments;
- The assessment should clearly set out mitigation measures to address any adverse landscape and/or visual effects identified.

The assessment should be undertaken by an appropriately qualified person.

*More Information*

Policy ESD10 of the [CLP 2015](#).

## **Lighting Assessment**

*When do I need this document?*

All planning applications that include external lighting.

*What is it?*

This document should give details of any external lighting. Details of external lighting are required to ensure that external lights do not cause nuisance to nearby residences, create undue levels of light pollution, or damage the habitats of protected species, such as bats.

*What do I need to include?*

The level of details required will depend on the nature and scale of the development. As a minimum, the following information should be included:

- Layout plan showing the position and direction of the lights
- Manufacturers information – including luminance levels, security sensors, timers & switches
- Details of any mitigation to reduce the impact of the lighting

*More Information*

Further [national guidance about light pollution](#) is available.



## Noise Impact Assessment

### *When is this required?*

- New industrial or commercial premises close to residential properties
- New residential property near to transportation, industrial or commercial noise sources
- New entertainment premises near to residential properties, and new residential property near places of entertainment
- New extraction or ventilation equipment
- Air conditioning units

### *What is it, and why is it required?*

Where the proposal is for new commercial, industrial or entertainment premises, or new ventilation, extraction or air cooling equipment, near residential properties, a noise impact assessment is required. This will enable the Council to assess whether the proposal would result in an unacceptable level of disturbance.

Where the proposal is for new residential properties near to existing noise sources, a noise impact assessment is required to establish whether the new property can be adequately protected against existing noise levels.

### *What does it need to include?*

- Description of the buildings use, its location, along with any surrounding people or wildlife that would be affected by noise
- A description of the noises produced by the development and where they will originate from
- A noise survey and report data
- Mitigation measures to reduce or prevent noise so that it is not a nuisance or a danger

### *What is a noise survey and report?*

A report that assesses the noise that will be produced by the development. This must be carried out by a competent professional and done in accordance with BS4142. It should include data of how much noise will be produced, an assessment of how far the noise will spread and who it will affect and how it will affect them. Mitigation techniques and methods may be required, including a method statement detailing how the tests were carried out.

### *More Information*

Further information about noise impact assessments can be found on the [gov.uk website](https://www.gov.uk).

## **Odour Impact Assessment**

### *When do I need this document?*

- For odour generating activities in the vicinity of existing odour-sensitive developments – residential, schools, hospitals;
- Mixed use applications comprising both odour generating and odour-sensitive uses;
- Odour-sensitive uses in the vicinity of odour-generating uses, such as industrial/commercial, farms, sewage treatment works.

### *What should I include in the Odour Impact Assessment?*

An odour impact assessment should be prepared by a suitably qualified expert, and detail the impact of the proposal and any mitigation measures, where applicable.

### *More Information*

Further guidance is on the Institute of Air Quality Management website for: [Guidance on the Assessment of Odour for Planning](#).

## **Parking and Servicing Provision**

*When do I need this document?*

Proposals what will change an existing parking arrangement.

*What should it include?*

- Existing and proposed vehicle parking provision, including provision for accessible parking;
- Details of proposed servicing to be provided including the location, access / circulation, and indication of vehicle types and expected numbers of deliveries and times per day. These details can be shown on a site layout plan and / or supporting written information;
- Refuse and recycling (waste) storage locations and arrangements for collections of vehicles.

*More Information*

Check Oxfordshire County Council's [Parking Standards for New Developments](#).

## **Planning Obligations / Draft Heads of Terms**

### *When do I need to provide this information?*

Any applications which require the Council and the applicant to enter into a legal agreement: for example, to secure affordable housing, Biodiversity Net Gain, education contributions, etc.

### *What is it?*

- A draft Heads of Terms should be discussed with a Planning Officer at the pre-application stage.
- Obligations should be incorporated from the [Developer Contributions SPD](#).
- A statement of the proposed heads of terms, which will form the basis of the Section 106 agreement to be entered into in respect of the application.
- Details should include the contact details of the applicant's legal representative, evidence of title or confirmation that the title owner(s) will be able to enter into such an agreement and cover legal costs.

### *More Information*

Details of contributions can be found in the [Developer Contributions SPD](#).

## Planning Statement

### *When do I need this document?*

The level of detail required for a planning statement depends on the scope and nature of development, the type of application and the sensitivity of the development's location. This may vary in format from a short summary to outline the development, to a detailed document that includes information and commentary on planning issues relevant to the proposal.

### *Type of application and requirements*

- Minor applications for full planning permission
  - A written description and explanation of the proposal, including justification of the scheme against key planning policies
  - Why any other submission documents are not required
- Major applications (including outline and approval of reserved matters)
  - A description of the site, its context and planning history
  - A summary of relevant national and local policies / guidance, and explanation as to how or why the proposed development accords or fails to accord with them
  - Details of consultations with the wider community, local authority or statutory consultees
  - Any other information materially relevant to planning and the proposed development but which is not addressed in other submission documents
- Applications for variation or removal of conditions
  - An explanation as to how the proposed development differs to the approved scheme
  - A summary of the relevant national and local planning policies / guidance adopted since the previous permission was issued
  - Explanation as to how or why the proposed development accords or fails to accord with them
  - Explain why the alterations are required
- Applications for Lawful Development Certificates (Existing)
  - A description of the site and its planning history
  - A description of the use(s) or work(s) to which the application relates
  - An explanation as to why the use(s) or work(s) are believed to be lawful
  - An appendices containing supporting information, for example:
    - Sworn affidavits / statutory declarations
    - Floor plans
    - Evidence of council tax / utility bills
    - Receipts relating to the works / invoices
    - Dated photographs
    - Any additional relevant evidence

## **Retail Impact Assessment**

### *When do I need this document?*

- All developments for commercial or retail floor space over 2500m<sup>2</sup>
- Other retail or commercial developments that will have a significant impact on their local areas
- Retail or commercial development outside main retail centres or any area designated for retail by the Council

### *What is it?*

This document assesses the impact that a new or large-scale retail development will have on the local area.

### *What should be included?*

Sequential test assessments to be provided which thoroughly investigates alternative sites in town centres, local shopping areas and edge of centre locations to demonstrate that there are no more preferable sites for development. The assessment should also set out the approach to employment and skills (for example: number of construction and operational jobs being created, opportunities for local residents).

### *More Information*

National Planning Policy Framework: [Ensuring the Vitality of Town Centres](#)

Policy SLE2 of the [CLP 2015](#).

## **Structural Survey**

### *When do I need this document?*

- Conversion of redundant buildings to alternative use proposals, predominantly for residential uses;
- Proposals including substantial demolition or alteration to isolated dwellings, and/or listed buildings, or buildings of historic interest.

### *What should be included?*

- the report should include full details of the structural integrity of all elements of the building to be converted and/or altered and the report should outline any repairs or demolitions works necessary to facilitate the works being sought;
- drawings accompanying the report must include detailed sections and coloured or marked up plans that clearly identify the extent of fabric/building being demolished, repaired, or rebuilt.

In the case of building conversions, the survey should demonstrate that the structure of the building is adequate to meet the need of the new use. If the survey identifies rebuilding work is necessary, the extent of building work should be clearly indicated on the accompanying application drawings and detailed within the survey report.

Surveys should be carried out by a suitably qualified person.

While a survey is not a requirement for the prior approval applications, it may result in a reason for refusal if it is not provided to demonstrate a building can be reasonably converted.

## **Transport Statement / Assessment**

### *When do I need this document?*

- When a proposal has significant transport implications;
- Large scale residential, commercial developments, new educational premises.

### *What is it?*

A transport assessment or statements are documents that assess the impact a new development will have on the road and travel networks in the local area and further afield, if the development is a larger one.

### *Why do I need one?*

The reasoning behind this document is so that large new development and their impact on the surrounding transport system can be assessed to make sure the transport link can handle the strain of the new development.

### *What's the difference?*

A Transport Assessment is larger and more in-depth document that is generally required for large scale major developments.

A Transport Statement is smaller and a more concise document that is generally required for smaller development.



## Tree Survey, Report and Protection

### *When do I need this document?*

- If there are protected trees on or adjacent to the site, which would be impacted by the development;
- In a Conservation Area, where there are trees on or adjacent to the site, which would be impacted by the development;
- Where trees are within or adjacent to the application site.

### *How can I find out if the trees on my site are protected?*

The Council's website allows you to apply for or search for a Tree Preservation Order (TPO) [here](#).

The boundaries of Conservation Areas can be viewed within the relevant [Conservation Area Appraisals](#).

### *What is it?*

Tree information is required in the above cases so that the local planning authority can assess whether the development would have an acceptable relationship with existing trees on or adjacent to the site.

### *What should it include?*

The tree information is typically an arboricultural report. This normally includes a tree survey, arboricultural impact assessment, arboricultural method statement, and a tree protection plan. The level of detail and type of documents required depend on the nature of the development and its proximity to protected trees. The arboricultural report should be completed by a competent and fully qualified arboriculturalist.

With any application, trees should be shown to be located on the site through a block plan. Trees need to be highlighted correctly in the application form.

Are trees present within or adjacent to the proposal?	BS5837 compliant tree survey required
Does the proposal seek to prune, remove, or retain trees within or adjacent to the red line boundary?	BS5837 compliant Arboricultural Impact Assessment required.
Does the proposal seek to retain trees?	BS5837 compliant Arboricultural Method Statement Required.
Does the proposal offer replacement planting as mitigation for tree removals?	Tree replanting plan required (Landscape Architects to confirm standards).

### *More Information*

[Validation Checklist by the London Tree Officers Association \(LTOA\)](#)

## **Ventilation / Extraction Report**

### *When do I need this document?*

- Planning applications for specified Class E uses (cafes, restaurants) and specified sui generis uses (hot food takeaways, public houses), which include ventilation or extraction systems;
- All other planning applications which include new flues and/or vents (except householders).

### *What is it?*

Details of the ventilation or extraction system need to be thoroughly provided, so that the local planning authority can assess the impact of odours and noise and vibration on any nearby residents.

### *It should include:*

- Details of the position and design of ventilation and extraction equipment;
- Product specification;
- Odour abatement techniques;
- Acoustic information;
- Details of anti-vibration measures.

### *More Information*

See the Council's website on how to report a [Noise Nuisance](#).

**Validation Checklist – Appendix 3: Ecology and Biodiversity Requirements**

Document	When is it required	What is required	Why it is required and further information
<p><b>Environmental Statement (ES)</b></p>	<p>All applications where the development is listed in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Developments that are listed in Schedule 2 of the above regulations, either above or below the thresholds, may require an Environmental Statement if it is likely to have significant effects on the environment by virtue of factors such as nature, size and location.</p>	<p>It is advised that, for all major development within or affecting a ‘sensitive area’ or for development that falls within Schedule 2 of the 2017 Regulations, you request a Screening Opinion from the Development Management team who will establish whether Environmental Impact Assessment is required. To obtain a Screening Opinion, please include the following information when contacting the Development Management team:</p> <ul style="list-style-type: none"> <li>• a location plan;</li> <li>• a description of the development, including in particular:                             <ul style="list-style-type: none"> <li>○ a description of the physical characteristics of the development and, where relevant, of demolition works; and</li> <li>○ a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</li> </ul> </li> <li>• a description of the aspects of the environment likely to be significantly affected by the development;</li> <li>• to the extent the information is available, a description of any likely significant effects of</li> </ul>	<p>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p> <p><a href="#">Planning Practice Guidance: Environmental Impact Assessment</a></p>

		<p>the proposed development on the environment resulting from:</p> <ul style="list-style-type: none"> <li>○ the expected residues and emissions, including wastes, where relevant: and</li> <li>○ the use and/or destruction and/or creation of environmental resources, e.g. soil, land-take, water, fuels, habitats, heritage and culture; and</li> </ul>	
<b>Habitats Regulation Assessment Requirements</b>	Applications which may impact on European designated nature conservation sites (Special Areas of Conservation etc.)	<p>For applications that may have a likely significant effect on a Special Area of Conservation, appropriate information needs to be submitted in order for the LPA to undertake Habitats Regulation Assessment (HRA). For most applications, the information provided will form part of a broader Wildlife Report.</p> <p>For specific information requirements relating to the Oxford Meadows SAC, designated for its lowland hay meadows, please refer to the <a href="#">SAC citation</a>.</p>	<p>Paragraphs 43 and 187 of the NPPF</p> <p><a href="#">The Habitats and Wild Birds Directives in England and its seas</a></p>
<b>Biodiversity Metric and at least 10% net gain</b>	All qualifying applications	<p>Unless exempt, developments will need to submit the Statutory Biodiversity Metric and relevant Biodiversity Net Gain information as part of the planning application.</p> <p>Information on the habitat descriptions used in the metric can be found at the <a href="#">UK Habitat Classification webpages</a>.</p>	<p>Section 15 and Paragraphs 185, 186 and 190 of the NPPF</p> <p><a href="#">Draft biodiversity net gain planning practice guidance - GOV.UK (www.gov.uk)</a></p>

<p><b>Ecological Information (Biodiversity report/Ecological surveys/PEA/species surveys)</b></p>	<p>All applications (including those for which an ES is required)</p>	<ul style="list-style-type: none"> <li>• <u>All applications</u> should include a completed Biodiversity Checklist. This will help to indicate whether or not Ecological information is required. The checklist will also help identify whether the proposal may impact on protected or priority habitats or species.</li> <li>• Where the checklist indicates that Ecological information is required, it <u>must be</u> submitted with the application and be produced by a suitably qualified and experienced ecologist. Any report <u>must</u> include all the information required in order for the LPA to determine the application (including any survey information on protected and priority species and habitats).</li> <li>• In certain cases, the applicant may be required to submit a lighting strategy/plan accompanied by a Lux Analysis of the development plans.</li> <li>• All details of proposed avoidance, mitigation, compensation, and enhancement must be included within the Ecology Report or other supporting information. Information within Ecology Reports <u>must</u> be consistent and link with other relevant reports e.g. relating to SUDS, landscape, lighting, flood risk, open space, access, aftercare and trees.</li> </ul>	<p>Paragraphs 180, 182, 183, 185, 186 and 188 of the NPPF</p> <p><a href="#">Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system (2005)</a></p> <p><a href="#">MAGIC Maps to identify if a site is within an Impact Risk Zone for a SSSI, SAC, SPA or RAMSAR site</a></p> <p><a href="#">Natural England Standing Advice for _____ protected Species</a></p>
---	---	--	---

**Cherwell Biodiversity/Ecology checklist**

Do you need to submit an Ecology report or BNG information with your application?

This is not an exhaustive list but designed to assist applicants in determining whether a report is likely to be required. Pre-application advice can also be sought.

<https://cherwell.maps.arcgis.com/apps/webappviewer/index.html>

Page 462

Part A – Triggers for Ecology Report	Yes (Ecology Report required)	No
1a. The application site (red line) is greater than 0.1 hectares		
1b. The proposal:		
i. Involves demolition of a building.		
ii. Involves works to a roof, roof space, weather boarding or hanging tiles e.g. loft conversion, roof raising, extensions.		
iii. Involves works to a quarry or built structures such as bridges, viaducts, aqueducts, tunnels, mines, kilns, ice houses, military fortifications, air raid shelters, cellars and similar underground ducts and structures.		
iv. Involves the development of wind turbine(s) or solar panels, including domestic turbines and solar panels.		
v. Will illuminate / cause light spill onto a building, mature tree (see ix), woodland, field hedge, pasture, watercourse, water body, tree line or a known bat roost.		
vi. Impacts on a watercourse, or standing open water (e.g. ponds, reedbeds), excluding ornamental garden fish ponds.		
vii. Removes, or moves, part / all of a hedge or line of trees (excluding non-native or urban hedges unless > 10m being removed).		
viii. Is within, or may impact on (including impacts on hydrology), a woodland or scrub connected to a woodland or hedge.		

ix.	Involves surgery to or felling of a mature tree with obvious holes, cracks or cavities, dense ivy, deadwood, bird / bat box (i.e. features which may be a bat roost).		
x.	Involves removal of lowland meadows, (Flower rich, important for invertebrates and ground nesting birds such as skylark.), wet grassland (associated with river floodplains, sometimes flower rich), flower rich grassland or lowland heathland.		
xi.	Involves removal of any woodland or orchards		
xii.	Involves the removal of arable field margins		
xiii.	Is within or adjacent to a Conservation Target Area (CTA)		
xiv.	May impact directly or indirectly (via a watercourse or air pollution pathway) on a designated wildlife site (Special Areas of Conservation, Special Protection Area, Sites of Special Scientific Interest, County Wildlife Site, Local Nature Reserve, Special Verge). * Applicants submitting a householder application do not need to answer this question.		
Part B – Triggers for Biodiversity Net Gain (BNG) information (statutory metric, BNG statement, plans)		Yes (BNG information required)	No (if no go to part C)
i.	Is the site greater than 0.1ha		
ii.	Is it on or adjacent to a designated wildlife site? (LNR, SSSI, SAC, SPA etc.)		
iii.	Is the development for 10 or more houses?		
Part C – Triggers for Small Site Metric (from April 2024) and BNG information – if offsite mitigation measures are needed a full metric will be required.		Yes (BNG information required)	No
i.	Is the development over 25m <sup>2</sup> or 5m for linear habitats?		

# Agenda Item 20

<b>This report is Public.</b>	
<b>Appeals Progress Report</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	21 March 2024
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Dan Sames
<b>Date Portfolio Holder agreed report</b>	11 March 2024
<b>Report of</b>	Assistant Director Planning and Development, David Peckford

## 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. Recommendations

The Planning Committee Name resolves:

- 1.1 To note the position on planning appeals as set out in the report. .

## 2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

## Implications & Impact Assessments

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	The cost of defending appeals is met from existing budgets other than in extraordinary circumstances. Significant levels of appeals have now been submitted against the Council that means the budget provision for the 2023/24 is forecast to be exceeded by £313k. This is being mitigated by an allocation from the Appeals Reserve of £209k approved by Executive on 4 <sup>th</sup> December 2023. The balance of £104k will need to be addressed by identifying underspends across the Council. Any further appeals submitted



	against the Council will result in further mitigations needing to be identified to meet these additional costs. Kelly Wheeler, Finance Business Partner, 6 March 2024			
<b>Legal</b>	As this report is purely for information there are no legal implications arising. Patricia Bramwell, Planning Solicitor, 12 March 2024			
<b>Risk Management</b>	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. Celia Prado-Teeling, Performance Team leader, 11 March 2024			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		x		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team leader, 11 March 2024
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			

<b>Property</b>	Not applicable
<b>Consultation &amp; Engagement</b>	Not applicable in respect of this report

## Supporting Information

### 3. Background

- 3.1 When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2 Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition then they could have appealed against the condition at the time it was originally imposed.
- 3.3 Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

### 4. Details

#### New Appeals

- 4.1 **23/02770/F – 5 St Peters Close, South Newington, Banbury, Oxon, OX15 4JL.**

RETROSPECTIVE - Single storey rear extension and loft conversion.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representation (HAS)  
Application Number: 23/02770/F  
Appeal Reference: 24/00003/REF  
Start Date: 07.02.2024.

- 4.2 **23/00853/OUT – Land East of Warwick Road, Banbury,**

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

Officers Recommendation: Refusal (Committee)  
Method of Determination: Public Inquiry  
Application Reference: 23/00853/OUT  
Appeal Reference: 24/00004/REF  
Start Date 15.02.2024.

### **New Enforcement Appeals**

4.3 None

### **Appeals in Progress**

4.5 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.

4.6 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

4.7 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

4.8 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

4.9 22/02832/TEL56 - Telecommunications Cabinet CWL18723 H3G Network, The Hale Chesterton.

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representation.  
Start Date: 22.06.2023.  
Appeals Reference: 23/00085/REF.

4.10 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)  
Appeal Reference: 23/00091/REF  
Start Date: 22/08/2023.

4.11 22/02551/F – 15 Farmfield Road, Banbury, Oxon, OX16 9AP.

Demolition of 2 garages and replacement with 2 x 2-bedroom semi-detached dwellings, with access off Beechfield Crescent.

Officers Recommendation: Refused (Delegated)  
Method of Determination: Written Representations.  
Start Date 31.10.2023.

Appeal Reference: 23/0010/REF.

- 4.12 21/03522/OUT - Os Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT.

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.

Officers Recommendation: Refusal (Committee)

Method of Determination: Public Inquiry.

Start Date: 01.11.2023.

Appeal Reference: 23/00102/REF.

- 4.13 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

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

Officers Recommendation: Refusal (Committee)

Method of Determination: Public Inquiry.

Start Date: 02.11.2023.

Appeal Reference Number: 23/00103/REF

- 4.14 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Oxon, OX15 5HB.

Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.

Officers Recommendation: Enforcement Notice.

Method of Determination: Written Representation.

Start Date: 10.11.2023.

Appeal Reference: 23/000104/ENF

- 4.15 22/03626/F – Land North of Burycroft Road, Book Norton, Banbury.

Erection of a single detached dwelling, associated garage, access and new landscaping.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Hearing (1 Day)  
Hearing Date 6<sup>th</sup> February 2024.  
Application Reference: 22/03626/F  
Appeal Reference: 23/00106/REF  
Start Date: 24.11.2023.

4.16 23/01414/F – 1 Benmead Road, Kidlington, Oxon, OX5 2BZ.

RETROSPECTIVE - Replacement of hedge with fence

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representative (Householder Fast Track)  
Application Reference: 23/01414/F  
Appeal Reference: 23/00105/REF  
Start Date: 22.11.2023.

4.17 23/01316/F – Land South of Farady House, Woodway Road, Sibford Ferris, OX15 5RF.

Erection of 5no two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations.  
Application Reference: 23/01316/F  
Appeal Reference: 23/00110/REF  
Start Date: 04.12.2023.

4.18 19/02554/DISC – The Unicorn, 20 Market Place, OX16 5JL.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations.  
Application Reference: 19/02554/DISC  
Appeal Reference: 23/000111/REF  
Start Date: 07.12.2023.

4.19 22/03719/OUT – Land at Lince Lane, Kirtlington, OXON, OX5 3JY

Erection of 9 no new Live/ work Units, each with C3 Residential and integral B1 Office - on former Quarry land/more recently agricultural use site - all matters reserved except for access.

Officers Recommendation: Refusal. (Delegated)  
Method of Determination: Written Representations.  
Application Reference: 22/03719/OUT

Appeal Reference: 23/00112/REF  
Start Date: 12.12.2023.

4.20 23/01952/F – 1 Elizabeth Rise, Banbury, Oxon, OX16 9LZ.

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)

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations (HAS)  
Application Number: 23/01952/F  
Appeal Reference: 23/00113/REF  
Start Date: 14.12.2023.

4.21 19/02553/DISC – The Unicorn, 20 Market Place, Banbury, OX16 5LJ.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations  
Application Number: 19/02553/DISC  
Appeal Reference: 23/00114/REF  
Start Date: 07.12.2023.

4.22 23/00001/ENF – Ashberry Cottage, Duns Tew, Bicester, OX25 6JS.

Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)

Officers Recommendation: Enforcement Notice.  
Method of Determination: Written Representation.  
Application Reference: 23/00001/ENF.  
Appeal Reference: 23/00108/ENF.  
Start Date: 28.11.2023.

4.23 23/00716/F – Fairways, Church Lane, Mollington, Oxon, OX17 1AZ.

First floor side extension with roof dormer. Replacement windows/doors. Entrance canopy. Flue - revised scheme of 23/00716/F.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations (HAS)  
Application Reference: 23/00716/F

Appeal Reference: 23/00117/REF  
Start Date: 19.12.2023.

- 4.24 23/00379/TEL56 - Area of Grass Verge, Banbury Road Street Works, Banbury Road, Oxon, OX15 0TH.

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

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations.  
Application Number 23/00379/TEL56  
Appeal Reference: 23/00116/REF  
Start Date: 19.12.2023.

- 4.25 22/03456/F – Site Located on the South side of Clifton Road, Deddington, OX15 OTP.

Erection of single dwelling with detached garage and all associated works - revised scheme of application 22/01763/F

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations.  
Application Number: 22/03456/F  
Appeal Reference: 23/00115/REF  
Start Date: 19.12.2023.

- 4.26 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.

Officers Recommendation: Refusal (Delegated)  
Method of Determination: Written Representations.  
Application Number: 23/01667/F  
Appeal Reference: 24/0001/REF  
Start Date: 11.01.2024.

- 4.27 23/01518/F – Land to the South of Clifton Road, Deddington, OX15 OTP.

Erection of single dwelling with detached garage and all associated works - revised scheme of 22/03456/F.

Officers Recommendations. Refusal (Delegated)  
Method of Determination: Written Representations:  
Application Number: 23/01518/F  
Appeal Reference: 24/00002/REF  
Start Date: 16.01.2024.



## **Forthcoming Public Inquiries and Hearings between 15 February and 21 March 2024.**

### 4.28 22/03626/F – Land North of Burycroft Road, Book Norton, Banbury.

Erection of a single detached dwelling, associated garage, access and new landscaping.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Hearing (1 Day)

Last Day of Hearing: 22.02.2024.

Application Reference: 22/03626/F

Appeal Reference: 23/00106/REF

Start Date: 24.11.2023.

### 4.29 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

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

Officers Recommendation: Refusal (Committee)

Method of Determination: Public Inquiry.

Inquiry Date: 6<sup>th</sup> 7<sup>th</sup> 8<sup>th</sup>, 9<sup>th</sup> February 2024.

Inquiry Date: 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, February & 1<sup>st</sup> March 2024

(Split Hearing Dates)

Start Date: 02.11.2023.

Appeal Reference Number: 23/00103/REF

## **Appeals Results**

### 4.30 23/00867/F – 67 Oxford Road, Banbury, Oxon, OX16 9AJ. Appeal **allowed** against the Council's refusal of planning permission for the conversion of a 10 bed HMO to a 12 bed HMO.

The application was refused, due to the level of amenity for future occupiers of the development, as there are side facing habitable room windows that the Council considered would not receive an adequate level of natural light and would have poor outlook.

The Inspector disagreed and considered that each bedroom and kitchen had a sufficient level of natural light and would provide suitable living conditions for future occupants of the development.

The Appellant applied for costs against the Council, which the Inspector refused, as the Inspector considered that the Council substantiated the reasons for refusal in the delegated officer report and appeal statement, and therefore did not act unreasonably.

- 4.31 22/02773/F - 4 Manor Road, Fringford, Bicester, OX27 8DH. Appeal **dismissed** for a first floor extension above the existing lounge and associated pv panels. Appeal allowed for the rest of the proposal.

The appeal development was for various extensions and works to the dwellinghouse. The Council resisted the scheme on the grounds that the first floor extension above the appellant's lounge would unduly affect the residential amenities of the occupiers of a neighbouring property.

Although the Inspector accepted the appellant's argument that the extension would not result in a significant loss of light, he nonetheless concluded that it would be an '*overly dominant and overbearing structure*' when viewed from both inside and outside the neighbour's property. Notwithstanding the appeal decision, a revised scheme, which omitted the first floor extension (23/00418/F), was approved under delegated powers prior to the determination of the appeal.

- 4.32 22/03698/TEL56 – Area of Grass Verge, Austins Way, Hook Norton. Appeal **dismissed** against the Council's refusal of a prior approval application for 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

The Inspector considered the main issues to be (1) the effect of the proposal's siting and appearance, on the character and appearance of the area, having regard to the setting of Hook Norton Conservation Area (Conservation Area); highway safety; and the living conditions of the occupants of nearby houses with particular regard to outlook; and (2) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

The Inspector noted that the appeal site to be on the main road into Hook Norton from the east, and that Station Road has a "traditional village feel". The Inspector found that, given the change in levels in the vicinity of Austins Way, the proposed mast would appear highly exposed in various views in the vicinity and that while there are trees on Station Road they would not form the backdrop to the proposal in these views.

The Inspector concluded that the proposal would appear at odds with the low rise domestic scale of surrounding buildings, would be an intrusive feature in the street scene and would be a conspicuous and harmful addition to the approach to the Conservation Area.

The Inspector, noting the concerns raised by the local highway authority, also found that the proposal could further constrain views of traffic approaching Hook Norton on Station Road. The Inspector also noted it was not clear where maintenance and servicing vehicles would park without obstructing pavements or intruding on vehicle sight lines.

The Inspector considered that the proposal would not be oppressive or harmful to local residents nor "particularly dominant in views" from Austin Way properties.

The Inspector disagreed with the Appellant that alternative locations had been robustly explored. In particular the Inspector cited two locations that would potentially be less harmful than the appeal proposal, noting that the Council considered one of

these “to be a potentially more preferable alternative to the appeal site”. The Inspector concluded that the identified harm would therefore not be outweighed by the need for the installation to be sited as proposed.

- 4.33 23/00065/OUT – Land North of Ells Lane, Bloxham, Banbury, Oxon. Appeal **allowed** against the Council’s refusal of 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.

The Inspector considered the main issues to be (1) the proposal’s effect on the character and appearance of the area, (2) whether the site is a sustainable location for housing, (3) the effect on the availability of best and most versatile agricultural land; and (4) whether the proposal would make adequate provision for contributions towards community services and infrastructure.

The Inspector found it “highly likely” the total of 750 homes to be delivered under Policy Villages 2 will have been exceeded, but that the appeal proposal would not harm the Council’s housing strategy, and that the principle of development did not conflict with any specific policy in the Neighbourhood Plan.

The Inspector found that the proposal would not have a wider landscape impact and while he agreed the proposal would have an urbanising impact he didn’t find this to be harmful, particularly given its proximity to the Crab Tree Close development. He considered the part of Ells Lane closer to the A361 junction to have a different character to further along Ells Lane and therefore that the highways works would not be harmful. The Inspector held that the proposal would not harm the existing gap between Bloxham and Banbury, nor harm the setting of Bloxham.

The Inspector concluded that the site was a suitable location with regard to access to local services, and that the proposal would not harm the availability of best and most versatile agricultural land.

The Inspector was content with almost all elements of the draft Section 106 agreement, including affordable housing, public open space, biodiversity net gain, education, sports and community facilities, waste and transport services. The exception to the Inspector’s conclusion was health care. The Inspector stated:

*“I do not doubt that there is demand on such services, particularly at Bloxham Surgery and that the proposed development would likely add to the existing demand. However, the appellant has provided 2no. judgments to support his position that there is no justification for such a contribution. I consider these judgments to be material considerations on this issue, which attract significant weight.*

*“I am not convinced that such a contribution towards health care has been justified, particularly as the Bloxham and Hook Norton Surgery Patient Participation Group raise concerns themselves stating: ‘funds are more than likely to go to other practices with a higher priority within their area’ and ‘it is unclear if any funds could be given directly to Bloxham and Hook Norton Surgery to fund a new consulting room’.”*

The Inspector did not deal with housing land supply in his decision.

- 4.34 23/00797/ADV – Land on South West Side of Gatteridge Street, Banbury, OX16 5DH. Appeal **dismissed** against the Council’s refusal of advertisement consent application for erection of 1no internally illuminated freestanding digital advertisement display.

The Inspector noted the main issues to be the effect of the advertisement on the visual amenity of the area and public safety.

The Inspector considered that the advertisement “would be a substantial addition, in terms of its overall height and surface area, and would add further clutter to the existing signage in the vicinity of the site”. The Inspector held that it would be a visually dominant and incongruous development that would be visually intrusive to, and out of character with, the surrounding area.

The Inspector also held that the sign could be a distracting addition within the vicinity of the traffic signals and directional signage at the junction, by virtue both of its size, prominent location and sequencing / changing images. The Inspector concluded that the advertisement would be detrimental to the visual amenity of the area and in respect of public safety.

- 4.35 22/03445/F – The Bungalow, 2 Queen Street, Bloxham, Banbury, OX15 4QQ. Appeal **dismissed** against the Council’s refusal of planning permission for single storey reduced level extension to existing bungalow, with associated landscaping.

The Inspector considered the main issue to be whether the proposal would preserve the setting of the listed buildings known as Orchard Cottage (Grade II) and its effect on the character and appearance of the area and the Bloxham Conservation Area.

The Inspector noted that while the appeal dwelling presents “as an anomaly to the predominant linear built form along the road edge” its single storey scale and functional design gave it a subservient appearance.

The Inspector found that the proposal would present an “awkward juxtaposition” to the existing building, with an excessive footprint that would double the size of the existing building, overcomplicating its design, departing from its linear, modest and functional appearance. The Inspector held that the proposal “would create a distraction from the rural feeling and experience in this location”, would be a discordant form and would be “architecturally and historically inauthentic” and that it would be detrimental to the existing building as well as to the character and appearance of the area, and would result in ‘less than substantial’ harm to the significance of Orchard Cottage through development of its setting.

The Inspector also found that the mature gardens and spaces in and around dwellings reinforce “the openness of the locality, with key views to the St Mary’s Church (Grade I) being a key dominant presence in the experience of the Conservation Area”, and that the open and undeveloped nature of the land assists in contributing to the rural feeling and experience which is part of the significance of the Conservation Area. The Inspector concluded that the proposal would not preserve - and would cause ‘less than substantial’ harm to - the Conservation Area.

The Inspector concluded that the proposal’s public benefits would not outweigh the identified harm and to which the Inspector accorded considerable importance and weight.

- 4.36 23/01634/F – Ashberry Cottage, Duns Tew, Bicester, OX25 6JS. Appeal **allowed** against the Council’s refusal of planning permission for front porch with associated internal and external works.

The Inspector considered the main issue to be the proposal’s effect on the character and appearance and significance of the Duns Tew Conservation Area with regard to design and materials.

The Inspector noted that as well as being within the Duns Tew Conservation Area the site adjoins a Grade II listed building.

The Inspector noted that a porch had already been constructed at the appeal site, and that there was a discrepancy between what the plans showed and what had been built. The Inspector determined the proposal on the basis of what had been constructed, and not on the basis of what had been built.

The Inspector agreed with the Council there was no issue with the general form of the proposed porch. The Inspector noted the Council’s refusal reason to have centred on the choice of facing materials. The Inspector concluded that given the scale of the proposal, the presence of timber cladding on the appeal dwelling, and the fallback position of a permitted development scheme (“the appellant could likely construct something which is broadly consistent with the appeal proposal, with similar visual impact”) – to which the Inspector gave significant weight, the appeal proposal would not adversely affect the character or appearance of the area or the significance of the Conservation Area. The Inspector considered it important that the timber was of a natural finish and was not painted or subject to “heavy timber treatments”.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 None. This report is submitted for information.

## **6 Conclusion and Reasons for Recommendations**

- 6.1 The report provides the current position on planning appeals for information for Members.

### **Decision Information**

<b>Key Decision</b>	Not applicable
<b>Subject to Call in</b>	Not applicable
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected</b>	Appeal dependent

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
<b>Report Author contact details</b>	<a href="mailto:Sarah.gevaux@cherwell-dc.gov.uk">Sarah.gevaux@cherwell-dc.gov.uk</a> <a href="mailto:Paul.seckington@cherwell-dc.gov.uk">Paul.seckington@cherwell-dc.gov.uk</a>